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By: **Delegate Grosfeld**

Introduced and read first time: February 18, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Vital Statistics - Certificate of Birth - Reissue After Change of Sex**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene, upon  
4 receipt of a court order and on request of a certain individual, to issue a new  
5 certificate of birth for a certain individual born in this State whose sex has been  
6 changed by a certain surgical procedure, which certificate shall contain the  
7 individual's correct sex and, if ordered by a court, correct name; requiring the  
8 Department of Health and Mental Hygiene to retain and seal the individual's  
9 original certificate of birth, certain evidence upon which the order to issue a new  
10 certificate of birth is based, and related documents and to unseal them only  
11 under certain circumstances; requiring the Department to disclose information  
12 that is stored on certain electronic media about the issuance of a new certificate  
13 of birth only under certain circumstances; and generally relating to the issuance  
14 of a certificate of birth to an individual whose sex has been changed by surgical  
15 procedure.

16 BY repealing and reenacting, without amendments,  
17 Article - Health - General  
18 Section 4-214(a)  
19 Annotated Code of Maryland  
20 (1994 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Health - General  
23 Section 4-214(b)  
24 Annotated Code of Maryland  
25 (1994 Replacement Volume and 1997 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 4-214.

3 (a) A certificate or record registered under this subtitle may be amended only  
4 in accordance with this subtitle and any rules and regulations that the Secretary  
5 adopts to protect the integrity and accuracy of vital records.

6 (b) (1) [If] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, [any] IF A  
7 certificate of birth, death, or fetal death is amended, the facts shall be certified to the  
8 Secretary and entered on the original certificate with the date of the amendment,  
9 over the signature or initials of a designee of the Secretary and with a line drawn  
10 through the original data.

11 (2) [All] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION,  
12 amendments may be stored on electronic media approved by the Secretary.

13 (3) [All] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, copies of  
14 certificates that are amended shall contain a notation that an amendment has been  
15 made.

16 (4) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A record shall  
17 be maintained which identifies the evidence upon which the amendment was based,  
18 the date of the amendment, and the identity of the person making the amendment.

19 (5) (I) Upon receipt of a certified copy of an order of a court of  
20 competent jurisdiction indicating the sex of an individual born in this State has been  
21 changed by surgical procedure and ON REQUEST OF THE INDIVIDUAL, whether such  
22 individual's name has been changed, the Secretary shall [amend the] ISSUE A NEW  
23 certificate of birth [of] FOR the individual INCLUDING THE CORRECT SEX AND, IF  
24 ORDERED BY A COURT, THE CORRECT NAME OF THE INDIVIDUAL as prescribed by  
25 regulation.

26 (II) THE DEPARTMENT SHALL RETAIN AND SEAL THE ORIGINAL  
27 CERTIFICATE OF BIRTH, ALL EVIDENCE UPON WHICH THE ORDER TO ISSUE A NEW  
28 CERTIFICATE OF BIRTH UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS BASED,  
29 AND ANY OTHER RELATED DOCUMENTS.

30 (III) THE DEPARTMENT MAY UNSEAL THE MATERIAL SEALED  
31 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR DISCLOSE INFORMATION  
32 STORED ON ELECTRONIC MEDIA ABOUT A CERTIFICATE OF BIRTH ISSUED UNDER  
33 THIS PARAGRAPH ONLY UNDER AN ORDER OF A COURT OF COMPETENT  
34 JURISDICTION OR WITH THE PERMISSION OF THE INDIVIDUAL.

35 (6) When an informant does not submit the minimum documentation  
36 required in the regulations for amending a vital record or when the Secretary has  
37 cause to question the validity or adequacy of the applicant's sworn statements or the  
38 documentary evidence, and if the deficiencies are not corrected, the Secretary shall  
39 not amend the vital record and shall advise the applicant of the reason for this action

1 and shall further advise the applicant of the right of appeal to the Office of  
2 Administrative Hearings.

3           (7)       Any amendments to death certificates requested beyond 3 years or  
4 more after the death shall require a court order.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1998.