
By: **Delegate Taylor**
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CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Vital Records**

3 FOR the purpose of repealing a certain requirement that the Secretary of Health and
4 Mental Hygiene send a copy of an original birth certificate to a county registrar
5 under certain circumstances; repealing the duty of a county registrar to preserve
6 a certain copy of a birth record sent by the Secretary; repealing certain
7 requirements concerning the inspection and correction of county birth records;
8 authorizing a local health department to access electronically from the
9 Department of Health and Mental Hygiene a certified or abridged copy of a
10 certain registered birth record and to provide that copy to a certain person on
11 request; ~~requiring the Department to collect a certain fee~~ altering the fee that
12 the Department collects for certain copies of certain certificates or for a certain
13 report and to dispose of that fee in a certain manner; authorizing a local health
14 department to collect a certain fee for certain copies of a birth certificate or a
15 certain report and to dispose of that fee in a certain manner; authorizing the
16 Department or a local health department to collect a fee for a certificate
17 requested by an agency of the State or any of its political subdivisions; and
18 generally relating to certain vital records of the Department of Health and
19 Mental Hygiene.

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 4-204, 4-205, and 4-217
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1997 Supplement)

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

3 **Article - Health - General**

4 4-204.

5 (a) The Secretary shall collect, index, and safeguard from fire, loss, or damage
6 each certificate of birth, death, and fetal death.

7 (b) After registration of a completed [birth, death,] DEATH or fetal death
8 certificate, the Secretary shall send a copy of the original certificate to the county
9 registrar for the county where the event occurred. The copy may be photographic or
10 electronic or produced by other means as prescribed by the Secretary.

11 4-205.

12 (a) [(1) A county registrar shall preserve each copy of a birth record that the
13 Secretary sends to the county registrar.

14 (2)] A county registrar shall preserve for 3 years each copy of a death or
15 fetal death record that the Secretary sends to the county registrar.

16 (b) The county [birth, death,] DEATH and fetal death records shall be open to
17 inspection by the Secretary, a designee of the Secretary, or an official of a municipal
18 corporation or county, if the inspection is made for a proper purpose and in a manner
19 that does not subject the contents of these records to risk of damage or alteration.

20 (c) If any omission or discrepancy in the personal or medical facts in a county
21 [birth, death,] DEATH or fetal death record is called to the attention of a county
22 registrar, the county registrar promptly shall:

23 (1) Investigate to determine the facts of record; and

24 (2) Send a certified statement of the facts to the Secretary.

25 (d) A county registrar shall investigate and inform the Secretary in full of any
26 violation or suspected violation of this subtitle.

27 (e) (1) If the Secretary corrects a [birth, death,] DEATH or fetal death
28 record, the Secretary shall send a notice of the correction to the county registrar for
29 the county where the event occurred. The county registrar shall enter the correction
30 on the county registrar's record by photographic, electronic, or other means
31 prescribed by the Secretary.

32 (2) If a discrepancy exists between the record of the Secretary and the
33 record of a county registrar, the record of the Secretary shall be considered correct.

1 4-217.

2 (a) (1) Except as provided in subsection (b) of this section, the Secretary
3 shall provide, on request, any person authorized by regulations adopted under this
4 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
5 registered under this subtitle or of the certificate of a marriage performed after June
6 1, 1951.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
8 HEALTH DEPARTMENT MAY:

9 (I) ACCESS ELECTRONICALLY FROM THE DEPARTMENT A
10 CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS
11 SUBTITLE; AND

12 (II) ON REQUEST, PROVIDE ANY PERSON AUTHORIZED BY
13 REGULATIONS ADOPTED UNDER THIS SUBTITLE WITH A CERTIFIED OR ABRIDGED
14 COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS SUBTITLE.

15 [(2)] (3) (i) The Secretary shall provide on request, to any person
16 authorized by regulation adopted under this subtitle, a commemorative birth
17 certificate.

18 (ii) The Department shall set a fee for the commemorative birth
19 certificate.

20 (iii) The commemorative birth certificate shall:

21 1. Be in a form consistent with the need to protect the
22 integrity of vital records but suitable for display; and

23 2. Have the same status as evidence as the original birth
24 certificate.

25 (iv) Funds collected under this paragraph shall be paid into the
26 Children's Trust Fund.

27 (v) The Secretary shall adopt regulations to implement the
28 provisions of this paragraph.

29 (b) (1) A certified or abridged copy of a birth certificate may be issued only:

30 (i) On order of a court of competent jurisdiction;

31 (ii) On request of the individual to whom the record relates; or

32 (iii) On request of a parent, guardian, or other authorized
33 representative of the individual.

1 (2) A certified or abridged copy of a birth certificate may contain only the
2 personal information that appears on the birth certificate and may not include any
3 confidential medical information that appears on the birth certificate.

4 (3) Birth certificate information may not be given if it is to be used for
5 commercial solicitation or private gain.

6 (4) A noncertified copy of a birth certificate including confidential
7 medical information may be provided to a unit of the Department to carry out its legal
8 mandate or to conduct Institutional Review Board (IRB) approved research or study.
9 Any report resulting from this research or study may not contain personal identifiers
10 unless authorized by the subject of the record or the subject's parent or authorized
11 representative.

12 (5) A copy of a birth certificate may be given to the Maryland
13 Immunization Program to improve childhood immunization rates.

14 (c) (1) Except as otherwise provided by law, the Department shall collect a
15 [\$4] ~~\$10~~ \$6 fee for each certified or abridged copy of a birth, death, fetal death, or
16 marriage certificate or for a report that a search of the files was made and the
17 requested record is not on file.

18 ~~(2) FROM THE FEE THE DEPARTMENT COLLECTS UNDER PARAGRAPH (1)
19 OF THIS SUBSECTION, THE DEPARTMENT SHALL:~~

20 ~~(I) RETAIN \$6 FOR THE DEPARTMENT; AND~~

21 ~~(II) TRANSFER \$4 TO THE GENERAL FUND.~~

22 ~~(3) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, A LOCAL HEALTH
23 DEPARTMENT SHALL COLLECT A \$10 FEE FOR EACH CERTIFIED OR ABRIDGED COPY
24 OF A BIRTH CERTIFICATE OR FOR A REPORT THAT A SEARCH OF THE FILES WAS
25 MADE AND THE REQUESTED RECORD IS NOT ON FILE.~~

26 ~~(II) FROM THE FEE A LOCAL HEALTH DEPARTMENT COLLECTS
27 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL HEALTH DEPARTMENT
28 SHALL:~~

29 ~~1. RETAIN \$5 FOR THE LOCAL HEALTH DEPARTMENT;~~

30 ~~2. REMIT \$1 TO THE DEPARTMENT; AND~~

31 ~~3. TRANSFER \$4 TO THE GENERAL FUND.~~

32 (2) FROM THE FEE THE DEPARTMENT COLLECTS UNDER PARAGRAPH (1)
33 OF THIS SUBSECTION, THE DEPARTMENT SHALL TRANSFER THE ENTIRE FEE TO THE
34 GENERAL FUND.

35 (3) (I) ANY LOCAL HEALTH DEPARTMENT MAY SET AND COLLECT A
36 FEE FOR PROCESSING AND ISSUING A BIRTH CERTIFICATE OR FOR A REPORT THAT A

1 (e) The Secretary shall include with every copy of a death certificate, in a form
2 prescribed and provided by the Insurance Commissioner, a notice which advises that
3 certain individuals may be entitled to continuation of group health insurance benefits
4 under § 15-407 of the Insurance Article.

5 (f) The Secretary shall include with every copy of a death certificate, in a form
6 prescribed by the Insurance Commissioner, a notice which advises that certain
7 individuals may be entitled to become members of the Maryland Group Health
8 Insurance Plan under Title 14, Subtitle 3 of the Insurance Article.

9 (g) A person may use a photocopy of a birth, death, fetal death, or marriage
10 certificate for any nonfraudulent and nondeceptive purpose.

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