

SENATE BILL 784

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1998 Regular Session  
(8lr2775)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Della (By Request) and Senators Blount, Collins,  
Conway, Craig, Dyson, Frosh, Hollinger, McCabe, Pinsky, Sfikas, and  
Stoltzfus**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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 certain fees~~ altering the fee that the  
12 Department collects for certain copies of certain certificates or for a certain  
13 report and to dispose of those fees in a certain manner; authorizing a local  
14 health department to collect a certain fee for certain copies of a birth certificate  
15 or a certain report and to dispose of that fee in a certain manner; authorizing the

1 Department or a local health department to collect a fee for a certificate  
2 requested by an agency of the State or any of its political subdivisions; and  
3 generally relating to certain vital records of the Department of Health and  
4 Mental Hygiene.

5 BY repealing and reenacting, with amendments,  
6 Article - Health - General  
7 Section 4-204, 4-205, and 4-217  
8 Annotated Code of Maryland  
9 (1994 Replacement Volume and 1997 Supplement)

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

12 **Article - Health - General**

13 4-204.

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

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

20 4-205.

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

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

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

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

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

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

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

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

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

8 4-217.

9 (a) (1) Except as provided in subsection (b) of this section, the Secretary  
10 shall provide, on request, any person authorized by regulations adopted under this  
11 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate  
12 registered under this subtitle or of the certificate of a marriage performed after June  
13 1, 1951.

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

16 (I) ACCESS ELECTRONICALLY FROM THE DEPARTMENT A  
17 CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS  
18 SUBTITLE; AND

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

22 [(2)] (3) (i) The Secretary shall provide on request, to any person  
23 authorized by regulation adopted under this subtitle, a commemorative birth  
24 certificate.

25 (ii) The Department shall set a fee for the commemorative birth  
26 certificate.

27 (iii) The commemorative birth certificate shall:

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

30 2. Have the same status as evidence as the original birth  
31 certificate.

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

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

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

- 1 (i) On order of a court of competent jurisdiction;
- 2 (ii) On request of the individual to whom the record relates; or
- 3 (iii) On request of a parent, guardian, or other authorized
- 4 representative of the individual.

5 (2) A certified or abridged copy of a birth certificate may contain only the

6 personal information that appears on the birth certificate and may not include any

7 confidential medical information that appears on the birth certificate.

8 (3) Birth certificate information may not be given if it is to be used for

9 commercial solicitation or private gain.

10 (4) A noncertified copy of a birth certificate including confidential

11 medical information may be provided to a unit of the Department to carry out its legal

12 mandate or to conduct Institutional Review Board (IRB) approved research or study.

13 Any report resulting from this research or study may not contain personal identifiers

14 unless authorized by the subject of the record or the subject's parent or authorized

15 representative.

16 (5) A copy of a birth certificate may be given to the Maryland

17 Immunization Program to improve childhood immunization rates.

18 (c) (1) Except as otherwise provided by law, the Department shall collect:

19 (I) ~~{a \$4 \$6 fee for each certified or abridged copy of a birth, death,~~

20 ~~fetal death, or marriage certificate or for a report that a search of the files was made~~

21 ~~and the requested record is not on file} A \$10 FEE FOR THE FIRST ORIGINAL~~

22 ~~CERTIFIED OR ABRIDGED COPY OF A BIRTH, DEATH, FETAL DEATH, OR MARRIAGE~~

23 ~~CERTIFICATE, OR FOR A REPORT THAT THE DEPARTMENT SEARCHED ITS FILES AND~~

24 ~~DETERMINED THAT THE REQUESTED RECORD IS NOT ON FILE; AND~~

25 (II) ~~A \$2 FEE FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED~~

26 ~~COPY OF A BIRTH, DEATH, FETAL DEATH, OR MARRIAGE CERTIFICATE, OR FOR A~~

27 ~~REPORT THAT THE DEPARTMENT SEARCHED ITS FILES AND DETERMINED THAT THE~~

28 ~~REQUESTED RECORD IS NOT ON FILE.~~

29 (2) ~~THE DEPARTMENT SHALL:~~

30 (I) ~~FROM THE FEE THE DEPARTMENT COLLECTS UNDER~~

31 ~~PARAGRAPH (1)(I) OF THIS SUBSECTION:~~

32 1. ~~RETAIN \$6 FOR THE DEPARTMENT; AND~~

33 2. ~~TRANSFER \$4 TO THE GENERAL FUND; AND~~

34 (II) ~~TRANSFER THE ENTIRE FEE THE DEPARTMENT COLLECTS~~

35 ~~UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE GENERAL FUND.~~

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

4           (3)     ~~(I)     EXCEPT AS OTHERWISE PROVIDED BY LAW, A LOCAL HEALTH~~  
5 ~~DEPARTMENT SHALL COLLECT A \$10 FEE FOR EACH CERTIFIED OR ABRIDGED COPY~~  
6 ~~OF A BIRTH CERTIFICATE OR FOR A REPORT THAT THE LOCAL HEALTH DEPARTMENT~~  
7 ~~SEARCHED ITS FILES AND DETERMINED THAT THE REQUESTED RECORD IS NOT ON~~  
8 ~~FILE.~~

9           (II)    ~~FROM THE FEE A LOCAL HEALTH DEPARTMENT COLLECTS~~  
10 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL HEALTH DEPARTMENT~~  
11 ~~SHALL:~~

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

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

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

15           (3)     (I)     ANY LOCAL HEALTH DEPARTMENT MAY SET AND COLLECT A  
16 FEE FOR PROCESSING AND ISSUING A BIRTH CERTIFICATE, OR FOR A REPORT THAT  
17 A SEARCH OF THE FILES WAS MADE AND THE REQUESTED RECORD IS NOT ON FILE,  
18 THAT COVERS:

19                           1.     THE ADMINISTRATIVE COSTS OF PROVIDING THIS  
20 SERVICE; AND

21                           2.     THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS  
22 PARAGRAPH.

23                           (II)    THE FEE SET BY THE LOCAL HEALTH DEPARTMENT FOR  
24 PROCESSING AND ISSUING A BIRTH CERTIFICATE OR FOR A REPORT UNDER  
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED THE ACTUAL COSTS TO  
26 THE LOCAL HEALTH DEPARTMENT FOR PROCESSING AND ISSUING A BIRTH  
27 CERTIFICATE OR A REPORT.

28                           (III)   FROM THE FEE THE LOCAL HEALTH DEPARTMENT COLLECTS  
29 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, \$4 SHALL BE TRANSFERRED TO THE  
30 GENERAL FUND.

31                           (IV)   PRIOR TO SETTING AND COLLECTING A FEE FOR PROCESSING  
32 AND ISSUING A BIRTH CERTIFICATE OR FOR A REPORT UNDER SUBPARAGRAPH (I) OF  
33 THIS PARAGRAPH, THE LOCAL HEALTH DEPARTMENT SHALL ENTER INTO A  
34 MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF HEALTH AND  
35 MENTAL HYGIENE THAT OUTLINES THE LOCAL HEALTH DEPARTMENT'S FEE  
36 STRUCTURE.

1            [(2)]    (4)    The Department OR A LOCAL HEALTH DEPARTMENT may [not]  
2 collect a fee for a certificate requested by an agency of the State or any of its political  
3 subdivisions.

4            [(3)]    (5)    The Secretary may waive all or part of a fee if chargeable to an  
5 agency of the United States.

6            [(4)]    (6)    The Department may not collect a fee for a copy of a vital record  
7 issued to:

8                            (i)    A current or former member of the armed forces of the United  
9 States; or

10                           (ii)    The surviving spouse or child of the member, if the copy will be  
11 used in connection with a claim for a dependent or beneficiary of the member.

12    (d)    (1)    Any local health department may set and collect a fee for processing  
13 and issuing a death certificate that covers the administrative costs of providing this  
14 service.

15            (2)    The fee set by the local health department for processing and issuing  
16 a death certificate under this subsection may not exceed the actual costs to the local  
17 health department for processing and issuing a death certificate.

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

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

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

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