
By: **Senator Della (By Request)**

Introduced and read first time: March 9, 1998

Assigned to: Rules

A BILL ENTITLED

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 for certain copies of
12 certain certificates or for a certain report and to dispose of those fees in a certain
13 manner; authorizing a local health department to collect a certain fee for certain
14 copies of a birth certificate or a certain report and to dispose of that fee in a
15 certain manner; authorizing the Department or a local health department to
16 collect a fee for a certificate requested by an agency of the State or any of its
17 political subdivisions; and generally relating to certain vital records of the
18 Department of Health and Mental Hygiene.

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

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

26 **Article - Health - General**

27 4-204.

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

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

5 4-205.

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

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

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

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

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

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

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

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

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

28 4-217.

29 (a) (1) Except as provided in subsection (b) of this section, the Secretary
30 shall provide, on request, any person authorized by regulations adopted under this
31 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
32 registered under this subtitle or of the certificate of a marriage performed after June
33 1, 1951.

34 (2) A LOCAL HEALTH DEPARTMENT MAY:

1 (I) ACCESS ELECTRONICALLY FROM THE DEPARTMENT A
2 CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS
3 SUBTITLE; AND

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

7 [(2)] (3) (i) The Secretary shall provide on request, to any person
8 authorized by regulation adopted under this subtitle, a commemorative birth
9 certificate.

10 (ii) The Department shall set a fee for the commemorative birth
11 certificate.

12 (iii) The commemorative birth certificate shall:

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

15 2. Have the same status as evidence as the original birth
16 certificate.

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

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

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

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

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

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

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

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

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

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

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

4 (I) [a \$4 fee for each certified or abridged copy of a birth, death,
5 fetal death, or marriage certificate or for a report that a search of the files was made
6 and the requested record is not on file] A \$10 FEE FOR THE FIRST ORIGINAL
7 CERTIFIED OR ABRIDGED COPY OF A BIRTH, DEATH, FETAL DEATH, OR MARRIAGE
8 CERTIFICATE, OR FOR A REPORT THAT THE DEPARTMENT SEARCHED ITS FILES AND
9 DETERMINED THAT THE REQUESTED RECORD IS NOT ON FILE; AND

10 (II) A \$2 FEE FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED
11 COPY OF A BIRTH, DEATH, FETAL DEATH, OR MARRIAGE CERTIFICATE, OR FOR A
12 REPORT THAT THE DEPARTMENT SEARCHED ITS FILES AND DETERMINED THAT THE
13 REQUESTED RECORD IS NOT ON FILE.

14 (2) THE DEPARTMENT SHALL:

15 (I) FROM THE FEE THE DEPARTMENT COLLECTS UNDER
16 PARAGRAPH (1)(I) OF THIS SUBSECTION:

17 1. RETAIN \$6 FOR THE DEPARTMENT; AND

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

19 (II) TRANSFER THE ENTIRE FEE THE DEPARTMENT COLLECTS
20 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE GENERAL FUND.

21 (3) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, A LOCAL HEALTH
22 DEPARTMENT SHALL COLLECT A \$10 FEE FOR EACH CERTIFIED OR ABRIDGED COPY
23 OF A BIRTH CERTIFICATE OR FOR A REPORT THAT THE LOCAL HEALTH DEPARTMENT
24 SEARCHED ITS FILES AND DETERMINED THAT THE REQUESTED RECORD IS NOT ON
25 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)] (4) The Department OR A LOCAL HEALTH DEPARTMENT may [not]
33 collect a fee for a certificate requested by an agency of the State or any of its political
34 subdivisions.

35 [(3)] (5) The Secretary may waive all or part of a fee if chargeable to an
36 agency of the United States.

1 [(4)] (6) The Department may not collect a fee for a copy of a vital record
2 issued to:

3 (i) A current or former member of the armed forces of the United
4 States; or

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

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

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

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

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

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

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