

SENATE BILL 784

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1998 Regular Session  
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By: **Senator Della (By Request) and Senators Blount, Collins, Conway,  
Craig, Dyson, Frosh, Hollinger, McCabe, Pinsky, Sfikas, and Stoltzfus**

Introduced and read first time: March 9, 1998

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, March 11, 1998

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 1998

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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 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)

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) A LOCAL HEALTH DEPARTMENT MAY:

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

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

14 [(2)] (3) (i) The Secretary shall provide on request, to any person  
15 authorized by regulation adopted under this subtitle, a commemorative birth  
16 certificate.

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

19 (iii) The commemorative birth certificate shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) THE DEPARTMENT SHALL:

23 (I) FROM THE FEE THE DEPARTMENT COLLECTS UNDER  
24 PARAGRAPH (1)(I) OF THIS SUBSECTION:

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

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

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

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

34 (II) FROM THE FEE A LOCAL HEALTH DEPARTMENT COLLECTS  
35 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL HEALTH DEPARTMENT  
36 SHALL:

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



