

SENATE BILL 458

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1999 Regular Session
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By: **Senator Della**

Introduced and read first time: February 5, 1999
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Vital Records - Access and Fees**

3 FOR the purpose of authorizing a local health department to access electronically
4 from the Department of Health and Mental Hygiene a certified or abridged copy
5 of a death certificate under certain circumstances; authorizing a local health
6 department to provide a certain copy of a death certificate under certain
7 circumstances; authorizing the Department under certain circumstances to
8 establish certain remote sites for the purpose of issuing birth certificates, to
9 access electronically at the remote site a certified or abridged copy of a certain
10 birth certificate and, on request, to provide at the remote site a certain person
11 with a certified or abridged copy of a certain birth certificate; providing for the
12 disposition of a certain fee collected by the Department; authorizing the
13 Department to set and collect a certain fee for processing and issuing a birth
14 certificate from a remote site or for a certain report; prohibiting a certain fee
15 from exceeding certain actual costs of the Department; and generally relating to
16 certain vital records.

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 4-217
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1998 Supplement)
22 (As enacted by Chapter 679 of the Acts of the General Assembly of 1998)

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

25 **Article - Health - General**

26 4-217.

27 (a) (1) Except as provided in subsection (b) of this section, the Secretary
28 shall provide, on request, any person authorized by regulations adopted under this
29 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate

1 registered under this subtitle or of the certificate of a marriage performed after June
2 1, 1951.

3 (2) Except as provided in subsection (b) of this section, a local health
4 department may:

5 (i) Access electronically from the Department a certified or
6 abridged copy of a birth certificate OR A DEATH CERTIFICATE registered under this
7 subtitle; and

8 (ii) On request, provide any person authorized by regulations
9 adopted under this subtitle with a certified or abridged copy of a birth certificate OR
10 A DEATH CERTIFICATE registered under this subtitle.

11 (3) (i) The Secretary shall provide on request, to any person
12 authorized by regulation adopted under this subtitle, a commemorative birth
13 certificate.

14 (ii) The Department shall set a fee for the commemorative birth
15 certificate.

16 (iii) The commemorative birth certificate shall:

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

19 2. Have the same status as evidence as the original birth
20 certificate.

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

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

25 (4) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
26 DEPARTMENT MAY:

27 (I) ESTABLISH REMOTE SITES AWAY FROM THE MAIN OFFICE OF
28 THE DIVISION OF VITAL RECORDS FOR THE PURPOSE OF ISSUING BIRTH
29 CERTIFICATES;

30 (II) AT THE REMOTE SITE, ACCESS ELECTRONICALLY A CERTIFIED
31 OR ABRIDGED COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS SUBTITLE;
32 AND

33 (III) ON REQUEST, PROVIDE AT THE REMOTE SITE ANY PERSON
34 AUTHORIZED BY A REGULATION ADOPTED UNDER THIS SUBTITLE WITH A CERTIFIED
35 OR ABRIDGED COPY OF A BIRTH CERTIFICATE REGISTERED UNDER THIS SUBTITLE.

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;
- 3 (iii) On request of a parent, guardian, or other authorized
4 representative of the individual; or
- 5 (iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the
6 Family Law Article.

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

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

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

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

20 (c) (1) Except as otherwise provided by law, the Department shall collect a
21 \$6 fee for each certified or abridged copy of a birth, death, fetal death, or marriage
22 certificate or for a report that a search of the files was made and the requested record
23 is not on file.

24 (2) From the fee the Department collects under paragraph (1) of this
25 subsection, the Department shall: [transfer the entire fee to the General Fund.]

26 (I) TRANSFER \$4 TO THE GENERAL FUND; AND

27 (II) RETAIN \$2 FOR THE DEPARTMENT.

28 (3) (I) THE DEPARTMENT MAY SET AND COLLECT A FEE FOR
29 PROCESSING AND ISSUING A BIRTH CERTIFICATE FROM A REMOTE SITE, OR FOR A
30 REPORT THAT A SEARCH OF THE FILES WAS MADE AND THE REQUESTED RECORD IS
31 NOT ON FILE, THAT COVERS:

32 1. THE ADMINISTRATIVE COSTS OF PROVIDING THIS
33 SERVICE; AND

34 2. THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS
35 PARAGRAPH.

1 (II) THE FEE SET BY THE DEPARTMENT FOR PROCESSING AND
2 ISSUING A BIRTH CERTIFICATE OR FOR A REPORT UNDER SUBPARAGRAPH (I) OF THIS
3 PARAGRAPH MAY NOT EXCEED THE ACTUAL COSTS TO THE DEPARTMENT FOR
4 PROCESSING AND ISSUING A BIRTH CERTIFICATE OR A REPORT.

5 (III) FROM THE FEE THE DEPARTMENT COLLECTS UNDER
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH, \$4 SHALL BE TRANSFERRED TO THE
7 GENERAL FUND.

8 (3) (i) Any local health department may set and collect a fee for
9 processing and issuing a birth certificate, or for a report that a search of the files was
10 made and the requested record is not on file, that covers:

- 11 1. The administrative costs of providing this service; and
- 12 2. The requirements of subparagraph (iii) of this paragraph.

13 (ii) The fee set by the local health department for processing and
14 issuing a birth certificate or for a report under subparagraph (i) of this paragraph
15 may not exceed the actual costs to the local health department for processing and
16 issuing a birth certificate or a report.

17 (iii) From the fee the local health department collects under
18 subparagraph (i) of this paragraph, \$4 shall be transferred to the General Fund.

19 (iv) Prior to setting and collecting a fee for processing and issuing a
20 birth certificate or for a report under subparagraph (i) of this paragraph, the local
21 health department shall enter into a memorandum of understanding with the
22 Department of Health and Mental Hygiene that outlines the local health
23 department's fee structure.

24 (4) The Department or a local health department may collect a fee for a
25 certificate requested by an agency of the State or any of its political subdivisions.

26 (5) The Secretary may waive all or part of a fee if chargeable to an
27 agency of the United States.

28 (6) The Department may not collect a fee for a copy of a vital record
29 issued to:

30 (i) A current or former member of the armed forces of the United
31 States; or

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

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.