

SENATE BILL 458

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By: **Senator Della**

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

Committee Report: Favorable
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CHAPTER _____

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:

Article - Health - General

2 4-217.

3 (a) (1) Except as provided in subsection (b) of this section, the Secretary
4 shall provide, on request, any person authorized by regulations adopted under this
5 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
6 registered under this subtitle or of the certificate of a marriage performed after June
7 1, 1951.

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

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

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

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

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

21 (iii) The commemorative birth certificate shall:

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

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

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

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

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

32 (I) ESTABLISH REMOTE SITES AWAY FROM THE MAIN OFFICE OF
33 THE DIVISION OF VITAL RECORDS FOR THE PURPOSE OF ISSUING BIRTH
34 CERTIFICATES;

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

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

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

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

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

10 (iii) On request of a parent, guardian, or other authorized
11 representative of the individual; or

12 (iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the
13 Family Law Article.

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

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

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

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

27 (c) (1) Except as otherwise provided by law, the Department shall collect a
28 \$6 fee for each certified or abridged copy of a birth, death, fetal death, or marriage
29 certificate or for a report that a search of the files was made and the requested record
30 is not on file.

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

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

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

35 (3) (I) THE DEPARTMENT MAY SET AND COLLECT A FEE FOR
36 PROCESSING AND ISSUING A BIRTH CERTIFICATE FROM A REMOTE SITE, OR FOR A

1 REPORT THAT A SEARCH OF THE FILES WAS MADE AND THE REQUESTED RECORD IS
2 NOT ON FILE, THAT COVERS:

3 1. THE ADMINISTRATIVE COSTS OF PROVIDING THIS
4 SERVICE; AND

5 2. THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS
6 PARAGRAPH.

7 (II) THE FEE SET BY THE DEPARTMENT FOR PROCESSING AND
8 ISSUING A BIRTH CERTIFICATE OR FOR A REPORT UNDER SUBPARAGRAPH (I) OF THIS
9 PARAGRAPH MAY NOT EXCEED THE ACTUAL COSTS TO THE DEPARTMENT FOR
10 PROCESSING AND ISSUING A BIRTH CERTIFICATE OR A REPORT.

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

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

17 1. The administrative costs of providing this service; and

18 2. The requirements of subparagraph (iii) of this paragraph.

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

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

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

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

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

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

1 (i) A current or former member of the armed forces of the United
2 States; or

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

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

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

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

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

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

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