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By: **Delegates Sophocleus, Boschert, Boteler, Cadden, Carter, Costa, Dwyer,  
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Introduced and read first time: January 30, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Vital Statistics - Certificate of Birth Resulting in Stillbirth**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to  
4 establish a certificate of birth resulting in stillbirth for each fetal death  
5 occurring after a certain gestation period; requiring the Secretary to collect,  
6 index, and safeguard from certain damage each certificate of birth resulting in  
7 stillbirth; requiring certain format and filing requirements for each certificate of  
8 birth resulting in stillbirth; requiring the Secretary to adopt certain regulations;  
9 requiring the Secretary to provide a copy of a certificate of birth resulting in  
10 stillbirth upon request and to collect a certain fee for a copy of a certificate of  
11 birth resulting in stillbirth; providing for certain prohibited acts related to a  
12 certificate of birth resulting in stillbirth; defining certain terms; and generally  
13 relating to a certificate of birth resulting in stillbirth.

14 BY repealing and reenacting, without amendments,  
15 Article - Health - General  
16 Section 4-201(a) and (e), 4-203, and 4-213(a) and (b)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Health - General  
21 Section 4-201(f), (m), (n), and (o), 4-204, 4-207, 4-217(a)(1) and (c)(1), and  
22 4-226  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume and 2002 Supplement)

25 BY adding to  
26 Article - Health - General  
27 Section 4-213.1 and 4-213.2  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2002 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 4-201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (e) "Fetal death" means death of a product of human conception, before its  
7 complete expulsion or extraction from the mother, regardless of the duration of the  
8 pregnancy, as indicated by the fact that, after the expulsion or extraction, the fetus  
9 does not breathe or show any other evidence of life, such as heart beat, pulsation of  
10 the umbilical cord, or definite movement of voluntary muscle.

11 (f) "File" means to present for registration any certificate, report, or other  
12 record including records transmitted by approved electronic media, including  
13 facsimile, of birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, adoption,  
14 marriage, or divorce for which this subtitle provides and to have the Secretary accept  
15 the record.

16 (m) "Registration" means acceptance by the Secretary and incorporation in the  
17 records of the Department of any certificate, report, or other record of birth, BIRTH  
18 RESULTING IN STILLBIRTH, death, fetal death, adoption, marriage, divorce, or  
19 dissolution or annulment of marriage for which this subtitle provides.

20 (n) "Vital record" means a certificate or report of birth, BIRTH RESULTING IN  
21 STILLBIRTH, death, fetal death, marriage, divorce, dissolution or annulment of  
22 marriage, adoption, or adjudication of paternity that is required by law to be filed  
23 with the Secretary.

24 (o) "Vital statistics" means the data derived from certificates and reports of  
25 birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, marriage, divorce,  
26 dissolution or annulment of marriage, and reports related to any of these certificates  
27 and reports.

28 4-203.

29 (a) The Secretary is charged with administering efficiently and uniformly this  
30 subtitle throughout this State.

31 (b) (1) The Secretary shall establish appropriate methods and the necessary  
32 forms for accurate registration of vital records.

33 (2) The forms shall provide for the information that the Secretary needs  
34 for proper registration and use of these vital records.

1 4-204.

2 (a) The Secretary shall collect, index, and safeguard from fire, loss, or damage  
3 each certificate of birth, BIRTH RESULTING IN STILLBIRTH, death, and fetal death.

4 (b) After registration of a completed death or fetal death certificate, the  
5 Secretary shall send a copy of the original certificate to the county registrar for the  
6 county where the event occurred. The copy may be photographic or electronic or  
7 produced by other means as prescribed by the Secretary.

8 4-207.

9 (a) (1) Each certificate of birth, BIRTH RESULTING IN STILLBIRTH, death, or  
10 fetal death shall be typed or printed legibly in unfading black ink, or stored on  
11 electronic media approved by the Secretary.

12 (2) The person who is required to complete the record shall attest to its  
13 accuracy either by signature or by approved electronic process.

14 (b) A certificate is not complete or correct if it does not give each item of  
15 required information to the extent the information is obtainable.

16 4-213.

17 (a) If a fetal death occurs after a gestation period of 20 weeks or more, then  
18 within 72 hours after delivery, a certificate of fetal death shall be filed by:

19 (1) The mortician who first takes custody of a fetus;

20 (2) The person in charge of the institution or the person's designated  
21 representative when a fetus is delivered in an institution;

22 (3) The physician in attendance at or immediately after delivery when a  
23 fetus is delivered outside an institution; or

24 (4) The medical examiner when a fetal death occurs without medical  
25 attendance at or immediately after the delivery when a medical examiner's inquiry is  
26 required.

27 (b) The person who files the fetal death certificate shall obtain:

28 (1) The personal information from the next of kin or the best qualified  
29 individual or source available; and

30 (2) The medical certification of cause of death:

31 (i) From the medical examiner, within 24 hours after the medical  
32 examiner takes charge of the fetus; or

33 (ii) If the medical examiner does not take charge of the fetus, from  
34 the attending physician within 24 hours after delivery.

1 4-213.1.

2 (A) IN ADDITION TO THE REQUIREMENTS OF § 4-213 OF THIS SUBTITLE, THE  
3 SECRETARY SHALL ESTABLISH PROCEDURES FOR THE ISSUANCE OF A CERTIFICATE  
4 OF BIRTH RESULTING IN STILLBIRTH FOR EACH FETAL DEATH OCCURRING IN THE  
5 STATE AFTER A GESTATION PERIOD OF 20 WEEKS OR MORE.

6 (B) THE CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL:

7 (1) BE OFFERED TO THE PARENT OR PARENTS OF A STILLBORN CHILD;

8 (2) BE FILED WITHIN 72 HOURS AFTER DELIVERY; AND

9 (3) MEET ALL OF THE FORMAT AND FILING REQUIREMENTS OF § 4-208  
10 OF THIS SUBTITLE, RELATING TO A LIVE BIRTH.

11 (C) THE INDIVIDUAL PREPARING THE CERTIFICATE OF BIRTH RESULTING IN  
12 STILLBIRTH SHALL NOT INCLUDE ANY REFERENCES TO THE STILLBORN CHILD'S  
13 NAME IF THE STILLBORN CHILD'S PARENT OR PARENTS DO NOT WISH TO PROVIDE A  
14 NAME FOR THE STILLBORN CHILD.

15 4-213.2.

16 (A) THE SECRETARY SHALL ADOPT REGULATIONS TO GOVERN THE FILING OF  
17 A RECORD OF BIRTH RESULTING IN STILLBIRTH IF A CERTIFICATE OF BIRTH  
18 RESULTING IN STILLBIRTH IS NOT FILED WITHIN THE TIME REQUIRED BY § 4-213.1  
19 OF THIS SUBTITLE.

20 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION  
21 SHALL BE CONSISTENT WITH REGULATIONS ADOPTED UNDER § 4-210 OF THIS  
22 SUBTITLE REGARDING DELAYED BIRTH REGISTRATION.

23 4-217.

24 (a) (1) Except as provided in subsection (b) of this section, the Secretary  
25 shall provide, on request, any person authorized by regulations adopted under this  
26 subtitle with a certified or abridged copy of a birth, BIRTH RESULTING IN  
27 STILLBIRTH, death, or fetal death certificate registered under this subtitle or of the  
28 certificate of a marriage performed after June 1, 1951.

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

33 4-226.

34 (a) A person may not fail or refuse to execute and deliver a certificate of birth,  
35 BIRTH RESULTING IN STILLBIRTH, death, or fetal death required by this subtitle.

1 (b) (1) A person may not willfully provide false information for entry or  
2 willfully enter false information on a certificate of birth, BIRTH RESULTING IN  
3 STILLBIRTH, death, or fetal death.

4 (2) A person may not fail to provide a Social Security number or willfully  
5 provide a false Social Security number to the clerk of court under § 4-208(g) of this  
6 subtitle.

7 (c) Except as authorized by this subtitle, a person may not willfully alter any  
8 certificate, certified copy of a certificate, or other certified statement that relates to a  
9 birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, or marriage registered  
10 under this subtitle.

11 (d) (1) A person may not willfully use or attempt to use, with the intention to  
12 deceive, any certificate of birth or certified copy of a record of birth knowing that the  
13 certificate or certified copy:

14 (i) Was issued on a record that is wholly or partly false; or

15 (ii) Relates to the birth of another individual.

16 (2) A person may not willfully and knowingly provide a certificate of  
17 birth or a certified copy of a record of birth to another person with the intention that  
18 it be used by that person to deceive.

19 (e) Without authorization, a person may not produce, reproduce, or distribute  
20 a blank certificate or other form that the Secretary uses to register or certify facts  
21 that relate to a birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, or  
22 marriage.

23 (f) A person may not willfully use or attempt to use a photocopy of a birth,  
24 BIRTH RESULTING IN STILLBIRTH, death, fetal death, or marriage certificate for any  
25 fraudulent or deceptive purpose.

26 (g) A person who has access to the birth, BIRTH RESULTING IN STILLBIRTH,  
27 death, or fetal death records in the custody of the Secretary or an agent of the  
28 Secretary may not willfully communicate to anyone known to the person to be  
29 unauthorized any fact recorded on any birth, BIRTH RESULTING IN STILLBIRTH,  
30 death, or fetal death certificate.

31 (h) A person may not willfully transport or accept for transportation,  
32 dissection, or other disposition a body without a burial-transit permit, as provided in  
33 this subtitle.

34 (i) A person may not willfully:

35 (1) Violate any provision of this subtitle;

36 (2) Neglect to perform any duty imposed by this subtitle; or

1                   (3)       Violate any rule or regulation adopted under this subtitle.

2       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3       October 1, 2003.