
By: **Delegates Sophocleus, Boschert, Boteler, Cadden, Carter, Costa, Dwyer, Impallaria, Menes, Murray, Parrott, and Rzepkowski Rzepkowski, Boutin, McDonough, Elliott, Smigiel, Donoghue, and Kach**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

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 procedures for the issuance of a certificate of birth resulting in
5 stillbirth for each fetal death occurring after a certain gestation period;
6 requiring the Secretary to collect, index, and safeguard from certain damage
7 each certificate of birth resulting in stillbirth; requiring certain format and
8 filing requirements for each certificate of birth resulting in stillbirth; requiring
9 the Secretary to adopt certain regulations; requiring the Secretary to provide a
10 copy of a certificate of birth resulting in stillbirth upon request and to collect a
11 certain fee for a copy of a certificate of birth resulting in stillbirth; providing for
12 certain prohibited acts related to a certificate of birth resulting in stillbirth;
13 defining certain terms; requiring the Department of Health and Mental Hygiene
14 to offer a certificate of birth resulting in stillbirth to certain parents; requiring
15 the Department to establish procedures for the issuance of a certificate of birth
16 resulting in stillbirth upon the request of certain parents who had a stillborn
17 child prior to the effective date of this Act; requiring the Department to
18 implement certain procedures by a certain date; requiring the Department to
19 make a certain report to certain committees of the General Assembly on or
20 before a certain date; and generally relating to a certificate of birth resulting in
21 stillbirth.

22 ~~BY~~ repealing and reenacting, without amendments,
23 ~~Article Health General~~
24 ~~Section 4 201(a) and (e), 4 203, and 4 213(a) and (b)~~
25 ~~Annotated Code of Maryland~~

1 ~~(2000 Replacement Volume and 2002 Supplement)~~

2 BY repealing and reenacting, with amendments,

3 ~~Article - Health - General~~

4 ~~Section 4-201(f), (m), (n), and (o), 4-204, 4-207, 4-217(a)(1) and (c)(1), and~~
5 ~~4-226~~

6 ~~Annotated Code of Maryland~~

7 ~~(2000 Replacement Volume and 2002 Supplement)~~

8 BY adding to

9 Article - Health - General

10 Section 4-213.1 and 4-213.2

11 Annotated Code of Maryland

12 (2000 Replacement Volume and 2002 Supplement)

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

15 **Article - Health - General**

16 ~~4-201.~~

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

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

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

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

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

36 (o) ~~"Vital statistics" means the data derived from certificates and reports of~~
37 ~~birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, marriage, divorce,~~

1 dissolution or annulment of marriage, and reports related to any of these certificates
2 and reports.

3 ~~4-203.~~

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

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

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

10 ~~4-204.~~

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

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

17 ~~4-207.~~

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

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

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

25 ~~4-213.~~

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

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

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

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

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

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

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

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

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

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

12 4-213.1.

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

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

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

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

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

22 (B) THE DEPARTMENT SHALL OFFER A CERTIFICATE OF BIRTH RESULTING IN
23 STILLBIRTH TO THE PARENT OR PARENTS OF A STILLBORN CHILD FOR WHOM A
24 FETAL DEATH WAS REGISTERED.

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

29 4-213.2.

30 (A) ~~THE SECRETARY SHALL ADOPT REGULATIONS TO GOVERN THE FILING OF~~
31 ~~A RECORD OF BIRTH RESULTING IN STILLBIRTH IF A CERTIFICATE OF BIRTH~~
32 ~~RESULTING IN STILLBIRTH IS NOT FILED WITHIN THE TIME REQUIRED BY § 4-213.1~~
33 ~~OF THIS SUBTITLE.~~

1 ~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION~~
2 ~~SHALL BE CONSISTENT WITH REGULATIONS ADOPTED UNDER § 4-210 OF THIS~~
3 ~~SUBTITLE REGARDING DELAYED BIRTH REGISTRATION.~~

4 4-217.

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

10 (e) (1) ~~Except as otherwise provided by law, the Department shall collect a~~
11 ~~\$6 fee for each certified or abridged copy of a birth, BIRTH RESULTING IN STILLBIRTH,~~
12 ~~death, fetal death, or marriage certificate or for a report that a search of the files was~~
13 ~~made and the requested record is not on file.~~

14 4-226.

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

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

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

23 (e) ~~Except as authorized by this subtitle, a person may not willfully alter any~~
24 ~~certificate, certified copy of a certificate, or other certified statement that relates to a~~
25 ~~birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, or marriage registered~~
26 ~~under this subtitle.~~

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

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

31 (ii) ~~Relates to the birth of another individual.~~

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

35 (e) ~~Without authorization, a person may not produce, reproduce, or distribute~~
36 ~~a blank certificate or other form that the Secretary uses to register or certify facts~~

1 that relate to a birth, ~~BIRTH RESULTING IN STILLBIRTH~~, death, fetal death, or
2 marriage.

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

6 (g) A person who has access to the birth, ~~BIRTH RESULTING IN STILLBIRTH~~,
7 death, or fetal death records in the custody of the Secretary or an agent of the
8 Secretary may not willfully communicate to anyone known to the person to be
9 unauthorized any fact recorded on any birth, ~~BIRTH RESULTING IN STILLBIRTH~~,
10 death, or fetal death certificate.

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

14 (i) A person may not willfully:

15 (1) Violate any provision of this subtitle;

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
21 Health and Mental Hygiene shall establish procedures for the issuance of a certificate
22 of birth resulting in stillbirth upon the request of a parent or parents who have
23 received a certificate of fetal death prior to the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That:

25 (a) The Department of Health and Mental Hygiene shall adopt and implement
26 the procedures required by this Act on or before January 1, 2004; and

27 (b) On or before October 1, 2005, the Department of Health and Mental
28 Hygiene shall report to the Governor, and in accordance with § 2-1246 of the State
29 Government Article, to the Senate Education, Health, and Environmental Affairs
30 Committee and the House Health and Government Operations Committee, on the
31 implementation of this Act, including the number of certificates of births resulting in
32 stillbirth issued in the State and the procedures implemented by the Department.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2003.

