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2004 Regular Session 4lr0362

By: Senator Munson

Introduced and read first time: January 22, 2004

Assigned to: Education, Health, and Environmental Affairs

## A BILL ENTITLED

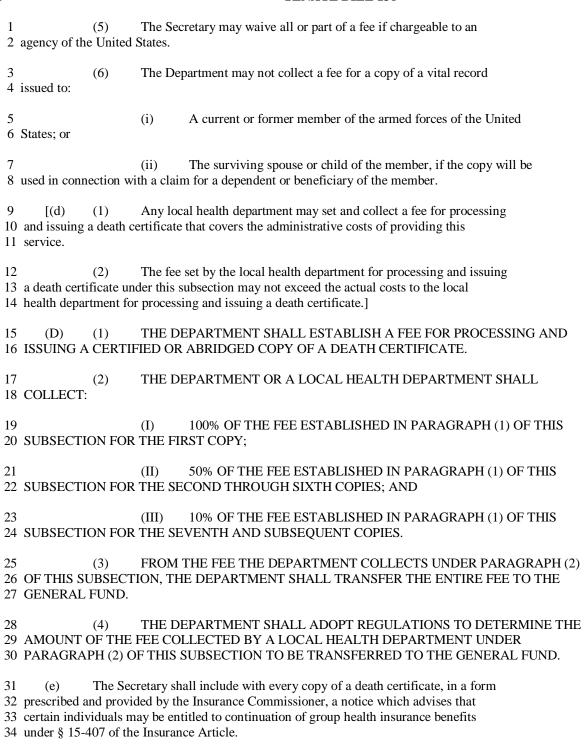
## 1 AN ACT concerning

## 2 Vital Statistics - Copies of Death Certificates - Fees

- 3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
- 4 establish a fee for processing and issuing copies of death certificates; providing
- 5 for a fee structure based on the number of copies processed and issued by the
- 6 Department or a local health department; requiring the Department to transfer
- 7 certain fees to the General Fund; requiring the Department to adopt certain
- 8 regulations by a certain date; and generally relating to fees for copies of death
- 9 certificates.
- 10 BY repealing and reenacting, with amendments,
- 11 Article Health General
- 12 Section 4-217(c)
- 13 Annotated Code of Maryland
- 14 (2000 Replacement Volume and 2003 Supplement)
- 15 BY repealing
- 16 Article Health General
- 17 Section 4-217(d)
- 18 Annotated Code of Maryland
- 19 (2000 Replacement Volume and 2003 Supplement)
- 20 BY adding to
- 21 Article Health General
- 22 Section 4-217(d)
- 23 Annotated Code of Maryland
- 24 (2000 Replacement Volume and 2003 Supplement)
- 25 BY repealing and reenacting, without amendments,
- 26 Article Health General
- 27 Section 4-217(e) and (f)
- 28 Annotated Code of Maryland
- 29 (2000 Replacement Volume and 2003 Supplement)

1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
3	Article - Health - General			
4	4-217.			
5 6	(c) (1) \$12 fee:	Except a	s otherw	se provided by law, the Department shall collect a
7 8	death, marriage, or div	(i) vorce ver		certified or abridged copy of a birth, [death,] fetal certificate;
9 10	requested record is no	(ii) ot on file;		ort that a search of the files was made and the
11 12	the certificate has bee	(iii) n registe		change to a certificate made later than one year after he Department; or
13 14	(iv) To process an adoption, foreign adoption, legitimation, or adjudication of paternity.			
15 16	(2) From the fee the Department collects under paragraph (1) of this subsection, the Department shall transfer the entire fee to the General Fund.			
	(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:			
20			1.	The administrative costs of providing this service; and
21			2.	The requirements of subparagraph (iii) of this paragraph.
24	(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.			
26 27				e fee the local health department collects under shall be transferred to the General Fund.
30 31	(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the Department of Health and Mental Hygiene that outlines the local health department's fee structure.			
33 34				or a local health department may collect a fee for a e State or any of its political subdivisions.

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A person may use a photocopy of a birth, death, fetal death, or marriage

36 certificate for any nonfraudulent and nondeceptive purpose.

- 1 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
- 2 Health and Mental Hygiene shall adopt regulations on or before January 1, 2005 to
- 3 determine the amount of the fee to be collected by the Department or a local health
- 4 department for processing and issuing a death certificate and the amount of the fee
- 5 collected by a local health department to be transferred to the General Fund. The
- 6 regulations shall authorize the local health department to retain no more than the
- 7 actual costs to the local health department for processing and issuing the certificate.
- 8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take 9 effect October 1, 2004.