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By: **Senator Munson**

Introduced and read first time: January 22, 2004

Assigned to: Education, Health, and Environmental Affairs

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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 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 4-217.

5 (c) (1) Except as otherwise provided by law, the Department shall collect a  
6 \$12 fee:

7 (i) For each certified or abridged copy of a birth, [death,] fetal  
8 death, marriage, or divorce verification certificate;

9 (ii) For a report that a search of the files was made and the  
10 requested record is not on file;

11 (iii) For each change to a certificate made later than one year after  
12 the certificate has been registered with the Department; or

13 (iv) To process an adoption, foreign adoption, legitimation, or  
14 adjudication of paternity.

15 (2) From the fee the Department collects under paragraph (1) of this  
16 subsection, the Department shall transfer the entire fee to the General Fund.

17 (3) (i) Any local health department may set and collect a fee for  
18 processing and issuing a birth certificate, or for a report that a search of the files was  
19 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.

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

26 (iii) From the fee the local health department collects under  
27 subparagraph (i) of this paragraph, \$10 shall be transferred to the General Fund.

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

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

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

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

5 (i) A current or former member of the armed forces of the United  
6 States; or

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

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

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

15 (D) (1) THE DEPARTMENT SHALL ESTABLISH A FEE FOR PROCESSING AND  
16 ISSUING A CERTIFIED OR ABRIDGED COPY OF A DEATH CERTIFICATE.

17 (2) THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL  
18 COLLECT:

19 (I) 100% OF THE FEE ESTABLISHED IN PARAGRAPH (1) OF THIS  
20 SUBSECTION FOR THE FIRST COPY;

21 (II) 50% OF THE FEE ESTABLISHED IN PARAGRAPH (1) OF THIS  
22 SUBSECTION FOR THE SECOND THROUGH SIXTH COPIES; AND

23 (III) 10% OF THE FEE ESTABLISHED IN PARAGRAPH (1) OF THIS  
24 SUBSECTION FOR THE SEVENTH AND SUBSEQUENT COPIES.

25 (3) FROM THE FEE THE DEPARTMENT COLLECTS UNDER PARAGRAPH (2)  
26 OF THIS SUBSECTION, THE DEPARTMENT SHALL TRANSFER THE ENTIRE FEE TO THE  
27 GENERAL FUND.

28 (4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO DETERMINE THE  
29 AMOUNT OF THE FEE COLLECTED BY A LOCAL HEALTH DEPARTMENT UNDER  
30 PARAGRAPH (2) OF THIS SUBSECTION TO BE TRANSFERRED TO THE GENERAL FUND.

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

35 (f) 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.