

HOUSE BILL 109

J1

9lr1242

By: **Delegate Wood**

Introduced and read first time: January 22, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Issuance of Birth Certificates – Surviving Spouse**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide
4 certain individuals with certain certificates on request; altering a provision of
5 law to allow certain birth certificates to be issued on request of a surviving
6 spouse; and generally relating to the issuance of birth, death, and marriage
7 certificates.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 4–217(a) and (b)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 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 4–217.

17 (a) (1) Except as provided in subsection (b) of this section, the Secretary
18 shall provide, on request, [any person authorized by regulations adopted under this
19 subtitle with] a certified or abridged copy of a birth, death, or fetal death certificate
20 registered under this subtitle or of the certificate of a marriage performed after June
21 1, 1951, TO:

22 (I) **AN INDIVIDUAL NAMED ON THE CERTIFICATE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) A PARENT OF AN INDIVIDUAL NAMED ON THE
2 CERTIFICATE;

3 (III) A LEGAL GUARDIAN OF AN INDIVIDUAL NAMED ON THE
4 CERTIFICATE;

5 (IV) A SURVIVING SPOUSE OF AN INDIVIDUAL NAMED ON
6 THE BIRTH OR DEATH CERTIFICATE;. OR

7 (V) ANY REPRESENTATIVE AUTHORIZED BY REGULATIONS
8 ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.

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

11 (i) Access electronically from the Department a certified or
12 abridged copy of a birth certificate registered under this 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
15 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) A portion of the funds collected under this paragraph shall
27 go to the Department for the production costs of issuing the commemorative birth
28 certificates. The remainder of the funds collected shall be paid into the Children's
29 Trust Fund established under § 13-2207 of this article to provide funding for the Child
30 Abuse and Neglect Centers of Excellence Initiative.

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

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

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

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

5 (iii) On request of a parent, guardian, **SURVIVING SPOUSE**, or
6 other authorized representative of the individual; or

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.