

HOUSE BILL 109

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9lr1242

By: ~~Delegate Wood~~ **Delegates Wood, Montgomery, and Riley**

Introduced and read first time: January 22, 2009

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2009

CHAPTER _____

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~~ a certified or abridged copy of a birth
6 certificate to be issued on request of a surviving spouse; and generally relating
7 to the issuance of birth, ~~death, and marriage~~ certificates.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 4–217(a)

11 Annotated Code of Maryland

12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 4–217(~~a~~) and (b)

16 Annotated Code of Maryland

17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Health – General**

21 4–217.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) Except as provided in subsection (b) of this section, the Secretary
 2 shall provide, on request, ~~any person authorized by regulations adopted under this~~
 3 ~~subtitle with~~ a certified or abridged copy of a birth, death, or fetal death certificate
 4 registered under this subtitle or of the certificate of a marriage performed after June
 5 1, 1951, ~~to:~~

6 ~~(I) AN INDIVIDUAL NAMED ON THE CERTIFICATE;~~

7 ~~(II) A PARENT OF AN INDIVIDUAL NAMED ON THE~~
 8 ~~CERTIFICATE;~~

9 ~~(III) A LEGAL GUARDIAN OF AN INDIVIDUAL NAMED ON THE~~
 10 ~~CERTIFICATE;~~

11 ~~(IV) A SURVIVING SPOUSE OF AN INDIVIDUAL NAMED ON~~
 12 ~~THE BIRTH OR DEATH CERTIFICATE; OR~~

13 ~~(V) ANY REPRESENTATIVE AUTHORIZED BY REGULATIONS~~
 14 ~~ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.~~

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

17 (i) Access electronically from the Department a certified or
 18 abridged copy of a birth certificate registered under this subtitle; and

19 (ii) On request, provide any person authorized by regulations
 20 adopted under this subtitle with a certified or abridged copy of a birth certificate
 21 registered under this subtitle.

22 (3) (i) The Secretary shall provide on request, to any person
 23 authorized by regulation adopted under this subtitle, a commemorative birth
 24 certificate.

25 (ii) The Department shall set a fee for the commemorative birth
 26 certificate.

27 (iii) The commemorative birth certificate shall:

28 1. Be in a form consistent with the need to protect the
 29 integrity of vital records but suitable for display; and

30 2. Have the same status as evidence as the original birth
 31 certificate.

1 (iv) A portion of the funds collected under this paragraph shall
2 go to the Department for the production costs of issuing the commemorative birth
3 certificates. The remainder of the funds collected shall be paid into the Children's
4 Trust Fund established under § 13-2207 of this article to provide funding for the Child
5 Abuse and Neglect Centers of Excellence Initiative.

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

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

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

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

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

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

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

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

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

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

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