

CHAPTER 128

(House Bill 109)

AN ACT concerning

Health – Issuance of Birth Certificates – Surviving Spouse

FOR the purpose of ~~requiring the Secretary of Health and Mental Hygiene to provide certain individuals with certain certificates on request;~~ altering a provision of law to allow ~~certain birth certificates~~ a certified or abridged copy of a birth certificate to be issued on request of a surviving spouse; and generally relating to the issuance of birth, ~~death, and marriage~~ certificates.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 4-217(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4-217~~(a)~~ and (b)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article – Health – General

4-217.

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

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

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

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

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

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

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

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

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

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

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

(iii) The commemorative birth certificate shall:

1. Be in a form consistent with the need to protect the integrity of vital records but suitable for display; and
2. Have the same status as evidence as the original birth certificate.

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

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

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

- (i) On order of a court of competent jurisdiction;
- (ii) On request of the individual to whom the record relates;
- (iii) On request of a parent, guardian, **SURVIVING SPOUSE**, or other authorized representative of the individual; or
- (iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article.

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

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

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

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

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

Approved by the Governor, April 14, 2009.