

HOUSE BILL 100

J1

(2lr0862)

ENROLLED BILL

— *Health and Government Operations/Finance* —

Introduced by **Delegate Pena-Melnyk**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vital Records – Certificates of Death – Amendments to Cause of Death**

3 FOR the purpose of authorizing the Office of the Chief Medical Examiner to amend the
4 cause of death on a certificate of death at any time after ~~issuance~~ *registration* ~~in~~
5 ~~accordance with certain procedures~~ *without a court order*; and generally
6 relating to amendments to the cause of death on certificates of death.

7 BY repealing and reenacting, with amendments,

8 Article – Health – General

9 Section 4–214

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2011 Supplement)

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Health – General

2 4–214.

3 (a) ~~(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
4 ~~SUBSECTION, A~~ certificate or record registered under this subtitle may be amended
5 only in accordance with this subtitle and any rules and regulations that the Secretary
6 adopts to protect the integrity and accuracy of vital records.

7 ~~(2) THE OFFICE OF THE CHIEF MEDICAL EXAMINER MAY AMEND~~
8 ~~THE CAUSE OF DEATH ON A CERTIFICATE OF DEATH AT ANY TIME AFTER~~
9 ~~ISSUANCE IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE OFFICE OF~~
10 ~~THE CHIEF MEDICAL EXAMINER.~~

11 (b) (1) If any certificate of birth, death, or fetal death is amended, the
12 facts shall be certified to the Secretary and entered on the original certificate with the
13 date of the amendment, over the signature or initials of a designee of the Secretary
14 and with a line drawn through the original data.

15 (2) All amendments may be stored on electronic media approved by
16 the Secretary.

17 (3) All copies of certificates that are amended shall contain a notation
18 that an amendment has been made.

19 (4) A record shall be maintained which identifies the evidence upon
20 which the amendment was based, the date of the amendment, and the identity of the
21 person making the amendment.

22 (5) Upon receipt of a certified copy of an order of a court of competent
23 jurisdiction indicating the sex of an individual born in this State has been changed by
24 surgical procedure and whether such individual's name has been changed, the
25 Secretary shall amend the certificate of birth of the individual as prescribed by
26 regulation.

27 (6) When an informant does not submit the minimum documentation
28 required in the regulations for amending a vital record or when the Secretary has
29 cause to question the validity or adequacy of the applicant's sworn statements or the
30 documentary evidence, and if the deficiencies are not corrected, the Secretary shall not
31 amend the vital record and shall advise the applicant of the reason for this action and
32 shall further advise the applicant of the right of appeal to the Office of Administrative
33 Hearings.

1 (7) (I) ~~Any~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
2 THIS PARAGRAPH, ANY amendments to death certificates requested beyond 3 years
3 or more after the death shall require a court order.

4 (II) THE OFFICE OF THE CHIEF MEDICAL EXAMINER MAY
5 AMEND THE CAUSE OF DEATH ON A CERTIFICATE OF DEATH AT ANY TIME AFTER
6 ISSUANCE REGISTRATION WITHOUT A COURT ORDER.

7 (c) (1) On receipt of a court order that changes the name of an individual
8 who was born in this State and on request of the individual or a parent, guardian, or
9 legal representative of the individual, the Secretary shall amend the certificate of
10 birth to reflect the new name.

11 (2) The Department may change the name on a birth certificate once
12 without a court order if, within 12 months after the birth, the Department receives
13 from both parents of a child:

14 (i) A written request for the change of name; and

15 (ii) An affidavit that has been sworn before a notary public of
16 this State and states that they are the parents of the child and are making this
17 request of their own free will.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.