

HOUSE BILL 1272

J1, I3, I2

4lr2134

By: **Delegates Lee, Zucker, Cullison, Gilchrist, Gutierrez, and F. Turner**
Introduced and read first time: February 7, 2014
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Birth Registrations – Notice of**
3 **Placement of Security Freezes**

4 FOR the purpose of requiring the administrative head of a certain institution or a
5 designee of the administrative head or the Secretary of Health and Mental
6 Hygiene to provide a certain notice relating to security freezes to the mother,
7 father, or legal guardian of a child under certain circumstances; requiring the
8 Secretary of Health and Mental Hygiene to provide a certain notice relating to
9 security freezes on a certain form provided by the Secretary; requiring the
10 Consumer Protection Division of the Office of the Attorney General to prepare a
11 notice that explains how to request a consumer reporting agency to place a
12 security freeze on a file relating to an individual under a certain age and the
13 benefits of having a freeze on a certain credit file; and generally relating to
14 security freeze information provided to the mother, father, or legal guardian of a
15 child at the time of registration of the birth of the child.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 4–208
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2013 Supplement)

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

23 **Article – Health – General**

24 4–208.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Within 72 hours after a birth occurs in an institution, or en route
2 to the institution, the administrative head of the institution or a designee of the
3 administrative head shall:

4 (i) Prepare, on the form that the Secretary provides, a
5 certificate of birth;

6 (ii) Secure each signature that is required on the certificate; and

7 (iii) File the certificate.

8 (2) The attending physician, physician assistant, nurse practitioner, or
9 nurse midwife shall provide the date of birth and medical information that are
10 required on the certificate within 72 hours after the birth.

11 (3) The results of the universal hearing screening of newborns shall be
12 incorporated into the supplemental information required by the Department to be
13 submitted as a part of the birth event.

14 (4) Upon the birth of a child to an unmarried woman in an institution,
15 the administrative head of the institution or the designee of the administrative head
16 shall:

17 (i) Provide an opportunity for the child's mother and the father
18 to complete a standardized affidavit of parentage recognizing parentage of the child on
19 the standardized form provided by the Department of Human Resources under §
20 5-1028 of the Family Law Article;

21 (ii) Furnish to the mother written information prepared by the
22 Child Support Enforcement Administration concerning the benefits of having the
23 paternity of her child established, including the availability of child support
24 enforcement services; and

25 (iii) Forward the completed affidavit to the Department of
26 Health and Mental Hygiene, Division of Vital Records. The Department of Health and
27 Mental Hygiene, Division of Vital Records shall make the affidavits available to the
28 parents, guardian of the child, or a child support enforcement agency upon request.

29 (5) An institution, the administrative head of the institution, the
30 designee of the administrative head of an institution, and an employee of an
31 institution may not be held liable in any cause of action arising out of the
32 establishment of paternity.

33 (6) If the child's mother was not married at the time of either
34 conception or birth or between conception and birth, the name of the father may not be
35 entered on the certificate without an affidavit of paternity as authorized by § 5-1028

1 of the Family Law Article signed by the mother and the person to be named on the
2 certificate as the father.

3 (7) In any case in which paternity of a child is determined by a court of
4 competent jurisdiction, the name of the father and surname of the child shall be
5 entered on the certificate of birth in accordance with the finding and order of the court.

6 (8) If the father is not named on the certificate of birth, no other
7 information about the father shall be entered on the certificate.

8 (b) Within 72 hours after a birth occurs outside an institution, the birth shall
9 be verified by the Secretary and a certificate of birth shall be prepared, on the form
10 that the Secretary provides, and filed by one of the following, in the indicated order of
11 priority:

12 (1) The attending individual.

13 (2) In the absence of an attending individual, the father or mother.

14 (3) In the absence of the father and the inability of the mother, the
15 individual in charge of the premises where the birth occurred.

16 (c) When a birth occurs on a common carrier within the United States and
17 the child is first removed from the carrier in this State, the birth shall be registered in
18 this State, and the place where the child is first removed shall be considered the place
19 of birth.

20 (d) When a birth occurs on a common carrier while in international waters,
21 air space, or in a foreign country and the child is first removed from the carrier in this
22 State, the birth shall be registered in this State but the certificate shall show the
23 actual place of birth insofar as can be determined.

24 (e) The certificate shall be filed within 72 hours after the child is removed
25 from the carrier.

26 (f) (1) Each parent shall provide his or her own Social Security number
27 on the form provided by the Secretary under this section.

28 (2) (i) If the father is not available to provide his Social Security
29 number on the form provided under paragraph (1) of this subsection, the father shall
30 provide his Social Security number on a form provided by the Secretary for this
31 purpose.

32 (ii) The form provided under this paragraph shall:

1 1. State that the form is for the purpose of providing the
2 Social Security numbers of parents, to be included on the portion of the form that
3 remains in the official birth record;

4 2. Contain a specific reference to this subtitle; and

5 3. State that the father's Social Security number shall be
6 provided under penalty of perjury.

7 (3) The Social Security number as provided by each parent shall be
8 recorded on the portion of the form provided by the Secretary which remains in the
9 official birth record.

10 (4) The Social Security numbers of the parents may not appear on the
11 portion of the birth certificate issued as proof of birth.

12 (5) (i) The Secretary shall permit disclosure of the Social Security
13 numbers of the parents only to the Child Support Enforcement Administration of the
14 Department of Human Resources.

15 (ii) The Child Support Enforcement Administration may use the
16 Social Security numbers of the parents to:

17 1. Locate a parent;

18 2. Establish paternity; and

19 3. Establish and enforce a child support order under
20 Title 10, Subtitle 1 of the Family Law Article.

21 (g) If, under subsection (f)(1) of this section, the father's Social Security
22 number is not entered on the form provided by the Secretary:

23 (1) Upon adjudication of paternity, the court shall order the father to
24 provide his Social Security number to the clerk of court; and

25 (2) The clerk of court shall send the father's Social Security number to
26 the Secretary, as provided under § 4-211(f) of this subtitle.

27 **(H) (1) WHEN A BIRTH OCCURS:**

28 **(I) IN AN INSTITUTION, OR EN ROUTE TO THE INSTITUTION,**
29 **THE ADMINISTRATIVE HEAD OF THE INSTITUTION OR A DESIGNEE OF THE**
30 **ADMINISTRATIVE HEAD SHALL PROVIDE THE NOTICE SPECIFIED IN PARAGRAPH**
31 **(2) OF THIS SUBSECTION TO THE MOTHER, FATHER, OR LEGAL GUARDIAN OF**
32 **THE CHILD; OR**

1 **(II) ON A COMMON CARRIER WITHIN THE UNITED STATES**
2 **OR WHILE IN INTERNATIONAL WATERS, AIR SPACE, OR IN A FOREIGN COUNTRY,**
3 **ON RECEIPT OF A CERTIFICATE OF A BIRTH THAT OCCURRED ON A COMMON**
4 **CARRIER OR IN A FOREIGN COUNTRY, THE SECRETARY SHALL PROVIDE THE**
5 **NOTICE SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION TO THE MOTHER,**
6 **FATHER, OR LEGAL GUARDIAN OF THE CHILD ON THE FORM PROVIDED BY THE**
7 **SECRETARY UNDER SUBSECTION (F) OF THIS SECTION.**

8 **(2) THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF**
9 **THE ATTORNEY GENERAL SHALL PREPARE A NOTICE THAT EXPLAINS:**

10 **(I) HOW TO REQUEST A CONSUMER REPORTING AGENCY TO**
11 **PLACE A SECURITY FREEZE ON A FILE RELATING TO AN INDIVIDUAL WHO IS**
12 **UNDER THE AGE OF 16 YEARS AT THE TIME A REQUEST FOR THE PLACEMENT OF**
13 **A SECURITY FREEZE IS MADE AS PROVIDED UNDER § 14-1212.2 OF THE**
14 **COMMERCIAL LAW ARTICLE; AND**

15 **(II) THE BENEFITS OF HAVING A SECURITY FREEZE ON A**
16 **CREDIT FILE RELATING TO AN INDIVIDUAL WHO IS UNDER THE AGE OF 16 YEARS**
17 **AT THE TIME A REQUEST FOR THE PLACEMENT OF A SECURITY FREEZE IS MADE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.