

SENATE BILL 105

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4lr0054

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 8, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: January 14, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health – Vital Records – Birth Certificates – Preparation and Filing**
3 **Requirements**

4 FOR the purpose of altering the period of time within which certain persons must
5 prepare and file a birth certificate with the Department of Health and Mental
6 Hygiene; altering the period of time within which certain persons must provide
7 certain information required on a birth certificate; altering the period of time
8 within which the Secretary of Health and Mental Hygiene must verify a birth;
9 and generally relating to birth certificates.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 4–208(a), (b), and (e)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 4–208(c) and (d)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2013 Supplement)

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

3 **Article – Health – General**

4 4–208.

5 (a) (1) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs in an
6 institution, or en route to the institution, the administrative head of the institution or
7 a designee of the administrative head shall:

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

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

11 (iii) File the certificate.

12 (2) The attending physician, physician assistant, nurse practitioner, or
13 nurse midwife shall provide the date of birth and medical information that are
14 required on the certificate within [72 hours] **5 CALENDAR DAYS** after the birth.

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

18 (4) Upon the birth of a child to an unmarried woman in an institution,
19 the administrative head of the institution or the designee of the administrative head
20 shall:

21 (i) Provide an opportunity for the child's mother and the father
22 to complete a standardized affidavit of parentage recognizing parentage of the child on
23 the standardized form provided by the Department of Human Resources under §
24 5–1028 of the Family Law Article;

25 (ii) Furnish to the mother written information prepared by the
26 Child Support Enforcement Administration concerning the benefits of having the
27 paternity of her child established, including the availability of child support
28 enforcement services; and

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

33 (5) An institution, the administrative head of the institution, the
34 designee of the administrative head of an institution, and an employee of an

1 institution may not be held liable in any cause of action arising out of the
2 establishment of paternity.

3 (6) If the child's mother was not married at the time of either
4 conception or birth or between conception and birth, the name of the father may not be
5 entered on the certificate without an affidavit of paternity as authorized by § 5-1028
6 of the Family Law Article signed by the mother and the person to be named on the
7 certificate as the father.

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

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

13 (b) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs outside an
14 institution, the birth shall be verified by the Secretary and a certificate of birth shall
15 be prepared, on the form that the Secretary provides, and filed by one of the following,
16 in the indicated order of priority:

17 (1) The attending individual.

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

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

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

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

29 (e) The certificate shall be filed within [72 hours] **5 CALENDAR DAYS** after
30 the child is removed from the carrier.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2014.