

# SENATE BILL 105

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4lr0054

(PRE-FILED)

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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

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## A BILL ENTITLED

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)

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

22 **Article – Health – General**

23 4–208.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   (1)   Within [72 hours] **5 CALENDAR DAYS** after a birth occurs in an  
2 institution, or en route to the institution, the administrative head of the institution or  
3 a designee of the 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] **5 CALENDAR DAYS** 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] **5 CALENDAR DAYS** after a birth occurs outside an  
9 institution, the birth shall be verified by the Secretary and a certificate of birth shall  
10 be prepared, on the form that the Secretary provides, and filed by one of the following,  
11 in the indicated order of 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] **5 CALENDAR DAYS** after  
25 the child is removed from the carrier.

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