

# HOUSE BILL 280

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By: **Delegates Moon, Barron, Gutierrez, Hayes, Hill, Krimm, Luedtke, McCray, Reznik, West, and K. Young**

Introduced and read first time: January 26, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee**

3 FOR the purpose of prohibiting the Department of Health and Mental Hygiene from  
4 collecting a fee for a certain copy of a birth certificate issued to a homeless individual;  
5 requiring the Department to accept a signed written statement from a homeless  
6 individual as proof of homelessness; and generally relating to prohibiting the  
7 collection of fees for copies of birth certificates issued to homeless individuals.

8 BY repealing and reenacting, with amendments,  
9 Article – Health – General  
10 Section 4–217  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume)

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

15 **Article – Health – General**

16 4–217.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 (iii) The commemorative birth certificate shall:

11 1. Be in a form consistent with the need to protect the  
12 integrity of vital records but suitable for display; and

13 2. Have the same status as evidence as the original birth  
14 certificate.

15 (iv) A portion of the funds collected under this paragraph shall go to  
16 the Department for the production costs of issuing the commemorative birth certificates.  
17 The remainder of the funds collected shall be paid into the Children's Trust Fund  
18 established under § 13-2207 of this article to provide funding for the Child Abuse Medical  
19 Providers (Maryland CHAMP) Initiative.

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

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

23 (i) On order of a court of competent jurisdiction;

24 (ii) On request of the individual to whom the record relates;

25 (iii) On request of a parent, guardian, surviving spouse, or other  
26 authorized representative of the individual; or

27 (iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the  
28 Family Law Article.

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

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

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

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

10 (c) (1) Except as otherwise provided by law:

11 (i) The Department shall collect a \$12 fee:

12 1. For each certified or abridged copy of a fetal death,  
13 marriage, or divorce verification certificate;

14 2. For a report that a search of the fetal death, marriage, or  
15 divorce verification certificate files was made and the requested record is not on file;

16 3. For each change to a fetal death, marriage, or divorce  
17 verification certificate made later than one year after the certificate has been registered  
18 with the Department; or

19 4. To process an adoption, foreign adoption, or legitimation;

20 (ii) The Department shall collect a \$24 fee:

21 1. **[For] EXCEPT AS PROVIDED IN PARAGRAPH (6)(II) OF**  
22 **THIS SUBSECTION, FOR** each certified or abridged copy of a birth certificate;

23 2. For the first copy of a certified or abridged death certificate  
24 issued in a single transaction;

25 3. For a report that a search of the birth or death certificate  
26 files was made and the requested record is not on file; or

27 4. For each change to a birth or death certificate made later  
28 than 1 year after the certificate has been registered with the Department; and

29 (iii) The Department shall collect a \$12 fee for each additional  
30 certified or abridged copy of a death certificate provided concurrently with an initial  
31 requested death certificate.

1 (2) From the fee the Department collects under paragraph (1) of this  
2 subsection, the Department shall transfer the entire fee to the General Fund.

3 (3) (i) Any local health department may set and collect a fee for  
4 processing and issuing a birth certificate, or for a report that a search of the files was made  
5 and the requested record is not on file, that covers:

6 1. The administrative costs of providing this service; and

7 2. The requirements of subparagraph (iii) of this paragraph.

8 (ii) The fee set by the local health department for processing and  
9 issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not  
10 exceed the actual costs to the local health department for processing and issuing a birth  
11 certificate or a report.

12 (iii) From the fee the local health department collects under  
13 subparagraph (i) of this paragraph, \$20 shall be transferred to the General Fund.

14 (iv) Prior to setting and collecting a fee for processing and issuing a  
15 birth certificate or for a report under subparagraph (i) of this paragraph, the local health  
16 department shall enter into a memorandum of understanding with the Department of  
17 Health and Mental Hygiene that outlines the local health department's fee structure.

18 (4) The Department or a local health department may collect a fee for a  
19 certificate requested by an agency of the State or any of its political subdivisions.

20 (5) The Secretary may waive all or part of a fee if chargeable to an agency  
21 of the United States.

22 (6) (I) The Department may not collect a fee for a copy of a vital record  
23 issued to:

24 [(i)] 1. A current or former member of the armed forces of the  
25 United States; or

26 [(ii)] 2. The surviving spouse or child of the member, if the copy  
27 will be used in connection with a claim for a dependent or beneficiary of the member.

28 (II) 1. **THE DEPARTMENT MAY NOT COLLECT A FEE FOR A**  
29 **CERTIFIED OR AN ABRIDGED COPY OF A BIRTH CERTIFICATE ISSUED TO A**  
30 **HOMELESS INDIVIDUAL.**

31 2. **THE DEPARTMENT SHALL ACCEPT A SIGNED**  
32 **WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL THAT THE INDIVIDUAL IS**  
33 **HOMELESS AS PROOF OF HOMELESSNESS.**

1 (d) (1) Any local health department may set and collect a fee for processing  
2 and issuing a death certificate that covers the administrative costs of providing this service.

3 (2) The fee set by the local health department for processing and issuing a  
4 death certificate under this subsection may not exceed the actual costs to the local health  
5 department for processing and issuing a death certificate.

6 (e) The Secretary shall include with every copy of a death certificate, in a form  
7 prescribed and provided by the Insurance Commissioner, a notice which advises that  
8 certain individuals may be entitled to continuation of group health insurance benefits  
9 under § 15-407 of the Insurance Article.

10 (f) The Secretary shall include with every copy of a death certificate that is  
11 completed by the Chief Medical Examiner a notice that advises a person in interest, as  
12 defined in § 4-101(g) of the General Provisions Article, of the right to appeal a denial by  
13 the Chief Medical Examiner of a request to correct findings and conclusions as to the cause  
14 and manner of death recorded on a death certificate as provided under § 5-310(d) of this  
15 article.

16 (g) A person may use a photocopy of a birth, death, fetal death, or marriage  
17 certificate for any nonfraudulent and nondeceptive purpose.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2016.