

# SENATE BILL 931

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CF HB 280

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By: **Senators Zucker, Guzzone, and Raskin**  
Introduced and read first time: February 5, 2016  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 18, 2016

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## CHAPTER \_\_\_\_\_

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 a certain statement from a certain homeless  
7 services provider; providing that a homeless individual may receive one copy of a  
8 birth certificate without a fee in a certain transaction; requiring the Department to  
9 adopt certain regulations; defining a certain term; and generally relating to  
10 prohibiting the collection of fees for copies of birth certificates issued to homeless  
11 individuals.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 4–217  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume)

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

19 **Article – Health – General**

20 4–217.

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

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

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

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

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

14 (ii) The Department shall set a fee for the commemorative birth  
15 certificate.

16 (iii) The commemorative birth certificate shall:

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

19 2. Have the same status as evidence as the original birth  
20 certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27                                   (6)     **(I)**    The Department may not collect a fee for a copy of a vital record  
28 issued to:

29                                   **[(i)]**   **1.**     A current or former member of the armed forces of the  
30 United States; or

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

1 (ii) 1. IN THIS SUBPARAGRAPH, “HOMELESS INDIVIDUAL”  
2 HAS THE MEANING STATED IN THE FEDERAL MCKINNEY-VENTO HOMELESS  
3 ASSISTANCE ACT (42 U.S.C. § 11302(A)).

4 2. ~~THE~~ SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS  
5 SUBPARAGRAPH, THE DEPARTMENT MAY NOT COLLECT A FEE FOR A CERTIFIED OR  
6 AN ABRIDGED COPY OF A BIRTH CERTIFICATE ISSUED TO A HOMELESS INDIVIDUAL.

7 ~~2.~~ 3. THE DEPARTMENT SHALL ACCEPT AS PROOF  
8 OF HOMELESSNESS A SIGNED WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL  
9 THAT THE INDIVIDUAL IS HOMELESS AS PROOF OF HOMELESSNESS HOMELESS  
10 SERVICES PROVIDER LOCATED IN THE STATE THAT:

11 A. AFFIRMS THAT THE INDIVIDUAL IS HOMELESS; AND

12 B. INCLUDES THE ADDRESS TO WHICH THE COPY OF THE  
13 BIRTH CERTIFICATE REQUESTED UNDER THIS SECTION MAY BE SENT.

14 4. A HOMELESS INDIVIDUAL MAY RECEIVE ONE COPY OF  
15 A BIRTH CERTIFICATE WITHOUT A FEE IN A SINGLE TRANSACTION.

16 5. THE DEPARTMENT SHALL ADOPT REGULATIONS TO  
17 IMPLEMENT THIS SUBPARAGRAPH.

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.