

Article - Health - General

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§4-217.

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

(2) Except as provided in subsection (b) of this section and subject to subsection (h) of this section, a local health department or the Motor Vehicle Administration may:

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

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

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

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

(iii) The commemorative birth certificate shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. For each change to a fetal death, marriage, or divorce verification certificate made later than 1 year after the certificate has been registered with the Department; or

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

(ii) The Department shall collect a \$10 fee:

1. Except as provided in paragraph (6)(ii) of this subsection, for each certified or abridged copy of a birth certificate;

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

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

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

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

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

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

1. The administrative costs of providing this service; and

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

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

health department or the Motor Vehicle Administration for processing and issuing a birth certificate or death certificate or a report.

(iii) From the fee the local health department or the Motor Vehicle Administration collects under subparagraph (i) of this paragraph, \$10 shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or death certificate or for a report under subparagraph (i) of this paragraph, the local health department or the Motor Vehicle Administration shall enter into a memorandum of understanding with the Maryland Department of Health that outlines the local health department's or the Motor Vehicle Administration's fee structure.

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

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

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

1. A current or former member of the armed forces of the United States; or

2. The surviving spouse or child of the member, if the copy will be used in connection with a claim for a dependent or beneficiary of the member.

(ii) 1. In this subparagraph, "homeless individual" has the meaning stated in the federal McKinney–Vento Homeless Education Assistance Improvements Act of 2001.

2. Subject to subparagraph 4 of this subparagraph, the Department may not collect a fee for a certified or an abridged copy of a birth certificate issued to a homeless individual.

3. The Department shall accept as proof of homelessness a signed written statement from a homeless services provider located in the State that:

A. Affirms that the individual is homeless; and

B. Includes the address to which the copy of the birth certificate requested under this section may be sent.

4. A homeless individual may receive one copy of a birth certificate without a fee in a single transaction.

5. The Department shall adopt regulations to implement this subparagraph.

(iii) The Department may not collect a fee for a certified or abridged copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed in the line of duty, if the copy is issued to a surviving spouse or child of the first responder and will be used in connection with a claim for a dependent or beneficiary of the first responder.

(d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, any local health department or the Motor Vehicle Administration may set and collect a fee for processing and issuing a death certificate that covers the administrative costs of providing this service.

(ii) A local health department or the Motor Vehicle Administration may not collect a fee for processing and issuing a certified or abridged copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed in the line of duty, if the copy is issued to a surviving spouse or child of the first responder and will be used in connection with a claim for a dependent or beneficiary of the first responder.

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

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

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

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

(h) (1) The Department shall develop and implement security protocols and other protections to:

(i) Ensure a person without authorization is prohibited from accessing any vital records; and

(ii) Minimize the disclosure of and the access to medically sensitive information from the vital records database by employees not employed by the Department.

(2) The security protocols and other protections developed under paragraph (1) of this subsection shall include an auditable record of the following information:

(i) The date and time a certified or abridged copy of a birth certificate was printed; and

(ii) The identification of the employee who printed the certified or abridged copy of the birth certificate.

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