

## Chapter 453

**(House Bill 280)**

AN ACT concerning

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

FOR the purpose of prohibiting the Department of Health and Mental Hygiene from collecting a fee for a certain copy of a birth certificate issued to a homeless individual; requiring the Department to accept ~~a signed written statement from a homeless individual~~ as proof of homelessness a certain statement from a certain homeless services provider; providing that a homeless individual may receive one copy of a birth certificate without a fee in a certain transaction; requiring the Department to adopt certain regulations; defining a certain term; and generally relating to prohibiting the collection of fees for copies of birth certificates issued to homeless individuals.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–217

Annotated Code of Maryland

(2015 Replacement Volume)

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

**Article – Health – General**

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, a local health department may:

(i) Access electronically from the Department a certified or abridged copy of a birth 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 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 one 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 \$24 fee:

1. **[For] 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 may set and collect a fee for processing and issuing a birth 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 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 for processing and issuing a birth certificate or a report.

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

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

(4) The Department or a local health department 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:

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

[(ii)] 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 ASSISTANCE ACT (42 U.S.C. § 11302(A)).

2. THE SUBJECT TO SUBSUBPARAGRAPH 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.~~ 3. THE DEPARTMENT SHALL ACCEPT AS PROOF OF HOMELESSNESS A SIGNED WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL THAT THE INDIVIDUAL IS HOMELESS AS PROOF OF HOMELESSNESS 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.**

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

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

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

**Approved by the Governor, May 10, 2016.**