

SENATE BILL 861

J1, I3, I2

5lr2988
CF HB 661

By: **Senator Klausmeier**

Introduced and read first time: February 25, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Birth Registrations – Notice of**
3 **Placement of Security Freezes**

4 FOR the purpose of requiring the administrative head of a certain institution or a designee
5 of the administrative head or the Secretary of Health and Mental Hygiene to provide
6 a certain notice to the mother, father, or legal guardian of a child relating to security
7 freezes under certain circumstances; requiring the Secretary of Health and Mental
8 Hygiene to provide a certain notice relating to security freezes on a certain form
9 provided by the Secretary; requiring the Consumer Protection Division of the Office
10 of the Attorney General to prepare a notice that explains how to request a consumer
11 reporting agency to place a security freeze on a file relating to an individual under a
12 certain age and the benefits of having a freeze on a certain credit file; and generally
13 relating to security freeze information provided to the mother, father, or legal
14 guardian of a child at the time of registration of the birth of the child.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 4–208
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2014 Supplement)

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

22 **Article – Health – General**

23 4–208.

24 (a) (1) Within 5 calendar days after a birth occurs in an institution, or en route
25 to the institution, the administrative head of the institution or a designee of the
26 administrative head shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Prepare, on the form that the Secretary provides, a certificate of
2 birth;

3 (ii) Secure each signature that is required on the certificate; and

4 (iii) File the certificate.

5 (2) The attending physician, physician assistant, nurse practitioner, or
6 nurse midwife shall provide the date of birth and medical information that are required on
7 the certificate within 5 calendar days after the birth.

8 (3) The results of the universal hearing screening of newborns shall be
9 incorporated into the supplemental information required by the Department to be
10 submitted as a part of the birth event.

11 (4) Upon the birth of a child to an unmarried woman in an institution, the
12 administrative head of the institution or the designee of the administrative head shall:

13 (i) Provide an opportunity for the child's mother and the father to
14 complete a standardized affidavit of parentage recognizing parentage of the child on the
15 standardized form provided by the Department of Human Resources under §
16 5-1028 of the Family Law Article;

17 (ii) Furnish to the mother written information prepared by the Child
18 Support Enforcement Administration concerning the benefits of having the paternity of her
19 child established, including the availability of child support enforcement services; and

20 (iii) Forward the completed affidavit to the Department of Health
21 and Mental Hygiene, Division of Vital Records. The Department of Health and Mental
22 Hygiene, Division of Vital Records shall make the affidavits available to the parents,
23 guardian of the child, or a child support enforcement agency upon request.

24 (5) An institution, the administrative head of the institution, the designee
25 of the administrative head of an institution, and an employee of an institution may not be
26 held liable in any cause of action arising out of the establishment of paternity.

27 (6) If the child's mother was not married at the time of either conception or
28 birth or between conception and birth, the name of the father may not be entered on the
29 certificate without an affidavit of paternity as authorized by § 5-1028 of the Family Law
30 Article signed by the mother and the person to be named on the certificate as the father.

31 (7) In any case in which paternity of a child is determined by a court of
32 competent jurisdiction, the name of the father and surname of the child shall be entered on
33 the certificate of birth in accordance with the finding and order of the court.

1 (8) If the father is not named on the certificate of birth, no other
2 information about the father shall be entered on the certificate.

3 (b) Within 5 calendar days after a birth occurs outside an institution, the birth
4 shall be verified by the Secretary and a certificate of birth shall be prepared, on the form
5 that the Secretary provides, and filed by one of the following, in the indicated order of
6 priority:

7 (1) The attending individual.

8 (2) In the absence of an attending individual, the father or mother.

9 (3) In the absence of the father and the inability of the mother, the
10 individual in charge of the premises where the birth occurred.

11 (c) When a birth occurs on a common carrier within the United States and the
12 child is first removed from the carrier in this State, the birth shall be registered in this
13 State, and the place where the child is first removed shall be considered the place of birth.

14 (d) When a birth occurs on a common carrier while in international waters, air
15 space, or in a foreign country and the child is first removed from the carrier in this State,
16 the birth shall be registered in this State but the certificate shall show the actual place of
17 birth insofar as can be determined.

18 (e) The certificate shall be filed within 5 calendar days after the child is removed
19 from the carrier.

20 (f) (1) Each parent shall provide his or her own Social Security number on the
21 form provided by the Secretary under this section.

22 (2) (i) If the father is not available to provide his Social Security
23 number on the form provided under paragraph (1) of this subsection, the father shall
24 provide his Social Security number on a form provided by the Secretary for this purpose.

25 (ii) The form provided under this paragraph shall:

26 1. State that the form is for the purpose of providing the
27 Social Security numbers of parents, to be included on the portion of the form that remains
28 in the official birth record;

29 2. Contain a specific reference to this subtitle; and

30 3. State that the father's Social Security number shall be
31 provided under penalty of perjury.

1 (3) The Social Security number as provided by each parent shall be
2 recorded on the portion of the form provided by the Secretary which remains in the official
3 birth record.

4 (4) The Social Security numbers of the parents may not appear on the
5 portion of the birth certificate issued as proof of birth.

6 (5) (i) The Secretary shall permit disclosure of the Social Security
7 numbers of the parents only to the Child Support Enforcement Administration of the
8 Department of Human Resources.

9 (ii) The Child Support Enforcement Administration may use the
10 Social Security numbers of the parents to:

11 1. Locate a parent;

12 2. Establish paternity; and

13 3. Establish and enforce a child support order under Title 10,
14 Subtitle 1 of the Family Law Article.

15 (g) If, under subsection (f)(1) of this section, the father's Social Security number
16 is not entered on the form provided by the Secretary:

17 (1) Upon adjudication of paternity, the court shall order the father to
18 provide his Social Security number to the clerk of court; and

19 (2) The clerk of court shall send the father's Social Security number to the
20 Secretary, as provided under § 4-211(f) of this subtitle.

21 **(H) (1) WHEN A BIRTH OCCURS:**

22 **(I) IN AN INSTITUTION, OR EN ROUTE TO AN INSTITUTION, THE**
23 **ADMINISTRATIVE HEAD OF THE INSTITUTION OR A DESIGNEE OF THE**
24 **ADMINISTRATIVE HEAD SHALL PROVIDE THE NOTICE SPECIFIED IN PARAGRAPH (2)**
25 **OF THIS SUBSECTION TO THE MOTHER, FATHER, OR LEGAL GUARDIAN OF THE**
26 **CHILD; OR**

27 **(II) ON A COMMON CARRIER WITHIN THE UNITED STATES OR**
28 **WHILE IN INTERNATIONAL WATERS, AIR SPACE, OR IN A FOREIGN COUNTRY, ON**
29 **RECEIPT OF A CERTIFICATE OF A BIRTH THAT OCCURRED ON A COMMON CARRIER**
30 **OR IN A FOREIGN COUNTRY, THE SECRETARY SHALL PROVIDE THE NOTICE**
31 **SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION TO THE MOTHER, FATHER, OR**
32 **LEGAL GUARDIAN OF THE CHILD ON THE FORM PROVIDED BY THE SECRETARY**
33 **UNDER SUBSECTION (F) OF THIS SECTION.**

1 **(2) THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE**
2 **ATTORNEY GENERAL SHALL PREPARE A NOTICE THAT EXPLAINS:**

3 **(I) HOW TO REQUEST A CONSUMER REPORTING AGENCY TO**
4 **PLACE A SECURITY FREEZE ON A FILE RELATING TO AN INDIVIDUAL WHO IS UNDER**
5 **THE AGE OF 16 YEARS AT THE TIME A REQUEST FOR THE PLACEMENT OF A SECURITY**
6 **FREEZE IS MADE AS PROVIDED UNDER § 14-1212.2 OF THE COMMERCIAL LAW**
7 **ARTICLE; AND**

8 **(II) THE BENEFITS OF HAVING A SECURITY FREEZE ON A**
9 **CREDIT FILE RELATING TO AN INDIVIDUAL WHO IS UNDER THE AGE OF 16 YEARS AT**
10 **THE TIME A REQUEST FOR THE PLACEMENT OF A SECURITY FREEZE IS MADE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2015.