

§4–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Attending clinician” means the physician, nurse midwife, or direct–entry midwife in charge of a birth outside an institution.
- (c) “Attending physician” means the physician in charge of the patient’s care for the illness or condition which resulted in death.
- (d) “County registrar” means the registrar of vital records for a county.
- (e) (1) “Dead body” means:
  - (i) A dead human body; or
  - (ii) Parts or bones of a human body if, from their condition, an individual reasonably may conclude that death has occurred.
- (2) “Dead body” does not include an amputated part.
- (f) “Direct–entry midwife” means an individual licensed to practice direct–entry midwifery under Title 8, Subtitle 6C of the Health Occupations Article.
- (g) “Father” has the meaning stated in § 5–1001 of the Family Law Article.
- (h) “Fetal death” means death of a product of human conception, before its complete expulsion or extraction from the mother, regardless of the duration of the pregnancy, as indicated by the fact that, after the expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as heart beat, pulsation of the umbilical cord, or definite movement of voluntary muscle.
  - (i) “File” means to present for registration any certificate, report, or other record including records transmitted by approved electronic media, including facsimile, of birth, death, fetal death, adoption, marriage, or divorce for which this subtitle provides and to have the Secretary accept the record.
  - (j) “Filing date” means the date a vital record is accepted for registration by the Secretary.

(k) “Final disposition” means the burial, cremation, or other final disposition of a body or fetus.

(l) “Institution” means any public or private establishment:

(1) To which individuals are committed by law; or

(2) That provides to 2 or more unrelated individuals:

(i) Any inpatient or outpatient medical, surgical, or diagnostic care or treatment; or

(ii) Any nursing, custodial, or domiciliary care.

(m) “Licensed health care practitioner” means:

(1) An individual who is:

(i) A physician licensed under Title 14 of the Health Occupations Article;

(ii) A psychologist licensed under Title 18 of the Health Occupations Article;

(iii) A registered nurse licensed and certified to practice as a nurse practitioner, nurse psychotherapist, or clinical nurse specialist under Title 8 of the Health Occupations Article; or

(iv) A licensed certified social worker–clinical licensed under Title 19 of the Health Occupations Article; or

(2) An individual who:

(i) Is licensed to practice a profession listed in item (1) of this subsection in another state; and

(ii) Meets the requirements under the Health Occupations Article to qualify for a license to practice the profession in this State.

(n) “Live birth” means the complete expulsion or extraction of a product of human conception from the mother, regardless of the period of gestation, if, after the expulsion or extraction, it breathes or shows any other evidence of life, such as heart beat, pulsation of the umbilical cord, or definite movement of voluntary muscle, whether or not the umbilical cord is cut or the placenta is attached.

(o) “Mother” has the meaning stated in § 5–1001 of the Family Law Article.

(p) “Mortician” means a funeral director, mortician, or other person who is authorized to make final disposition of a body.

(q) “Nurse midwife” means an individual certified to practice as a nurse midwife under Title 8 of the Health Occupations Article.

(r) “Physician” means a person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.

(s) “Physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

(t) “Registration” means acceptance by the Secretary and incorporation in the records of the Department of any certificate, report, or other record of birth, death, fetal death, adoption, marriage, divorce, or dissolution or annulment of marriage for which this subtitle provides.

(u) “Vital record” means a certificate or report of birth, death, fetal death, marriage, divorce, dissolution or annulment of marriage, adoption, or adjudication of paternity that is required by law to be filed with the Secretary.

(v) “Vital statistics” means the data derived from certificates and reports of birth, death, fetal death, marriage, divorce, dissolution or annulment of marriage, and reports related to any of these certificates and reports.

#### §4–202.

(a) The Secretary shall appoint a State registrar of vital records, who shall be in the skilled service of the State Personnel Management System.

(b) The health officer for a county is the registrar of vital records for the county.

#### §4–203.

(a) The Secretary is charged with administering efficiently and uniformly this subtitle throughout this State.

(b) (1) The Secretary shall:

(i) Establish appropriate methods and the necessary forms for accurate registration of vital records;

(ii) On or before January 1, 2015, establish a process by which death certificates can be filed electronically; and

(iii) Educate physicians, physician assistants, and nurse practitioners regarding the process by which death certificates can be filed electronically.

(2) The forms shall provide for the information that the Secretary needs for proper registration and use of these vital records.

§4–204.

(a) The Secretary shall collect, index, and safeguard from fire, loss, or damage each certificate of birth, death, and fetal death.

(b) After registration of a completed birth, death, or fetal death certificate, the Secretary shall provide a copy of the original certificate to the county registrar for the county where the event occurred and the county registrar where the subject of the certificate resides or resided if the county of residence is different from the county where the event occurred.

(c) A copy of a certificate provided to a county registrar under this section may be used by the county health department to carry out public health functions.

(d) A copy of a certificate provided under this section may be photographic or electronic or produced by other means as prescribed by the Secretary.

§4–205.

(a) A county registrar shall preserve for 3 years each copy of a death or fetal death record that the Secretary sends to the county registrar.

(b) The county death and fetal death records shall be open to inspection by the Secretary, a designee of the Secretary, or an official of a municipal corporation or county, if the inspection is made for a proper purpose and in a manner that does not subject the contents of these records to risk of damage or alteration.

(c) If any omission or discrepancy in the personal or medical facts in a county death or fetal death record is called to the attention of a county registrar, the county registrar promptly shall:

- (1) Investigate to determine the facts of record; and
- (2) Send a certified statement of the facts to the Secretary.

(d) A county registrar shall investigate and inform the Secretary in full of any violation or suspected violation of this subtitle.

(e) (1) If the Secretary corrects a death or fetal death record, the Secretary shall send a notice of the correction to the county registrar for the county where the event occurred. The county registrar shall enter the correction on the county registrar's record by photographic, electronic, or other means prescribed by the Secretary.

(2) If a discrepancy exists between the record of the Secretary and the record of a county registrar, the record of the Secretary shall be considered correct.

#### §4-206.

(a) The Secretary shall collect, index, and safeguard the marriage, divorce, and annulment records that clerks of court file as provided by law.

(b) (1) The Secretary may change a marriage, divorce, or annulment record in the file of the Department only if a clerk of court sends, as provided by law, a certified report of the change.

(2) If a discrepancy exists between the record of a clerk of court and the record of the Secretary as to a marriage, divorce, or annulment, the record of the clerk of court shall be considered correct.

(c) (1) A clerk of court may provide a certified copy of a record of any marriage, divorce, or annulment in accordance with usual custom and as provided by law.

(2) The Secretary may not provide a certified copy of any record of divorce or annulment.

#### §4-207.

(a) (1) Each certificate of birth, death, or fetal death shall be typed or printed legibly in unfading black ink, or stored on electronic media approved by the Secretary.

(2) The person who is required to complete the record shall attest to its accuracy either by signature or by approved electronic process.

(b) A certificate is not complete or correct if it does not give each item of required information to the extent the information is obtainable.

§4–208.

(a) In this section, “gestational carrier” means a woman other than an intended parent or gamete donor who agrees to become pregnant for an intended parent with the intention of gestating and delivering the child of the intended parent.

(b) (1) Within 5 calendar days after a birth occurs in an institution, or en route to the institution, or outside an institution with an attending clinician, the administrative head of the institution or a designee of the administrative head, or the attending clinician or a designee of the attending clinician, shall:

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

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

(iii) File the certificate; and

(iv) If applicable, attach a copy of the order of the court establishing parentage.

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

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

(4) When an individual who is not married gives birth to a child in an institution or outside an institution with an attending clinician, the administrative head of the institution or the designee of the administrative head, or the attending clinician or the designee of the attending clinician, shall:

(i) Provide an opportunity for the child’s parents to complete a standardized affidavit of parentage recognizing parentage of the child on the standardized form provided by the Department of Human Services under § 5–1028 of the Family Law Article;

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

(iii) Forward the completed affidavit to the Maryland Department of Health, Division of Vital Records. The Maryland Department of Health, Division of Vital Records shall make the affidavits available to the parents, guardian of the child, or a child support enforcement agency upon request.

(5) An institution, the administrative head of the institution, the designee of the administrative head of an institution, an employee of an institution, the attending clinician, and the designee of the attending clinician may not be held liable in any cause of action arising out of the establishment of parentage.

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

(7) If the child's mother was married at the time of either the conception or birth or between conception and birth, the name of the mother's spouse shall be entered on the certificate as the child's other parent.

(8) (i) In any case that does not involve a gestational carrier in which parentage of a child is determined by a court of competent jurisdiction, the name of the parent who did not give birth to the child and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(ii) In any case that involves a gestational carrier in which parentage is determined by a court of competent jurisdiction:

1. The following shall be recorded on the forms provided by the Secretary:

A. An indication that the delivery of birth was by a gestational carrier;

B. The identity of the gestational carrier;

C. All relevant medical information regarding the gestational carrier and the delivery; and

D. Information regarding the intended parents;

2. An order of the court establishing parentage shall be attached to the forms provided by the Secretary; and

3. On receipt of the forms provided by the Secretary and the order of the court establishing parentage, the Division of Vital Records shall immediately:

A. Seal the forms provided by the court; and

B. Register the certificate of birth in accordance with the order of the court.

(9) If the parent who did not give birth to the child is not named on the certificate of birth, no other information about that parent shall be entered on the certificate.

(c) (1) Within 5 calendar days after a birth occurs outside an institution without an attending clinician, the birth shall be verified by the Secretary and a certificate of birth shall be prepared, on the form that the Secretary provides, and filed by one of the following, in the indicated order of priority:

(i) The attending individual.

(ii) In the absence of an attending individual, either parent of the child.

(iii) In the absence or inability of either parent, the individual in charge of the premises where the birth occurred.

(2) In any case that involves a gestational carrier in which parentage is determined by a court of competent jurisdiction:

(i) The person specified in regulations adopted by the Department shall record the following on the forms provided by the Secretary:

1. An indication that the delivery of birth was by a gestational carrier;

2. The identity of the gestational carrier;



3. All relevant medical information regarding the gestational carrier and the delivery; and

4. Information regarding the intended parents;

(ii) The person specified in regulations adopted by the Department shall attach an order of the court establishing parentage to the forms provided by the Secretary; and

(iii) On receipt of the forms provided by the Secretary and order of the court establishing parentage, the Division of Vital Records shall immediately:

1. Seal the forms provided by the Secretary; and

2. Register the certificate of birth in accordance with the order of the court.

(d) (1) When a birth occurs on a common carrier within the United States and the child is first removed from the carrier in this State, the birth shall be registered in this State, and the place where the child is first removed shall be considered the place of birth.

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

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

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

(2) (i) If the parent who did not give birth to the child is not available to provide the parent's Social Security number on the form provided under paragraph (1) of this subsection, the parent shall provide the parent's Social Security number on a form provided by the Secretary for this purpose.

(ii) The form provided under this paragraph shall:

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

2. Contain a specific reference to this subtitle; and

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

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

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

(5) (i) The Secretary shall permit disclosure of the Social Security numbers of the parents only to the Child Support Administration of the Department of Human Services.

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

1. Locate a parent;

2. Establish parentage; and

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

(f) If, under subsection (e)(1) of this section, the Social Security number of the parent who did not give birth to the child is not entered on the form provided by the Secretary:

(1) Upon adjudication of parentage, the court shall order the parent to provide the parent's Social Security number to the clerk of court; and

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

§4-209.

(a) (1) Within 72 hours after a person takes custody of a child of unknown parentage, the person shall prepare and file a report, on the form that the Secretary provides.

(2) The report shall state:

- (i) The date and place of finding of the child;
  - (ii) The sex, color or race, and approximate date of birth of the child, as determined by a physician;
  - (iii) The name and address of the person with whom the child is placed for care;
  - (iv) The name that the custodian gives the child; and
  - (v) Any other information that the Secretary requires.
- (b) The person shall enter the place where the child was found as the place of birth.
- (c) A report under this section is the certificate of birth for the child.
- (d) If the child is identified and a certificate of birth is found or obtained, the report under this section:
- (1) Shall be sealed; and
  - (2) May be reopened only:
    - (i) On order of a court of competent jurisdiction;
    - (ii) On written order of a designee of the Secretary; or
    - (iii) As the rules and regulations of the Secretary provide.

§4-210.

(a) The Secretary may adopt rules and regulations to govern the filing of a record of birth if a certificate of birth is not filed within the time required by § 4-208 or § 4-209 of this subtitle.

(b) (1) If the Secretary rejects a delayed certificate of birth under this section, a person may petition a court of competent jurisdiction to order the establishment of a record of birth.

(2) If the court finds, from the evidence, that the individual for whom a delayed certificate of birth is sought was born in this State, the court shall make findings as to parentage and place and date of birth and any other findings that the

case requires and shall order the Secretary to establish a record of birth. The order shall include the findings to be entered in the record of birth and the date of the court action.

(3) On or before the tenth day of each month, each clerk of court shall send to the Secretary each court order for a delayed certificate of birth that was entered during the preceding month.

§4-211.

(a) Except as provided in subsection (d) of this section, the Secretary shall make a new certificate of birth for an individual if the Department receives satisfactory proof that:

(1) The individual was born in this State; and

(2) Regardless of the location, one of the following has occurred:

(i) The previously unwed parents of the individual have married each other after the birth of the individual;

(ii) A court of competent jurisdiction has entered an order as to the parentage, legitimation, or adoption of the individual; or

(iii) If a parent who did not give birth to the individual is not named on an earlier certificate of birth:

1. The parent who did not give birth to the individual has acknowledged himself or herself by affidavit to be a parent of the individual; and

2. The mother of the individual has consented by affidavit to the acknowledgment.

(b) Except as provided in subsection (d) of this section, the Secretary shall make a new certificate of birth for an individual if the Department receives satisfactory proof that:

(1) The individual was born in this State; and

(2) Regardless of the location, one of the following has occurred:

(i) 1. A licensed health care practitioner who has treated or evaluated the individual has determined that the individual's sex designation

should be changed because the individual has undergone treatment appropriate for the purpose of sex transition or has been diagnosed with an intersex condition;

2. The individual, or if the individual is a minor or disabled person under guardianship, the individual's parent, guardian, or legal representative, has made a written request for a new certificate of birth with a sex designation that differs from the sex designated on the original certificate of birth; and

3. The licensed health care practitioner has signed a statement, under penalty of perjury, that:

A. The individual has undergone surgical, hormonal, or other treatment appropriate for the individual, based on generally accepted medical standards; or

B. The individual has an intersex condition and, in the professional opinion of the licensed health care practitioner, based on generally accepted medical standards, the individual's sex designation should be changed accordingly;

(ii) A court of competent jurisdiction has issued an order indicating that the sex of an individual born in this State has been changed; or

(iii) Before October 1, 2015, the Secretary, as provided under regulations adopted by the Department, amended an original certificate of birth on receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of the individual had been changed.

(c) Except as provided in subsection (d) of this section, the Secretary may make a new certificate of birth for an individual who was born outside the United States if one of the following occurred in this State:

(1) The previously unwed parents of the individual have married each other after the birth of the individual;

(2) A court of competent jurisdiction in this State has entered an order as to parentage or legitimation; or

(3) The parent who did not give birth to the individual acknowledged himself or herself by affidavit to be a parent of the individual and the mother of the individual has consented by affidavit to the acknowledgment.

(d) The Secretary may not make a new certificate of birth in connection with an order of a court of competent jurisdiction relating to the adoption of an individual, if one of the following so directs the Secretary:

- (1) The court that decrees the adoption;
- (2) The adoptive parents; or
- (3) The adopted individual, if an adult.

(e) A new certificate of birth shall be prepared on the following basis:

(1) The individual shall be treated as having at birth the status that later is acquired or established and of which proof is submitted.

(2) (i) If the parents of the individual were not married and parentage is established by legal proceedings, the name of the parent who did not give birth to the individual shall be inserted.

(ii) The legal proceeding should request and report to the Secretary that the surname of the subject of the record be changed from that shown on the original certificate, if a change is desired.

(3) If the individual is adopted, the name of the individual shall be that set by the decree of adoption, and the adoptive parents shall be recorded as the parents of the individual.

(4) The new certificate of birth shall contain wording that requires each parent shown on the new certificate to indicate his or her own Social Security number.

(f) (1) When a new certificate of birth is made under subsection (b) of this section:

(i) The sex designation of the individual on the new certificate of birth shall be the sex designation for which satisfactory proof has been submitted in accordance with subsection (b) of this section; and

(ii) If the name of the individual has been changed at any time, the name of the individual on the new certificate of birth shall be the name that was last established and for which appropriate documentation has been submitted to the Department.

may not: (2) A new certificate of birth made under subsection (b) of this section

(i) Be marked “amended”; or

(ii) Show on its face that a change has been made to:

1. A sex designation; or

2. If applicable, a change of name.

(g) (1) If a new certificate of birth is made, the Secretary shall:

(i) Substitute the new certificate of birth for any certificate then on file; and

(ii) Place the original certificate of birth and all records that relate to the new certificate of birth under seal.

(2) The seal may be broken only:

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

(ii) If it does not violate the confidentiality of the record, on written order of a designee of the Secretary; or

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

(3) A certified copy of the certificate of birth that later is issued shall be a copy of the new certificate of birth, unless:

(i) A court of competent jurisdiction orders the issuance of a copy of the original certificate of birth; or

(ii) Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article provides for the issuance of a copy of the original certificate of birth.

(h) Each clerk of court shall send to the Secretary, on the form that the Secretary provides, a report of:

(1) Each decree of adoption;

(2) Each adjudication of parentage, including the parent's Social Security number; and

(3) Each revocation or amendment of any decree of adoption or adjudication of paternity that the court enters.

(i) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files, and the adoption certificate and any accompanying documents are not subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

(j) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or paternity proceedings:

(1) A delayed certificate of birth shall be filed with the Secretary as provided in § 4-210 of this subtitle before a new certificate of birth is established; and

(2) The new birth certificate shall be prepared on the delayed birth certificate form.

(k) (1) The Secretary shall, on request, prepare and register a certificate in this State for an individual born in a foreign country and who was adopted:

(i) Through a court of competent jurisdiction in this State; or

(ii) 1. Under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 or IH-3 visa by the United States Immigration and Naturalization Service under the Immigration and Nationality Act; and

2. By an adopting parent who is a resident of this State.

(2) Except as provided in paragraph (3) of this subsection, the certificate shall be established on receipt of:

(i) A certificate of adoption from the court decreeing the adoption;

(ii) Proof of the date and place of the child's birth; and

(iii) A request from the court, the adopting parents, or the adopted person if 18 years of age or over that the certificate be prepared.



(3) If the child was adopted under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 or IH-3 visa by the United States Immigration and Naturalization Service under the Immigration and Nationality Act, the certificate shall be established on receipt of:

- (i) An official copy of the decree from the jurisdiction or country in which the child was adopted;
- (ii) A certified translation of the foreign adoption decree;
- (iii) Proof of the date and place of the child's birth;
- (iv) Proof of IR-3 or IH-3 visa status;
- (v) A request from the court, the adopting parents, or the adopted person if 18 years of age or over that the certificate be prepared; and
- (vi) Proof that the adopting parent is a resident of this State.

(4) The certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth.

(5) A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the child for whom it is issued.

§4-212.

(a) This section does not apply to a fetal death.

(b) (1) A certificate of death regardless of age of decedent shall be filled out and signed by:

(i) The medical examiner, if the medical examiner takes charge of the body; or

(ii) If the medical examiner does not take charge of the body, the physician, physician assistant, or nurse practitioner who last attended the deceased.

(2) The medical examiner, physician, physician assistant, or nurse practitioner shall fill in only the following information on the certificate of death:

(i) The name of the deceased;

- (ii) The cause of death and medical certification;
- (iii) The date and hour of death; and
- (iv) The place where death occurred.

(3) Any other information that is required on the certificate of death regardless of age of decedent shall be filled in:

- (i) By the person who has charge of the body; or
- (ii) If the State Anatomy Board has charge of the body, by the person who last had charge of the body before it was sent to the State Anatomy Board.

(4) The medical certification shall be completed within 24 hours after receipt of the death certificate by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.

(5) In the absence or inability of the attending physician, physician assistant, or nurse practitioner or with the attending physician's, physician assistant's, or nurse practitioner's approval, the certificate may be completed by:

- (i) The attending physician's associate;
- (ii) The chief medical officer or designee of the institution in which death occurred;
- (iii) The physician who performed an autopsy upon the decedent, provided the individual has access to the medical history of the case and death is due to natural causes; or

(iv) A physician designated by the State Anatomy Board, only if within 72 hours after the State Anatomy Board takes charge of the body, the State Anatomy Board has failed after a good faith effort to make contact with any of the individuals described in items (i), (ii), or (iii) of this paragraph or paragraph (4) of this subsection.

(6) The person completing the cause of death and medical certification shall attest to the accuracy by signature or by an approved electronic process.

(7) The funeral director or person acting as the funeral director shall in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the Secretary by an approved electronic process.

(c) Each individual concerned with carrying out this subtitle promptly shall notify the medical examiner if:

(1) The deceased was not under treatment by a physician, physician assistant, or nurse practitioner during the terminal illness;

(2) The cause of death is unknown; or

(3) The individual considers any of the following conditions to be the cause of death or to have contributed to the death:

(i) An accident, including a fall with a fracture or other injury;

(ii) Homicide;

(iii) Suicide;

(iv) Other external manner of death;

(v) Alcoholism; or

(vi) Criminal or suspected criminal abortion.

(d) (1) (i) If, within 24 hours after taking charge of a body, the medical examiner has not determined the cause of death, the medical examiner shall enter “investigation pending” in the cause of death section of the death certificate.

(ii) As soon as the medical examiner determines the cause of death, the medical examiner shall send to the Secretary a report of the cause of death, for entry on the certificate.

(2) (i) A physician who completes a death certificate under subsection (b)(5)(iv) of this section shall enter “unspecified natural causes” in the cause of death section of the death certificate.

(ii) The State Anatomy Board shall send to the Secretary a report of the cause of death for entry on a death certificate completed under subsection (b)(5)(iv) of this section if the State Anatomy Board receives information

about the cause of death from an individual described in subsection (b)(4) or (5)(i), (ii), or (iii) of this section.

(e) (1) A physician, physician assistant, or nurse practitioner who fills out a certificate of death shall give it or transmit it by approved electronic media, including facsimile, to the mortician within 24 hours after the death occurred.

(2) A medical examiner who fills out a certificate of death shall give it or transmit it by approved electronic media, including facsimile, to the mortician within 24 hours after the medical examiner took charge of the body.

(f) (1) If a death occurs on a common carrier in the United States and the body is removed from the carrier in this State, the death shall be registered in this State, and the place where it is first removed shall be considered the place of death. When a death occurs on a common carrier while in international waters or air space or in a foreign country or its air space and the body is first removed from the carrier in this State, the death shall be registered in this State, but the certificate shall show the actual place of death insofar as can be determined.

(2) The individual in charge or the owner of the common carrier or a designee shall file a certificate of death within 24 hours after the body is removed from the carrier.

(3) If the death occurred under any of the conditions or circumstances set forth in subsection (c) of this section, the medical examiner shall be notified.

(g) A mortician who obtains a certificate of death under this section shall file the certificate within 72 hours after the death.

(h) (1) Except as authorized under this subtitle, an individual who has a duty to fill out and sign a certificate of death may not execute more than one certificate for a death.

(2) The attending physician, the physician assistant, the nurse practitioner, or a medical examiner who takes charge of a body may file a replacement death certificate if a correction that the physician, the physician assistant, the nurse practitioner, or medical examiner authorizes cannot be entered legibly on the original certificate.

§4-213.

(a) If a fetal death occurs after a gestation period of 20 weeks or more, then within 72 hours after delivery, a certificate of fetal death shall be filed by:

- (1) The mortician who first takes custody of a fetus;
- (2) The person in charge of the institution or the person's designated representative when a fetus is delivered in an institution;
- (3) The physician in attendance at or immediately after delivery when a fetus is delivered outside an institution; or
- (4) The medical examiner when a fetal death occurs without medical attendance at or immediately after the delivery when a medical examiner's inquiry is required.

(b) The person who files the fetal death certificate shall obtain:

(1) The personal information from the next of kin or the best qualified individual or source available; and

(2) The medical certification of cause of death:

(i) From the medical examiner, within 24 hours after the medical examiner takes charge of the fetus; or

(ii) If the medical examiner does not take charge of the fetus, from the attending physician within 24 hours after delivery.

(c) When a fetal death occurs on a common carrier and the fetus is first removed from the carrier in this State or when a fetus is found in this State and the place of fetal death is unknown, the fetal death shall be reported in this State.

(d) The place where the fetus was first removed from the carrier or the fetus was found shall be considered the place of fetal death.

#### §4-213.1.

(a) The Secretary shall establish procedures for the issuance of a certificate of birth resulting in stillbirth.

(b) The Department shall make available a certificate of birth resulting in stillbirth to the parent or parents of a stillborn child for whom a fetal death was registered.

(c) The individual preparing the certificate of birth resulting in stillbirth shall not include any references to the stillborn child's first name if the stillborn child's parent or parents do not wish to provide a first name for the stillborn child.

§4-214.

(a) A certificate or record registered under this subtitle may be amended only in accordance with this subtitle and any rules and regulations that the Secretary adopts to protect the integrity and accuracy of vital records.

(b) (1) If any certificate of birth, death, or fetal death is amended, the facts shall be certified to the Secretary and entered on the original certificate with the date of the amendment, over the signature or initials of a designee of the Secretary and with a line drawn through the original data.

(2) All amendments may be stored on electronic media approved by the Secretary.

(3) All copies of certificates that are amended shall contain a notation that an amendment has been made.

(4) A record shall be maintained which identifies the evidence upon which the amendment was based, the date of the amendment, and the identity of the person making the amendment.

(5) When an informant does not submit the minimum documentation required in the regulations for amending a vital record or when the Secretary has cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the Secretary shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal to the Office of Administrative Hearings.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, any amendments to death certificates requested beyond 3 years or more after the death shall require a court order.

(ii) The Office of the Chief Medical Examiner may amend the cause of death on a certificate of death at any time after registration without a court order.

(c) (1) Except as provided in § 4-211(f) of this subtitle, on receipt of a court order that changes the name of an individual who was born in this State and on request of the individual or a parent, guardian, or legal representative of the individual, the Secretary shall amend the certificate of birth to reflect the new name.

(2) (i) The Department may change the name on a birth certificate once without a court order if, within 12 months after the birth, the Department receives from both parents named on the birth certificate of the child or, if only one parent is named, the parent named on the birth certificate of the child:

1. A written request for the change of name; and
2. An affidavit that has been sworn before a notary public of the State and states that the individual is the parent of the child and is making the request of the individual's own free will.

(ii) If the Department receives an affidavit in accordance with subparagraph (i)2 of this paragraph from both parents named on the birth certificate of the child, only one affidavit signed by both parents is required.

§4-215.

(a) In this section, "cemetery" includes a crematory or other place for final disposition.

(b) (1) Within 72 hours after death or after delivery in a fetal death and before final disposition or removal of the body or fetus from this State, the mortician who first takes custody of the body or fetus shall obtain a burial-transit permit.

(2) If the death or fetal death certificate is on a multicopy form, one copy of which is designated specifically as a "burial-transit permit" and is signed by the attending physician or medical examiner, that copy shall provide for the later entry of final disposition information and serves as a burial-transit permit.

(c) (1) A person in charge of a cemetery may not permit the final disposition of a body or fetus unless it is accompanied by a burial-transit permit.

- (2) The person in charge of a cemetery shall:
- (i) Write on the permit the date of final disposition;
  - (ii) Sign the permit; and
  - (iii) Within 10 days after final disposition, return the permit to the Secretary.

(3) If there is no person in charge of the cemetery, the mortician shall fill out the burial-transit permit.

(d) A burial-transit permit issued by any state or a foreign country is sufficient authority for transit through this State or final disposition in any cemetery in this State.

(e) (1) A permit for disinterment and reinterment is required before the disinterment of human remains if reinterment is not to be made in the same cemetery. The Secretary or a health officer shall issue the permit after receipt of an application on the form that the Secretary requires.

(2) If all human remains in a cemetery are to be disinterred for purposes of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

(3) The Department shall keep a record of each permit issued for the disinterment and reinterment of human remains.

(4) Except as provided in paragraph (5) of this subsection, the Department may not disclose or allow public inspection of information in a permit record about the location of the site of a disinterment or reinterment if a local burial sites advisory board or the Director of the Maryland Historical Trust determines that:

(i) The site is historic property, as defined in § 5A-301 of the State Finance and Procurement Article; and

(ii) Disclosure would create a substantial risk of harm, theft, or destruction to the site.

(5) The Department may not deny inspection of a permit record to:

(i) The owner of the site of the disinterment or reinterment;

(ii) A governmental entity that has the power of eminent domain; or

(iii) The spouse, domestic partner, next of kin, or appointed personal representative of the deceased whose human remains have been disinterred or reinterred.

§4-216.

The administrative head of an institution shall record and report each birth, death, and fetal death and all statistical information required by this subtitle, about the inmates or patients of the institution. The information shall be obtained from the



best possible source and presented to the individual responsible for execution of a certificate under this subtitle.

§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 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 \$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 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 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 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 (42 U.S.C. § 11302(a)).

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 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 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 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.

(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.

§4-218.

(a) In consultation with the State Health Planning and Development Agency, the Department shall prepare annually population estimates for this State and each county.

(b) The population estimates shall include categories of age, sex, and race.

§4-219.

(a) At least annually, the Secretary shall:

(1) Publish a report of vital statistics, including population estimates; and

(2) Print and distribute the report to any official, agency, library, or other person whom the Secretary considers entitled to the report.

(b) In addition to the requirements of subsection (a) of this section, by June 30 of each year the Secretary shall report to the Morbidity, Mortality, and Quality Review Committee established under § 18-107 of this article on the number and cause of death of Maryland children under the age of 1 year who died during the prior calendar year ending December 31st.

(c) In addition to the requirements of subsections (a) and (b) of this section, within 24 hours of notification of a death, the Secretary shall report to the Mortality and Quality Review Committee any death of an individual who at the time of death was:

(1) An individual with a developmental disability, as defined in § 7–101(g) of this article, who resided in or was receiving services from any program or facility licensed or operated by the Developmental Disabilities Administration; or

(2) An individual with a mental illness who resided in or was receiving services from any program or facility approved, licensed, or operated by the Behavioral Health Administration.

§4–220.

(a) The Secretary may provide the United States Department of Health and Human Services with copies of vital records or other information that is required for national statistics, on the condition that the information may not be used for other than statistical purposes unless authorized by the Secretary.

(b) On request, the Secretary may provide federal, State, local, and other public or private agencies with copies of vital records or other information for statistical purposes on terms or conditions that the Secretary sets.

(c) On request, the Secretary may provide the State designated health information exchange with select information from death certificates to allow linkage of the data to the State designated health information exchange master patient index in order that a date of death may be associated and stored with the records of those patients who have died for statistical and clinician notification purposes in accordance with regulations or a data sharing agreement.

§4–221.

The Secretary may approve specific projects for typewritten, photographic, or other reproductions of originals, carbon copies, and indexes of vital records. These projects shall state the method of reproduction, the disposition or location of the depository of any record reproduced, and the type of records and the period covered.

§4–222.

The Secretary shall provide to the Executive Director of the Social Services Administration in the Department of Human Services birth record information for a child born to an individual whose identifying information has been provided to the

Secretary within the previous 10 years by the Executive Director or a court under § 5–715 of the Family Law Article.

§4–223.

(a) Except as otherwise provided in this section, if a certificate of birth, death, or fetal death is filed within 1 year after the event, the original or a certified copy of the certificate is prima facie evidence of the facts stated in it.

(b) (1) Except as provided in paragraph (2) of this subsection, any information in the certificate that relates to a parent who did not give birth to a child is prima facie evidence.

(2) If the parentage of the child is contested, and the parent who did not give birth to the child is a putative father as defined in § 5–1001 of the Family Law Article, the information that relates to the putative father is not evidence in any proceeding adverse to the interests of the putative father or the putative father's heirs, next of kin, devisees, legatees, or other successors in interest.

(c) If a certificate or record is filed more than 1 year after the event or is amended, the court or official before whom the certificate or record is offered as evidence shall determine its evidentiary value.

§4–224.

To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the vital records system, a person may not, except as authorized in § 4–217, § 4–220, § 4–221, or § 4–222 of this subtitle or § 9–1015 of the State Government Article or by the rules and regulations of the Department:

(1) Permit inspection of or disclose any information contained in a vital record; or

(2) Copy or issue a copy of all or part of any vital record.

§4–225.

(a) (1) The Secretary may investigate any irregularity or violation of this subtitle.

(2) On request of the Secretary, each registrar shall help the Secretary in the investigation.



(b) If the Secretary considers it necessary, the Secretary shall report a violation of this subtitle to the State's Attorney for the appropriate county, with a statement of the relevant facts and circumstances, for appropriate action.

§4-226.

(a) A person may not fail or refuse to execute and deliver a certificate of birth, death, or fetal death required by this subtitle.

(b) (1) A person may not willfully provide false information for entry or willfully enter false information on a certificate of birth, death, or fetal death.

(2) A person may not fail to provide a Social Security number or willfully provide a false Social Security number to the clerk of court under § 4-208(f) of this subtitle.

(c) Except as authorized by this subtitle, a person may not willfully alter any certificate, certified copy of a certificate, or other certified statement that relates to a birth, death, fetal death, or marriage registered under this subtitle.

(d) (1) A person may not willfully use or attempt to use, with the intention to deceive, any certificate of birth or certified copy of a record of birth knowing that the certificate or certified copy:

(i) Was issued on a record that is wholly or partly false; or

(ii) Relates to the birth of another individual.

(2) A person may not willfully and knowingly provide a certificate of birth or a certified copy of a record of birth to another person with the intention that it be used by that person to deceive.

(e) Without authorization, a person may not produce, reproduce, or distribute a blank certificate or other form that the Secretary uses to register or certify facts that relate to a birth, death, fetal death, or marriage.

(f) A person may not willfully use or attempt to use a photocopy of a birth, death, fetal death, or marriage certificate for any fraudulent or deceptive purpose.

(g) A person who has access to the birth, death, or fetal death records in the custody of the Secretary or an agent of the Secretary may not willfully communicate to anyone known to the person to be unauthorized any fact recorded on any birth, death, or fetal death certificate.

(h) A person may not willfully transport or accept for transportation, dissection, or other disposition a body without a burial–transit permit, as provided in this subtitle.

(i) A person may not willfully:

- (1) Violate any provision of this subtitle;
- (2) Neglect to perform any duty imposed by this subtitle; or
- (3) Violate any rule or regulation adopted under this subtitle.

§4–227.

A person who violates § 4-226 of this subtitle is guilty of a misdemeanor and on conviction is subject to the following penalties:

- (1) For violating § 4-226(a) or (b), a fine not exceeding \$100.
- (2) For violating § 4-226(g) or (h), a fine not exceeding \$200.
- (3) For violating § 4-226(d), a fine not exceeding \$500.
- (4) For violating § 4-226(c), a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.
- (5) For violating § 4-226(e), a fine not exceeding \$500 or imprisonment not exceeding 1 year or both.
- (6) For violating § 4-226(i), except where a different penalty is provided in this section, a fine not exceeding \$100.
- (7) For violating § 4-226(f), a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both.