

HOUSE BILL 1602

J1

7lr3638

By: **Delegate Kipke**

Introduced and read first time: February 22, 2017

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Vital Records – Fees**

3 FOR the purpose of prohibiting the Department of Health and Mental Hygiene from
4 collecting a fee for a copy of a vital record issued to a law enforcement agency or a
5 State's Attorney's office in connection with a criminal investigation or prosecution;
6 defining a certain term; and generally relating to fees for copies of vital records.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 4–217(c)
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2016 Supplement)

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

14 **Article – Health – General**

15 4–217.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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)]~~ **(6)(III)** 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, \$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 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) **IN THIS PARAGRAPH, “LAW ENFORCEMENT AGENCY” MEANS A GOVERNMENTAL POLICE FORCE, SHERIFF’S OFFICE, OR SECURITY FORCE OR LAW ENFORCEMENT ORGANIZATION OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION THAT BY STATUTE, ORDINANCE, OR COMMON LAW IS AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE.**

(II) 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; **OR**

3. A LAW ENFORCEMENT AGENCY OR A STATE’S ATTORNEY’S OFFICE, IF THE COPY WILL BE USED IN CONNECTION WITH A CRIMINAL INVESTIGATION OR PROSECUTION.

[(ii)] (III) 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. 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. 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.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2017.