

HOUSE BILL 100

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2lr0862

By: **Delegate Pena–Melnyk**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2012

CHAPTER _____

1 AN ACT concerning

2 **Vital Records – Certificates of Death – Amendments to Cause of Death**

3 FOR the purpose of authorizing the Office of the Chief Medical Examiner to amend the
4 cause of death on a certificate of death at any time after issuance ~~in accordance~~
5 ~~with certain procedures~~ without a court order; and generally relating to
6 amendments to the cause of death on certificates of death.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 4–214
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2011 Supplement)

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

14 **Article – Health – General**

15 4–214.

16 (a) ~~(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
17 ~~SUBSECTION, A~~ certificate or record registered under this subtitle may be amended
18 only in accordance with this subtitle and any rules and regulations that the Secretary
19 adopts to protect the integrity and accuracy of vital records.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2) THE OFFICE OF THE CHIEF MEDICAL EXAMINER MAY AMEND THE CAUSE OF DEATH ON A CERTIFICATE OF DEATH AT ANY TIME AFTER ISSUANCE IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER.~~

(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) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this State has been changed by surgical procedure and whether such individual's name has been changed, the Secretary shall amend the certificate of birth of the individual as prescribed by regulation.

(6) 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.

(7) ~~(I) Any~~ **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 ISSUANCE WITHOUT A COURT ORDER.

(c) (1) 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.

1 (2) The Department may change the name on a birth certificate once
2 without a court order if, within 12 months after the birth, the Department receives
3 from both parents of a child:

4 (i) A written request for the change of name; and

5 (ii) An affidavit that has been sworn before a notary public of
6 this State and states that they are the parents of the child and are making this
7 request of their own free will.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.