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H.111

Introduced by Representatives Devereux of Mount Holly, Townsend of
South Burlington, Brumsted of Shelburne, Gannon of
Wilmington, Gardner of Richmond, Hubert of Milton,
Kitzmiller of Montpelier, LaClair of Barre Town, Lewis of
Berlin, and Weed of Enosburgh

Referred to Committee on

Date:

Subject: Government operations; vital records; health; judiciary

Statement of purpose of bill as introduced: This bill proposes to revise
Vermont statutes related to vital records.

An act relating to vital records

It is hereby enacted by the General Assembly of the State of Vermont:

~~*** General Provisions Related to Vital Records ***~~

Sec. 1. 18 V.S.A. § 4999 is added to 18 V.S.A. chapter 101 to read:

§ 4999. DEFINITIONS

As used in this part, unless the context requires otherwise:

(1) “Certified copy” means a copy of a vital event certificate issued and

certified by a person with authority to attest to the authenticity of the

1 ~~certificate in accordance with the law in effect at the time the certificate is~~
2 issued.

3 (2) "Designated agent" means the State Archivist or a town clerk
4 designated by the State Registrar to issue certified and noncertified copies of
5 vital event certificates from the Statewide Registration System.

6 (3) "Licensed health care professional" means a physician, a physician
7 assistant, or an advance practice registered nurse.

8 (4) "Municipality" or "town" means a city, town, village, unorganized
9 town or gore, or town or gore within the unified towns and gores of Essex
10 County.

11 (5) "Noncertified copy" means a copy of a vital event certificate issued
12 by a public agency as defined in 1 V.S.A. § 317, other than:

13 (A) a certified copy; or

14 (B) a copy of a vital event certificate registered prior to January 1,
15 1909.

16 (6) "Office of Vital Records" means an office of the Department of
17 Health responsible for the Statewide Registration System and with the
18 authority over vital records provided by law.

19 (7) "Original" means a vital event certificate registered prior to July 1,
20 2018 in the case of birth, death, and civil union certificates, and prior to July 1,
21 2019 in the case of marriage certificates, and required to be preserved in town

1 offices under section 5007 of this title.

2 (8) “Registrant” means the individual who is the subject of a vital event
3 certificate.

4 (9) “Statewide Registration System” or “System” means the sole official
5 electronic repository of:

6 (A) vital event certificate data, as of July 1, 2018 in the case of birth
7 and death certificates and as of July 1, 2019 in the case of marriage and civil
8 union certificates; and

9 (B) such other data related to vital records as the State Registrar may
10 prescribe.

11 (10) “Town clerk” or “municipal clerk” or “clerk” means a town clerk, a
12 city clerk, a county clerk acting on behalf of an unorganized town or gore, or
13 the supervisor of the unified towns and gores of Essex County, or a town
14 official or employee designated by the same to act on his or her behalf.

15 (11) “Vital event certificate” means a birth, death, marriage, or civil
16 union certificate. “Vital event certificate” does not include any confidential
17 portion of a report of birth or of death or of an application for a marriage or
18 civil union license.

19 (12) “Vital record” means:

20 (A) a report of birth, death, fetal death, or induced termination of
21 pregnancy, a preliminary report of death, or a report of divorce or dissolution

1 ~~statistics;~~

2 ~~(B) a vital event certificate;~~

3 ~~(C) a marriage or civil union license;~~

4 ~~(D) a burial-transit permit; and~~

5 ~~(E) any other records associated with the creation, registration,~~

6 ~~processing, modification, or disclosure of the records described in this~~

7 ~~subdivision (12).~~

8 Sec. 2. 18 V.S.A. § 5020 is redesignated to read:

9 § 5020 ~~5000~~. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR;

10 DUTIES; AUTHORITY; STATEWIDE REGISTRATION

11 SYSTEM; DESIGNATED AGENTS

12 Sec. 3. 18 V.S.A. § 5000 is amended to read:

13 § 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE

14 REGISTRATION SYSTEM; DESIGNATED AGENTS

15 (a) ~~The commissioner~~ Commissioner shall designate a member of the

16 ~~department~~ Department as ~~supervisor of vital records registration who the~~

17 State Registrar. The State Registrar shall head the Office of Vital Records, and

18 shall provide consultation to town and county clerks, hospital personnel,

19 physicians licensed health care professionals, midwives, funeral directors,

20 clergymen clergy, probate judges, and all other persons involved in vital

21 records registration for the purpose of promoting uniformity of procedures in

1 ~~reaching a order to promote the complete, accurate, and timely, and lawful~~
2 ~~creation, registration, processing, modification, and disclosure of vital records.~~

3 ~~(b) The Commissioner may exercise any authority granted to or fulfill~~
4 ~~any duties conferred on the State Registrar under this part or any other~~
5 ~~provision of law related to vital records, and the State Registrar may~~
6 ~~delegate the exercise of his or her authority or the performance of his or her~~
7 ~~duties to a duly authorized representative.~~

8 ~~(c)(1) The State Registrar shall operate the Statewide Registration~~
9 ~~System, which as of July 1, 2018 for birth and death certificates, and as of~~
10 ~~July 1, 2019 for marriage and civil union certificates, shall be the sole~~
11 ~~official repository of data from vital event certificates registered on or after~~
12 ~~January 1, 1909.~~

13 ~~(2) Birth, death, and marriage certificates registered prior to~~
14 ~~January 1, 1909:~~

15 ~~(A) shall not be incorporated into the Statewide Registration~~
16 ~~System;~~

17 ~~(B) may be maintained at the offices of town clerks or at the~~
18 ~~Vermont State Archives and Records Administration as specified in section~~
19 ~~5007 of this title; and~~

20 ~~(C) shall not be eligible for amendment under this part.~~

21 ~~(3) The State Registrar shall investigate and attempt to resolve any~~

1 ~~known discrepancy between the contents of a vital event certificate in the~~
2 System and an original vital event certificate maintained in the office of a town
3 clerk. In addition, the State Registrar shall have the authority to change the
4 contents of a vital event certificate in the System in order to address a known
5 error or to conform the certificate to the requirements of a court order. The
6 nature of a change, the identity of the person making the change, and the date
7 the change is made in the System under this subsection shall be recorded and
8 maintained in the System.

9 (4) Except as authorized under subdivision 5073(a)(3) of this title, and
10 except for corrections, completions, or amendments to address known errors or
11 omissions, the State Registrar shall deny any application under this part
12 requesting a correction, completion, or amendment of a vital event certificate
13 in order to change a name, and shall change a name only in accordance with a
14 court order.

15 (d) The State Registrar shall designate the State Archivist, and shall
16 designate qualified town clerks in the State, to aid in the efficient
17 administration of the Statewide Registration System and in issuing certified
18 and noncertified copies of vital event certificates in accordance with section
19 5016 of this title. To be appointed as a designated agent, a town clerk shall
20 apply to the State Registrar.

21 ~~(e) The State Registrar shall, consistent with the requirements of this~~

1 part:

2 (1) administer the Statewide Registration System and fulfill the
3 duties assigned to him or her under this part;

4 (2) provide for the preservation and security of the official records of
5 the Office of Vital Records, and for the matching of birth and death records
6 in order to prevent the fraudulent use of birth and death certificates of
7 deceased persons;

8 (3) promote uniformity of policy and procedures pertaining to vital
9 records and vital statistics throughout the State;

10 (4) prescribe the contents and form of vital record reports, vital event
11 certificates, and related applications and documents; prescribe the contents
12 and form of burial-transit permits; and distribute the same;

13 (5) maintain a Vital Records Alert System in order to track and
14 prevent misrepresentation, fraud, or illegal activities in connection with
15 vital records;

16 (6) implement audit and quality control procedures as necessary to
17 ensure compliance with vital records filing and reporting requirements;

18 (7) prescribe:

19 (A) the manner in which vital records required to be submitted to
20 him or her shall be submitted;

21 (B) acceptable forms of identification required in connection with

1 ~~applications for certified copies of vital event certificates;~~

2 (C) physical requirements and security standards for storage of
3 vital event certificates and related supplies, after consideration of best
4 practices issued by state and federal law enforcement and public health
5 organizations;

6 (D) the manner in which the Department of Public Safety shall
7 furnish lists of missing and kidnapped children to the State Registrar;

8 (E) procedures governing the public's inspection of vital event
9 certificates, if necessary to protect the integrity of the certificates or to deter
10 fraud;

11 (8) adopt rules governing:

12 (A) acceptable content and limitations on the number of
13 characters on a birth certificate; and

14 (B) the process for denying certified copies of vital event
15 certificates based on a Vital Records Alert System match or evidence of
16 fraud or misrepresentation, notifying affected persons of the denial, and
17 investigating and resolving the issue identified.

18 (f) The State Registrar may adopt rules as may be necessary to carry out
19 his or her duties under this part.

20 Sec. 4. 18 V.S.A. § 5001 is amended to read:

21 ~~§ 5001. VITAL RECORDS, FORMS OF CERTIFICATES, DUTIES OF~~

CUSTODIANS

(a) ~~Certificates of birth, marriage, civil union, divorce, death, and fetal death shall be in form prescribed by the commissioner of health and distributed by the department of health.~~

~~(b) Beginning on January 1, 2010, all certificates of birth, marriage, civil union, divorce, death, and fetal death certified copies of vital event certificates shall be issued on unique paper with antifraud features approved by the commissioner of health State Registrar and available from the department of health Office of Vital Records.~~

~~(b) Town custodians of vital event certificates, whether or not designated by the State Registrar as agents authorized to issue copies of vital event certificates, shall ensure that the following are stored in a fireproof safe or vault:~~

~~(1) blank copies of antifraud paper;~~

~~(2) original vital event certificates; and~~

~~(3) such other records or materials as the State Registrar may prescribe.~~

~~(c)(1) The State Registrar may audit any municipal or county office that stores or issues vital records to determine its compliance with the requirements of this part and any rules adopted thereunder. The State Registrar may require an office that fails an audit to transfer or cease issuing vital records until it passes a new audit.~~

1 ~~(2) Following a failed audit, upon request, the State Registrar shall~~
2 ~~conduct a follow-up audit within 30 days of the request.~~

3 ~~(3) A municipality or county that fails an audit shall be responsible for~~
4 ~~reimbursing the Office of Vital Records for reasonable removal and storage~~
5 ~~costs incurred by the Office of Vital Records.~~

6 Sec. 5. 18 V.S.A. § 5002 is amended to read:

7 § 5002. RETURNS; TABLES REPORT OF VITAL STATISTICS

8 ~~The commissioner of health State Registrar shall prepare from the returns~~
9 ~~of an annual vital statistics report with the information collected from the~~
10 ~~preceding calendar year for statewide reporting of births, civil marriages, civil~~
11 ~~unions, deaths, fetal deaths, and divorces required by law to be transmitted to~~
12 ~~the commissioner such tables and append thereto such recommendations as he~~
13 ~~or she deems proper, and during the month of July in each even year, shall~~
14 ~~cause the same to be published as directed by the board. The commissioner~~
15 ~~shall file and preserve all such returns. The commissioner shall periodically~~
16 ~~transmit the original returns or photostatic or photographic copies to the state~~
17 ~~archivist who shall keep the returns, or photostatic or photographic copies of~~
18 ~~the returns, on file for use by the public. The commissioner and the state~~
19 ~~archivist shall each, independently of the other, have power to issue certified~~
20 ~~copies of such records.~~

21 ~~Sec. 6. 18 V.S.A. § 5003 is amended to read:~~

~~§ 5002. FORMS MATERIALS FOR DESIGNATED AGENTS~~

~~The commissioner State Registrar shall procure and send to each town and county clerk such forms and reports of uniform size, and with margin for binding, designated agents materials as are may be necessary to be used in compliance with the provisions of this part for the issuance of vital event certificates.~~

~~Sec. 7. 18 V.S.A. § 5005 is amended to read:~~

~~§ 5005. UNORGANIZED TOWNS AND GORES~~

~~(a) The county clerk of a county wherein is situated where an unorganized town or gore is situated shall have the authority, perform the same duties, and be subject to the same penalties as town clerks in respect to licenses, certificates, records, and returns of parties, both of whom reside in an unorganized town or gore in such county or where one party to a civil marriage or a civil union so resides and the other party resides in an unorganized town or gore in another county or without the state. The cost of binding such certificates shall be paid by the state prescribed in this part in relation to vital records and to the residents of the unorganized town or gore.~~

~~(b) A report of births and deaths in unorganized towns and gore, shall be made to the county clerk who shall record the same as is required in relation to such statistics in a town.~~

~~Sec. 8. 18 V.S.A. § 5006 is amended to read.~~

~~§ 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN~~

TOWN REPORTS

Town clerks annually may compile and the or auditors may publish in the annual town report a transcript of the record of nonconfidential information and statistics concerning births, marriages, civil unions, and deaths recorded of residents during the preceding calendar year. Upon request, the State Registrar shall furnish a town clerk such information and statistics.

Sec. 9. 18 V.S.A. § 5007 is amended to read:

§ 5007. PRESERVATION OF DATA RECORDS

A town clerk shall receive, number, and file for record certificates of births, marriages, civil unions, and deaths, and shall preserve such certificates together with the burial transit and removal permits returned to the clerk, in a fireproof vault or safe, as provided by 24 V.S.A. § 1178 permanently preserve at the office of the clerk vital event certificates registered prior to July 1, 2018 in the case of birth, death, and civil union certificates, and registered prior to July 1, 2019 in the case of marriage certificates, except that for vital event certificates registered prior to January 1, 1909, a town clerk may elect either to preserve them at the office or transfer them to the State Archives upon approval of the State Archivist.

Sec. 10. 18 V.S.A. § 5008 is amended to read:

~~§ 5008. TOWN CLERK, RECORDING AND INDEXING PROCEDURES~~

1 ~~A town clerk shall file for record and index in volumes all certificates and~~
2 ~~permits received by the town. Each volume or series shall contain an~~
3 ~~alphabetical index. Civil marriage certificates shall be filed for record in one~~
4 ~~volume or series, civil unions in another, birth certificates in another, and death~~
5 ~~certificates and burial transit and removal permits in another. However, in a~~
6 ~~town having less than 500 inhabitants, the town clerk may cause civil~~
7 ~~marriage, civil union, birth, and death certificates, and burial transit and~~
8 ~~removal permits to be filed for record in one volume, provided that none of~~
9 ~~such volumes shall contain more than 250 certificates and permits. All~~
10 ~~volumes shall be maintained in the town clerk's office as permanent records.~~

11 [Repealed.]

12 Sec. 11. 18 V.S.A. § 5009 is amended to read:

13 § 5009. NONRESIDENTS; CERTIFIED COPIES TO TOWN OF
14 RESIDENCE

15 On the first day of each month, the town clerk shall make a certified copy
16 of each original ~~or~~ corrected certificate of birth, or amended civil marriage,
17 certificate or amended civil union, and death filed certificate filed in the
18 clerk's office during the preceding month, whenever ~~the parents of a child born~~
19 ~~were, or a party to a civil marriage or a civil union or a deceased person was,~~
20 was a resident in any other Vermont town at the time of such birth, the civil
21 marriage, or civil union, or death, and shall transmit such the certified copy to

1 ~~the clerk of such the other Vermont town, who shall file the same~~

2 Sec. 12. REPEAL

3 18 V.S.A. § 5009 (certified copies to town of residence) is repealed on
4 July 1, 2019.

5 Sec. 13. 18 V.S.A. § 5010 is amended to read:

6 § 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE
7 CERTIFICATES

8 The town clerk in of each town of over 5,000 population or in a town where
9 a general hospital as defined in subdivision 1902(1) of this title, is located,
10 shall each week transmit to the supervisor of vital records registration State
11 Registrar copies, duly certified, of each birth, death, marriage, and civil union
12 certificate filed in the town in the preceding week. In all other towns, the clerk
13 shall transmit such copies of birth, death, marriage, and civil union certificates
14 received during the preceding month on or before the 10th day of each
15 succeeding month.

16 Sec. 14. REPEAL

17 18 V.S.A. § 5010 (transmittal of marriage certificates) is repealed on July 1,
18 2019.

19 Sec. 15. 18 V.S.A. § 5011 is amended to read:

20 § 5011. PENALTY VIOLATIONS; PENALTIES

21 A town clerk who fails to transmit such copies of birth, marriage, civil
22 union, and death certificates as provided in section 5010 of this title shall be

1 ~~fined not more than \$100.00.~~

2 ~~(a)(1) A person shall not:~~

3 ~~(A) knowingly make a false statement, or knowingly supply false~~
4 ~~information intending that such information be used, in connection with a vital~~
5 ~~record;~~

6 ~~(B) without lawful authority and with the intent to deceive, make,~~
7 ~~counterfeit, alter, or mutilate any vital record;~~

8 ~~(C) without lawful authority and with the intent to deceive, obtain,~~
9 ~~possess, or use, or sell or furnish to another person, any vital record that:~~

10 ~~(i) has been counterfeited, altered, or mutilated;~~

11 ~~(ii) is false in whole or in part; or~~

12 ~~(iii) relates to another person, whether living or deceased;~~

13 ~~(D) without lawful authority, possess any vital record knowing the~~
14 ~~same to have been stolen or otherwise unlawfully obtained.~~

15 ~~(2) A person who violates this subsection shall be fined not more than~~
16 ~~\$10,000.00 or imprisoned for not more than five years, or both.~~

17 ~~(b)(1) A person shall not:~~

18 ~~(A) knowingly refuse to provide information required by this part or~~
19 ~~by rules adopted to carry out its purposes; or~~

20 ~~(B) knowingly neglect or violate any of the provisions of this part or~~
21 ~~knowingly refuse to perform any of the duties imposed upon him or her by this~~

1 ~~part.~~

2 ~~(2) A person who violates this subsection shall be fined not more than~~
3 ~~\$1,000.00 or imprisoned for not more than one year, or both.~~

4 ~~(c) An employee of the Office of Vital Records or any designated agent~~
5 ~~who knowingly furnishes or processes a certified copy of a vital event~~
6 ~~certificate with the knowledge or intention that it may be used for the purposes~~
7 ~~of deception shall be fined not more than \$10,000.00 or imprisoned for not~~
8 ~~more than five years, or both.~~

9 ~~(d) The Commissioner or a hearing officer designated by the~~
10 ~~Commissioner may, after notice and an opportunity for hearing, impose a civil~~
11 ~~administrative penalty of not more than \$250.00 against a person who fails to~~
12 ~~perform any duty imposed or violates a prohibition under this part. A hearing~~
13 ~~under this subsection shall be a contested case subject to the provisions of 3~~
14 ~~V.S.A. chapter 25, and the provisions of 3 V.S.A. § 809(h), 809a, and 809b~~
15 ~~related to subpoenas shall extend to the Commissioner, a hearing officer~~
16 ~~appointed by the Commissioner, and licensed attorneys representing a party.~~

17 Sec. 16. 18 V.S.A. § 5012 is amended to read:

18 § 5012. ~~TOWN CLERK TO PROVIDE GENERAL INDEX; MARRIAGES~~
19 ~~AND CIVIL UNIONS~~

20 Except as provided by 24 V.S.A. § 1153, town and county clerks shall
21 ~~prepare and keep a general index to the marriage and civil union records, in~~

1 ~~alphabetical order and in the following forms, respectively:~~

2 ~~Book Page Groom to Bride Date Book Page Bride to Groom Date~~

3 ~~1 1 A. to B. 1 1 B. to A.~~

4 ~~Book Page Party to Party Date Book Page Party to Party~~

5 ~~Date~~

6 ~~1 1 A. to B. 1 1 B. to A.~~

7 ~~[Repealed.]~~

8 Sec. 17. 18 V.S.A. § 5013 is amended to read:

9 § 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

10 ~~A town clerk shall prepare and keep a single index of births and deaths in~~
11 ~~alphabetical order, except as provided by 24 V.S.A. § 1153. [Repealed.]~~

12 Sec. 18. 18 V.S.A. § 5014 is added to read:

13 § 5014. CONFIDENTIALITY

14 (a)(1) A vital record, or information therein, that by law is designated
15 confidential or by a similar term, that by law may only be disclosed to
16 specifically designated persons, or that by law is not a public record, is
17 exempt from inspection and copying under the Public Records Act and shall
18 be kept confidential to the extent provided by law.

19 (2) Records or information described in subdivision (1) of this
20 subsection may be disclosed:

21 ~~(A) for public health or research purposes in accordance with law,~~

1 ~~(B) to a regulatory or law enforcement agency for enforcement~~
2 purposes, if the agency has agreed to accept the terms of an agreement with the
3 Office of Vital Records governing use and confidentiality of the information;

4 (C) to the vital records office of another state, if the subject of the
5 vital record was a resident of the other state at the time of the vital event
6 that led to creation of the record; or

7 (D) in a summary, statistical, or other format in which particular
8 individuals are not identified directly or indirectly.

9 (b) Except as otherwise provided in subdivision (a)(2) of this section,
10 medical and demographic information contained in reports of birth or death,
11 in preliminary reports of death, and in applications for marriage or civil union
12 licenses that the State Registrar designates as confidential is exempt from
13 public inspection and copying under the Public Records Act shall not be
14 released, and, in any civil action, shall not be subject to discovery or subpoena
15 or be admissible. However, the person who is the subject of the record or his
16 or her authorized representative shall be entitled to inspect or obtain a copy of
17 the information.

18 (c) Information in or received from the Vital Records Alert System is
19 exempt from public inspection and copying under the Public Records Act and
20 shall be kept confidential, except that, in addition to the exceptions to
21 confidentiality provided in subdivision (a)(2) of this section, such information

1 ~~may be shared with a designated agent in order to correct and prevent mistakes~~
2 ~~and criminal activity.~~

3 Sec. 19. 18 V.S.A. § 5015 is amended to read:

4 ~~§ 5015. STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

5 ~~The head of a family who moves into and becomes a permanent resident of~~
6 ~~this state may cause to be recorded in the office of the clerk of the town where~~
7 ~~he or she resides, or if he or she resides in an unorganized town or gore, in the~~
8 ~~office of the clerk of the county wherein he or she resides, a certificate of his~~
9 ~~or her marriage embracing the statistics required by law, and may also cause to~~
10 ~~be recorded the birth of any of his or her children born without the state, with~~
11 ~~the statistics relating to such birth required by law, and shall make oath to the~~
12 ~~correctness of such statistics. Such record shall not be returned to the~~
13 ~~commissioner. [Repealed.]~~

14 Sec. 20. 18 V.S.A. § 5016 is added to read:

15 § 5016. VITAL EVENT CERTIFICATES; COPIES;

16 INSPECTION

17 (a) Access and issuance generally.

18 (1) Except as provided in subdivision (3) of this subsection:

19 (A) On and after July 1, 2018, only the State Registrar and

20 designated agents may issue certified or noncertified copies of birth and death
21 certificates, and such certificates shall only be issued from the Statewide

1 Registration System.

2 (B) On and after July 1, 2019, only the State Registrar and
3 designated agents may issue certified or noncertified copies of marriage and
4 civil union certificates, and such certificates shall only be issued from the
5 Statewide Registration System.

6 (2) Copies of vital event certificates registered prior to January 1,
7 1909 shall not be issued from the Statewide Registration System. A
8 custodian of a pre-1909 vital event certificate shall not certify any copy or
9 issue it on antifraud paper, but he or she may authenticate it as a true and
10 accurate copy.

11 (3) A certified or noncertified vital event certificate shall only be
12 issued as authorized and prescribed in this section, except that in either of
13 the following circumstances, a public agency may issue a noncertified copy
14 even if it does not follow the requirements of this section governing
15 noncertified copies:

16 (A) if the public agency is an agency other than the Office of Vital
17 Records, the Vermont State Archives and Records Administration, or the
18 office of a town or county, and the public agency has custody of a vital
19 event certificate acquired in the course of its business; or

20 (B) if the vital event certificate was filed in the records of a town
21 or county office, such as land records, for a reason unrelated to its official

1 ~~role under law as a repository of registered vital event certificates.~~

2 (4) The word “illegitimate” shall be redacted from any certified or
3 noncertified copy of a birth certificate.

4 (5) If necessary to prevent fraud, the State Registrar may limit the
5 issuance of a certified or noncertified copy of a certificate of live birth for a
6 foreign born child in the same manner as copies of birth certificates are limited
7 under this section.

8 (b) Certified copies.

9 (1) Birth and death certificates.

10 (A) The State Registrar and designated agents may issue certified
11 copies of birth and death certificates only upon receipt of a complete
12 application accompanied by a reliable type of identification as prescribed by
13 the State Registrar. The State Registrar and designated agents shall record in a
14 database maintained by the State Registrar any application received.

15 (B) Only the following persons shall be eligible for a certified copy
16 of a birth or death certificate:

17 (i) the registrant or his or her spouse, child, parent, sibling,
18 grandparent, guardian, or petitioner for appointment as executor, or the legal
19 representative of any of these;

20 (ii) a specific person pursuant to a court order finding that a
21 noncertified copy is not sufficient for the applicant’s legal purpose and that a

1 ~~certified copy of the birth or death certificate is needed for the determination~~

2 ~~or protection of a person's right; or~~

3 ~~(iii) in the case of a death certificate only, additionally to:~~

4 ~~(I) the individual with authority for final disposition as~~
5 ~~provided in section 5227 of this title or a funeral home or crematorium acting~~
6 ~~on the individual's behalf;~~

7 ~~(II) the Social Security Administration;~~

8 ~~(III) the U.S. Department of Veterans Affairs; or~~

9 ~~(IV) the deceased's insurance carrier, if such carrier provides~~
10 ~~benefits to the decedent's survivors or beneficiaries.~~

11 ~~(2) Civil marriage and civil union certificates. The State Registrar and~~
12 ~~designated agents may issue certified copies of civil marriage and civil union~~
13 ~~certificates only upon receipt of a complete application accompanied by a~~
14 ~~reliable type of identification as prescribed by the State Registrar. The State~~
15 ~~Registrar and designated agents shall record in a database maintained by the~~
16 ~~State Registrar any application received.~~

17 ~~(3) Antifraud paper. As provided in section 5001 of this title, certified copies~~
18 ~~of vital event certificates shall be issued only on unique paper with antifraud~~
19 ~~features approved by the State Registrar.~~

20 ~~(4) Legal effect. A certified copy of a vital event certificate shall be prima~~
21 ~~facie evidence of the facts stated therein.~~

1 ~~(c) Noncertified copies.~~

2 ~~(1) Application required.~~

3 ~~(A) The State Registrar and designated agents shall issue a~~
4 ~~noncertified copy of a birth or death certificate only upon receipt of a complete~~
5 ~~application. The State Registrar and designated agents shall record any~~
6 ~~application received in a database maintained by the State Registrar.~~

7 ~~(B) The State Registrar and designated agents shall issue a marriage~~
8 ~~or civil union certificate only upon receipt of a complete application. The~~
9 ~~State Registrar and designated agents shall record any application received in a~~
10 ~~database maintained by the State Registrar.~~

11 ~~(2) Form. A noncertified copy of a vital event certificate issued from~~
12 ~~the Statewide Registration System shall indicate the term "Noncertified" on its~~
13 ~~face.~~

14 ~~(3) Legal effect. A noncertified copy of a vital event certificate shall~~
15 ~~not serve as prima facie evidence of the facts stated therein, except that a~~
16 ~~noncertified copy of a birth or death certificate may be recorded in the land~~
17 ~~records of a municipality to establish the date of birth or death of a person with~~
18 ~~an ownership interest in property. A certified copy of a vital event certificate~~
19 ~~shall not be recorded in the land records of a municipality.~~

20 ~~(d) Inspection. Vital event certificates shall be available for public~~
21 ~~inspection in accordance with the provisions of the Public Records Act and in~~

1 ~~accordance with additional procedures as the State Registrar may prescribe if~~
2 necessary to protect the integrity of the certificates or to prevent fraud.

3 Sec. 21. 18 V.S.A. § 5017 is added to read:

4 § 5017. FEES FOR COPIES AND SEARCHES

5 (a) For a certified copy of a vital event certificate issued from the
6 Statewide Registration System or of a report of divorce form, the fee shall be
7 \$15.00.

8 (b) For a noncertified copy of a vital event certificate issued from the
9 Statewide Registration System or of a report of divorce form, the fee shall be
10 \$5.00.

11 (c)(1) Notwithstanding 1 V.S.A. § 316(c), the Vermont State Archives and
12 Records Administration or the Department of Health may charge a search fee
13 of \$5.00 to a person requesting a search of vital records or of report of divorce
14 forms. A town clerk may charge a fee for such searches in accordance with
15 32 V.S.A. § 1671.

16 (2) The search fee shall be credited toward the fee for the first certified
17 or noncertified copy provided as a result of the search.

18 (d)(1) Except as provided in subdivision (2) of this subsection, the fees
19 collected under this section shall be allocated to the town if a town clerk
20 fulfills the request, or to the appropriate special fund created in 32 V.S.A.

21 ~~§ 1715(b) if the Vermont State Archives and Records Administration or the~~

1 ~~Department of Health fulfills the request~~

2 (2) Of the \$15.00 fee for a certified copy collected by towns or the
3 Vermont State Archives and Records Administration, \$5.00 shall be allocated
4 to the Department of Health special fund created in 32 V.S.A. § 1715(b).

5 * * * Divorce Records * * *

6 Sec. 22. 18 V.S.A. § 5004 is amended to read:

7 § 5004. FAMILY DIVISION OF THE SUPERIOR COURT CLERKS;
8 DIVORCE RETURNS AND DISSOLUTION STATISTICS

9 ~~The family division of the superior court clerk~~ Family Division of the
10 Superior Court shall send to the ~~commissioner~~ State Registrar, before the 10th
11 day of each month, by county, a report of the number of divorces ~~which and~~
12 dissolutions that became absolute during the preceding month, ~~showing as to~~
13 ~~each the names of the parties, date of civil marriage or civil union, number of~~
14 ~~children, grounds for divorce and such other statistical information available~~
15 ~~from the family division of the superior court clerk's file~~ Family Division as
16 may be required by the ~~commissioner~~ State Registrar.

17 Sec. 23. 33 V.S.A. § 4105 is amended to read:

18 § 4105. ACCESS TO INFORMATION; DISCLOSURE AND
19 CONFIDENTIALITY

20 * * *

21 ~~(b) The Office of Child Support may request any information needed to~~

1 ~~establish, modify, or enforce a child support or parental rights and~~
2 responsibilities order or to locate any person alleged to be a parent owing a
3 duty of support from the records of all governmental officials, departments,
4 and other governmental agencies of this State, including the Judicial Branch,
5 without a subpoena. The Family Division shall collect information related to
6 marriages, civil unions, divorces, annulments, and dissolutions specified by the
7 Office of Child Support that is needed to establish, modify, or enforce a child
8 support or parental rights and responsibilities order. The officials and
9 employees of the departments and other agencies shall provide all such
10 information requested or required to be collected. Only information directly
11 bearing on the identity and whereabouts of parents or alleged parents or, their
12 assets or income, or their marriage, civil union, divorce, or dissolution may be
13 requested, used, or transmitted by the Office of Child Support under this
14 section. Any information provided by the Department of Taxes shall include
15 information about assets held by or income attributable to the parent jointly
16 with any other person.

17 (c) Except as otherwise provided in this chapter, 15 V.S.A. chapter 11, and
18 Title 15B, information furnished the Office of Child Support shall be made
19 available only to the person requesting services or to the person's attorney, the
20 person to whom the information relates, and the Family Division of the
21 ~~Superior Court. Any other use of the information shall be prohibited. A~~

1 ~~person who violates this subsection shall be fined not more than \$500.00. Any~~
2 individual aggrieved by a violation of this section may bring an action for civil
3 damages, including punitive damages, equitable relief, including restraint of
4 prohibited acts, restitution of wages or other benefits, reinstatement, costs,
5 reasonable attorney's fees, and other appropriate relief.

6 * * *

7 * * * Birth Records * * *

8 Sec. 24. 18 V.S.A. § 5071 is amended to read:

9 § 5071. BIRTH REPORTS AND CERTIFICATES; WHO TO MAKE;
10 RETURN

11 (a) On or before the fifth day of each live birth that occurs in this State, the
12 attending physician or midwife or, if no attending physician or midwife is
13 present, a parent of the child or a legal guardian of a mother under 18 years of
14 age shall file with the ~~town clerk~~ State Registrar a certificate report of birth in
15 the form and manner prescribed by the ~~Department~~ State Registrar. The
16 ~~certificate shall be registered~~ State Registrar shall register the report in the
17 Statewide Registration System if it has been completed properly and filed in
18 accordance with this chapter. The portion of the registered birth report that is
19 not designated confidential by the State Registrar is the birth certificate.

20 (b) At the time of the birth of a child, each parent shall furnish the
21 following information ~~on a form provided for that purpose by the Department~~
22 ~~of Health~~ to enable completion of the report of birth required under subsection

1 ~~(a) of this section: the parent's name, address, and Social Security number and~~
2 the name and date of birth of the child. ~~The forms and a copy of the birth~~
3 ~~certificate shall be filed with the Department of Health on or before the fifth~~
4 ~~day after the birth of the child.~~

5 (c)(1) Whoever assumes the custody of a live-born infant of unknown
6 parentage shall ~~complete a certificate~~ file a report of birth as follows:

7 ~~(A) name of the child as given by the custodian, and sex;~~

8 ~~(B) approximate date of birth as determined in consultation with a~~
9 ~~physician;~~

10 ~~(C) place of birth as place where the child is found;~~

11 ~~(D) in place of certifier, the custodian shall sign and indicate~~
12 ~~“custodian” rather than “attendant,” with date and address; and~~

13 ~~(E) parentage data and other child's data items shall be left blank with~~
14 ~~the State Registrar in the form and manner prescribed by the State Registrar.~~

15 (2) If the child is identified and a certificate of birth is found or
16 obtained, the report and any certificate created under this section and copies
17 thereof shall be sealed and deposited with the Commissioner of Health State
18 Registrar, to be opened upon court order only.

19 (d) The name of the father shall be included on the report of birth and on
20 any birth certificate of the child of unmarried parents only if the father and
21 ~~mother have signed a voluntary acknowledgment of parentage or a court or~~

1 ~~administrative agency of competent jurisdiction has issued an adjudication of~~
2 ~~parentage.~~

3 (e) When a birth certificate is issued, a parent or parents shall be identified
4 with gender-neutral nomenclature.

5 Sec. 25. 18 V.S.A. § 5072 is amended to read:

6 § 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

7 ~~The supervisor of vital records registration shall, within~~ Within three
8 months after each birth ~~which~~ that occurs in the state State, except for the birth
9 of a child known to have died or to have been surrendered for adoption, the
10 State Registrar shall send a notice of birth registration to the parents of the
11 child. ~~Such~~ The notice shall contain the pertinent facts such as the child's full
12 name, date and place of birth, and the names of the parents, with instructions
13 and a form on which to apply for corrections or additions.

14 Sec. 26. 18 V.S.A. § 5073 is amended to read:

15 § 5073. ~~AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE~~
16 CORRECTIONS, COMPLETIONS

17 (a)(1) ~~Within~~ Except as otherwise provided in subdivision (2) of this
18 subsection, within six months after the date of birth, ~~amendment of obvious~~
19 ~~errors, transpositions of letters in words of common knowledge, or omissions,~~
20 ~~may be made by the town clerk either upon his or her own observation or~~ the
21 State Registrar may correct or complete a birth certificate in the Statewide
22 Registration System upon request application of a parent, the hospital in which
23 ~~the birth occurred, or the certifying attendant, or the supervisor of vital records~~

1 registration. ~~The amended~~

2 (2) At any time after the date of birth, the State Registrar may complete
3 a birth certificate to add the name of a father only upon request of the
4 registrant or his or her parent or guardian and upon the receipt of:

5 (A) a properly executed voluntary acknowledgment of parentage; or

6 (B) a decree of a court or administrative agency of competent
7 jurisdiction adjudicating parentage.

8 (3) Within six months after the date of birth, the State Registrar may
9 complete or change the name of a child upon joint application of the parents or
10 upon application of the parent if only one parent is listed on the birth
11 certificate. A court order shall not be required except for completions or
12 changes of name more than six months after the date of birth.

13 (b) If the State Registrar determines that a correction or completion
14 requested under this section is unwarranted, he or she may deny an application,
15 in which case the applicant may petition the Probate Division of the Superior
16 Court. The court shall review the petition and relevant evidence de novo to
17 determine if the correction or completion is warranted. The court shall
18 transmit a decree ordering a correction or completion to the State Registrar,
19 who shall correct or complete the certificate in accordance with the decree.

20 (c) A corrected or completed certificate shall be free of any evidence of
21 such correction except that the clerk shall make a notation as to the change and

1 ~~shall not be marked "Amended." However, the State Registrar shall enter into~~
2 ~~and maintain in the Statewide Registration System the source of the~~
3 ~~information, together with his or her name the identity of the person making~~
4 ~~the change in the System, and the date the change was made, on the margin of~~
5 ~~the certificate. This notation shall not be included on any certified copy of the~~
6 ~~certificate issued except as specified in subsection (b) of this section. The~~
7 ~~certificate shall not be marked "Amended."~~

8 ~~(b) The town clerk shall send a certified copy of any certificate amended~~
9 ~~under subsection (a) of this section to the commissioner and also to the clerk~~
10 ~~of any town to whom a copy of the original record was sent under the~~
11 ~~provisions of section 5009 of this title, and shall enclose with that copy, but~~
12 ~~not endorsed thereon, a notation identifying the copy to be replaced. The copy~~
13 ~~shall show the notations specified in subsection (a) of this section. The~~
14 ~~commissioner shall file this return or copy by attaching the same to the~~
15 ~~original return or copy.~~

16 ~~(d) If the State Registrar corrects or completes a certificate that was~~
17 ~~registered prior to July 1, 2018, he or she shall notify the custodian of the~~
18 ~~original certificate, who shall replace and dispose of the original, and update~~
19 ~~indexes, as directed by the State Registrar. Corrected or completed originals~~
20 ~~shall not be marked "Amended."~~

21 ~~Sec. 27. 18 V.S.A. § 5074 is amended to read.~~

1 ~~§ 5074. PENALTY~~

2 ~~A person who fails to comply with a provision of sections 5071-~~
3 ~~5073 of this title shall be fined \$5.00 subject to the penalties~~
4 ~~prescribed in section 5011 of this title.~~

5 Sec. 28. 18 V.S.A. § 5075 is amended to read:

6 ~~§ 5075. ISSUANCE OF NEW OR CORRECTED AMENDED OR~~
7 ~~DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF~~
8 ~~THE SUPERIOR COURT APPLICATION~~

9 ~~(a) After Except as otherwise provided in subdivision 5073(a)(2) of this~~
10 ~~title, after six months from the date of birth, any alteration of the birth~~
11 ~~certificate of a person born in this state may be amended only by the decree of~~
12 ~~the probate division of the superior court of the district in which such birth~~
13 ~~occurred State shall be deemed an amendment. A petition for such~~
14 ~~amendment may be brought by the person, the person's Upon application by~~
15 ~~the registrant, his or her parent or guardian, the hospital in which the birth~~
16 ~~occurred, or the certifying attendant, or custodian setting forth the reason for~~
17 ~~such petition and the correction or amendment desired and the reason for it,~~
18 ~~the State Registrar may amend the birth certificate if the application and~~
19 ~~relevant evidence, if any, show that the amendment is warranted.~~

20 ~~(b) A person born in this state State for whom no certificate of birth was~~
21 ~~filed during the first year following birth, or his or her parent or guardian, may~~
22 ~~petition the probate division of the superior court of the district in which such~~
23 ~~person was born apply to the State Registrar to determine the facts with respect~~

1 ~~to this the birth and to order the issuance of issue a delayed certificate of birth~~

2 ~~(b) Birth certificates issued under this section for minor errors as defined in~~
3 ~~subsection 5073(a) of this title shall be corrected without payment of a fee.~~

4 ~~(c) If the State Registrar denies an application under this section, the~~
5 ~~applicant may petition the Probate Division of the Superior Court, which shall~~
6 ~~review the application and relevant evidence de novo to determine if the~~
7 ~~amendment or issuance of a delayed certificate is warranted. The court shall~~
8 ~~transmit a decree ordering an amendment or issuance of a delayed certificate to~~
9 ~~the State Registrar, who shall amend or issue the certificate in accordance with~~
10 ~~the decree.~~

11 ~~(d) The State Registrar shall make any amendment and register any~~
12 ~~delayed certificate in the Statewide Registration System. Any amended birth~~
13 ~~certificate issued from the System shall indicate the word "Amended" and the~~
14 ~~date of amendment, and any delayed certificate issued from the System shall~~
15 ~~indicate the word "Delayed" and the date of registration. The State Registrar~~
16 ~~shall enter into and maintain in the System the identity of the person~~
17 ~~requesting the amendment or delayed certificate, the person who made the~~
18 ~~amendment or registered the delayed certificate in the System, and the date of~~
19 ~~the amendment or registration.~~

20 ~~(e) If the State Registrar amends a certificate that was registered prior to~~
21 ~~July 1, 2018, he or she shall notify the custodian of the original certificate,~~

1 ~~who shall replace and dispose of the original, and update indexes, as directed~~
2 ~~by the State Registrar.~~

3 Sec. 29. 18 V.S.A. § 5076 is amended to read:

4 § 5076. ~~NOTICE; HEARING; DECREE; RECORD~~

5 ~~(a) The probate division of the superior court shall set a time for hearing on~~
6 ~~a petition filed under section 5075 of this title, cause notice thereof, if it deems~~
7 ~~such necessary, by posting a notice in the probate office, and after hearing such~~
8 ~~proper and relevant evidence as may be presented shall make findings with~~
9 ~~respect to the birth of such person as are supported by the evidence.~~

10 ~~(b) The court shall thereupon issue a decree setting forth the facts as found~~
11 ~~and transmit a certified copy thereof to the supervisor of vital records~~
12 ~~registration.~~

13 ~~(1) Where the certificate is to be amended, the supervisor of vital records~~
14 ~~registration shall transmit the decree to the town clerk where the birth~~
15 ~~occurred, with instructions to amend the original certificate. A correction shall~~
16 ~~be made by drawing a line through the matter to be corrected and writing in~~
17 ~~new matter as required to show the legal effects. The town clerk shall stamp,~~
18 ~~write or type the words "Court Amended" at the top of the amended certificate~~
19 ~~and all copies thereof and shall certify that the amendment was ordered by said~~
20 ~~court pursuant to this chapter with the date of decree. The town clerk shall~~
21 ~~send a certified copy of such completed or corrected birth record, showing new~~
22 ~~matter added, or changed matter lined out and the substituted matter as it~~

1 ~~appears thereon, to the commissioner and also to the clerk of any town to~~
2 ~~whom a copy of the original record was sent under the provisions of section~~
3 ~~5009 of this title, and shall enclose with that copy, but not endorsed thereon, a~~
4 ~~notation identifying the original.~~

5 ~~(2) When a delayed certificate is to be issued, the supervisor of vital~~
6 ~~records registration shall prepare a delayed certificate of birth on forms~~
7 ~~prescribed by the department and transmit the same, with the decree, to the~~
8 ~~clerk of the town in which the birth occurred. This delayed certificate shall~~
9 ~~have the word "Delayed" printed at the top and shall certify that the certificate~~
10 ~~was ordered by a court pursuant to this chapter, with the date of the decree.~~
11 ~~The town clerk shall file this delayed certificate and shall follow the provisions~~
12 ~~of sections 5009 and 5010 of this title with respect to transmitting copies to the~~
13 ~~town of residence and to the department of health.~~

14 ~~(3) Town clerks receiving new certificates in accordance with this~~
15 ~~section shall file and index them in the most recent book of births and also~~
16 ~~index them with births occurring at the same time. [Repealed.]~~

17 Sec. 30. 18 V.S.A. § 5077 is amended to read:

18 ~~§ 5077. NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS~~
19 ~~WHO SUBSEQUENTLY MARRY~~

20 ~~(a) A person whose previously unwed parents have intermarried~~
21 ~~subsequent to his or her birth and whose father has recognized such person as~~

1 ~~his child may establish his or her legitimacy under the provisions of 14 V.S.A.~~
2 ~~§ 554 and the facts with respect to his or her birth and parentage, and procure~~
3 ~~the issuance and filing of a new birth certificate by petition to the probate~~
4 ~~division of the superior court of the district where the child was born.~~

5 ~~(b) The probate division of the superior court, after hearing, shall issue a~~
6 ~~decree setting forth the facts as found and shall transmit a certified copy~~
7 ~~thereof to the supervisor of vital records registration, who shall prepare a new~~
8 ~~certificate and transmit it together with the decree and such information as is~~
9 ~~necessary to identify the original birth certificate, to the clerk of the town~~
10 ~~where the child was born.~~

11 ~~(c) The clerk shall file and index the new certificate in the most recent~~
12 ~~book of births, shall also index them with births occurring at the same time~~
13 ~~and shall otherwise comply with the provisions of sections 5080 and 5081 of~~
14 ~~this title. The new certificate shall contain a notation that it was issued by~~
15 ~~authority of this chapter, and it shall not contain the word "Amended" or other~~
16 ~~special designation. [Repealed.]~~

17 Sec. 31. 18 V.S.A. § 5077a is amended to read:

18 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE

19 NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

20 (a) If a parent of a person born in this State was unable to be listed as a
21 ~~parent on the person's birth certificate due to the lack of gender-neutral~~

1 ~~nomenclature on the former report of birth information form forms provided~~
2 by the Department of Health, and the person or the person's parent may
3 petition the Probate Division of the Superior Court of the district where the
4 person was born in order to establish his or her parentage and be issued a new
5 submits sufficient proof of parentage to the State Registrar, the State Registrar
6 shall complete the birth certificate in the State Registration System and notify
7 the custodian of the original. The custodian shall replace the original birth
8 certificate with a new birth certificate from the System which shall not contain
9 the word "Amended" or other special designation. The custodian shall send
10 the original to the State Registrar, who shall keep it under seal.

11 (b) ~~The Probate Division of the Superior Court, after hearing, shall~~
12 ~~authorize the supervisor of vital records registration to issue a new birth~~
13 ~~certificate and transmit it, together with any information identifying the~~
14 ~~original birth certificate, to the clerk of the town where the person was born.~~

15 [Repealed.]

16 (c) ~~The clerk shall file and index the new certificate in the most recent~~
17 ~~book of births, shall also index them with births occurring at the same time,~~
18 ~~and shall otherwise comply with the provisions of sections 5080 and 5081 of~~
19 ~~this title. The new certificate shall contain a notation that it was issued by~~
20 ~~authority of this chapter, and it shall not contain the word "Amended" or other~~
21 ~~special designation. [Repealed.]~~

1 ~~Sec. 32, 15A V.S.A. § 3-801 is amended to read:~~

2 § 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL
3 RECORDS

4 (a) Within 30 days after a decree of adoption becomes final, the clerk of
5 the court shall ~~prepare, send, and certify to the State Registrar of Vital Records~~
6 a report of adoption on a form furnished prescribed by the ~~supervisor of vital~~
7 ~~records and certify and send the report to the supervisor~~ State Registrar. The
8 report shall include:

9 (1) information in the court's record of the proceeding for adoption
10 ~~which~~ that is necessary to locate and identify the adoptee's birth certificate or,
11 in the case of an adoptee born outside the United States, evidence the court
12 finds appropriate to consider as to the adoptee's date and ~~place~~ country, state,
13 and municipality of birth, as may be available;

14 (2) information necessary to issue a new birth certificate for the adoptee
15 and a request that a new certificate be issued, unless the court, the adoptive
16 parent, or an adoptee who ~~has attained~~ is 14 years of age ~~or older~~ requests that
17 a new certificate not be issued; and

18 (3) the file number of the decree of adoption and the date on which the
19 decree became final.

20 (b) Within 30 days after a decree of adoption is amended or set aside, the
21 ~~clerk of the court shall prepare and send to the State Registrar a report of that~~

1 ~~action on a form furnished prescribed by the supervisor of vital records and~~
2 ~~shall certify and send the report to the supervisor of vital records State~~
3 ~~Registrar. The report shall include information necessary to identify the~~
4 ~~original report of adoption, and shall also include information necessary to~~
5 ~~amend or withdraw any new birth certificate that was issued pursuant to the~~
6 ~~original report of adoption.~~

7 Sec. 33. 15A V.S.A. § 3-802 is amended to read:

8 § 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

9 (a) Except as otherwise provided in subsection (d) of this section, upon
10 receipt of a report of adoption prepared pursuant to ~~section~~
11 ~~3-801~~ subsection 3-801(a) of this title, a report of adoption prepared in
12 accordance with the law of another state or country, a certified copy of a
13 decree of adoption together with information necessary to identify the
14 adoptee's original birth certificate and to issue a new certificate, or a report of
15 an amended adoption prepared pursuant to subsection 3-801(b) of this title,
16 the ~~supervisor of vital records~~ State Registrar shall either:

17 (1) ~~issue a new birth certificate for an adoptee born in this state~~ State,
18 update the Statewide Registration System in accordance with the decree and
19 furnish a certified copy of the a new birth certificate to the adoptive parent and
20 to an adoptee who has attained is 14 years of age or older;

21 ~~(2) forward a certified copy of a report of adoption for an adoptee born~~

1 ~~in another state, forward a certified copy of the report of adoption to the~~
2 ~~supervisor of vital records appropriate office of the state of birth;~~
3 (3) ~~issue a certificate of foreign birth for an adoptee adopted in this state~~
4 ~~and State who was born outside the United States and was not a citizen of the~~
5 ~~United States at the time of birth, create and register in the Statewide~~
6 ~~Registration System a “certificate of live birth for a foreign born child” upon~~
7 ~~request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified~~
8 ~~copy of the certificate to the adoptive parent and to an adoptee who has~~
9 ~~attained is 14 years of age or older;~~
10 (4) ~~notify an adoptive parent of the procedure for obtaining a revised~~
11 ~~birth certificate through the United States Department of State for an adoptee~~
12 ~~born outside the United States who was a citizen of the United States at the~~
13 ~~time of birth, notify the adoptive parent of the procedure for obtaining a~~
14 ~~revised birth certificate through the U.S. Department of State; or~~
15 (5) ~~in the case of an amended decree of adoption, issue an amended~~
16 ~~birth certificate according to either update the Statewide Registration System~~
17 ~~in accordance with the decree and follow the procedure in subdivision (a)(1) or~~
18 ~~(3) of this section, or follow the procedure in subdivision (2) or (4) of this~~
19 ~~section.~~
20 (b) Unless otherwise specified by the court, a new birth certificate or
21 ~~certificate of live birth for a foreign born child issued pursuant to subdivision~~

1 ~~(a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of~~

2 this section shall:

3 (1) be signed by the ~~supervisor of vital records~~ State Registrar;

4 (2) include the date, time, and place of birth of the adoptee;

5 (3) substitute the name of the adoptive parent for the name of the person
6 listed as the adoptee's parent on the original birth certificate;

7 (4) ~~include the filing date of the original birth certificate and the filing~~
8 ~~date of the new birth certificate;~~ [Repealed.]

9 (5) contain any other information prescribed by the ~~supervisor of vital~~
10 ~~records~~ State Registrar.

11 (c) ~~The supervisor of vital records, and any other custodian of such~~
12 ~~records, In the case of birth certificates registered prior to July 1, 2018 that are~~
13 ~~to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section,~~
14 ~~the State Registrar shall notify the custodian of the original certificate, who~~
15 shall substitute the new or amended birth certificate for the original birth
16 certificate. The original certificate and all copies of the certificate in the files
17 shall be sealed and shall not be subject to inspection until 99 years after the
18 adoptee's date of birth, except as provided by this title.

19 (d) If the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14
20 years of age or older requests that a new or amended birth certificate not be
21 ~~issued, the supervisor of vital records may~~ State Registrar shall not issue a new

1 ~~or amended certificate for an adoptee pursuant to subsection (e) of this section,~~
2 but, Nonetheless, for an adoptee born in another state, the State Registrar shall
3 forward a certified copy of the report of adoption or of an amended decree of
4 adoption for an adoptee who was born in another state to the appropriate office
5 in the adoptee's state of birth.

6 (e) Upon receipt of a report that an adoption has been ~~vacated~~ set aside, the
7 ~~supervisor of vital records~~ State Registrar shall:

8 (1) ~~restore the original birth certificate for a person born in this state to~~
9 its place in the files State for whom a new birth certificate was issued, update
10 the Statewide Registration System to reflect the original birth certificate data
11 and, in the case of an original birth certificate registered prior to July 1, 2018,
12 notify the custodian of the original, who shall seal any new or amended birth
13 certificate issued pursuant to subsection (a) of this section and restore the
14 original and update indices as directed by the State Registrar, and not allow
15 inspection of a the sealed certificate except upon court order or as otherwise
16 provided in this title;

17 (2) ~~forward the report with respect to~~ for a person born in another state,
18 forward the report to the appropriate office in the state of birth; or

19 (3) for an adoptee born outside the United States who was not a citizen
20 of the United States at the time of birth for whom a certificate of live birth for
21 a foreign born child was issued, update the Statewide Registration System to

1 ~~reflect that the adoption was set aside; or~~

2 ~~(4) notify the person who is granted legal custody of a former adoptee~~
3 ~~after an adoption is vacated of the procedure for obtaining an original birth~~
4 ~~certificate through the United States Department of State for a former adoptee~~
5 ~~born outside the United States who was a citizen of the United States at the~~
6 ~~time of birth, notify the person who is granted legal custody of a former~~
7 ~~adoptee after an adoption is set aside of the procedure for obtaining an original~~
8 ~~birth certificate through the United States Department of State.~~

9 (f) Upon request by a person who was listed as a parent on an adoptee's
10 original birth certificate and who furnishes appropriate proof of the person's
11 identity, the ~~supervisor of vital records~~ State Registrar shall give the person a
12 noncertified copy of the original birth certificate.

13 Sec. 34. 18 V.S.A. § 5078 is amended to read:

14 § 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

15 ~~(a) The supervisor of vital records registration shall establish a new birth~~
16 ~~certificate for a person born in the state when the supervisor~~ When the State
17 Registrar receives a record report of adoption, a report of an amended
18 adoption, or a report that an adoption has been set aside as provided in 15
19 V.S.A. § 449 15A V.S.A. § 3-801, or a record of adoption prepared and filed in
20 accordance with the laws of another state or foreign country, he or she shall
21 proceed as prescribed in 15A V.S.A. § 3-802.

22 ~~(b) The new birth certificate shall be on a form prescribed by the~~

1 ~~commissioner of health. The new birth certificate shall include:~~

2 ~~(1) the actual place and date of birth;~~

3 ~~(2) the adoptive parents as though they were natural parents;~~

4 ~~(3) a notation that it was issued by authority of this chapter. [Repealed.]~~

5 ~~(c) The new birth certificate shall not contain a statement whether the~~
6 ~~adopted person was illegitimate. [Repealed.]~~

7 ~~(d) The new certificate, and sufficient information to identify the original~~
8 ~~certificate, shall be transmitted to the clerk of the town of birth to be filed~~
9 ~~according to the procedures in 15 V.S.A. § 451. [Repealed.]~~

10 ~~(e) The supervisor of vital records registration shall not establish a new~~
11 ~~birth certificate if the supervisor receives, accompanying the record of~~
12 ~~adoption, a written request that a new certificate not be established:~~

13 ~~(1) from the adopted person if 18 years or older; or~~

14 ~~(2) from the adoptive parent or parents if the adopted person is under 18~~
15 ~~years of age. [Repealed.]~~

16 ~~(f) When the supervisor of vital records registration receives a record of~~
17 ~~adoption for a person born in another state, the supervisor shall forward a~~
18 ~~certified copy of the record of adoption to the state registrar in the state of~~
19 ~~birth, with a request that a new birth certificate be established under the laws~~
20 ~~of that state. [Repealed.]~~

21 ~~Sec. 55. 18 V.S.A. § 5078a is amended to read:~~

1 ~~5078a. BIRTH CERTIFICATE FOR FOREIGN BORN OF~~
2 LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN
3 VERMONT
4 (a) ~~The supervisor of vital records registration~~ State Registrar shall
5 establish ~~a Vermont birth certificate for a person born in a foreign country in~~
6 the Statewide Registration System a “certificate of live birth for a foreign born
7 child” when ~~the supervisor~~ he or she receives:
8 (1) a written request that ~~a new~~ the certificate be established:
9 (A) from the adopted person if ~~18~~ 14 years of age or older; or
10 (B) from the adoptive parent or parents if the adopted person is under
11 ~~18~~ 14 years of age; and
12 (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~
13 15A V.S.A. § 3-801(a).
14 (b) ~~The new Vermont birth certificate shall be on a form prescribed by the~~
15 ~~commissioner of health. The new birth certificate shall include:~~
16 (1) the true or probable foreign country of birth and true or probable
17 date of birth;
18 (2) the adoptive parents as though they were natural parents;
19 (3) a notation that it was issued by authority of this chapter;
20 (4) a statement that the certificate is not evidence of ~~United States~~ U.S.
21 citizenship; and
22 (5) any other information the State Registrar may prescribe.
23 ~~(c) The new birth certificate shall not contain a statement whether the~~

1 ~~adopted person was illegitimate.~~

2 ~~(d) Birth certificates established under this section shall remain on file only~~
3 ~~at the department of health. [Repealed.]~~

4 ~~(e) Papers relating to the adoption shall be filed in accordance with the~~
5 ~~provisions of 15 V.S.A. § 451. [Repealed.]~~

6 Sec. 36. 18 V.S.A. § 5080 is amended to read:

7 ~~§ 5080. FORM AND EFFECT OF NEW CERTIFICATE~~

8 ~~All the provisions of sections 5006-5014 of this title shall be applicable~~
9 ~~with respect to a new birth certificate issued under the provisions of sections~~
10 ~~5077 and 5078 of this title. Such a new birth certificate issued under~~
11 ~~15A V.S.A. § 3-802 and sections 5077 and 5112 of this title shall have the~~
12 ~~same force and effect as though filed registered in accordance with the~~
13 ~~provisions of section 5071 of this title. Each ~~certified copy of such certificate~~~~
14 ~~and each return based thereon transmitted in accordance with the provisions of~~
15 ~~sections 5009 and 5010 of this title, shall have enclosed therewith but not~~
16 ~~endorsed thereon or attached thereto a notation identifying the copy or return,~~
17 ~~if any, to be replaced by such new copy or return.~~

18 Sec. 37. 18 V.S.A. § 5081 is amended to read:

19 ~~§ 5081. FILING OF NEW CERTIFICATE~~

20 ~~The town clerk filing a new birth certificate issued in accordance with the~~
21 ~~provisions of sections 5077 and 5078 of this title, and each town clerk or other~~
22 ~~officer to whom is transmitted a certified copy of the new certificate or a~~

1 ~~return based thereon, shall comply with 15 V.S.A. § 451. All known and~~
2 ~~available packets containing adoption orders and superseded birth certificates~~
3 ~~prepared in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of~~
4 ~~this title, before the effective date of this act shall be forwarded to the~~
5 ~~commissioner of health. These packets shall be filed as specified in 15 V.S.A.~~
6 ~~§ 451. [Repealed.]~~

7 Sec. 38. 18 V.S.A. § 5082 is amended to read:

8 § 5082. CONSTRUCTION

9 The provisions of sections 5077-5081 of this title shall be applicable with
10 respect to both past and future orders, judgments, decrees, and instruments
11 relating to marriages and births. [Repealed.]

12 Sec. 39. 18 V.S.A. § 5083 is amended to read:

13 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

14 (a) If a participant in the program described in 15 V.S.A. chapter 21,
15 subchapter 3 who is the parent of a child born during the period of program
16 participation notifies the physician or midwife who delivers the child, or the
17 hospital at which the child is delivered, not later than 24 hours after the birth
18 of the child, that the participant's confidential address should not appear on the
19 child's birth certificate, then the Department shall not disclose such
20 confidential address or the participant's town of residence on any public
21 records ~~address shall not be maintained in the Statewide Registration System~~

1 ~~and town clerks, the State Registrar, and the State Archivist shall ensure the~~
2 confidentiality of the address during the period of program participation in
3 accordance with measures prescribed by the State Registrar. A participant
4 who fails to provide such notice shall be deemed to have waived the provisions
5 of this section. ~~If such notice is received, then notwithstanding section 5071 of~~
6 ~~this title, the attendant physician or midwife shall file the certificate with the~~
7 ~~Supervisor of Vital Records within ten days of the birth, without the~~
8 ~~confidential address or town of residence, and shall not file the certificate with~~
9 ~~the town clerk.~~

10 (b) ~~The Supervisor of Vital Records shall receive and file for record all~~
11 ~~certificates filed in accordance with this section, and shall ensure that a~~
12 ~~parent's confidential address and town of residence do not appear on the birth~~
13 ~~certificate during the period that the parent is a program participant. A~~
14 ~~certificate filed in accordance with this section shall be a public document.~~
15 ~~The Supervisor of Vital Records~~ State Registrar shall notify the Secretary of
16 ~~State of the receipt of a birth certificate on behalf of that a~~ program participant
17 has given notice under this section.

18 (c) ~~The Department~~ State Registrar shall maintain a confidential record
19 of the parent's actual mailing address and town of residence. ~~Such record,~~
20 which shall be exempt from public inspection and copying under the Public
21 Records Act.

1 ~~(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation~~
2 of program participation of any parent of whom the Secretary of State received
3 notice from the Supervisor of Vital Records State Registrar, the Secretary of
4 State shall notify the Supervisor of Vital Records State Registrar.

5 (e) ~~Notwithstanding section 5075 of this title, upon~~ Upon notice of the
6 expiration, withdrawal, invalidation, or cancellation of program participation,
7 the ~~supervisor of vital records registration~~ State Registrar shall enter the update
8 the Statewide Registration System and take such other steps as may be
9 necessary to ensure that the actual mailing address and town of residence on
10 the original birth certificate and shall transmit the completed original birth
11 certificate to the town clerk where the birth occurred are available for public
12 inspection and copying in accordance with section 5016 of this title.

13 (f) ~~The town clerk shall process certificates received in this manner in~~
14 ~~accordance with the provisions of this chapter. [Repealed.]~~

15 Sec. 40. 18 V.S.A. chapter 20 is added to read:

16 CHAPTER 20. BIRTH INFORMATION NETWORK

17 Sec. 41. REDESIGNATION

18 18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are
19 redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

20 Sec. 42. 18 V.S.A. § 5112 is amended to read:

21 ~~§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE, CHANGE OF SEX~~

1 ~~(a) Upon receiving from the Probate Division of the Superior Court a court~~
2 ~~order that receipt of an application for a new birth certificate and after~~
3 ~~receiving sufficient evidence to determine that an individual's sexual~~
4 ~~reassignment has been completed, the State Registrar shall issue a new birth~~
5 ~~certificate to:~~

6 ~~(1) show that the sex of the individual born in this State has been~~
7 ~~changed; and~~

8 ~~(2) if the application is accompanied by a decree of the Probate Division~~
9 ~~authorizing a change of name associated with the change of sex, to reflect the~~
10 ~~change of name.~~

11 (b) An affidavit by a licensed physician who has treated or evaluated the
12 individual stating that the individual has undergone surgical, hormonal, or
13 other treatment appropriate for that individual for the purpose of gender
14 transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to
15 ~~issue an order~~ determine that sexual reassignment has been completed. The
16 affidavit shall include the medical license number and signature of the
17 physician.

18 (c) A new certificate issued pursuant to subsection (a) of this section shall
19 be substituted for the original birth certificate in official records. The new
20 certificate shall not show that a change in name or sex, or both, has been made.

21 ~~The original birth certificate, the Probate Division order change of name~~

1 ~~decree, if any, and any other records relating to the issuance of the new birth~~
2 certificate shall be confidential and shall be exempt from public inspection and
3 copying under the Public Records Act; however an individual may have access
4 to his or her own records and may authorize the State Registrar to confirm
5 that, ~~pursuant to court order, it has~~ he or she issued a new birth certificate to
6 the individual that reflects a change in name or sex, or both.

7 (d) If an individual born in this State has an amended birth certificate
8 showing that the sex of the individual has been changed, and the birth
9 certificate is marked "Court Amended" or otherwise clearly shows that it has
10 been amended, the individual may receive a new birth certificate from the
11 State Registrar upon application.

12 * * * Marriage Records * * *

13 Sec. 43. 18 V.S.A. § 5131 is amended to read:

14 § 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;

15 RETURN OF CIVIL MARRIAGE CERTIFICATE;

16 REGISTRATION

17 (a)(1) Upon application in a form prescribed by the ~~department~~ State
18 Registrar, a town clerk shall issue to a person a civil marriage license ~~in the~~
19 ~~form prescribed by the department~~ from the Statewide Registration System
20 and shall enter ~~thereon~~ in the System the names of the parties to the proposed
21 ~~marriage, fill out the form as far as practicable and retain in the clerk's office a~~

1 ~~copy thereof and such other data as the State Registrar shall prescribe.~~

2 (2) The ~~department~~ State Registrar shall prescribe forms that allow each
3 party to a marriage to be designated "bride," "groom," or "spouse," as he or
4 she chooses, and the application shall be in substantially the following form:

5 ~~VERMONT DEPARTMENT OF HEALTH~~

6 ~~APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE~~

7 ~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR~~

8 ~~CERTIFIED COPY \$10.00~~

9 ~~BRIDE/GROOM/SPOUSE (circle one)~~

NAME (First) _____ (Middle) _____ (Last) _____		
SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE
BIRTHPLACE	EDUCATION (Circle No. Yrs. Completed)	
	GRADES 1-8	GRADES 9-12
RESIDENCE (No. and Street)		
CITY OR TOWN	COUNTY	STATE

RACE — White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)		
FATHER'S NAME (First, Middle, Last)		
FATHER'S BIRTHPLACE (State or Foreign Country)	MOTHER'S BIRTHPLACE (State or Foreign Country)	
MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)		
NO. OF THIS MARRIAGE (1st, 2nd, etc.)	NO. OF CIVIL UNIONS	IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION
Date last marriage or civil union ended _____ Month _____ Year		
LAST RELATIONSHIP ENDED BY: 1. <input type="checkbox"/> DEATH 2. <input type="checkbox"/> DISSOLUTION 3. <input type="checkbox"/> ANNULMENT 4. <input type="checkbox"/> PREVIOUS CIVIL UNION DID NOT END MARRYING CIVIL		

UNION
PARTNER
Does either party have a legal guardian _____ Yes _____ No

1

BRIDE/GROOM/SPOUSE (circle one)

NAME (First) _____ (Middle) _____ (Last) _____		
SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE
BIRTHPLACE	EDUCATION (Circle No. Yrs. Completed)	
	GRADES 1-8	GRADES 9-12
RESIDENCE (No. and Street)		
CITY OR TOWN	COUNTY	STATE
RACE — White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)		

FATHER'S NAME (First, Middle, Last)		
FATHER'S BIRTHPLACE (State or Foreign Country)	MOTHER'S BIRTHPLACE (State or Foreign Country)	
MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)		
NO. OF THIS MARRIAGE (1st, 2nd, etc.)	NO. OF CIVIL UNIONS	IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION
Date last marriage or civil union ended _____ Month _____ Year		
LAST RELATIONSHIP ENDED BY: 1. <input type="checkbox"/> DEATH 2. <input type="checkbox"/> DISSOLUTION 3. <input type="checkbox"/> ANNULMENT 4. <input type="checkbox"/> PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION PARTNER		
Does either party have a legal guardian _____ Yes _____ No		

APPLICANTS	
We hereby certify that the information provide is correct to the best of our knowledge and belief and that we are free to marry under the laws of Vermont.	
SIGNATURE _____	SIGNATURE _____
_____	_____
Date signed: _____	Date signed: _____
_____	_____
Planned marriage date _____	Location (City or town) _____
_____	_____
Officiant Name & Address _____	

Your mailing address after wedding _____	

Do you want a certified copy of your Marriage Certificate? (\$10.00)	
_____ Yes _____ No	

1 Date License issued _____ Clerk issuing License _____

2 This worksheet may be destroyed after marriage is registered.

3 (3) At least one party Both parties to the proposed marriage shall sign

4 ~~the certifying application to the accuracy of the facts so stated. The license~~

1 shall be issued by:

2 (A) the clerk of the incorporated town, city, or village where either
3 party resides;

4 (B) the clerk of the county where an unorganized town or gore is
5 situated, if both parties reside in an unorganized town or gore in that county, or
6 if one party so resides and the other party resides in an unorganized town or
7 gore in another county or outside the State; or;

8 (C) if neither is a resident of the state, by any town clerk in the state
9 State if neither party is a resident of the State.

10 (4)(A) Parties to a civil union certified in Vermont may elect to
11 dissolve their civil union upon marrying one another but are not required to do
12 so to form a civil marriage. The ~~department~~ State Registrar shall clearly
13 indicate this option on the civil marriage application form required by
14 subdivision (2) of this subsection. If a couple elects this option, each party to
15 the intended marriage shall sign a statement on the confidential portion of the
16 civil marriage license and certificate form stating that he or she freely and
17 voluntarily agrees to dissolve the civil union between the parties.

18 (B) Dissolution pursuant to this subdivision shall become effective
19 upon solemnization of the marriage between the parties, and the parties shall
20 not be required to file a petition for an uncontested dissolution with the ~~family~~
21 ~~division of the superior court~~ Family Division of the Superior Court pursuant

1 ~~to 15 V.S.A. § 1206(d). A dissolution granted pursuant to this subdivision~~

2 shall be exempt from fees provided in 32 V.S.A. § 1431(b)(2).

3 (b) A civil marriage license so issued shall be delivered by one of the
4 parties to the proposed marriage, within 60 days from the date of issue, to a
5 person authorized to solemnize marriages by section 5144 of this title. If the
6 proposed marriage is not solemnized within 60 days from the date of issue,
7 such license shall become void. After such the person has solemnized the
8 marriage, he or she shall fill out that part of the form on the license provided
9 for his or her use, sign it, and certify to the same occurrence and date of the
10 marriage. Thereafter the document shall be known as a civil marriage
11 certificate.

12 (c) ~~Such certificate shall be returned within ten days to the office of the~~
13 ~~town clerk from which the license issued by the~~ The person solemnizing such
14 the marriage shall return the certificate to the town clerk within 10 days of the
15 marriage. The Within five days of receipt of the certificate, the town clerk
16 shall retain and file the original according to sections 5007 and 5008 of this
17 title enter additional data as the State Registrar shall prescribe into the
18 Statewide Registration System, and the State Registrar shall register the
19 marriage in the System.

20 Sec. 44. 18 V.S.A. § 5132 is amended to read:

21 ~~§ 5132. CIVIL MARRIAGE LICENSE, PARTICULARS IN ADDRESS~~

CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 notifies the town or State Registrar that the participant's confidential address should not appear on the civil marriage license or certificate, then ~~the town clerk shall not disclose such confidential address or the participant's town of residence on any public records~~ address shall not be maintained in the Statewide Registration System, and town clerks, the State Registrar, and the State Archivist shall ensure the confidentiality of the address during the period of program participation in accordance with measures prescribed by the State Registrar. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. ~~If such notice is received, then notwithstanding section 5131 of this title, the town clerk shall file the civil marriage certificate with the Supervisor of Vital Records within 10 days of receipt, without the confidential address or town of residence, and shall not retain a copy of the civil marriage certificate.~~

(b) ~~The Supervisor of Vital Records shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a person's confidential address and town of residence do not appear on the civil marriage certificate during the period that the person is a program participant. A certificate filed in accordance with this section shall be a public document.~~

~~The Supervisor of Vital Records State Registrar shall notify the Secretary of~~

1 ~~State of the receipt of a civil marriage certificate on behalf of that a program~~
2 ~~participant has given notice under this section.~~

3 (c) ~~The Department State Registrar shall maintain a confidential record~~
4 ~~of the person's actual mailing address and town of residence. Such record,~~
5 ~~which shall be exempt from public inspection and copying under the Public~~
6 ~~Records Act.~~

7 (d) ~~Upon the renewal, expiration, withdrawal, invalidation, or cancellation~~
8 ~~of program participation of any person of whom the Secretary of State~~
9 ~~received notice from the Supervisor of Vital Records State Registrar, the~~
10 ~~Secretary of State shall notify the Supervisor of Vital Records State Registrar.~~

11 (e) ~~Upon notice of the expiration, withdrawal, invalidation, or cancellation~~
12 ~~of program participation, the Supervisor of Vital Records State Registrar shall~~
13 ~~enter the update the Statewide Registration System and take such other steps as~~
14 ~~may be necessary to ensure that the actual mailing address and town of~~
15 ~~residence on the original marriage certificate and shall transmit the completed~~
16 ~~original civil marriage certificate to the town clerk where the certificate was~~
17 ~~issued are available for public inspection and copying in accordance with~~
18 ~~section 5016 of this title.~~

19 (f) ~~The town clerk shall process certificates received in this manner in~~
20 ~~accordance with the provisions of this chapter. [Repealed.]~~

21 ~~Sec. 45. 18 V.S.A. § 5159 is amended to read.~~

1 ~~§ 5130. CLERK'S DUTIES; PENALTY~~

2 ~~(a) A Except under the circumstances described in subsection (b) of this~~
3 ~~section, a town clerk who knowingly issues a civil marriage license upon~~
4 ~~application of a person residing in another town in the state, or a county clerk~~
5 ~~who knowingly issues a civil marriage license upon application of a person~~
6 ~~other than as provided in section 5005 of this title other than as described in~~
7 ~~subdivision 5131(a)(3) of this title, or a clerk who issues such a license~~
8 ~~without first requiring the applicant to fill out, sign, and make oath to the~~
9 ~~declaration contained therein as provided in section 5131 of this title, shall be~~
10 ~~fin~~ed~~ not more than \$50.00 nor less than \$20.00 subject to the penalties~~
11 ~~prescribed in section 5011 of this title.~~

12 ~~(b) A town clerk may issue a civil marriage license to parties other than as~~
13 ~~described in subdivision 5131(a)(3) of this title when the office of the town~~
14 ~~clerk with authority to issue the license is not open during standard business~~
15 ~~hours and the parties have a compelling, immediate need to be married, as~~
16 ~~determined by the town clerk issuing the civil marriage license. A compelling,~~
17 ~~immediate need would arise when irreparable harm would occur if the~~
18 ~~marriage were delayed.~~

19 Sec. 46. 18 V.S.A. § 5140 is amended to read:

20 § 5140. PENALTY FOR MISREPRESENTATION

21 ~~A person making application who applies to a clerk for a license to marry~~

1 ~~who and knowingly makes a material misrepresentation in filling the forms~~
2 ~~contained in the declaration of intention the application shall be deemed guilty~~
3 ~~of perjury and punished accordingly subject to the penalties prescribed in~~
4 ~~section 5011 of this title.~~

5 Sec. 47. 18 V.S.A. § 5141 is amended to read:

6 § 5141. PROOF CONFIRMATION OF LEGAL QUALIFICATIONS OF
7 PARTIES; PENALTY

8 (a) ~~Before~~ At a minimum, before issuing a civil marriage license to an
9 applicant, the town clerk shall ~~satisfy himself by requiring affidavits or other~~
10 ~~proof that neither party to the intended marriage is~~ review the license
11 application to confirm that:

12 (1) the information submitted therein does not facially indicate that the
13 parties are prohibited from marrying by the laws of this state State; and

14 (2) the parties have certified to the veracity of the information in the
15 application.

16 (b) A clerk who fails to comply with the provisions of this section or who
17 issues a civil marriage license with knowledge that the parties, or either of
18 them, are prohibited from marrying or otherwise have failed to comply with
19 the requirements of the laws of this state State, or a person who having
20 authority and having such knowledge solemnizes such a marriage, shall be
21 fined not more than \$100.00 subject to the penalties prescribed in section 5011
22 of this title.

1 ~~(c) The affidavits herein referred to shall be in a form prescribed by the~~
2 ~~board and shall be attached to and filed with the civil marriage certificate in~~
3 ~~the office of the clerk of the town wherein the license was issued. [Repealed.]~~

4 Sec. 48. 18 V.S.A. § 5142 is amended to read:

5 § 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR~~
6 ~~INCOMPETENT NOT AUTHORIZED TO MARRY~~

7 ~~A Clerk~~ The following persons are not authorized to marry, and a town
8 clerk shall not knowingly issue a civil marriage license, when either party to
9 the intended marriage is:

10 (1) either party is a person who has not attained majority without, unless
11 the consent town clerk has received in writing the consent of one of the parents
12 of the minor, if there is one a parent competent to act, or of the guardian of
13 such the minor;

14 (2) ~~nor with such consent when either party is under 16 years of age;~~

15 (3) ~~nor when either of the parties to the intended marriage is not is~~
16 mentally capable incapable of entering into marriage as defined in 15 V.S.A.
17 § 514;

18 (4) ~~nor to a person either of the parties is under guardianship, without~~
19 the written consent of such the party's guardian;

20 (5) [Repealed.]

21 ~~(6) the parties are prohibited from marrying under 15 V.S.A. § 1a on~~

1 ~~account of consanguinity or affinity:~~

2 ~~(7) either of the parties has a wife or husband living, as prohibited under~~
3 ~~13 V.S.A. § 206 (bigamy).~~

4 Sec. 49. 18 V.S.A. § 5143 is amended to read:

5 § 5143. PENALTIES

6 ~~A clerk who knowingly violates a provision of section 5142 of this title~~
7 ~~shall be fined not more than \$20.00. A person who aids in procuring such a~~
8 ~~civil marriage license by falsely pretending to be the parent or guardian having~~
9 ~~authority to give consent to the marriage of such minors a minor shall be fined~~
10 ~~not more than \$500.00 subject to the penalties prescribed in section 5011 of~~
11 ~~this title.~~

12 Sec. 50. 18 V.S.A. § 5148 is amended to read:

13 § 5148. EVIDENCE OF MARRIAGE

14 ~~A certified copy of the record of the civil marriage made by a person~~
15 ~~required by law at the time the marriage was solemnized to make and keep the~~
16 ~~record certified by such person, or by the town or county clerk or the~~
17 ~~commissioner of health or the state archivist, if the record is in his or her~~
18 ~~office, certificate shall be in all courts presumptive prima facie evidence of the~~
19 ~~fact of such marriage.~~

20 Sec. 51. 18 V.S.A. § 5150 is amended to read:

21 ~~§ 5150. CORRECTION, COMPLETION, OR AMENDMENT OF CIVIL~~

MARRIAGE CERTIFICATE

(a) Corrections, completions. Within six months after a marriage is solemnized, the town clerk State Registrar may correct or complete a civil marriage certificate upon application by a party to the marriage or by the person who solemnized the marriage, if the application and relevant evidence, if any, show that the correction or completion is warranted. The town clerk may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof. In his or her discretion, the town clerk may refuse an application for correction or completion, in which case, the applicant may petition the probate division of the superior court for such correction or completion.

(b) Amendments. After six months from the date a marriage is solemnized, any alteration of a civil marriage certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed shall be deemed an amendment. Upon application by a party to the marriage or by the person who solemnized the marriage, the State Registrar may amend the civil marriage certificate if the application and relevant evidence, if any, show that the amendment is warranted.

(c) Appeal. If the State Registrar denies an application for a correction, completion, or amendment under this section, the applicant may petition the

1 ~~Probate Division of the Superior Court, which shall review the application and~~
2 relevant evidence de novo to determine if the requested action is warranted.

3 The court shall transmit a decree ordering a correction, completion, or
4 amendment to the State Registrar, who shall take action in accordance with the
5 decree.

6 (d) Documentation of changes. The State Registrar shall make corrections,
7 completions, and amendments in the Statewide Registration System. A
8 corrected or completed certificate issued from the System shall be free of any
9 evidence of the alteration and shall not be marked "Amended." Any amended
10 certificate issued from the System shall indicate the word "Amended" and the
11 date of amendment. The State Registrar shall enter into and maintain in the
12 System the identity of the person requesting the correction, completion, or
13 amendment and of the person making the change in the System, and the date
14 the change was made.

15 (e) Original certificates. The probate division of the superior court to
16 which such application is made shall set a time for hearing thereon and, if such
17 court deems necessary, cause notice of the time and place thereof to be given
18 by posting the same in the probate division of the superior court office and,
19 after hearing, shall make such findings, with respect to the correction of such
20 civil marriage certificate as are supported by the evidence. The court shall
21 thereupon issue a decree setting forth the facts as found, and transmit a

1 ~~certified copy of such decree to the supervisor of vital records registration~~
2 ~~The supervisor of vital records registration~~ If the State Registrar corrects,
3 completes, or amends a certificate that was registered prior to July 1, 2019, he
4 or she shall transmit the same to the appropriate town clerk to amend notify
5 the custodian of the original or issue a new certificate, who shall replace and
6 dispose of the original, and update indexes, as directed by the State Registrar.
7 ~~The words "Court Amended" shall be typed, written, or stamped at the top of~~
8 ~~the new or amended certificate with the date of the decree and the name of the~~
9 ~~issuing court.~~

10 Sec. 52. 18 V.S.A. § 5151 is amended to read:

11 § 5151. DELAYED CERTIFICATES OF CIVIL MARRIAGE

12 (a) A couple married in this state ~~State~~ for whom no certificate of civil
13 marriage was filed, as required by law, may ~~petition the probate division of the~~
14 ~~superior court of the district in which the civil marriage license was obtained~~
15 ~~to determine the facts with respect to this civil marriage, and to order the~~
16 ~~issuance of~~ apply to the State Registrar to issue a delayed certificate of civil
17 marriage.

18 (b) ~~The probate division of the superior court shall set a time for hearing~~
19 ~~on the petition and, if such court deems necessary, cause the notice of the time~~
20 ~~and place of the hearing to be given by posting a notice in the probate office.~~
21 ~~After hearing proper and~~ considering relevant evidence as may be presented,

1 ~~the court shall make findings with respect to the civil marriage of the couple as~~
2 ~~are State Registrar shall issue the delayed certificate if its issuance is supported~~
3 ~~by the evidence. If the State Registrar denies the application, the applicant~~
4 ~~may petition the Probate Division of the Superior Court, which shall review~~
5 ~~the application and relevant evidence de novo to determine if issuance of a~~
6 ~~delayed certificate is warranted. The court shall transmit a decree ordering~~
7 ~~issuance of a delayed certificate to the State Registrar, who shall prepare a~~
8 ~~delayed certificate of civil marriage in the Statewide Registration System in~~
9 ~~accordance with the decree.~~

10 (c) ~~The court shall issue a decree setting forth the facts as found and~~
11 ~~transmit a certified copy of said facts to the supervisor of vital records~~
12 ~~registration. [Repealed.]~~

13 (d) ~~Where a delayed certificate is to be issued, the supervisor of vital~~
14 ~~records registration shall prepare a delayed certificate of civil marriage and~~
15 ~~transmit it, with the decree, to the clerk of the town where the civil marriage~~
16 ~~license was issued. This Any delayed certificate issued from the Statewide~~
17 ~~Registration System shall have indicate the word "Delayed" printed at the top~~
18 ~~and shall certify that the certificate was ordered by a court pursuant to this~~
19 ~~chapter, with the date of the decree registration. The town clerk shall file the~~
20 ~~delayed certificate and, in accordance with the provisions of section 5010 of~~
21 ~~this title, furnish a copy to the department of health.~~

1 ~~(e) Town clerks receiving new certificates in accordance with this section~~
2 ~~shall file and index them in the most recent book of marriages and also index~~
3 ~~them with marriages occurring at the same time. [Repealed.]~~

4 * * * Civil Unions * * *

5 Sec. 53. 18 V.T.A. chapter 106 is amended to read:

6 CHAPTER 106. CIVIL UNION; RECORDS AND LICENSES

7 * * *

8 § 5168. CORRECTION AMENDMENT OF CIVIL UNION CERTIFICATE

9 ~~(a) Within six months after a civil union is certified, the town clerk may~~
10 ~~correct or complete a civil union certificate, upon application by a party to a~~
11 ~~civil union or by the person who certified the civil union. The town clerk shall~~
12 ~~certify that such correction or completion was made pursuant to this section~~
13 ~~and note the date. The town clerk may refuse an application for correction or~~
14 ~~completion; in which case, the applicant may petition the probate division of~~
15 ~~the superior court for such correction or completion. [Repealed.]~~

16 ~~(b)(1) After six months from the date a civil union is certified, Upon~~
17 ~~application by a party to a civil union or by the person who certified the civil~~
18 ~~union, the State Registrar may amend a civil union certificate may only be~~
19 ~~corrected or amended pursuant to decree of the probate division of the superior~~
20 ~~court in the district where the original certificate is filed if the application and~~
21 ~~relevant evidence, if any, show that the amendment is warranted. If the State~~
22 ~~Registrar denies the application, the applicant may petition the Probate~~

1 ~~Division of the Superior Court, which shall review the application and relevant~~
2 evidence de novo to determine if the amendment is warranted. The court shall
3 transmit a decree ordering an amendment to the State Registrar, who shall
4 amend the certificate in accordance with the decree.

5 (2) The State Registrar shall make amendments in the Statewide
6 Registration System, and record in the System the name of the person who
7 requested the amendment, the identity of the person who entered the
8 amendment into the System, and the date of the amendment. Any amended
9 civil union certificate issued from the System shall indicate the word
10 “Amended” and the date of amendment.

11 (c) ~~The probate division of the superior court shall set a time for a hearing~~
12 ~~and, if the court deems necessary, give notice of the time and place by posting~~
13 ~~such information in the probate division of the superior court office. After a~~
14 ~~hearing, the court shall make findings with respect to the correction of the civil~~
15 ~~union certificate as are supported by the evidence. The court shall issue a~~
16 ~~decree setting forth the facts as found, and transmit a certified copy of the~~
17 ~~decree to the supervisor of vital records registration. The supervisor of vital~~
18 ~~records registration~~ If the State Registrar amends a certificate under this
19 section, he or she shall transmit the same to the appropriate town clerk to
20 amend the original or issue a new certificate notify the custodian of the
21 original certificate, who shall replace and dispose of the original, and update

1 ~~indexes, as directed by the State Registrar. The words "Court Amended" shall~~
2 ~~be typed, written, or stamped at the top of the new or amended certificate with~~
3 ~~the date of the decree and the name of the issuing court.~~

4 § 5169. DELAYED CERTIFICATES OF CIVIL UNION

5 (a) Persons who were parties to a certified civil union ceremony in this
6 state State for whom no certificate of civil union was filed, as required by law,
7 may ~~petition the probate division of the superior court of the district in which~~
8 ~~the civil union license was obtained to determine the facts, and to order the~~
9 ~~issuance of~~ apply to the State Registrar to issue a delayed certificate of civil
10 union.

11 (b) ~~The probate division of the superior court shall set a time for hearing~~
12 ~~on the petition and, if the court deems necessary, give notice of the time and~~
13 ~~place by posting such information in the probate court office. After hearing~~
14 ~~proper and~~ considering relevant evidence as may be presented, the court shall
15 ~~make findings with respect to the civil union as are~~ State Registrar shall issue
16 the delayed certificate if its issuance is supported by the evidence. If the State
17 Registrar denies the application, the applicant may petition the Probate
18 Division of the Superior Court, which shall review the application and relevant
19 evidence de novo to determine if issuance of a delayed certificate is warranted.
20 The court shall transmit a decree ordering issuance of a delayed certificate to
21 the State Registrar, who shall prepare a delayed certificate of civil union in the

1 ~~Statewide Registration System in accordance with the decree~~

2 ~~(c) The court shall issue a decree setting forth the facts as found, and~~
3 ~~transmit a certified copy of said facts to the supervisor of vital records~~
4 ~~registration. [Repealed.]~~

5 ~~(d) Where a delayed certificate is to be issued, the supervisor of vital~~
6 ~~records registration shall prepare a delayed certificate of civil union, and~~
7 ~~transmit it, with the decree, to the clerk of the town where the civil union~~
8 ~~license was issued. This Any delayed certificate issued from the Statewide~~
9 ~~Registration System shall have indicate the word "Delayed" printed at the top,~~
10 ~~and shall certify that the certificate was ordered by a court pursuant to this~~
11 ~~chapter, with the date of the decree registration. The town clerk shall file the~~
12 ~~delayed certificate and, in accordance with the provisions of section 5010 of~~
13 ~~this title, furnish a copy to the department of health.~~

14 ~~(e) Town clerks receiving new certificates in accordance with this section~~
15 ~~shall file and index them in the most recent book of civil unions, and also~~
16 ~~index them with civil unions occurring at the same time. [Repealed.]~~

17 * * * Burial-Transit and Cremation Permits * * *

18 Sec. 54. 18 V.S.A. § 5201 is amended to read:

19 § 5201. PERMITS; REMOVAL OF BODIES; CREMATION; WAITING
20 PERIOD; INVESTIGATION INTO CIRCUMSTANCES OF
21 ~~DEATH~~

1 ~~(a) Burial transfer permit. A dead body shall not be buried, entombed, or~~
2 removed, or otherwise disposed of ~~without~~ unless the person in charge of the
3 body has obtained a burial-transit permit. A separate cremation permit shall be
4 required under subsection (e) of this section for cremation; however, a
5 burialtransit permit shall not be required for the burial, entombment, removal,
6 or disposition of cremated remains. A burial-transit permit may be issued and
7 shall be signed by a municipal clerk, a county clerk, or a deputy:

8 (1) a town clerk for the municipality or unorganized town or gore in
9 which the dead body is located,

10 (2) a funeral director licensed in Vermont;

11 (3) an owner or designated manager of a crematorium licensed in
12 Vermont who is registered to perform removals; or

13 (4) a law enforcement officer.

14 ~~(1)(b) The clerk of the municipality shall provide for issuing burial-transit~~
15 ~~permits when the clerks' offices are closed. The municipal clerk shall appoint~~
16 ~~one or more deputies for this purpose and record the name of the deputy or~~
17 ~~deputies appointed in the municipal records and notify the commissioner of~~
18 ~~health of the names and residences of the deputy or deputies appointed.~~

19 ~~(2) The county clerk of a county in which an unorganized town or gore~~
20 ~~is located shall perform the same duties and be subject to the same penalties as~~
21 ~~a municipal clerk in respect to issuing burial-transit permits and registering~~

1 ~~deaths that occur in an unorganized town or gore within the county.~~

2 ~~(3) A funeral director licensed in Vermont or an owner or designated~~
3 ~~manager of a crematory licensed in Vermont who is registered to perform~~
4 ~~removals A person authorized to issue burial-transit permits under subdivisions~~
5 ~~(a)(2)–(4) of this section may issue a burial-transit permit for any municipality~~
6 ~~or unorganized town or gore at any time, including during the normal business~~
7 ~~hours of a municipal town clerk, and on the first official working day~~
8 ~~thereafter shall forward the permit and the death certificate or preliminary~~
9 ~~report of death to the clerk of the municipality in which the dead body is~~
10 ~~located.~~

11 ~~(4) After a burial-transit permit is issued, the person who issued the~~
12 ~~permit shall forward the death certificate or preliminary report and the record~~
13 ~~of the burial-transit permit to the clerk of the municipality, or the clerk of the~~
14 ~~county, in the case of an unorganized town or gore, where death occurred on~~
15 ~~the first official working day thereafter.~~

16 ~~(5)(c) In cases of death by certain communicable diseases as defined by the~~
17 ~~commissioner, the municipal or county, a deputy registrar, a funeral director, a~~
18 ~~crematory owner or manager, or a law enforcement officer A person~~
19 ~~authorized under subdivisions (a)(1)–(4) of this section shall not issue a~~
20 ~~burialtransit permit;~~

21 ~~(1) unless he or she has received the death certificate or preliminary~~

1 ~~report of death; and~~

2 (2) in cases of death by certain communicable diseases as defined by the
3 Commissioner, except in accordance with instructions issued by the
4 commissioner Commissioner.

5 ~~(6)(d)(1)~~ A body for which a burial-transit permit has been secured, except
6 one for the body of any person whose death occurred as a result of a
7 communicable disease, as defined by the commissioner Commissioner, may be
8 taken through or into another municipality or unorganized town or gore for
9 funeral services without additional permits from the local health officer or the
10 commissioner Commissioner.

11 (2) The permit shall accompany the body to its destination, and may be
12 accepted as a permit for burial or entombment by a sexton or other person
13 having the care of a cemetery, burial ground, tomb, or receiving vault.

14 (3) Before a body of a person who died outside Vermont may be buried
15 or entombed in this State, the person in charge of the body must file with the
16 town clerk of the municipality where the body is to be buried or entombed:

17 (A) the death certificate or preliminary report of death; and

18 (B)(i) a transit permit issued under the laws of the state from which
19 the body is brought; or

20 (ii) a burial-transit permit issued by a person authorized under
21 subsection (a) of this section, which shall include the name of the deceased,

1 ~~the date of death, and the cause of death.~~

2 ~~(b)(e) No~~ The operator of a crematory facility shall not cremate or allow
3 the cremation of a dead body until the passage of at unless the following
4 requirements are met:

5 (1) The operator has received the death certificate and at least 24 hours
6 following have passed since the death of the decedent, as indicated on the
7 death certificate, unless, if the decedent died from a virulent, communicable
8 disease, a ~~department of health~~ Department rule or order requires the
9 cremation to occur prior to the end of that period. If the ~~attorney general~~
10 Attorney General or a ~~state's attorney~~ State's Attorney requests the delay of a
11 cremation based upon a reasonable belief that the cause of death might have
12 been due to other than accidental or natural causes, the cremation of a dead
13 human body shall be delayed, based upon such request, a sufficient time to
14 permit a civil or criminal investigation into the circumstances that caused or
15 contributed to the death.

16 ~~(e) The person in charge of the body shall not release for cremation the~~
17 ~~body of~~

18 (2) For cremations requested for a person who died in Vermont, until
19 the ~~person in charge~~ operator has received a certificate cremation permit in a
20 form prescribed by the Chief Medical Examiner from the ~~chief~~ Chief, regional,
21 or assistant medical examiner attesting that,

1 ~~(A) the medical examiner has made personal inquiry into the cause~~
2 and manner of death and is satisfied that no further examination or judicial
3 inquiry concerning it is necessary.—Upon request of a funeral director, the
4 person in charge of the body, or the crematory operator, the chief medical
5 examiner shall issue a cremation certificate; or

6 ~~(B) after the medical examiner has completed an autopsy. The~~
7 ~~certificate shall be retained by the crematory for a period of three years. The~~
8 ~~person requesting cremation shall pay the department a fee of \$25.00.~~

9 ~~(d)(1)(3) For all cremations requested for the body of a person who died~~
10 ~~outside Vermont, until the crematory operator shall do the following before~~
11 ~~conducting the cremation has:~~

12 ~~(A) obtain obtained a permit for transit or cremation;~~

13 ~~(B) comply complied with the laws of the state in which the person~~
14 ~~died, including obtaining a copy of a medical examiner's permit if one is~~
15 ~~required; and~~

16 ~~(C) obtained a certified copy of the death certificate.~~

17 ~~(2) No additional approval from the Vermont medical examiner's office~~
18 ~~is required if compliance with the laws of the state in which the person died is~~
19 ~~achieved.~~

20 ~~(f) The Department's fee for a cremation permit is \$25.00. Crematories~~
21 ~~shall retain cremation permits and associated death certificates for at least three~~

1 ~~years.~~
2 (2) A town clerk shall receive, number, file, and preserve burial-transit and
3 cremation permits returned to the clerk in the manner and for the periods
4 prescribed by the State Archivist.

5 Sec. 55. 18 V.S.A. § 5207 is amended to read:

6 § 5207. ~~CERTIFICATE FURNISHED FAMILY; BURIAL PERMIT~~

7 ~~The physician or person filling out the certificate of death, within 36 hours~~
8 ~~after death, shall deliver the same to the family of the deceased, if any, or the~~
9 ~~undertaker or person who has charge of the body. Such certificate shall be filed~~
10 ~~with the person issuing the certificate of permission for burial, entombment, or~~
11 ~~removal obtained by the person who has charge of the body before such dead~~
12 ~~body shall be buried, entombed, or removed from the town. When such~~
13 ~~certificate of death is so filed, such officer or person shall immediately issue a~~
14 ~~certificate of permission for burial, entombment, or removal of the dead body~~
15 ~~under legal restrictions and safeguards. [Repealed.]~~

16 Sec. 56. 18 V.S.A. § 5209 is amended to read:

17 § 5209. ~~DEATH OUT OF STATE; BURIAL PERMIT~~

18 ~~Whenever a dead body is brought into this state for burial or entombment~~
19 ~~accompanied by a removal permit issued under the laws of the state from~~
20 ~~which such body is brought, such permit shall be received as sufficient~~
21 ~~authority for burial, but if not accompanied by such permit, the person in~~

1 ~~charge thereof shall apply to the clerk of the town in which such body is to be~~
2 ~~buried for a burial permit, and the clerk shall issue such permit when furnished~~
3 ~~with such information as is required by law of this state as to the identity and~~
4 ~~cause of death of a person dying in this state. [Repealed.]~~

5 Sec. 57. 18 V.S.A. § 5210 is amended to read:

6 § 5210. FORM OF BURIAL OR REMOVAL PERMIT

7 If it is desired to bury, entomb, or otherwise dispose of a dead body within
8 the limits of a town where the death occurred, the certificate of permission
9 shall state plainly the time, place, and manner of such burial, entombment, or
10 disposition. If it is desired to remove a dead body from the town where the
11 death occurred, the certificate of permission shall contain the essential facts
12 contained in the certificate of death on which it is issued, shall accompany the
13 body to its destination, and may be accepted as a permit for burial or
14 entombment by a sexton or other person having the care of a cemetery, burial
15 ground, tomb, or receiving vault. [Repealed.]

16 Sec. 58. 18 V.S.A. § 5211 is amended to read:

17 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

18 A person who buries, entombs, transports, or removes the dead body of a
19 person without a burial-transit or removal permit so to do, or in any other
20 manner or at any other time or place than as specified in such permit, shall be
21 ~~imprisoned not more than five years or fined not more than \$1,000.00, or both~~

1 ~~subject to the penalties prescribed in section 5011 of this title.~~

2 Sec. 59. 18 V.S.A. § 5212 is amended to read:

3 § 5212. PERMIT TO REMOVE DEAD BODIES

4 (a) A person ~~desirous of disinterring or removing~~ who seeks to disinter or
5 remove the body of a human being from one cemetery to another cemetery or
6 to another part of the same cemetery, or from a tomb or receiving vault to
7 elsewhere, shall apply to the clerk of the municipality in which the dead body
8 is interred or entombed for a ~~removal~~ burial-transit permit.

9 (b) An applicant for a ~~removal~~ burial-transit permit shall publish notice of
10 his or her intent to remove the remains. This notice shall be published for two
11 successive weeks in a newspaper of general circulation in the municipality in
12 which the body is interred or entombed. The notice shall include a statement
13 that the spouse, child, parent, sibling, or descendant of the deceased, or ~~that the~~
14 cemetery commissioner or other municipal authority responsible for
15 cemeteries in the municipality, may object to the proposed removal by filing a
16 complaint in the ~~probate division of the superior court~~ Probate Division of the
17 Superior Court of the district in which the body is located as provided in
18 section 5212a of this title.

19 (c) The municipal clerk shall issue a ~~removal~~ burial-transit permit 45 days
20 after the date on which notice was last published pursuant to subsection (b) of
21 ~~this section or, if an objection is made pursuant to section 5212a, of this title,~~

1 upon order of the court.

2 (d) Notwithstanding the provisions of subsections (b) and (c) of this
3 section, a removal burial-transit permit shall be issued upon application:

4 * * *

5 Sec. 60. 18 V.S.A. § 5213 is amended to read:

6 § 5213. REMOVAL; FORM AND DISPOSITION OF BURIAL-TRANSIT
7 PERMIT

8 Such ~~A~~ burial-transit permit authorizing removal shall state specifically
9 where such body is to be buried, cremated, or entombed and the time and
10 manner of its removal. A town clerk issuing such a permit shall make it in
11 duplicate if the body is to be removed from the town, one copy of which shall
12 be delivered to the person having charge of the cemetery or tomb from which
13 the body is to be taken and the other shall be delivered to the person having
14 charge of the cemetery or tomb wherein it is desired to place the body.

15 Sec. 61. 18 V.S.A. § 5214 is amended to read:

16 § 5214. DUTIES OF SEXTON; NO BURIAL OR REMOVAL WITHOUT
17 PERMIT

18 A sexton or other person having the care of a cemetery, tomb, or receiving
19 vault shall not receive or permit the burial or entombment of a dead body, or
20 the remains thereof, in the cemetery or tomb of which he or she has charge, or
21 ~~the removal of a body therefrom, until there is delivered to him or her a~~

1 ~~certificate of permission burial-transit permit issued in accordance with the~~
2 provisions of this chapter.

3 Sec. 62. 18 V.S.A. § 5215 is amended to read:

4 § 5215. BURIAL RETURNS

5 A sexton or other person having charge of a cemetery, tomb, or receiving
6 vault, during the first week of each month, shall deliver to the clerk of the
7 town in which such cemetery, tomb, or vault is located the burial-transit ~~and~~
8 ~~removal~~ permits, properly certified, which he or she received during the
9 preceding month.

10 Sec. 63. 18 V.S.A. § 5216 is amended to read:

11 § 5216. PENALTY

12 A sexton or other person having charge of a cemetery, tomb, or receiving
13 vault who violates a provision of sections 5214 and 5215 of this title shall be
14 ~~fined not more than \$500.00 nor less than \$20.00 subject to the penalties~~
15 prescribed in section 5011 of this title.

16 Sec. 64. 18 V.S.A. § 5217 is amended to read:

17 § 5217. REMOVAL OF MARKED HISTORIC REMAINS

18 * * *

19 (b) A person may apply for a ~~removal~~ burial-transit permit to disinter or
20 remove historic remains by filing an application with the clerk for the
21 municipality in which the historic remains are located. The application shall
22 ~~include all the following.~~

1 * * *

2 (c) An applicant for a ~~removal~~ burial-transit permit shall send notice by
3 first-class mail to all the following:

4 * * *

5 (e) If no objection is received within 30 days after the date the notice was
6 last published as required by subsection (c) of this section, the municipal clerk
7 shall issue a ~~removal~~ burial-transit permit.

8 * * *

9 * * * Reports of Death, Death Certificates * * *

10 Sec. 65. 18 V.S.A. § 5202 is amended to read:

11 § 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF
12 PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE
13 PROFESSIONAL

14 (a)(1) The ~~Within 24 hours after a death, the~~ licensed health care
15 professional who is ~~last in attendance upon~~ last attended a deceased person
16 shall ~~immediately fill out a certificate of death on a form prescribed by the~~
17 ~~commissioner~~ submit the medical portion of a report of death in a manner
18 prescribed by the State Registrar. ~~For the purposes of this section, a licensed~~
19 ~~health care professional means a physician, a physician assistant, or an~~
20 ~~advance practice registered nurse.~~ If the licensed health care professional who
21 ~~attended the death is unable to state the cause of death, he or she shall~~

1 ~~immediately notify the physician licensed health care professional, if any, who~~
2 ~~was in charge of the patient's care to fill out the certificate, and he or she shall~~
3 ~~fulfill this requirement.~~

4 ~~(2) If the physician neither health care professional is unable able to~~
5 ~~state the cause of death, the provisions of section 5205 of this title apply.~~

6 ~~(3) The licensed health care professional may, with the consent of the~~
7 ~~funeral director, delegate to the funeral director or the person in charge of the~~
8 ~~body, with that individual's consent, the responsibility of gathering data for~~
9 ~~and filling out all items except the medical certification of cause of death~~
10 ~~completing the nonmedical portion of the report of death.~~

11 ~~(4) All entries, except signatures, on the certificate shall be typed or~~
12 ~~printed and shall contain answers to the following questions:~~

13 ~~(1) Was the deceased~~ The State Registrar shall furnish the agency
14 responsible for veterans' affairs information as to the deceased's status as a
15 veteran of any war?

16 ~~(2) If so, of what war?.~~

17 ~~(5) The State Registrar shall register the report of death in the Statewide~~
18 Registration System upon receipt of the required information. The portion of
19 the report of death that is not designated confidential by the State Registrar is
20 the death certificate.

21 ~~(b) When death occurs in a hospital and it is impossible to obtain a death~~

1 ~~certificate from an attending licensed health care professional before is not~~
2 ~~available prior to burial or transportation of a body, any licensed health care~~
3 ~~professional who has access to the facts and can certify that the death is not~~
4 ~~subject to the provisions of section 5205 of this title may complete and sign a~~
5 ~~preliminary report of death on a form supplied by the commissioner prescribed~~
6 ~~by the State Registrar. The municipal or county clerk or a deputy shall The~~
7 ~~health care professional may delegate completion of the nonmedical facts to~~
8 ~~any funeral director or person in charge of the body with access to the~~
9 ~~nonmedical facts, with that individual's consent. A person authorized to issue~~
10 ~~a burial-transit permit shall accept this report and a properly completed~~
11 ~~preliminary report and issue a burial-transit permit. This The preliminary~~
12 ~~report of death may be destroyed six months after a the death certificate has~~
13 ~~been filed registered. This does not subsection does not relieve the attending a~~
14 ~~licensed health care professional from the responsibility of completing a death~~
15 ~~certificate and delivering it to the funeral director within 24 hours after death~~
16 ~~his or her responsibilities under subsection (a) of this section.~~

17 Sec. 66. 18 V.S.A. § 5203 is amended to read:

18 § 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

19 ~~Upon official notification of a death of a member of the armed forces of the~~
20 ~~United States while serving as such beyond the United States, not including~~
21 ~~the territories thereof, and provided the remains of the member are not~~

1 ~~returned to this country, the next of kin thereof or interested person may file~~
2 ~~with the clerk of the town of the residence of such member a certificate of~~
3 ~~death. Such certificate shall set forth the name, date of birth, and date of death,~~
4 ~~if the same can be determined, the names of the parents of the deceased and~~
5 ~~such other information as may be deemed pertinent by the office of the~~
6 ~~adjutant general. [Repealed.]~~

7 Sec. 67. 18 V.S.A. § 5204 is amended to read:

8 § 5204. FORMS; CERTIFICATION

9 ~~The certificate shall be made on forms furnished by the commissioner and~~
10 ~~shall be recorded by the town clerk in accordance with the provisions of this~~
11 ~~chapter. The town clerk shall forthwith, upon making such record, forward a~~
12 ~~certified copy thereof to the office of the adjutant general. [Repealed.]~~

13 Sec. 68. 18 V.S.A. § 5205 is amended to read:

14 § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
15 AND IN OTHER CIRCUMSTANCES; AUTOPSY

16 * * *

17 (f) The State's Attorney or Chief Medical Examiner, if either deem it
18 necessary and in the interest of public health, welfare, and safety, or in
19 furtherance of the administration of the law, may order an autopsy to be
20 performed by the Chief Medical Examiner or under his or her direction. Upon
21 ~~completion of the autopsy, the Chief Medical Examiner shall submit a report to~~

1 ~~such State's Attorney and the Attorney General and shall complete and sign a~~
2 ~~certificate~~ submit a report of death to the State Registrar.

3 * * *

4 Sec. 69. 18 V.S.A. § 5206 is amended to read:

5 § 5206. PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE
6 SUBMIT REPORT OF DEATH

7 ~~A physician who fails to furnish a certificate of death~~ licensed health care
8 professional who fails to submit within 24 hours after the death of a person the
9 medical portion of a report of death containing a true statement of the cause of
10 such death, ~~and all the other facts provided for in the form of death~~
11 ~~certificates, so far as these facts are obtainable, shall be fined not more than~~
12 \$100.00 shall be subject to the penalties prescribed in section 5011 of this title.

13 Sec. 70. 18 V.S.A. § 5202a is amended to read:

14 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH
15 CERTIFICATE

16 (a) Corrections, completions. Within six months after the date of death, the
17 ~~town clerk~~ State Registrar may correct or complete a death certificate upon
18 application by the certifying ~~physieian~~ licensed health care professional,
19 medical examiner, hospital, nursing home, or funeral director, if the
20 application and relevant evidence, if any, show that the correction or
21 ~~completion is warranted.~~ The town clerk may correct or complete the

1 ~~certificate accordingly and shall certify thereon that such correction or~~
2 ~~completion was made pursuant to this section, with the date thereof. In his or~~
3 ~~her discretion, the town clerk may refuse an application for correction or~~
4 ~~completion, in which case, the applicant may petition the probate division of~~
5 ~~the superior court for such correction or completion.~~

6 (b)(1) ~~Amendments.~~ After six months from the date of death, any
7 alteration of a death certificate may only be corrected or amended pursuant to
8 decree of the probate division of the superior court in which district the
9 original certificate is filed shall be deemed an amendment. Upon application
10 by a person specified in subsection (a) of this section, the State Registrar may
11 amend the death certificate if the application and relevant evidence, if any,
12 show that the amendment is warranted.

13 (2) ~~The probate division of the superior court to which such application~~
14 ~~is made shall set a time for hearing thereon and, if such court deems necessary,~~
15 ~~cause notice of the time and place thereof to be given by posting the same in~~
16 ~~the probate division of the superior court office and, after hearing, shall make~~
17 ~~such findings, with respect to the correction of such death certificate as are~~
18 ~~supported by the evidence. The court shall thereupon issue a decree setting~~
19 ~~forth the facts as found, and transmit a certified copy of such decree to the~~
20 ~~supervisor of vital records registration. The supervisor of vital records~~
21 ~~registration~~

1 ~~(c) Appeal. If the State Registrar denies an application for a correction,~~
2 ~~completion, or amendment under this section, the applicant may petition the~~
3 ~~Probate Division of the Superior Court, which shall review the application and~~
4 ~~relevant evidence de novo to determine if the requested action is warranted.~~
5 ~~The court shall transmit a decree ordering a correction, completion, or~~
6 ~~amendment to the State Registrar, who shall take action in accordance with the~~
7 ~~decree.~~

8 ~~(d) Documentation of changes. The State Registrar shall make corrections,~~
9 ~~completions, and amendments in the Statewide Registration System. A~~
10 ~~corrected or completed certificate issued from the System shall be free of any~~
11 ~~evidence of the alteration and shall not be marked "Amended." Any amended~~
12 ~~death certificate issued from the System shall indicate the word "Amended"~~
13 ~~and the date of amendment. The State Registrar shall enter into and maintain~~
14 ~~in the System the identity of the person requesting the correction, completion,~~
15 ~~or amendment and of the person making the change in the System, and the~~
16 ~~date the change was made.~~

17 ~~(e) Original certificates. If the State Registrar corrects, completes, or~~
18 ~~amends a certificate that was registered prior to July 1, 2018, he or she shall~~
19 ~~transmit the same to the appropriate town clerk to amend notify the custodian~~
20 ~~of the original or issue a new certificate, who shall replace and dispose of the~~
21 ~~original, and update indexes, as directed by the State Registrar. The words~~

1 ~~“Court Amended” shall be typed, written, or stamped at the top of the new or~~
2 ~~amended certificates with the date of the decree and the name of the issuing~~
3 ~~court.~~

4 (e)(f) ~~Provided, however, that only the medical examiner or the certifying~~
5 ~~physician may apply to Cause of death. The State Registrar shall only correct~~
6 ~~or, complete the certificate as to, or amend the medical certification of the~~
7 ~~cause of death upon application by the medical examiner or certifying licensed~~
8 ~~health care professional.~~

9 * * * Conforming Changes * * *

10 Sec. 71. 4 V.S.A. § 311a is amended to read:

11 § 311a. VENUE GENERALLY

12 For proceedings authorized to the Probate Division of Superior Court,
13 venue shall lie as provided in Title 14A for the administration of trusts, and
14 otherwise in a Probate District as follows:

15 * * *

16 (19) ~~Issuance of Appeal from a denial by the State Registrar of Vital~~
17 ~~Records of a request for a new or, corrected, amended, or delayed birth~~
18 ~~certificate: in the district where the birth occurred or allegedly occurred.~~

19 (20) ~~Correction or amendment of a Appeal from a denial by the State~~
20 ~~Registrar of Vital Records of a request for a corrected, amended, or delayed~~
21 ~~civil marriage or civil union certificate. in the district where the original~~

1 ~~certificate is filed marriage or civil union license was issued or allegedly~~
2 ~~issued.~~

3 ~~(21) Correction or amendment of a Appeal from a denial by the State~~
4 ~~Registrar of Vital Records of a request for a corrected or amended death~~
5 ~~certificate: in the district where the original certificate is filed death occurred~~
6 ~~or, if the place of death is unknown, where the body was found.~~

7 * * *

8 ~~(27) Issuance of certificates of public good authorizing the civil~~
9 ~~marriage of persons under 16 years of age: in the district or unit where either~~
10 ~~applicant resides, if either is a resident of the State; otherwise in the district or~~
11 ~~unit in which the civil marriage is sought to be consummated. [Repealed.]~~

12 * * *

13 Sec. 72. REPLACEMENTS

14 ~~(a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital~~
15 ~~records” is replaced with “State Registrar of Vital Records” and in 15A V.S.A.~~
16 ~~§ 5-108(c), the word “supervisor” is replaced with “State Registrar.”~~

17 ~~(b) In 18 V.S.A. § 1103, the phrase “certificate of birth” is replaced with~~
18 ~~“report of birth.”~~

19 Sec. 73. 15A V.S.A. § 1-101 is amended to read:

20 § 1-101. DEFINITIONS

21 ~~As used in this title.~~

1 * * *

2 (22) “State Registrar” and “State Registrar of Vital Records” mean the
3 supervisor of the Office of Vital Records in the Department of Health.

4 (23) “Stepparent” means a person who is the spouse or surviving spouse
5 of a parent of a child but who is not a parent of the child.

6 (23) ~~“Supervisor of vital records” means the supervisor of vital records~~
7 ~~registration of the Department of Health.~~

8 Sec. 74. 24 V.S.A. § 1164 is amended to read:

9 § 1164. CERTIFIED COPIES; FORM

10 (a) A town clerk shall furnish certified copies of any instrument on record
11 in his or her office, or any instrument or paper filed in his or her office
12 pursuant to law, on the tender of his or her fees therefor, and his or her
13 attestation shall be a sufficient authentication of the copies, except that the
14 town clerk shall ~~not copy~~ redact the word “illegitimate” from any copy of a
15 birth certificate he or she furnishes.

16 (b) A town clerk shall furnish a certified copy of a vital event certificate
17 only if authorized and as prescribed under 18 V.S.A. chapter 101. Copies of
18 vital records for events occurring outside the State, filed with a town clerk
19 pursuant to 18 V.S.A. § 5015, shall not be copied and certified.

20 Sec. 75. 32 V.S.A. § 1671 is amended to read:

21 § 1671. FEEES TO TOWN CLERK CLERKS RELATED TO RECORDS

22 (a) ~~For the purposes of As used in this section, a “page” is defined as a~~

1 ~~single side of a leaf of paper on which is printed, written, or otherwise placed~~
2 information to be recorded or filed. The maximum covered area on a page
3 shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth
4 inch in height or in at least eight point type. Unless otherwise provided by
5 law, the fees to town clerks shall be as follows:

6 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
7 § 1155, \$10.00 per page;

8 (2) For filing or recording a copy of a complaint to foreclose a mortgage
9 as provided in 12 V.S.A. § 452(b), \$10.00 per page;

10 (3) For examination of records by town clerk, a fee of \$5.00 per hour
11 may be charged but not more than \$25.00 for each examination on any one
12 calendar day;

13 (4) For examination of records by others, a fee of \$2.00 per hour may
14 be charged;

15 (5) Town clerks may require fees for all filing, recording, and copying
16 to be paid in advance;

17 (6) For the recording or filing, or both, of any document that is to
18 become a matter of public record in the town clerk's office, or for any certified
19 copy of such document, a fee of \$10.00 per page shall be charged; except that:

20 (A) for the recording or filing, or both, of a property transfer return,
21 a fee of \$10.00 shall be charged, and

1 ~~(P) the fee for a copy of a vital event certificate shall be as specified~~
2 ~~in 18 V.S.A. § 5017.~~

3 (7) For uncertified copies of records and documents on file, or recorded,
4 a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00;
5 however, copies of minutes of municipal meetings or meetings of local boards
6 and commissions, copies of grand lists and checklists, and copies of any public
7 records that any agency of that political subdivision has deposited with the
8 clerk shall be available to the public at actual cost; The fee for a noncertified
9 copy of a vital event certificate shall be as specified in 18 V.S.A. § 5017.

10 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee
11 of \$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet,
12 and \$15.00 per 24 inch by 36 inch sheet shall be charged.

13 * * *

14 Sec. 76. 32 V.S.A. § 1712 is amended to read:

15 § 1712. TOWN CLERKS

16 Town clerks shall receive the following fees ~~in the matter of vital~~
17 ~~registration~~ for issuing marriage licenses and vital event certificates:

18 (1) For issuing and recording a civil marriage ~~or civil union~~ license,
19 \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by
20 the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and
21 Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of
22 ~~which sum shall be paid by the town clerk to the State Treasurer in a return~~

1 ~~filed quarterly upon forms furnished by the State Treasurer and specifying all~~
2 fees received by him or her during the quarter. Such quarterly period shall be
3 as of the first day of January, April, July, and October.

4 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
5 ~~§ 5009 to be paid by the town. [Repealed.]~~

6 (3) ~~\$2.00 for each birth certificate completed or corrected under the~~
7 ~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078,~~
8 ~~for the correction of each civil marriage certificate under the provisions of~~
9 ~~15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of~~
10 ~~each civil union certificate under the provisions of 18 V.S.A. § 5168, and for~~
11 ~~each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to~~
12 ~~be paid by the town. [Repealed.]~~

13 (4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil~~
14 ~~unions, and marriages, transmitted to the Commissioner of Health in~~
15 ~~accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with~~
16 ~~the cost of binding the certificate shall be paid by the town. [Repealed.]~~

17 (5) Fees for vital records event certificates shall be equivalent to those
18 received by the Commissioner of Health or the Vermont State Archivist
19 pursuant to subsection 1715(a) of this title charged and allocated as specified
20 in 18 V.S.A. § 5017.

21 ~~Sec. 77. 32 V.S.A. § 1715 is amended to read.~~

~~§ 1715. VITAL RECORDS EVENT CERTIFICATE OR DIVORCE FORM.~~

COPIES; SEARCH

(a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017, the ~~Commissioner of Health~~ Office of Vital Records or the Vermont State Archives and Records Administration shall provide a certified ~~copies~~ copy of a vital records ~~event certificate~~ or, if in its possession, of a report of divorce form, or shall ascertain and certify what the vital records ~~available to the Commissioner and the Vermont State Archivist~~ show event certificate or report shows, except that the ~~Commissioner and the Vermont State Archivist~~ shall not ~~copy~~ the word “illegitimate” shall be redacted from any birth certificate furnished. ~~The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.~~

(b) Fees collected under this section shall be credited to special funds established and managed pursuant to chapter 7, subchapter 5 ~~of chapter 7~~ of this title, and shall be available to the charging departments to offset the costs of providing those services.

* * * Effective Dates * * *

Sec. 78. EFFECTIVE DATES

(a) This section and in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking authority) shall take effect on passage.

~~(b) The following shall take effect on July 1, 2019.~~

1 ~~(1) Secs. 12, 14, 16, and 43, 53 (related to marriage and civil union~~
2 ~~certificates);~~

3 ~~(2) in Sec. 20, 18 V.S.A. § 5016(a)(1)(B), (b)(2), and (c)(1)(B)~~
4 ~~(issuance of copies of marriage certificates from Statewide Registration~~
5 ~~System); and~~

6 ~~(3) in Sec. 71, 4 V.S.A. § 311a(20) (conforming change to venue of~~
7 ~~Probate Division related to marriage and civil union certificates).~~

8 ~~(c) All other sections of this act shall take effect on July 1, 2018.~~

** * * General Provisions Related to Vital Records * * **

Sec. 1. 18 V.S.A. § 4999 is added to 18 V.S.A. chapter 101 to read:

§ 4999. DEFINITIONS

As used in this part, unless the context requires otherwise:

(1) “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of birth and death certificates from the Statewide Registration System.

(2) “Licensed health care professional” means a physician, a physician assistant, or an advanced practice registered nurse.

(3) “Municipality” or “town” means a city, town, village, unorganized town or gore, or town or gore within the unified towns and gores of Essex County.

(4) “Noncertified copy” means a copy of a vital event certificate issued

by a public agency as defined in 1 V.S.A. § 317, other than a certified copy.

(5) “Office of Vital Records” means an office of the Department of Health responsible for the Statewide Registration System and with the authority over vital records provided by law.

(6) “Registrant” means the individual who is the subject of a vital event certificate.

(7) “Statewide Registration System” or “System” means:

(A) the sole official repository of data from birth and death certificates registered on or after January 1, 1909; and

(B) such other data related to vital records as the State Registrar may prescribe.

(8) “Town clerk” or “municipal clerk” or “clerk” means a town clerk, a city clerk, a county clerk acting on behalf of an unorganized town or gore, or the supervisor of the unified towns and gores of Essex County, or a town official or employee designated by the same to act on his or her behalf.

(9) “Vital event certificate” means a birth, death, marriage, or civil union certificate or a report of divorce, annulment, or dissolution. “Vital event certificate” does not include any confidential portion of a report of birth or of death or of a marriage or civil union license or application therefor.

(10) “Vital record” means:

(A) a report of birth, death, fetal death, or induced termination of

pregnancy or a preliminary report of death;

(B) a vital event certificate;

(C) a marriage or civil union license;

(D) a burial-transit permit; and

(E) any other records associated with the creation, registration, processing, modification, or disclosure of the records described in this subdivision (10).

Sec. 2. 18 V.S.A. § 5020 is redesignated to read:

§ 5020 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

Sec. 3. 18 V.S.A. § 5000 is amended to read:

§ 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

(a) The ~~commissioner~~ Commissioner shall designate a member of the ~~department~~ Department as ~~supervisor of vital records registration who the~~ State Registrar. The State Registrar shall head the Office of Vital Records, and shall provide consultation to town ~~and county~~ clerks, hospital personnel, ~~physicians~~ licensed health care professionals, midwives, funeral directors, clergymen clergy, probate judges, and all other persons involved in vital records ~~registration~~ for the purpose of promoting uniformity of procedures in

reaching a order to promote the complete, accurate, and timely, and lawful creation, registration, processing, modification, and disclosure of vital records.

(b) The Commissioner may exercise any authority granted to or fulfill any duties conferred on the State Registrar under this part or any other provision of law related to vital records, and the State Registrar may delegate the exercise of his or her authority or the performance of his or her duties to a duly authorized representative.

(c)(1) The State Registrar shall operate the Statewide Registration System, which shall be the sole official repository of data from birth and death certificates registered on or after January 1, 1909. However, nothing in this part shall be construed to preclude town clerks or other issuing agents from printing from the System and maintaining for public inspection noncertified copies of birth and death certificates. The State Registrar shall create and maintain an index which, at a minimum, will enable the public to search contents of the System by the name of the registrant and the date of the vital event.

(2) On and after July 1, 2018:

(A) upon registration of a birth or death in the Statewide Registration System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant;

(B) upon the correction or amendment of a birth or death certificate registered in the System, or upon issuance of a new birth certificate to replace a birth certificate registered in the System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant.

(23) Birth and death certificates registered prior to January 1, 1909:

(A) shall not be incorporated into the Statewide Registration System;

(B) shall be maintained at the offices of town clerks as specified in section 5007 of this title; and

(C) shall not be eligible for amendment under this part.

(24) The State Registrar shall investigate and attempt to resolve any known discrepancy between the contents of a vital event certificate in the custody of the State Registrar and a vital event certificate maintained in the office of a town clerk. In addition, the State Registrar shall have the authority to change the contents of a birth or death certificate in the System in order to address a known error or to conform the certificate to the requirements of a court order. The State Registrar shall record and maintain in the System the nature and content of a change made in the System, the identity of the person making the change, and the date of the change.

(45) Except as authorized under subdivision 5073(a)(3) of this title, and

except for corrections, completions, or amendments to address known errors or omissions, the State Registrar shall deny any application under this part requesting a correction, completion, or amendment of a birth or death certificate in order to change a name, and shall change a name only in accordance with a court order.

(d)(1) Except as provided in subdivision (2) of this subsection, town clerks in the State shall aid in the efficient administration of the Statewide Registration System and shall act as agents to issue copies of birth and death certificates from the Statewide Registration System in accordance with section 5016 of this title.

(2) By filing a written notice with the State Registrar, a town clerk may opt out of serving as an issuing agent.

(e) The State Registrar shall, consistent with the requirements of this part:

(1) administer the Statewide Registration System and fulfill the duties assigned to him or her under this part;

(2) provide for the preservation and security of the official records of the Office of Vital Records, and for the matching of birth and death records in order to prevent the fraudulent use of birth and death certificates of deceased persons;

(3) promote uniformity of policy and procedures pertaining to vital

records and vital statistics throughout the State;

(4) prescribe the contents and form of vital record reports, vital event certificates, and related applications and documents; prescribe the contents and form of burial-transit permits; and distribute the same;

(5) maintain a Vital Records Alert System in order to track and prevent misrepresentation, fraud, or illegal activities in connection with vital records;

(6) implement audit and quality control procedures as necessary to ensure compliance with vital records filing and reporting requirements;

(7) prescribe:

(A) the contents and form of applications for a certified copy of birth or death certificate after consultation with the Vermont Municipal Clerks' & Treasurers' Association;

(B) the manner in which vital records required to be submitted to him or her shall be submitted;

(C) physical requirements and security standards for storage of vital event certificates and related supplies, after consideration of best practices issued by state and federal law enforcement and public health organizations;

(D) the manner in which the Department of Public Safety shall furnish lists of missing and kidnapped children to the State Registrar; and

(E) procedures governing the public's inspection of birth and death certificates, if necessary to protect the integrity of the certificates or to deter fraud;

(8) adopt rules governing:

(A) acceptable content and limitations on the number of characters on a birth certificate;

(B) acceptable forms of identification required in connection with applications for certified copies of birth and death certificates; and

(C) the process for denying a certified copy of a birth or death certificate based on a Vital Records Alert System match or evidence of fraud or misrepresentation, notifying affected persons of the denial, and investigating and resolving the issue identified.

(f) The State Registrar may adopt rules as may be necessary to carry out his or her duties under this part.

Sec. 4. 18 V.S.A. § 5001 is amended to read:

§ 5001. VITAL RECORDS; FORMS OF CERTIFICATES DUTIES OF CUSTODIANS

(a) Certificates of birth, marriage, civil union, divorce, death, and fetal death shall be in form prescribed by the commissioner of health and distributed by the department of health.

(b) Beginning on January 1, 2010, all certificates of birth, marriage, civil

~~union, divorce, death, and fetal death certified copies of vital event certificates shall be issued on unique paper with antifraud features approved by the commissioner of health State Registrar and available from the department of health Office of Vital Records.~~

~~(b) Town custodians of vital event certificates shall ensure that the following are stored in a fireproof safe or vault:~~

~~(1) blank copies of antifraud paper;~~

~~(2) original vital event certificates; and~~

~~(3) such other records or materials as the State Registrar may prescribe.~~

~~(c)(1) The State Registrar may audit any municipal or county office that stores or issues vital records to determine its compliance with the requirements of this part and any rules adopted thereunder. The State Registrar may require an office that fails an audit to cease issuing vital records until it passes a new audit.~~

~~(2) Following a failed audit, upon request, the State Registrar shall conduct a follow-up audit within 30 days of the request.~~

Sec. 5. 18 V.S.A. § 5002 is amended to read:

§ 5002. ~~RETURNS; TABLES~~ REPORT OF VITAL STATISTICS;

PRESERVATION OF RECORDS; AUTHORITY TO ISSUE

~~The commissioner of health State Registrar shall prepare from the returns of an annual vital statistics report summarizing reports or returns of births,~~

~~marriages, civil unions, deaths, fetal deaths, and divorces required by law to be transmitted to the commissioner such tables and append thereto such recommendations as he or she deems proper, and during the month of July in each even year, shall cause the same to be published as directed by the board, annulments, and dissolutions received in the prior calendar year. The commissioner State Registrar shall file and preserve all such returns. The commissioner shall periodically transmit the original returns or photostatic or photographic copies to the state archivist of marriages, divorces, annulments, and dissolutions to the State Archivist, who shall keep the returns, or photostatic or photographic copies of the returns, on file for use by the public. The commissioner and the state archivist State Registrar and the State Archivist shall each, independently of the other, have power to issue certified copies of such records vital event certificates in their custody.~~

Sec. 6. 18 V.S.A. § 5003 is amended to read:

§ 5003. FORMS MATERIALS FOR ISSUING AGENTS

~~The commissioner State Registrar shall procure and send to each town and county clerk such forms and reports of uniform size, and with margin for binding, issuing agents materials as are may be necessary to be used in compliance with the provisions of this part for the issuance of vital event certificates.~~

Sec. 7. 18 V.S.A. § 5005 is amended to read:

§ 5005. UNORGANIZED TOWNS AND GORES

~~(a) The county clerk of a county wherein is situated where an unorganized town or gore is situated shall have the authority, perform the same duties, and be subject to the same penalties as town clerks in respect to licenses, certificates, records, and returns of parties, both of whom reside in an unorganized town or gore in such county or where one party to a civil marriage or a civil union so resides and the other party resides in an unorganized town or gore in another county or without the state. The cost of binding such certificates shall be paid by the state prescribed in this part in relation to vital records with respect to residents of the unorganized town or gore.~~

~~(b) A report of births and deaths in unorganized towns and gores shall be made to the county clerk who shall record the same as is required in relation to such statistics in a town.~~

Sec. 8. 18 V.S.A. § 5006 is amended to read:

§ 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN
TOWN REPORTS

~~Town clerks annually may compile and the or auditors may publish in the annual town report a transcript of the record of nonconfidential information and statistics concerning births, marriages, civil unions, and deaths recorded of residents during the preceding calendar year. Upon request, the State~~

Registrar shall furnish a town clerk such information and statistics.

Sec. 9. 18 V.S.A. § 5007 is amended to read:

§ 5007. PRESERVATION OF DATA RECORDS

A town clerk shall receive, number, and file for record certificates of ~~births,~~ marriages, ~~civil unions,~~ and ~~deaths,~~ and shall preserve such certificates together with the and ~~burial-transit and removal~~ permits returned to the clerk, in a fireproof vault or safe, as provided by 24 V.S.A. § 1178. A town clerk shall permanently preserve at the office of the clerk birth and death certificates registered prior to July 1, 2018, and marriage and civil union certificates.

Sec. 10. 18 V.S.A. § 5008 is amended to read:

§ 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

A town clerk shall file for record and index in volumes all marriage certificates and burial-transit permits received by the town. Each volume or series shall contain an alphabetical index. Civil marriage certificates shall be filed for record in one volume or series, civil ~~unions~~ union certificates kept in another, ~~birth~~ certificates in another, and ~~death~~ certificates and ~~burial-transit and removal~~ permits in another.—However, except that in a town having less than 500 inhabitants, the town clerk may cause civil marriage, civil union, ~~birth, and death~~ certificates, and ~~burial-transit and removal~~ permits to be filed for record in one volume, ~~provided that none of such volumes shall contain more than 250 certificates and permits.~~—All volumes shall be maintained in the

~~town clerk's office as permanent records.~~

Sec. 11. 18 V.S.A. § 5009 is amended to read:

§ 5009. ~~NONRESIDENTS;~~ CERTIFIED COPIES TO TOWN OF
RESIDENCE

~~On the first day of each month, the town clerk shall make a certified copy of each original ~~or~~ corrected certificate of birth, or amended civil marriage, certificate or amended civil union, and death filed certificate filed in the clerk's office during the preceding month, whenever the parents of a child born were, or a party to a civil marriage or a civil union or a deceased person was, was a resident in any other Vermont town at the time of such birth, the civil marriage, or civil union, or death, and shall transmit such the certified copy to the clerk of such the other Vermont town, who shall file the same.~~

Sec. 12. 18 V.S.A. § 5010 is amended to read:

§ 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE
CERTIFICATES

~~The town clerk in of each town of over 5,000 population or in a town where a general hospital as defined in subdivision 1902(1) of this title, is located, shall each week transmit to the supervisor of vital records registration State Registrar copies, duly certified, of each birth, death, marriage, and civil union certificate filed in the town in the preceding week. In all other towns, the clerk shall transmit such copies of birth, death, marriage, and civil union~~

~~certificates received during the preceding month on or before the 10th day of each succeeding month.~~

~~Sec. 13. 18 V.S.A. § 5011 is amended to read:~~

~~§ 5011. PENALTY VIOLATIONS; PENALTIES~~

~~A town clerk who fails to transmit such copies of birth, marriage, civil union, and death certificates as provided in section 5010 of this title shall be fined not more than \$100.00.~~

~~(a)(1) A person shall not:~~

~~(A) knowingly make a false statement, or knowingly supply false information intending that such information be used, in connection with a vital record;~~

~~(B) without lawful authority and with the intent to deceive, make, counterfeit, alter, or mutilate any vital record;~~

~~(C) without lawful authority and with the intent to deceive, obtain, possess, or use, or sell or furnish to another person, any vital record that:~~

~~(i) has been counterfeited, altered, or mutilated;~~

~~(ii) is false in whole or in part; or~~

~~(iii) relates to another person, whether living or deceased;~~

~~(D) without lawful authority, possess any vital record knowing the same to have been stolen or otherwise unlawfully obtained.~~

~~(2) A person who violates this subsection shall be fined not more than~~

~~\$10,000.00 or imprisoned for not more than five years, or both.~~

~~(b)(1) A person shall not:~~

~~(A) knowingly refuse to provide information that the person knows is required of him or her by this part or by rules adopted to carry out its purposes; or~~

~~(B) knowingly neglect or violate any of the provisions the person knows are imposed upon him or her by this part or knowingly refuse to perform any of the duties the person knows are imposed upon him or her by this part.~~

~~(2) A person who violates this subsection shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both.~~

~~(c) An employee of the Office of Vital Records or any issuing agent who knowingly furnishes or processes a certified copy of a vital event certificate with the knowledge or intention that it may be used for the purposes of deception shall be fined not more than \$10,000.00 or imprisoned for not more than five years, or both.~~

~~(d) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform any duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A. chapter 23, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to~~

~~subpoenas shall extend to the Commissioner, a hearing officer appointed by
the Commissioner, and licensed attorneys representing a party.~~

Sec. 13. 18 V.S.A. § 5011 is amended to read:

§ 5011. PENALTY

(a) A town clerk who fails to transmit such copies of birth, marriage, civil union, and death certificates as provided in section 5010 of this title shall be fined not more than \$100.00.

(b) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform a duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A. chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to subpoenas shall extend to the Commissioner, a hearing officer appointed by the Commissioner, and licensed attorneys representing a party.

Sec. 14. 18 V.S.A. § 5013 is amended to read:

§ 5013. TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS

A town clerk shall prepare and keep a single index of births and deaths in alphabetical order, except as provided by 24 V.S.A. § 1153. [Repealed.]

Sec. 15. 18 V.S.A. § 5014 is added to read:

§ 5014. CONFIDENTIALITY

(a)(1) A vital record, or information therein, that by law is designated

confidential or by a similar term, that by law may only be disclosed to specifically designated persons, or that by law is not a public record, is exempt from inspection and copying under the Public Records Act and shall be kept confidential to the extent provided by law.

(2) Records or information described in subdivision (1) of this subsection may be disclosed:

(A) for public health or research purposes in accordance with law;

(B) to a regulatory or law enforcement agency for enforcement purposes, if the agency has agreed to accept the terms of an agreement with the Office of Vital Records governing use and confidentiality of the information;

(C) to the vital records office of another state, if the subject of the vital record was a resident of the other state at the time of the vital event that led to creation of the record; or

(D) in a summary, statistical, or other format in which particular individuals are not identified directly or indirectly.

(b)(1) Except as otherwise provided in subdivision (a)(2) of this section and subdivision (2) of this subsection, the following information is exempt from public inspection and copying under the Public Records Act, shall be kept confidential, and, in any civil action, shall not be subject to discovery or

subpoena or be admissible:

(A) Social Security information and information collected only for medical and health purposes in reports of birth;

(B) Social Security numbers in reports of death or in preliminary reports of death;

(C) prior marriage and legal guardianship information and elections to dissolve a civil union in a marriage or civil union license or license application;

(D) such other information contained in a vital record as the State Registrar may designate through a rule adopted pursuant to 3 V.S.A. chapter 25, but only if the designation is necessary to protect the privacy of an individual.

(2) The person who is the subject of the record or his or her authorized representative shall be entitled to obtain a copy of the information.

(c) Information in or received from the Vital Records Alert System is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that, in addition to the exceptions to confidentiality provided in subdivision (a)(2) of this section, such information may be shared with an issuing agent in order to correct and prevent mistakes and criminal activity.

Sec. 16. 18 V.S.A. § 5015 is amended to read:

~~§ 5015. STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

~~The head of a family who moves into and becomes a permanent resident of this state may cause to be recorded in the office of the clerk of the town where he or she resides, or if he or she resides in an unorganized town or gore, in the office of the clerk of the county wherein he or she resides, a certificate of his or her marriage embracing the statistics required by law, and may also cause to be recorded the birth of any of his or her children born without the state, with the statistics relating to such birth required by law, and shall make oath to the correctness of such statistics. Such record shall not be returned to the commissioner. [Repealed.]~~

Sec. 17. 18 V.S.A. § 5016 is added to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

(a) Access and issuance generally.

(1) Except as provided in subdivisions (2) and (3) of this subsection:

(A) only the State Registrar and issuing agents may issue certified copies of birth and death certificates registered before July 1, 2018, and such certificates shall only be issued from the Statewide Registration System; and

(B) only the State Registrar and issuing agents may issue certified or noncertified copies of birth and death certificates registered on or after July 1, 2018, and such certificates shall only be issued from the Statewide Registration System.

(2) Copies of birth and death certificates registered prior to January 1, 1909 shall not be issued from the Statewide Registration System. Any town clerk may issue a certified copy of a pre-1909 birth or death certificate, provided he or she fulfills the requirements of subsection (b) of this section and such additional requirements as the State Registrar may prescribe as necessary to track antifraud paper used to produce such copies.

(3) A certified or noncertified birth or death certificate shall only be issued as authorized and prescribed in this section, except that in either of the following circumstances, a public agency may issue a noncertified copy even if it does not follow the requirements of this section governing noncertified copies:

(A) if the public agency is an agency other than the Office of Vital Records, the Vermont State Archives and Records Administration, or the office of a town or county, and the public agency has custody of a birth or death certificate acquired in the course of its business; or

(B) if the birth or death certificate was filed in the records of a town or county office, such as land records, for a reason unrelated to its official role under law as a repository of registered birth or death certificates.

(4) The word "illegitimate" shall be redacted from any certified or

noncertified copy of a birth certificate.

(5) If necessary to prevent fraud, the State Registrar may limit the issuance of a certified or noncertified copy of a certificate of live birth for a foreign born child in the same manner as copies of birth certificates are limited under this section.

(b) Certified copies.

(1) The State Registrar and issuing agents may issue certified copies of birth and death certificates only upon receipt of a complete application accompanied by a form of identification prescribed in rules adopted by the State Registrar. The State Registrar and issuing agents shall record in a database maintained by the State Registrar any application received.

(2) Only the following persons shall be eligible for a certified copy of a birth or death certificate:

(A) the registrant or his or her spouse, child, parent, sibling, grandparent, guardian, or petitioner for appointment as executor, or the legal representative of any of these;

(B) a specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant's legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person's right; or

(C) in the case of a death certificate only, additionally to:

(i) the individual with authority for final disposition as provided in section 5227 of this title or a funeral home or crematorium acting on the individual's behalf;

(ii) the Social Security Administration;

(iii) the U.S. Department of Veterans Affairs; or

(iv) the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries.

(3) Antifraud paper. Certified copies of birth and death certificates shall be issued only on unique paper with antifraud features approved by the State Registrar.

(4) Legal effect. A certified copy of a birth or death certificate shall be prima facie evidence of the facts stated therein.

(c) Noncertified copies.

(1) Form. A noncertified copy of a birth or death certificate issued from the Statewide Registration System shall indicate the term "Noncertified" on its face.

(2) Legal effect. A noncertified copy of a birth or death certificate shall not serve as prima facie evidence of the facts stated therein, except that it may be recorded in the land records of a municipality to establish the date of birth or death of a person with an ownership interest in property.

(d) Inspection. In addition to the provisions of the Public Records Act, the State Registrar may prescribe procedures governing the inspection of birth and

death certificates if necessary to protect the integrity of the certificates or to prevent fraud.

Sec. 18. 18 V.S.A. § 5017 is added to read:

§ 5017. FEES FOR COPIES ~~AND SEARCHES~~

For a certified copy of a vital event certificate, the fee shall be \$10.00.

* * * *Divorce and Dissolution Records* * * *

Sec. 19. 18 V.S.A. § 5004 is amended to read:

§ 5004. FAMILY DIVISION OF THE SUPERIOR COURT ~~CLERKS;~~

DIVORCE AND DISSOLUTION RETURNS

The ~~family division of the superior court clerk~~ Family Division of the Superior Court shall send to the ~~commissioner~~ State Registrar, before the 10th day of each month, by county, a report of the number of divorces ~~which~~ and dissolutions that became absolute during the preceding month, showing as to each the names of the parties, date of civil marriage or civil union, number of children, grounds for divorce or dissolution, and such other statistical information available from the ~~family division of the superior court clerk's file~~ Family Division as may be required by the ~~commissioner~~ State Registrar.

* * * *Birth Records* * * *

Sec. 20. 18 V.S.A. § 5071 is amended to read:

§ 5071. BIRTH REPORTS AND CERTIFICATES; WHO TO MAKE; RETURN

(a) On or before the fifth business day of each live birth that occurs in this

State, the attending physician or designee or midwife or, if no attending physician or midwife is present, a parent of the child or a legal guardian of a mother under 18 years of age shall file with the ~~town clerk~~ State Registrar a ~~certificate~~ report of birth in the form and manner prescribed by the ~~Department~~ State Registrar. ~~The certificate shall be registered~~ State Registrar shall register the report in the Statewide Registration System if it has been completed properly and filed in accordance with this chapter. The portion of the registered birth report that is not confidential under section 5014 of this title is the birth certificate.

(b) At the time of the birth of a child, each parent shall furnish the following information ~~on a form provided for that purpose by the Department of Health~~ to enable completion of the report of birth required under subsection (a) of this section: the parent's name, address, and Social Security number and the name and date of birth of the child. ~~The forms and a copy of the birth certificate shall be filed with the Department of Health on or before the fifth day after the birth of the child.~~

(c)(1) Whoever assumes the custody of a live-born infant of unknown parentage shall ~~complete a certificate~~ file a report of birth as follows:

(A) ~~name of the child as given by the custodian, and sex;~~

(B) ~~approximate date of birth as determined in consultation with a physician;~~

~~(C) place of birth as place where the child is found;~~

~~(D) in place of certifier, the custodian shall sign and indicate "custodian" rather than "attendant," with date and address; and~~

~~(E) parentage data and other child's data items shall be left blank with the State Registrar in the form and manner prescribed by the State Registrar.~~

~~(2) If the child is identified and a certificate of birth is found or obtained, the report and any certificate created under this section and copies thereof shall be sealed and deposited with the Commissioner of Health State Registrar and kept confidential, to be opened upon court order only.~~

~~(d) The name of the father shall be included on the report of birth and on any birth certificate of the child of unmarried parents only if the father and mother have signed a voluntary acknowledgment of parentage or a court or administrative agency of competent jurisdiction has issued an adjudication of parentage.~~

~~(e) When a birth certificate is issued, a parent or parents shall be identified with gender-neutral nomenclature.~~

~~Sec. 21. 18 V.S.A. § 5072 is amended to read:~~

~~§ 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION~~

~~The supervisor of vital records registration shall, within Within three months after each birth ~~which~~ that occurs in the state State, except for the birth of a child known to have died or to have been surrendered for adoption, the~~

State Registrar shall send a notice of birth registration to the parents of the child. ~~Such~~ The notice shall contain the pertinent facts such as the child's full name, date and place of birth, and the names of the parents, with instructions and a form on which to apply for corrections or additions.

Sec. 22. 18 V.S.A. § 5073 is amended to read:

§ 5073. ~~AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE CORRECTIONS, COMPLETIONS~~

(a)(1) ~~Within~~ Except as otherwise provided in subdivision (2) of this subsection, within six months after the date of birth, amendment of obvious errors, transpositions of letters in words of common knowledge, or omissions, may be made by the town clerk either upon his or her own observation or the State Registrar may correct or complete a birth certificate in the Statewide Registration System upon request application of a parent, the hospital, in which the birth occurred, or the certifying attendant, or the supervisor of vital records registration.

(2) At any time after the date of birth, the State Registrar may complete a birth certificate to add the name of a father only upon request of the registrant or his or her parent or guardian and upon the receipt of:

(A) a properly executed voluntary acknowledgment of parentage; or

(B) a decree of a court or administrative agency of competent jurisdiction adjudicating parentage.

(3) Within six months after the date of birth, the State Registrar may

complete or change the name of a child upon joint application of the parents or upon application of the parent if only one parent is listed on the birth certificate. A court order shall not be required except for completions or changes of name more than six months after the date of birth.

(b) If the State Registrar determines that a correction or completion requested under this section is unwarranted, he or she may deny an application, in which case the applicant may petition the Probate Division of the Superior Court. The court shall review the petition and relevant evidence de novo to determine if the correction or completion is warranted. The court shall transmit a decree ordering a correction or completion to the State Registrar, who shall correct or complete the certificate in accordance with the decree.

~~(c) The amended A corrected or completed certificate shall be free of any evidence of such correction except that the clerk shall make a notation as to the change and shall not be marked "Amended." However, the State Registrar shall record and maintain in the Statewide Registration System the source of the information, together with his or her name the nature and content of the change, the identity of the person making the change, and the date the change was made, on the margin of the certificate. This notation shall not be included on any certified copy of the certificate issued except as specified in subsection (b) of this section. The certificate shall not be marked "Amended."~~

~~(b) The town clerk shall send a certified copy of any certificate amended under subsection (a) of this section to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed thereon, a notation identifying the copy to be replaced. The copy shall show the notations specified in subsection (a) of this section. The commissioner shall file this return or copy by attaching the same to the original return or copy.~~

~~(d) If the State Registrar corrects or completes a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the uncorrected certificate and update indexes as directed by the State Registrar. Corrected or completed originals shall not be marked "Amended."~~

~~Sec. 23. 18 V.S.A. § 5074 is amended to read:~~

~~§ 5074. PENALTY
A person who fails to comply with a provision of sections 5071-5073 of this title shall be fined \$5.00 subject to the penalties prescribed in section 5011 of this title.~~

~~Sec. 23. [Deleted.]~~

~~Sec. 24. 18 V.S.A. § 5075 is amended to read:~~

~~§ 5075. ISSUANCE OF NEW OR CORRECTED AMENDED OR DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF THE SUPERIOR COURT APPLICATION~~

~~(a) After Except as otherwise provided in subdivision 5073(a)(2) of this title, after six months from the date of birth, any alteration of the birth certificate of a person born in this state may be amended only by the decree of the probate division of the superior court of the district in which such birth occurred State shall be deemed an amendment. A petition for such amendment may be brought by the person, the person's Upon application by the registrant, his or her parent or guardian, the hospital in which the birth occurred, or the certifying attendant, or custodian setting forth the reason for such petition and the correction or amendment desired and the reason for it, the State Registrar may amend the birth certificate if the application and relevant evidence, if any, show that the amendment is warranted.~~

~~(b) A person born in this state State for whom no certificate of birth was filed during the first year following birth, or his or her parent or guardian, may petition the probate division of the superior court of the district in which such person was born apply to the State Registrar to determine the facts with respect to this the birth and to order the issuance of issue a delayed certificate of birth.~~

~~(b) Birth certificates issued under this section for minor errors as defined in subsection 5073(a) of this title shall be corrected without payment of a fee.~~

~~(c) If the State Registrar denies an application under this section, the applicant may petition the Probate Division of the Superior Court, which shall~~

review the application and relevant evidence de novo to determine if the amendment or issuance of a delayed certificate is warranted. The court shall transmit a decree ordering an amendment or issuance of a delayed certificate to the State Registrar, who shall amend or issue the certificate in accordance with the decree.

(d) The State Registrar shall make any amendment and register any delayed certificate in the Statewide Registration System. Any amended birth certificate issued from the System shall indicate the word "Amended" and the date of amendment, and any delayed certificate issued from the System shall indicate the word "Delayed" and the date of registration. The State Registrar shall record and maintain in the System the identity of the person requesting the amendment or delayed certificate, the nature and content of the change made in the System, the person who made the amendment or registered the delayed certificate in the System, and the date of the amendment or registration.

(e) If the State Registrar amends a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the unamended certificate and update indexes as directed by the State Registrar.

Sec. 25. 18 V.S.A. § 5076 is amended to read:

§ 5076. ~~NOTICE; HEARING; DECREE; RECORD~~

~~(a) The probate division of the superior court shall set a time for hearing~~

~~on a petition filed under section 5075 of this title, cause notice thereof, if it deems such necessary, by posting a notice in the probate office, and after hearing such proper and relevant evidence as may be presented shall make findings with respect to the birth of such person as are supported by the evidence.~~

~~(b) The court shall thereupon issue a decree setting forth the facts as found and transmit a certified copy thereof to the supervisor of vital records registration.~~

~~(1) Where the certificate is to be amended, the supervisor of vital records registration shall transmit the decree to the town clerk where the birth occurred, with instructions to amend the original certificate. A correction shall be made by drawing a line through the matter to be corrected and writing in new matter as required to show the legal effects. The town clerk shall stamp, write or type the words "Court Amended" at the top of the amended certificate and all copies thereof and shall certify that the amendment was ordered by said court pursuant to this chapter with the date of decree. The town clerk shall send a certified copy of such completed or corrected birth record, showing new matter added, or changed matter lined out and the substituted matter as it appears thereon, to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed~~

~~thereon, a notation identifying the original.~~

~~(2) Where a delayed certificate is to be issued, the supervisor of vital records registration shall prepare a delayed certificate of birth on forms prescribed by the department and transmit the same, with the decree, to the clerk of the town in which the birth occurred. This delayed certificate shall have the word "Delayed" printed at the top and shall certify that the certificate was ordered by a court pursuant to this chapter, with the date of the decree. The town clerk shall file this delayed certificate and shall follow the provisions of sections 5009 and 5010 of this title with respect to transmitting copies to the town of residence and to the department of health.~~

~~(3) Town clerks receiving new certificates in accordance with this section shall file and index them in the most recent book of births and also index them with births occurring at the same time. [Repealed.]~~

Sec. 26. 18 V.S.A. § 5077 is amended to read:

~~§ 5077. NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS
WHO SUBSEQUENTLY MARRY~~

~~(a) A person whose previously unwed parents have intermarried subsequent to his or her birth and whose father has recognized such person as his child may establish his or her legitimacy under the provisions of 14 V.S.A. § 554 and the facts with respect to his or her birth and parentage, and procure the issuance and filing of a new birth certificate by petition to the probate division~~

~~of the superior court of the district where the child was born.~~

~~(b) The probate division of the superior court, after hearing, shall issue a decree setting forth the facts as found and shall transmit a certified copy thereof to the supervisor of vital records registration, who shall prepare a new certificate and transmit it together with the decree and such information as is necessary to identify the original birth certificate, to the clerk of the town where the child was born.~~

~~(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]~~

Sec. 27. 18 V.S.A. § 5077a is amended to read:

§ 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE
NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

~~(a) If a parent of a person born in this State was unable to be listed as a parent on the person's birth certificate due to the lack of gender-neutral nomenclature on the former report of birth information form forms provided by the Department of Health, and the person or the person's parent may petition the Probate Division of the Superior Court of the district where the person was~~

~~born in order to establish his or her parentage and be issued a new submits sufficient proof of parentage to the State Registrar, the State Registrar shall complete the birth certificate in the State Registration System. The State Registrar shall record in the System the identity of the person requesting the new certificate, the nature and content of the change, the person who made the change, and the date of the change. The State Registrar shall issue a new birth certificate from the System which shall not contain the word "Amended" or other special designation, and shall notify the town clerk or clerks with custody of the certificate, who shall replace the original with the new certificate and update indexes as directed by the State Registrar. The town clerk or clerks shall send the original to the State Registrar, who shall keep it confidential.~~

~~(b) The Probate Division of the Superior Court, after hearing, shall authorize the supervisor of vital records registration to issue a new birth certificate and transmit it, together with any information identifying the original birth certificate, to the clerk of the town where the person was born.~~

~~[Repealed.]~~

~~(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time, and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by~~

~~authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]~~

Sec. 28. 15A V.S.A. § 3-801 is amended to read:

§ 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL RECORDS

(a) ~~Within 30 days after a decree of adoption becomes final, the clerk of the court shall prepare, send, and certify to the State Registrar of Vital Records a report of adoption on a form furnished prescribed by the supervisor of vital records and certify and send the report to the supervisor~~ State Registrar. ~~The report shall include:~~

(1) ~~information in the court's record of the proceeding for adoption which~~ that is necessary to locate and identify the adoptee's birth certificate or, in the case of an adoptee born outside the United States, evidence the court finds appropriate to consider as to the adoptee's date and place country, state, and municipality of birth, as may be available;

(2) ~~information necessary to issue a new birth certificate for the adoptee and a request that a new certificate be issued, unless the court, the adoptive parent, or an adoptee who has attained is 14 years of age or older requests that a new certificate not be issued; and~~

(3) ~~the file number of the decree of adoption and the date on which the decree became final.~~

(b) Within 30 days after a decree of adoption is amended or set aside, the clerk of the court shall prepare and send to the State Registrar a report of that action on a form furnished prescribed by the supervisor of vital records and shall certify and send the report to the supervisor of vital records State Registrar. The report shall include information necessary to identify the original report of adoption, and shall also include information necessary to amend or withdraw any new birth certificate that was issued pursuant to the original report of adoption.

Sec. 29. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

(a) Except as otherwise provided in subsection (d) of this section, upon receipt of a report of adoption prepared pursuant to ~~section 3-801~~ subsection 3-801(a) of this title, a report of adoption prepared in accordance with the law of another state or country, a certified copy of a decree of adoption together with information necessary to identify the adoptee's original birth certificate and to issue a new certificate, or a report of an amended adoption prepared pursuant to subsection 3-801(b) of this title, the supervisor of vital records State Registrar shall either:

(1) ~~issue a new birth certificate for an adoptee born in this state~~ State, update the Statewide Registration System in accordance with the decree and furnish a certified copy of the a new birth certificate to the adoptive parent and

to an adoptee who ~~has attained~~ is 14 years of age or older;

(2) ~~forward a certified copy of a report of adoption for an adoptee born in another state,~~ forward a certified copy of the report of adoption to the supervisor of vital records appropriate office of the state of birth;

(3) ~~issue a certificate of foreign birth for an adoptee adopted in this state and~~ State who was born outside the United States and was not a citizen of the United States at the time of birth, create and register in the Statewide Registration System a "certificate of live birth for a foreign born child" upon request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified copy of the certificate to the adoptive parent and to an adoptee who ~~has attained~~ is 14 years of age or older;

(4) ~~notify an adoptive parent of the procedure for obtaining a revised birth certificate through the United States Department of State for an adoptee born outside the United States who was a citizen of the United States at the time of birth,~~ notify the adoptive parent of the procedure for obtaining a revised birth certificate through the U.S. Department of State; or

(5) ~~in the case of an amended decree of adoption, issue an amended birth certificate according to~~ either update the Statewide Registration System in accordance with the decree and follow the procedure in subdivision (a)(1) or (3) of this section, or follow the procedure in subdivision (2) or (4) of this section.

(b) Unless otherwise specified by the court, a new birth certificate or certificate of live birth for a foreign born child issued pursuant to subdivision (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of this section shall:

(1) be signed by the ~~supervisor of vital records~~ State Registrar;

(2) include the date, time, and place of birth of the adoptee;

(3) substitute the name of the adoptive parent for the name of the person listed as the adoptee's parent on the original birth certificate;

(4) include the filing date of the original birth certificate and the filing date of the new birth certificate; [Repealed.]

(5) contain any other information prescribed by the ~~supervisor of vital records~~ State Registrar.

(c) ~~The supervisor of vital records, and any other custodian of such records, In the case of birth certificates registered prior to July 1, 2018 that are to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the State Registrar shall notify the town clerk or clerks with custody of the certificate, who shall substitute the new or amended birth certificate for the original birth certificate. The original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection or copying until 99 years after the adoptee's date of birth, except as provided by this title.~~

(d) If the court, the adoptive parent, or an adoptee who ~~has attained is~~ is 14 years of age or older requests that a new or amended birth certificate not be issued, ~~the supervisor of vital records may~~ State Registrar shall not issue a new or amended certificate for an adoptee pursuant to subsection (a) of this section, but, Nonetheless, for an adoptee born in another state, the State Registrar shall forward a certified copy of the report of adoption or of an amended decree of adoption for an adoptee who was born in another state to the appropriate office in the adoptee's state of birth.

(e) Upon receipt of a report that an adoption has been ~~vacated~~ set aside, the supervisor of vital records State Registrar shall:

(1) ~~restore the original birth certificate for a person born in this state to its place in the files,~~ State for whom a new birth certificate was issued, update the Statewide Registration System to reflect the original birth certificate data and, in the case of an original birth certificate registered prior to July 1, 2018, notify the town clerk or clerks with custody of the certificate, who shall seal any new or amended birth certificate issued pursuant to subsection (a) of this section, restore the original, update indexes as directed by the State Registrar, and not allow inspection or copying of a the sealed certificate except upon court order or as otherwise provided in this title;

(2) ~~forward the report with respect to~~ for a person born in another state, forward the report to the appropriate office in the state of birth; or

~~(3) for an adoptee born outside the United States who was not a citizen of the United States at the time of birth for whom a certificate of live birth for a foreign born child was issued, update the Statewide Registration System to reflect that the adoption was set aside; or~~

~~(4) notify the person who is granted legal custody of a former adoptee after an adoption is vacated of the procedure for obtaining an original birth certificate through the United States Department of State for a former adoptee born outside the United States who was a citizen of the United States at the time of birth, notify the person who is granted legal custody of a former adoptee after an adoption is set aside of the procedure for obtaining an original birth certificate through the U. S. Department of State.~~

~~(f) Upon request by a person who was listed as a parent on an adoptee's original birth certificate and who furnishes appropriate proof of the person's identity, the supervisor of vital records State Registrar shall give the person a noncertified copy of the original birth certificate.~~

Sec. 30. 18 V.S.A. § 5078 is amended to read:

§ 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

~~(a) The supervisor of vital records registration shall establish a new birth certificate for a person born in the state when the supervisor~~ When the State Registrar receives a record report of adoption, a report of an amended adoption, or a report that an adoption has been set aside as provided in 15 V.S.A. § 449 15A V.S.A. § 3-801, or a record of adoption prepared and filed in

accordance with the laws of another state or foreign country, he or she shall proceed as prescribed in 15A V.S.A. § 3-802.

(b) ~~The new birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

~~(1) the actual place and date of birth;~~

~~(2) the adoptive parents as though they were natural parents;~~

~~(3) If prior to July 1, 2018 a new birth certificate was issued following an adoption which contains a notation that it was issued by authority of this chapter, contains the filing dates of the original and the new birth certificate, or otherwise contains information that facially distinguishes it from an original, the adoptive parent or the adoptee if 14 years of age or older may apply to the State Registrar to issue a replacement birth certificate that does not contain distinguishing information. The State Registrar shall issue the replacement and notify any town clerk with custody of the version that contains distinguishing information, who shall substitute the latter with the replacement birth certificate. The town clerk shall send the version that contains distinguishing information to the State Registrar, who shall keep it confidential.~~

(c) ~~The new birth certificate shall not contain a statement whether the adopted person was illegitimate. [Repealed.]~~

(d) ~~The new certificate, and sufficient information to identify the original~~

~~certificate, shall be transmitted to the clerk of the town of birth to be filed according to the procedures in 15 V.S.A. § 451. [Repealed.]~~

~~(e) The supervisor of vital records registration shall not establish a new birth certificate if the supervisor receives, accompanying the record of adoption, a written request that a new certificate not be established:~~

~~(1) from the adopted person if 18 years or older; or~~

~~(2) from the adoptive parent or parents if the adopted person is under 18 years of age. [Repealed.]~~

~~(f) When the supervisor of vital records registration receives a record of adoption for a person born in another state, the supervisor shall forward a certified copy of the record of adoption to the state registrar in the state of birth, with a request that a new birth certificate be established under the laws of that state. [Repealed.]~~

Sec. 31. 18 V.S.A. § 5078a is amended to read:

§ 5078a. BIRTH CERTIFICATE FOR FOREIGN-BORN OF LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN VERMONT

~~(a) The supervisor of vital records registration State Registrar shall establish a Vermont birth certificate for a person born in a foreign country in the Statewide Registration System a “certificate of live birth for a foreign born child” when the supervisor he or she receives:~~

~~(1) a written request that ~~a new~~ the certificate be established;~~

~~(A) from the adopted person if ~~18~~ 14 years of age or older; or~~

(B) from the adoptive parent or parents if the adopted person is under ~~18~~ 14 years of age; and

(2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~ 15A V.S.A. § 3-801(a).

(b) ~~The new Vermont birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

(1) the true or probable foreign country of birth and true or probable date of birth;

(2) the adoptive parents as though they were natural parents;

(3) a notation that it was issued by authority of this chapter;

(4) a statement that the certificate is not evidence of ~~United States~~ U.S. citizenship; and

(5) any other information the State Registrar may prescribe.

(c) ~~The new birth certificate shall not contain a statement whether the adopted person was illegitimate.~~

(d) ~~Birth certificates established under this section shall remain on file only at the department of health. [Repealed.]~~

(e) ~~Papers relating to the adoption shall be filed in accordance with the provisions of 15 V.S.A. § 451. [Repealed.]~~

Sec. 32. 18 V.S.A. § 5080 is amended to read:

§ 5080. ~~FORM AND EFFECT OF NEW CERTIFICATE~~

~~All the provisions of sections 5006-5014 of this title shall be applicable with respect to a new birth certificate issued under the provisions of sections 5077 and 5078 of this title. Such A new birth certificate issued under 15A V.S.A. § 3-802 and sections 5077a and 5112 of this title shall have the same force and effect as though filed registered in accordance with the provisions of section 5071 of this title. Each certified copy of such certificate and each return based thereon transmitted in accordance with the provisions of sections 5009 and 5010 of this title, shall have enclosed therewith but not endorsed thereon or attached thereto a notation identifying the copy or return, if any, to be replaced by such new copy or return.~~

Sec. 33. 18 V.S.A. § 5081 is amended to read:

§ 5081. FILING OF NEW CERTIFICATE

~~The town clerk filing a new birth certificate issued in accordance with the provisions of sections 5077 and 5078 of this title, and each town clerk or other officer to whom is transmitted a certified copy of the new certificate or a return based thereon, shall comply with 15 V.S.A. § 451. All known and available packets containing adoption orders and superseded birth certificates prepared in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title, before the effective date of this act shall be forwarded to the commissioner of health. These packets shall be filed as specified in 15 V.S.A. § 451.~~

[Repealed.]

Sec. 34. 18 V.S.A. § 5082 is amended to read:

§ 5082. *CONSTRUCTION*

~~The provisions of sections 5077-5081 of this title shall be applicable with respect to both past and future orders, judgments, decrees, and instruments relating to marriages and births. [Repealed.]~~

Sec. 35. 18 V.S.A. § 5083 is amended to read:

§ 5083. *PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM*

(a) ~~If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child, or the hospital at which the child is delivered, not later than 24 hours 10 days after the birth of the child, that the participant's confidential address should not appear on the child's birth certificate, then the Department shall not disclose such confidential address or the participant's town of residence on any public records address shall not be maintained in the Statewide Registration System and the State Registrar, town clerks, and any other issuing agent shall ensure the confidentiality of the address during the period of program participation in accordance with measures prescribed by the State Registrar. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. ~~If such notice is received, then notwithstanding section 5071 of this title, the attendant physician or midwife shall file the certificate with the Supervisor of Vital Records within ten days of the birth, without the~~~~

~~confidential address or town of residence, and shall not file the certificate with the town clerk.~~

~~(b) The Supervisor of Vital Records shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. A certificate filed in accordance with this section shall be a public document. The Supervisor of Vital Records State Registrar shall notify the Secretary of State of the receipt of a birth certificate on behalf of that a program participant has given notice under this section.~~

~~(c) The Department State Registrar shall maintain a confidential record of the parent's actual mailing address and town of residence. Such record, which shall be exempt from public inspection and copying under the Public Records Act.~~

~~(d) Upon the ~~renewal~~, expiration, withdrawal, invalidation, or cancellation of program participation of any parent of whom the Secretary of State received notice from the Supervisor of Vital Records State Registrar, the Secretary of State shall notify the Supervisor of Vital Records State Registrar.~~

~~(e) ~~Notwithstanding section 5075 of this title, upon~~ Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the supervisor of vital records registration State Registrar shall enter the~~

~~update the Statewide Registration System and take such other steps as may be necessary to ensure that the actual mailing address and town of residence on the original birth certificate and shall transmit the completed original birth certificate to the town clerk where the birth occurred are available for public inspection and copying in accordance with section 5016 of this title.~~

~~(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter. [Repealed.]~~

Sec. 36. 18 V.S.A. chapter 20 is added to read:

CHAPTER 20. BIRTH INFORMATION NETWORK

Sec. 37. REDESIGNATION

18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

Sec. 38. 18 V.S.A. § 5112 is amended to read:

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

~~(a) Upon receiving from the Probate Division of the Superior Court a court order that receipt of an application for a new birth certificate and after receiving sufficient evidence to determine that an individual's sexual reassignment has been completed, the State Registrar shall issue a new birth certificate to:~~

~~(1) show that the sex of the individual born in this State has been changed; and~~

(2) if the application is accompanied by a decree of the Probate Division authorizing a change of name associated with the change of sex, to reflect the change of name.

(b) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to ~~issue an order~~ determine that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.

(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the Probate Division ~~order~~ change of name decree, if any, and any other records relating to the issuance of the new birth certificate shall be confidential and shall be exempt from public inspection and copying under the Public Records Act; however an individual may have access to his or her own records and may authorize the State Registrar to confirm that, ~~pursuant to court order,~~ it has he or she issued a new birth certificate to the individual that reflects a change in name or sex, or both.

(d) If an individual born in this State has an amended birth certificate

showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the State Registrar upon application.

** * * Marriage Records * * **

Sec. 39. 18 V.S.A. § 5131 is amended to read:

*§ 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
RETURN OF CIVIL MARRIAGE CERTIFICATE;
REGISTRATION*

(a)(1) Upon receipt of a completed application in a form prescribed by the department State Registrar, which shall require both parties to sign the application certifying to the accuracy of the facts contained therein, a town clerk shall issue to a person a civil marriage license in the form prescribed by the department State Registrar only if at least one party has signed the license in the presence of the clerk and shall enter thereon the names of the parties to the proposed marriage, and fill out the form as far as practicable and. The town clerk shall retain in the clerk's office a copy thereof of the license until the marriage certificate is returned by the solemnizer.

(2) The department shall prescribe application forms that shall allow each party to a marriage to be designated "bride," "groom," or "spouse," as he or she chooses, and the application shall be in substantially the following

form:

~~VERMONT DEPARTMENT OF HEALTH~~

~~APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE~~

~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR~~

~~CERTIFIED COPY \$10.00~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First)~~

~~(Middle)~~

~~(Last)~~

~~SEX~~

~~DATE OF BIRTH~~

~~AGE~~

~~(e.g., July 1, 2009)~~

~~BIRTHPLACE~~

~~EDUCATION (Circle No. Yrs.~~

~~Completed)~~

~~GRADES GRADES~~

~~COLLEGE~~

~~1-8~~

~~9-12~~

~~(1-~~

~~5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN~~

~~COUNTY~~

~~STATE~~

~~RACE—White, Black, Native American, Indian, Chinese, Japanese, Hawaiian,~~

~~Filipino~~

~~(Specify)~~

~~FATHER'S NAME (First, Middle, Last)~~

~~FATHER'S BIRTHPLACE (State or Foreign Country)~~ ~~MOTHER'S BIRTHPLACE (State or Foreign Country)~~

~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~

~~NO. OF THIS MARRIAGE (1st, 2nd, etc.)~~ ~~NO. OF CIVIL UNIONS~~ ~~IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS~~

~~1. MARRIAGE 2. CIVIL~~

~~UNION~~

~~Date last marriage or civil union ended _____ Month _____ Year~~

~~LAST RELATIONSHIP ENDED BY:~~

~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~

~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION~~

~~PARTNER~~

~~Does either party have a legal guardian _____ Yes _____ No~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First) (Middle) (Last)~~

~~SEX DATE OF BIRTH AGE~~

~~(e.g., July 1, 2009)~~

~~BIRTHPLACE~~

~~EDUCATION (Circle No. Yrs. Completed)~~

~~GRADES GRADES~~

~~COLLEGE~~

~~1-8 9-12 (1-5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN~~

~~COUNTY~~

~~STATE~~

~~RACE—White, Black, Native American, Indian, Chinese, Japanese, Hawaiian,
Filipino~~

~~(Specify)~~

~~FATHER'S NAME (First, Middle, Last)~~

~~FATHER'S BIRTHPLACE (State~~

~~MOTHER'S BIRTHPLACE~~

~~or Foreign Country~~

~~(State or Foreign~~

~~Country)~~

~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~

~~NO. OF THIS~~

~~NO. OF~~

~~IF PREVIOUSLY IN MARRIAGE~~

~~MARRIAGE (1st, 2nd,~~

~~CIVIL~~

~~OR CIVIL UNION, LAST~~

~~etc.)~~

~~UNIONS~~

~~RELATIONSHIP WAS~~

~~1. MARRIAGE 2. CIVIL~~

~~UNION~~

~~Date last marriage or civil union ended _____Month _____Year~~

~~LAST RELATIONSHIP ENDED BY:~~

~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~

~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION~~

PARTNER

Does either party have a legal guardian _____ Yes _____ No

APPLICANTS

We hereby certify that the information provide is correct to the best of our knowledge and belief and that we are free to marry under the laws of Vermont.

SIGNATURE _____ SIGNATURE _____

Date _____ signed: _____ Date _____ signed: _____

Planned _____ marriage _____ date _____ Location _____ (City _____ or _____ town)

Officiant _____ Name _____ & _____ Address _____

Your _____ mailing _____ address _____ after

wedding _____

Do you want a certified copy of your Marriage Certificate? (\$10.00)

_____ Yes _____ No

Date License issued _____ Clerk issuing License _____

This worksheet may be destroyed after the marriage is registered.

(3) At least one party to the proposed marriage shall sign the certifying application to the accuracy of the facts so stated. The license shall be

issued by:

(A) the clerk of the incorporated town, city, or village where either party resides;

(B) the clerk of the county where an unorganized town or gore is situated, if both parties reside in an unorganized town or gore in that county, or if one party so resides and the other party resides in an unorganized town or gore in another county or outside the State; or,

(C) if neither is a resident of the state, by any town clerk in the state State if neither party is a resident of the State.

(4)(A) Parties to a civil union certified in Vermont may elect to dissolve their civil union upon marrying one another but are not required to do so to form a civil marriage. The ~~department~~ State Registrar shall clearly indicate this option on the civil marriage application form required by subdivision (2) of this subsection. If a couple elects this option, each party to the intended marriage shall sign a statement on the confidential portion of the civil marriage license and certificate form stating that he or she freely and voluntarily agrees to dissolve the civil union between the parties.

** * **

(b) A civil marriage license so issued shall be signed by both parties to the marriage and delivered by one of the parties to the proposed marriage, within 60 days from the date of issue, to a person authorized to solemnize marriages

by section 5144 of this title. If the proposed marriage is not solemnized within 60 days from the date of issue, such license shall become void. After ~~such~~ the person has solemnized the marriage, he or she shall fill out that part of the form on the license provided for his or her use, sign it, and certify to the ~~same~~ occurrence and date of the marriage. Thereafter the document shall be known as a civil marriage certificate.

* * *

Sec. 40. 18 V.S.A. § 5139 is amended to read:

§ 5139. CLERK'S DUTIES; PENALTY

(a) A Except under the circumstances described in subsection (b) of this section, a town clerk who knowingly issues a civil marriage license upon application of a person residing in another town in the state, or a county clerk who knowingly issues a civil marriage license upon application of a person other than as provided in section 5005 of this title other than as described in subdivision 5131(a)(3) of this title, or a clerk who issues such a license without first requiring the applicant to fill out, sign, and make oath to the declaration contained therein as provided in section 5131 of this title, shall be ~~fin~~ not ~~more than \$50.00 nor less than \$20.00 subject to the penalties proscribed in section 5011 of this title~~ fined not more than \$50.00 nor less than \$20.00.

(b) A town clerk may issue a civil marriage license to parties other than as described in subdivision 5131(a)(3) of this title when the office of the town clerk with authority to issue the license is not open during standard business

hours and the parties have a compelling, immediate need to be married, as determined by the town clerk issuing the civil marriage license. A compelling, immediate need would arise when irreparable harm would occur if the marriage were delayed.

~~Sec. 41. 18 V.S.A. § 5140 is amended to read:~~

~~§ 5140. PENALTY FOR MISREPRESENTATION~~

~~A person making application who applies to a clerk for a license to marry who and knowingly makes a material misrepresentation in filling the forms contained in the declaration of intention the application shall be deemed guilty of perjury and punished accordingly subject to the penalties prescribed in section 5611 of this title.~~

~~Sec. 41. [Deleted.]~~

~~Sec. 42. 18 V.S.A. § 5141 is amended to read:~~

~~§ 5141. PROOF CONFIRMATION OF LEGAL QUALIFICATIONS OF PARTIES; PENALTY~~

~~(a) Before At a minimum, before issuing a civil marriage license to an applicant, the town clerk shall satisfy himself by requiring affidavits or other proof that neither party to the intended marriage is review the license application to confirm that:~~

~~(1) the information submitted therein does not facially indicate that the parties are prohibited from marrying by the laws of this state State; and~~

~~(2) the parties have certified to the veracity of the information in the~~

application.

(b) A clerk who fails to comply with the provisions of this section or who issues a civil marriage license with knowledge that the parties, or either of them, are prohibited from marrying or otherwise have failed to comply with the requirements of the laws of this state State, or a person who having authority and having such knowledge solemnizes such a marriage, shall be ~~fined not more than \$100.00 subject to the penalties prescribed in section 5011 of this title~~ fined not more than \$100.00.

(c) ~~The affidavits herein referred to shall be in a form prescribed by the board and shall be attached to and filed with the civil marriage certificate in the office of the clerk of the town wherein the license was issued. [Repealed.]~~

Sec. 43. 18 V.S.A. § 5142 is amended to read:

§ 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR INCOMPETENT NOT AUTHORIZED TO MARRY~~

~~A Clerk~~ The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when either party to the intended marriage is:

(1) either party is a person who has not attained majority without, unless the ~~consent~~ town clerk has received in writing the consent of one of the parents of the minor, if there is ~~one~~ a parent competent to act, or of the guardian of ~~sueh~~ the minor;

~~(2) nor with such consent when either party is under 16 years of age;~~

~~(3) nor when either of the parties to the intended marriage is not is mentally ~~capable~~ incapable of entering into marriage as defined in 15 V.S.A. § 514;~~

~~(4) nor to a person either of the parties is under guardianship, without the written consent of ~~such~~ the party's guardian;~~

~~(5) [Repealed.]~~

~~(6) the parties are prohibited from marrying under 15 V.S.A. § 1a on account of consanguinity or affinity;~~

~~(7) either of the parties has a wife or husband living, as prohibited under 13 V.S.A. § 206 (bigamy).~~

~~Sec. 44. 18 V.S.A. § 5143 is amended to read:~~

~~§ 5143. PENALTIES~~

~~A clerk who knowingly violates a provision of section 5142 of this title shall be fined not more than \$20.00. A person who aids in procuring such a civil marriage license by falsely pretending to be the parent or guardian having authority to give consent to the marriage of ~~such minors~~ a minor shall be ~~fin~~
~~not more than \$500.00 subject to the penalties prescribed in section 5011 of~~
~~this title, fined not more than \$500.00.~~~~

~~Sec. 45. 18 V.S.A. § 5146 is amended to read:~~

~~§ 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR
FAILURE TO RETURN~~

~~A person An individual who solemnizes a marriage, without first obtaining of the partner the license as required by law section 5145 of this title, or who fails to properly fill out the form thereon provided for his or her use and return the license and certificate of civil marriage to the town clerk's office from which it was issued within 10 days from the date of the marriage, shall be ~~fin~~ed not less than \$10.00 subject to the penalties prescribed in section 5011 of this title.~~

Sec. 45. [Deleted.]

Sec. 46. 18 V.S.A. § 5147 is amended to read:

§ 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;
VALIDITY OF MARRIAGE

(a) ~~A person~~ An individual who, knowing that he or she is not authorized so to do, undertakes to join others in marriage, shall be ~~imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both, subject to the penalties prescribed in section 5011 of this title~~ imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both.

(b) ~~A marriage solemnized before a person professing to be a justice or a minister of the gospel by an individual who was not authorized to do so under this chapter shall not be void nor the validity thereof affected for want of jurisdiction or authority in such supposed justice or minister or invalid, providing provided that the marriage is in other respects lawful and is~~

~~consummated with a belief on the part of the persons either party so married; or either of them, that they the couple were lawfully joined in marriage.~~

* * * Reports of Death, Death Certificates * * *

Sec. 47. 18 V.S.A. § 5202 is amended to read:

§ 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE PROFESSIONAL

~~(a)(1) The~~ Within 24 hours after a death, the licensed health care professional who is last in attendance upon last attended a deceased person shall immediately fill out a certificate of death on a form prescribed by the commissioner submit the medical portion of a report of death in a manner prescribed by the State Registrar. For the purposes of this section, a licensed health care professional means a physician, a physician assistant, or an advance practice registered nurse. If the licensed health care professional who attended the death is unable to state the cause of death, he or she shall immediately notify the physician licensed health care professional, if any, who was in charge of the patient's care to fill out the certificate, and he or she shall fulfill this requirement

~~(2) If the physician~~ neither health care professional is unable able to state the cause of death, the provisions of section 5205 of this title apply.

~~(3) The licensed health care professional may, with the consent of the~~

~~funeral director, delegate to the funeral director or the person in charge of the body, with that individual's consent, the responsibility of gathering data for and filling out all items except the medical certification of cause of death completing the nonmedical portion of the report of death.~~

~~(4) All entries, except signatures, on the certificate shall be typed or printed and shall contain answers to the following questions:~~

~~(1) Was the deceased The State Registrar shall furnish the agency responsible for veterans' affairs information as to the deceased's status as a veteran of any war?~~

~~(2) If so, of what war?_~~

~~(5) The State Registrar shall register the report of death in the Statewide Registration System upon receipt of the required information. The portion of the report of death that is not confidential under section 5014 of this title is the death certificate.~~

~~(b) When death occurs in a hospital and it is impossible to obtain a death certificate from an attending licensed health care professional before is not available prior to burial or transportation of a body, any licensed health care professional who has access to the facts and can certify that the death is not subject to the provisions of section 5205 of this title may complete and sign a preliminary report of death on a form supplied by the commissioner prescribed by the State Registrar. ~~The municipal or county clerk or a deputy shall~~ The~~

~~health care professional may delegate completion of the nonmedical facts to any funeral director or person in charge of the body with access to the nonmedical facts, with that individual's consent. A person authorized to issue a burial-transit permit shall accept this report and a properly completed preliminary report and issue a burial-transit permit. This~~ The preliminary report of death may be destroyed six months after a ~~the~~ death certificate has been filed ~~registered. This does not~~ subsection does not ~~relieve the attending a licensed health care professional from the responsibility of completing a death certificate and delivering it to the funeral director within 24 hours after death his or her responsibilities under subsection (a) of this section.~~

Sec. 48. 18 V.S.A. § 5203 is amended to read:

~~§ 5203. DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

~~Upon official notification of a death of a member of the armed forces of the United States while serving as such beyond the United States, not including the territories thereof, and provided the remains of the member are not returned to this country, the next of kin thereof or interested person may file with the clerk of the town of the residence of such member a certificate of death. Such certificate shall set forth the name, date of birth, and date of death, if the same can be determined, the names of the parents of the deceased and such other information as may be deemed pertinent by the office of the adjutant general.~~

[Repealed.]

Sec. 49. 18 V.S.A. § 5204 is amended to read:

§ 5204. ~~FORMS; CERTIFICATION~~

~~The certificate shall be made on forms furnished by the commissioner and shall be recorded by the town clerk in accordance with the provisions of this chapter. The town clerk shall forthwith, upon making such record, forward a certified copy thereof to the office of the adjutant general. [Repealed.]~~

Sec. 50. 18 V.S.A. § 5205 is amended to read:

*§ 5205. ~~DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
AND IN OTHER CIRCUMSTANCES; AUTOPSY~~*

** * **

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under his or her direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall ~~complete and sign a certificate~~ submit a report of death to the State Registrar.

** * **

Sec. 51. 18 V.S.A. § 5206 is amended to read:

*§ 5206. ~~PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE
SUBMIT REPORT OF DEATH~~*

~~A physician who fails to furnish a certificate of death licensed health care professional who fails to cause the medical portion of a report of death to be submitted within 24 hours after the death of a person containing a true statement of the cause of such death, and all the other facts provided for in the form of death certificates, so far as these facts are obtainable, shall be fined not more than \$100.00 shall be subject to the penalties prescribed in section 5011 of this title shall be fined not more than \$100.00.~~

Sec. 52. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH CERTIFICATE

(a) Corrections, completions. Within six months after the date of death, the ~~town clerk~~ State Registrar may correct or complete a death certificate upon application by the certifying ~~physician~~ licensed health care professional, medical examiner, hospital, nursing home, or funeral director, if the application and relevant evidence, if any, show that the correction or completion is warranted. ~~The town clerk may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof. In his or her discretion, the town clerk may refuse an application for correction or completion, in which case, the applicant may petition the probate division of the superior court for such correction or completion.~~

~~(b)(1) Amendments. After six months from the date of death, any alteration of a death certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed shall be deemed an amendment. Upon application by a person specified in subsection (a) of this section, the State Registrar may amend the death certificate if the application and relevant evidence, if any, show that the amendment is warranted.~~

~~(2) The probate division of the superior court to which such application is made shall set a time for hearing thereon and, if such court deems necessary, cause notice of the time and place thereof to be given by posting the same in the probate division of the superior court office and, after hearing, shall make such findings, with respect to the correction of such death certificate as are supported by the evidence. The court shall thereupon issue a decree setting forth the facts as found, and transmit a certified copy of such decree to the supervisor of vital records registration. The supervisor of vital records registration~~

~~(c) Appeal. If the State Registrar denies an application for a correction, completion, or amendment under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the requested action is warranted. The court shall transmit a decree ordering a correction, completion, or~~

amendment to the State Registrar, who shall take action in accordance with the decree.

(d) Documentation of changes. The State Registrar shall make corrections, completions, and amendments in the Statewide Registration System. A corrected or completed certificate issued from the System shall be free of any evidence of the alteration and shall not be marked "Amended." Any amended death certificate issued from the System shall indicate the word "Amended" and the date of amendment. The State Registrar shall enter into and maintain in the System the identity of the person requesting the correction, completion, or amendment, the nature and content of the change, the identity of the person making the change in the System, and the date the change was made.

(e) Original certificates. If the State Registrar corrects, completes, or amends a certificate that was registered prior to July 1, 2018, he or she shall transmit the same to the appropriate town clerk to amend ~~notify the town clerk or clerks with custody of the original or issue a new certificate, who shall replace and dispose of the original, and update indexes, as directed by the State Registrar.~~ The words "Court Amended" shall be typed, written, or stamped at the top of the new or amended certificates with the date of the decree and the name of the issuing court.

(e)(f) Provided, however, that only the medical examiner or the certifying physician may apply to Cause of death. The State Registrar shall only correct

~~or, complete the certificate as to, or amend the medical certification of the cause of death upon application by the medical examiner or certifying licensed health care professional.~~

Sec. 53. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; ~~BURIAL~~ BURIAL-TRANSIT PERMIT

~~The physician or person filling out the certificate of death, within 36~~ Within 24 hours after death, shall deliver the same the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. Such The certificate shall be filed with the person issuing the certificate of permission for burial, entombment, or removal burial-transit permit obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When such the death certificate of death is so filed, such the officer or person shall immediately issue a certificate of permission for burial, entombment, or removal of the dead body burial-transit permit under legal restrictions and safeguards.

Sec. 54. 18 V.S.A. § 5211 is amended to read:

§ 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

A person who buries, entombs, transports, or removes the dead body of a person without a burial-transit ~~or removal~~ permit so to do, or in any other manner or at any other time or place than as specified in

~~such permit, shall be imprisoned not more than five years or fined not more than \$1,000.00, or both subject to the penalties prescribed in section 5011 of this title imprisoned not more than five years or fined not more than \$1,000.00, or both.~~

~~Sec. 55. 18 V.S.A. § 5216 is amended to read:~~

~~§ 5216. PENALTY~~

~~A sexton or other person having charge of a cemetery, tomb, or receiving vault who violates a provision of sections 5214 and 5215 of this title shall be fined not more than \$500.00 nor less than \$20.00 subject to the penalties prescribed in section 5011 of this title.~~

~~Sec. 55. [Deleted.]~~

** * * Conforming Changes * * **

~~Sec. 56. 4 V.S.A. § 311a is amended to read:~~

~~§ 311a. VENUE GENERALLY~~

~~For proceedings authorized to the Probate Division of Superior Court, venue shall lie as provided in Title 14A for the administration of trusts, and otherwise in a Probate District as follows:~~

~~* * *~~

~~(19) Issuance of Appeal from a denial by the State Registrar of Vital Records of a request for a new or, corrected, amended, or delayed birth certificate: in the district where the birth occurred or allegedly occurred.~~

~~(20) Correction or amendment of a civil marriage or civil union~~

~~certificate or issuance of delayed certificate: in the district where the original certificate is filed marriage or civil union license was issued or allegedly issued.~~

~~(21) Correction or amendment of a Appeal from a denial by the State Registrar of Vital Records of a request for a corrected or amended death certificate: in the district where the original certificate is filed death occurred or, if the place of death is unknown, where the body was found.~~

* * *

~~(27) Issuance of certificates of public good authorizing the civil marriage of persons under 16 years of age: in the district or unit where either applicant resides, if either is a resident of the State; otherwise in the district or unit in which the civil marriage is sought to be consummated. [Repealed.]~~

* * *

Sec. 57. 15 V.S.A. § 816 is amended to read:

§ 816. ~~CERTIFICATE OF CHANGE; CORRECTION~~ AMENDMENT OF BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

~~Whenever a person changes his or her name, as provided in this chapter, he or she, shall~~ A person, or the parent or guardian of a minor, may provide the probate division of the superior court State Registrar of Vital Records with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if

~~any. The register of probate with whom the change of name is filed and recorded shall transmit the certificate and a certified copy of such instrument of change of name to the supervisor of vital records registration. The supervisor of vital records registration or the birth certificate of the minor and a certified copy of a decree issued under this chapter authorizing a change of name, and request that the birth certificate be amended in accordance with the decree. The State Registrar of Vital Records shall forward such instrument of change of name to the town clerk in the town where the person was born within the state, or wherein the original certificate is filed, with instructions to amend the original certificate and all copies thereof update the Statewide Registration System and proceed in accordance with the provisions of chapter 101 of Title 18 V.S.A. § 5075. Such amended Notwithstanding 18 V.S.A. § 5075, certificates amended pursuant to this section shall have the words “Court Amended” stamped, written, or typed at the top and shall show that the change of name was made pursuant to this chapter.~~

Sec. 58. REPLACEMENTS

~~(a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital records” is replaced with “State Registrar of Vital Records”, and in 15A V.S.A. § 5-108(c), the word “supervisor” is replaced with “State Registrar.”~~

~~(b) In 18 V.S.A. § 1103, the phrase “certificate of birth” is replaced with “report of birth.”~~

(c) In 18 V.S.A. § 5148, “commissioner of health” is replaced with “State Registrar.”

(d) In 18 V.S.A. §§ 5150(c) and 5168(c), the phrase “supervisor of vital records registration” is replaced by “State Registrar” wherever it appears.

(e) In 18 V.S.A. §§ 5151 and 5159, the phrase “supervisor of vital records registration” and the phrase “department of health” are replaced by “State Registrar” wherever they appear.

Sec. 59. 15A V.S.A. § 1-101 is amended to read:

§ 1-101. DEFINITIONS

As used in this title:

* * *

(22) “State Registrar” and “State Registrar of Vital Records” mean the supervisor of the Office of Vital Records in the Department of Health.

(23) “Stepparent” means a person who is the spouse or surviving spouse of a parent of a child but who is not a parent of the child.

~~(23) “Supervisor of vital records” means the supervisor of vital records registration of the Department of Health.~~

Sec. 60. 24 V.S.A. § 1164 is amended to read:

§ 1164. CERTIFIED COPIES; FORM

(a) A town clerk shall furnish certified copies of any instrument on record in his or her office, or any instrument or paper filed in his or her office pursuant to law, on the tender of his or her fees therefor, and his or her

attestation shall be a sufficient authentication of the copies, except that the town clerk shall ~~not copy~~ redact the word "illegitimate" from any copy of a birth certificate he or she furnishes.

(b) Copies of vital records for events occurring outside the State, filed with a town clerk pursuant to 18 V.S.A. § 5015, shall not be copied and certified. A town clerk shall furnish a certified copy of a vital event certificate only if authorized and as prescribed under 18 V.S.A. chapter 101.

Sec. 61. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees ~~in the matter of vital registration~~ for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage ~~or civil union~~ license, \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

(2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A. § 5009 to be paid by the town.~~ [Repealed.]

(3) ~~\$2.00 for each birth certificate completed or corrected under the~~

~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078, for the correction of each civil marriage certificate under the provisions of 15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of each civil union certificate under the provisions of 18 V.S.A. § 5168, and for each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to be paid by the town. [Repealed.]~~

~~(4) \$1.00 for each certificate of facts relating to births, deaths, civil unions, and marriages, transmitted to the Commissioner of Health in accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with the cost of binding the certificate shall be paid by the town. [Repealed.]~~

~~(5) Fees for vital records event certificates shall be equivalent to those received by the Commissioner of Health or the Vermont State Archivist pursuant to subsection 1715(a) of this title charged and allocated as specified in 18 V.S.A. § 5017.~~

~~Sec. 62. 32 V.S.A. § 1715 is amended to read:~~

~~§ 1715. VITAL RECORDS EVENT CERTIFICATES; COPIES; SEARCH~~

~~(a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017, the Commissioner of Health Office of Vital Records or the Vermont State Archives and Records Administration shall provide a certified copies copy of a vital records event certificate, or shall ascertain and certify what the vital records available to the Commissioner and the Vermont State Archivist show~~

event certificate shows, except that ~~the Commissioner and the Vermont State Archivist shall not copy~~ the word “illegitimate” shall be redacted from any birth certificate furnished. The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.

(b) Fees collected under this section shall be credited to special funds established and managed pursuant to chapter 7, subchapter 5 of chapter 7 of this title, and shall be available to the charging departments to offset the costs of providing those services.

** * * Effective Dates * * **

Sec. 63. EFFECTIVE DATES

(a) This section; in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking authority); and in Sec. 39, 18 V.S.A. § 5131(a)(2) (marriage license application form) shall take effect on passage.

(b) All other sections of this act shall take effect on July 1, 2018.