

1 H.111

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

7 Referred to Committee on

8 Date:

9 Subject: Government operations; vital records; health; judiciary

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

12 An act relating to vital records

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

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

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

16 § 4999. DEFINITIONS

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

18 (1) “Certified copy” means a copy of a vital event certificate issued and
19 certified by a person with authority to attest to the authenticity of the certificate
20 in accordance with the law in effect at the time the certificate is issued.

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

4 (3) “Licensed health care professional” means a physician, a physician
5 assistant, or an advance practice registered nurse.

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

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

11 (A) a certified copy; or

12 (B) a copy of a vital event certificate registered prior to January 1,
13 1909.

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

17 (7) “Original” means a vital event certificate registered prior to July 1,
18 2018 in the case of birth, death, and civil union certificates, and prior to July 1,
19 2019 in the case of marriage certificates, and required to be preserved in town
20 offices under section 5007 of this title.

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

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

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

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

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

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

18 (12) “Vital record” means:

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

- 1 (B) a vital event certificate;
2 (C) a marriage or civil union license;
3 (D) a burial-transit permit; and
4 (E) any other records associated with the creation, registration,
5 processing, modification, or disclosure of the records described in this
6 subdivision (12).

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

8 § 5020 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR;
9 DUTIES; AUTHORITY; STATEWIDE REGISTRATION
10 SYSTEM; DESIGNATED AGENTS

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

12 § 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE
13 REGISTRATION SYSTEM; DESIGNATED AGENTS

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

1 a order to promote the complete, accurate, ~~and~~ timely, and lawful creation,
2 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.**

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

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

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

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

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

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

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

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

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

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

19 (7) prescribe:

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

1 (B) acceptable forms of identification required in connection with
2 applications for certified copies of vital event certificates;

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

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

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

12 (8) adopt rules governing:

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

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

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

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

2 § 5001. ~~VITAL RECORDS; FORMS OF CERTIFICATES~~ DUTIES OF
3 CUSTODIANS

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

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

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

16 (1) blank copies of antifraud paper;

17 (2) original vital event certificates; and

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

19 (c)(1) The State Registrar may audit any municipal or county office that
20 stores or issues vital records to determine its compliance with the requirements
21 of this part and any rules adopted thereunder. The State Registrar may require

1 an office that fails an audit to transfer or cease issuing vital records until it
2 passes a new audit.

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

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

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

9 § 5002. ~~RETURNS; TABLES~~ REPORT OF VITAL STATISTICS

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

1 ~~archivist shall each, independently of the other, have power to issue certified~~
2 ~~copies of such records.~~

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

4 § 5003. FORMS MATERIALS FOR DESIGNATED AGENTS

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

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

11 § 5005. UNORGANIZED TOWNS AND GORES

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

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

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

5 § 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN
6 TOWN REPORTS

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

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

13 § 5007. PRESERVATION OF ~~DATA~~ RECORDS

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

1 preserve them at the office or transfer them to the State Archives upon
2 approval of the State Archivist.

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

4 § 5008. ~~TOWN CLERK; RECORDING AND INDEXING PROCEDURES~~

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

15 [Repealed.]

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

17 § 5009. ~~NONRESIDENTS; CERTIFIED COPIES~~ TO TOWN OF
18 RESIDENCE

19 On the first day of each month, the town clerk shall make a certified copy of
20 each original ~~or~~ corrected certificate of birth, or amended civil marriage,
21 certificate or amended civil union, ~~and death filed~~ certificate filed in the clerk's

1 office during the preceding month, whenever ~~the parents of a child born were,~~
2 ~~or a party to a civil marriage or a civil union or a deceased person was,~~ was a
3 resident in any other Vermont town at the time of ~~such birth,~~ the civil
4 marriage, or civil union, ~~or death,~~ and shall transmit ~~such~~ the certified copy to
5 the clerk of ~~such~~ the other Vermont town, who shall file the same.

6 Sec. 12. REPEAL

7 18 V.S.A. § 5009 (certified copies to town of residence) is repealed on
8 July 1, 2019.

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

10 § 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE
11 CERTIFICATES

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

1 Sec. 14. REPEAL

2 18 V.S.A. § 5010 (transmittal of marriage certificates) is repealed on July 1,
3 2019.

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

5 § 5011. PENALTY VIOLATIONS; PENALTIES

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

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

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

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

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

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

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

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

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

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

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

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

6 (B) knowingly neglect or violate any of the provisions of this part or
7 knowingly refuse to perform any of the duties imposed upon him or her by this
8 part.

9 (2) A person who violates this subsection shall be fined not more than
10 \$1,000.00 or imprisoned for not more than one year, or both.

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

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

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

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

4 § 5012. ~~TOWN CLERK TO PROVIDE GENERAL INDEX; MARRIAGES~~
5 ~~AND CIVIL UNIONS~~

6 ~~Except as provided by 24 V.S.A. § 1153, town and county clerks shall~~
7 ~~prepare and keep a general index to the marriage and civil union records, in~~
8 ~~alphabetical order and in the following forms, respectively:~~

9 ~~Book Page Groom to Bride Date Book Page Bride to Groom Date~~
10 ~~1 1 A. to B. 1 1 B. to A.~~

11 ~~Book Page Party to Party Date Book Page Party to Party Date~~
12 ~~1 1 A. to B. 1 1 B. to A.~~

13 [Repealed.]

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

15 § 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

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

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

19 § 5014. CONFIDENTIALITY

20 (a)(1) A vital record, or information therein, that by law is designated
21 confidential or by a similar term, that by law may only be disclosed to

1 specifically designated persons, or that by law is not a public record, is
2 exempt from inspection and copying under the Public Records Act and shall
3 be kept confidential to the extent provided by law.

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

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

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

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

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

15 (b) Except as otherwise provided in subdivision (a)(2) of this section,
16 medical and demographic information contained in reports of birth or death,
17 in preliminary reports of death, and in applications for marriage or civil union
18 licenses that the State Registrar designates as confidential is exempt from
19 public inspection and copying under the Public Records Act shall not be
20 released, and, in any civil action, shall not be subject to discovery or subpoena
21 or be admissible. However, the person who is the subject of the record or his

1 or her authorized representative shall be entitled to inspect or obtain a copy of
2 the information.

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

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

10 § 5015. ~~STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

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

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

2 § 5016. VITAL EVENT CERTIFICATES; COPIES;

3 INSPECTION

4 (a) Access and issuance generally.

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

6 (A) On and after July 1, 2018, only the State Registrar and designated
7 agents may issue certified or noncertified copies of birth and death certificates,
8 and such certificates shall only be issued from the Statewide Registration
9 System.

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

14 (2) Copies of vital event certificates registered prior to January 1,
15 1909 shall not be issued from the Statewide Registration System. A
16 custodian of a pre-1909 vital event certificate shall not certify any copy or
17 issue it on antifraud paper, but he or she may authenticate it as a true and
18 accurate copy.

19 (3) A certified or noncertified vital event certificate shall only be
20 issued as authorized and prescribed in this section, except that in either of
21 the following circumstances, a public agency may issue a noncertified copy

1 even if it does not follow the requirements of this section governing
2 noncertified copies:

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

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

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

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

16 (b) Certified copies.

17 (1) Birth and death certificates.

18 (A) The State Registrar and designated agents may issue certified
19 copies of birth and death certificates only upon receipt of a complete
20 application accompanied by a reliable type of identification as prescribed by

1 the State Registrar. The State Registrar and designated agents shall record in a
2 database maintained by the State Registrar any application received.

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

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

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

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

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

16 (II) the Social Security Administration;

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

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

20 (2) Civil marriage and civil union certificates. The State Registrar and
21 designated agents may issue certified copies of civil marriage and civil union

1 certificates only upon receipt of a complete application accompanied by a
2 reliable type of identification as prescribed by the State Registrar. The State
3 Registrar and designated agents shall record in a database maintained by the
4 State Registrar any application received.

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

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

10 (c) Noncertified copies.

11 (1) Application required.

12 (A) The State Registrar and designated agents shall issue a
13 noncertified copy of a birth or death certificate only upon receipt of a complete
14 application. The State Registrar and designated agents shall record any
15 application received in a database maintained by the State Registrar.

16 (B) The State Registrar and designated agents shall issue a marriage
17 or civil union certificate only upon receipt of a complete application. The
18 State Registrar and designated agents shall record any application received in a
19 database maintained by the State Registrar.

1 (2) Form. A noncertified copy of a vital event certificate issued from
2 the Statewide Registration System shall indicate the term “Noncertified” on its
3 face.

4 (3) Legal effect. A noncertified copy of a vital event certificate shall not
5 serve as prima facie evidence of the facts stated therein, except that a
6 noncertified copy of a birth or death certificate may be recorded in the land
7 records of a municipality to establish the date of birth or death of a person with
8 an ownership interest in property. A certified copy of a vital event certificate
9 shall not be recorded in the land records of a municipality.

10 (d) Inspection. Vital event certificates shall be available for public
11 inspection in accordance with the provisions of the Public Records Act and in
12 accordance with additional procedures as the State Registrar may prescribe if
13 necessary to protect the integrity of the certificates or to prevent fraud.

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

15 § 5017. FEES FOR COPIES AND SEARCHES

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

18 (b) For a noncertified copy of a vital event certificate issued from the
19 Statewide Registration System or of a report of divorce form, the fee shall be
20 \$5.00.

1 day of each month, by county, a report of the number of divorces ~~which and~~
2 dissolutions that became absolute during the preceding month, ~~showing as to~~
3 ~~each the names of the parties, date of civil marriage or civil union, number of~~
4 ~~children, grounds for divorce~~ and such other statistical information available
5 from the ~~family division of the superior court clerk's file~~ Family Division as
6 may be required by the ~~commissioner~~ State Registrar.

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

8 § 4105. ACCESS TO INFORMATION; DISCLOSURE AND
9 CONFIDENTIALITY

10 * * *

11 (b) The Office of Child Support may request any information needed to
12 establish, modify, or enforce a child support or parental rights and
13 responsibilities order or to locate any person alleged to be a parent owing a
14 duty of support from the records of all governmental officials, departments,
15 and other governmental agencies of this State, including the Judicial Branch,
16 without a subpoena. The Family Division shall collect information related to
17 marriages, civil unions, divorces, annulments, and dissolutions specified by the
18 Office of Child Support that is needed to establish, modify, or enforce a child
19 support or parental rights and responsibilities order. The officials and
20 employees of the departments and other agencies shall provide all such
21 information requested or required to be collected. Only information directly

1 bearing on the identity and whereabouts of parents or alleged parents or their
2 assets or income, or their marriage, civil union, divorce, or dissolution may be
3 requested, used, or transmitted by the Office of Child Support under this
4 section. Any information provided by the Department of Taxes shall include
5 information about assets held by or income attributable to the parent jointly
6 with any other person.

7 (c) Except as otherwise provided in this chapter, 15 V.S.A. chapter 11, and
8 Title 15B, information furnished the Office of Child Support shall be made
9 available only to the person requesting services or to the person's attorney, the
10 person to whom the information relates, and the Family Division of the
11 Superior Court. Any other use of the information shall be prohibited. A
12 person who violates this subsection shall be fined not more than \$500.00. Any
13 individual aggrieved by a violation of this section may bring an action for civil
14 damages, including punitive damages, equitable relief, including restraint of
15 prohibited acts, restitution of wages or other benefits, reinstatement, costs,
16 reasonable attorney's fees, and other appropriate relief.

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* * * Birth Records * * *

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

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

(a) On or before the fifth day of each live birth that occurs in this State, the attending physician 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~~ 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 designated confidential by the State Registrar 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.~~

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

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

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

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

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

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

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

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

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

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

2 § 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

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

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

11 § 5073. ~~AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE~~
12 CORRECTIONS, COMPLETIONS

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

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

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

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

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

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

19 (c) A corrected or completed certificate shall be free of any evidence of
20 ~~such correction except that the clerk shall make a notation as to~~ the change and
21 shall not be marked "Amended." However, the State Registrar shall enter into

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

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

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

1 Sec. 27. 18 V.S.A. § 5074 is amended to read:

2 § 5074. PENALTY

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

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

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

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

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

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

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

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

1 registered the delayed certificate in the System, and the date of the amendment
2 or registration.

3 (e) If the State Registrar amends a certificate that was registered prior to
4 July 1, 2018, he or she shall notify the custodian of the original certificate, who
5 shall replace and dispose of the original, and update indexes, as directed by the
6 State Registrar.

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

8 § 5076. ~~NOTICE; HEARING; DECREE; RECORD~~

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

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

17 ~~(1) Where the certificate is to be amended, the supervisor of vital records~~
18 ~~registration shall transmit the decree to the town clerk where the birth~~
19 ~~occurred, with instructions to amend the original certificate. A correction shall~~
20 ~~be made by drawing a line through the matter to be corrected and writing in~~
21 ~~new matter as required to show the legal effects. The town clerk shall stamp,~~

1 ~~write or type the words "Court Amended" at the top of the amended certificate~~
2 ~~and all copies thereof and shall certify that the amendment was ordered by said~~
3 ~~court pursuant to this chapter with the date of decree. The town clerk shall send~~
4 ~~a certified copy of such completed or corrected birth record, showing new~~
5 ~~matter added, or changed matter lined out and the substituted matter as it~~
6 ~~appears thereon, to the commissioner and also to the clerk of any town to~~
7 ~~whom a copy of the original record was sent under the provisions of section~~
8 ~~5009 of this title, and shall enclose with that copy, but not endorsed thereon, a~~
9 ~~notation identifying the original.~~

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

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

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

2 § 5077. ~~NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS~~
3 ~~WHO SUBSEQUENTLY MARRY~~

4 (a) ~~A person whose previously unwed parents have intermarried~~
5 ~~subsequent to his or her birth and whose father has recognized such person as~~
6 ~~his child may establish his or her legitimacy under the provisions of 14 V.S.A.~~
7 ~~§ 554 and the facts with respect to his or her birth and parentage, and procure~~
8 ~~the issuance and filing of a new birth certificate by petition to the probate~~
9 ~~division of the superior court of the district where the child was born.~~

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

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

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

2 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE

3 NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

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

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

20 [Repealed.]

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

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

8 § 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL
9 RECORDS

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

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

20 (2) information necessary to issue a new birth certificate for the adoptee
21 and a request that a new certificate be issued, unless the court, the adoptive

1 parent, or an adoptee who ~~has attained~~ is 14 years of age or older requests that
2 a new certificate not be issued; and

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

5 (b) Within 30 days after a decree of adoption is amended or set aside, the
6 clerk of the court shall prepare and send to the State Registrar a report of that
7 action on a form ~~furnished~~ prescribed by the ~~supervisor of vital records and~~
8 ~~shall certify and send the report to the supervisor of vital records~~ State
9 Registrar. The report shall include information necessary to identify the
10 original report of adoption, and shall also include information necessary to
11 amend or withdraw any new birth certificate that was issued pursuant to the
12 original report of adoption.

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

14 § 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

15 (a) Except as otherwise provided in subsection (d) of this section, upon
16 receipt of a report of adoption prepared pursuant to ~~section~~
17 ~~3-801~~ subsection 3-801(a) of this title, a report of adoption prepared in
18 accordance with the law of another state or country, a certified copy of a
19 decree of adoption together with information necessary to identify the
20 adoptee's original birth certificate and to issue a new certificate, or a report of

1 an amended adoption prepared pursuant to subsection 3–801(b) of this title, the
2 ~~supervisor of vital records~~ State Registrar shall either:

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

7 (2) ~~forward a certified copy of a report of adoption~~ for an adoptee born
8 in another state, forward a certified copy of the report of adoption to the
9 ~~supervisor of vital records~~ appropriate office of the state of birth;

10 (3) ~~issue a certificate of foreign birth~~ for an adoptee adopted in this ~~state~~
11 ~~and~~ State who was born outside the United States and was not a citizen of the
12 United States at the time of birth, create and register in the Statewide
13 Registration System a “certificate of live birth for a foreign born child” upon
14 request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified
15 copy of the certificate to the adoptive parent and to an adoptee who ~~has~~
16 ~~attained~~ is 14 years of age or older;

17 (4) ~~notify an adoptive parent of the procedure for obtaining a revised~~
18 ~~birth certificate through the United States Department of State~~ for an adoptee
19 born outside the United States who was a citizen of the United States at the
20 time of birth, notify the adoptive parent of the procedure for obtaining a
21 revised birth certificate through the U.S. Department of State; or

1 (5) in the case of an amended decree of adoption, ~~issue an amended~~
2 ~~birth certificate according to~~ either update the Statewide Registration System
3 in accordance with the decree and follow the procedure in subdivision (a)(1) or
4 (3) of this section, or follow the procedure in subdivision (2) or (4) of this
5 section.

6 (b) Unless otherwise specified by the court, a new birth certificate or
7 certificate of live birth for a foreign born child issued pursuant to subdivision
8 (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of
9 this section shall:

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

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

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

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

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

18 (c) ~~The supervisor of vital records, and any other custodian of such records,~~
19 In the case of birth certificates registered prior to July 1, 2018 that are to be
20 replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the
21 State Registrar shall notify the custodian of the original certificate, who shall

1 substitute the new or amended birth certificate for the original birth certificate.
2 The original certificate and all copies of the certificate in the files shall be
3 sealed and shall not be subject to inspection until 99 years after the adoptee's
4 date of birth, except as provided by this title.

5 (d) If the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14
6 years of age or older requests that a new or amended birth certificate not be
7 issued, the ~~supervisor of vital records may~~ State Registrar shall not issue a new
8 or amended certificate for an adoptee pursuant to subsection (a) of this section,
9 ~~but.~~ Nonetheless, for an adoptee born in another state, the State Registrar shall
10 forward a certified copy of the report of adoption or of an amended decree of
11 adoption ~~for an adoptee who was born in another state~~ to the appropriate office
12 in the adoptee's state of birth.

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

15 (1) ~~restore the original birth certificate~~ for a person born in this state to
16 ~~its place in the files~~ State for whom a new birth certificate was issued, update
17 the Statewide Registration System to reflect the original birth certificate data
18 and, in the case of an original birth certificate registered prior to July 1, 2018,
19 notify the custodian of the original, who shall seal any new or amended birth
20 certificate issued pursuant to subsection (a) of this section and restore the
21 original and update indices as directed by the State Registrar, and not allow

1 inspection of a the sealed certificate except upon court order or as otherwise
2 provided in this title;

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

5 (3) for an adoptee born outside the United States who was not a citizen
6 of the United States at the time of birth for whom a certificate of live birth for a
7 foreign born child was issued, update the Statewide Registration System to
8 reflect that the adoption was set aside; or

9 (4) ~~notify the person who is granted legal custody of a former adoptee~~
10 ~~after an adoption is vacated of the procedure for obtaining an original birth~~
11 ~~certificate through the United States Department of State for a former adoptee~~
12 born outside the United States who was a citizen of the United States at the
13 time of birth, notify the person who is granted legal custody of a former
14 adoptee after an adoption is set aside of the procedure for obtaining an original
15 birth certificate through the United States Department of State.

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

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

2 § 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

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

10 (b) ~~The new birth certificate shall be on a form prescribed by the~~
11 ~~commissioner of health. The new birth certificate shall include:~~

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

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

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

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

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

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

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

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

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

12 Sec. 35. 18 V.S.A. § 5078a is amended to read:

13 § 5078a. ~~BIRTH CERTIFICATE FOR FOREIGN BORN OF~~

14 LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN

15 VERMONT

16 (a) ~~The supervisor of vital records registration~~ State Registrar shall
17 ~~establish a Vermont birth certificate for a person born in a foreign country in~~
18 ~~the Statewide Registration System a “certificate of live birth for a foreign born~~
19 ~~child” when the supervisor he or she receives:~~

20 (1) a written request that ~~a new~~ the certificate be established:

21 (A) from the adopted person if ~~18~~ 14 years of age or older; or

1 (B) from the adoptive parent or parents if the adopted person is under
2 ~~18~~ 14 years of age; and

3 (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~
4 15A V.S.A. § 3-801(a).

5 (b) The ~~new Vermont birth~~ certificate shall be on a form prescribed by the
6 ~~commissioner of health. The new birth certificate shall include:~~

7 (1) the true or probable foreign country of birth and true or probable
8 date of birth;

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

10 (3) a notation that it was issued by authority of this chapter;

11 (4) a statement that the certificate is not evidence of ~~United States~~ U.S.
12 citizenship; and

13 (5) any other information the State Registrar may prescribe.

14 (c) The ~~new birth~~ certificate shall not contain a statement whether the
15 adopted person was illegitimate.

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

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

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

2 § 5080. ~~FORM AND~~ EFFECT OF NEW CERTIFICATE

3 ~~All the provisions of sections 5006-5014 of this title shall be applicable~~
4 ~~with respect to a new birth certificate issued under the provisions of sections~~
5 ~~5077 and 5078 of this title. Such A new birth certificate issued under~~
6 ~~15A V.S.A. § 3-802 and sections 5077a and 5112 of this title shall have the~~
7 ~~same force and effect as though ~~filed~~ registered in accordance with the~~
8 ~~provisions of section 5071 of this title. ~~Each certified copy of such certificate~~~~
9 ~~and each return based thereon transmitted in accordance with the provisions of~~
10 ~~sections 5009 and 5010 of this title, shall have enclosed therewith but not~~
11 ~~endorsed thereon or attached thereto a notation identifying the copy or return,~~
12 ~~if any, to be replaced by such new copy or return.~~

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

14 § 5081. ~~FILING OF~~ NEW CERTIFICATE

15 ~~The town clerk filing a new birth certificate issued in accordance with the~~
16 ~~provisions of sections 5077 and 5078 of this title, and each town clerk or other~~
17 ~~officer to whom is transmitted a certified copy of the new certificate or a return~~
18 ~~based thereon, shall comply with 15 V.S.A. § 451. All known and available~~
19 ~~packets containing adoption orders and superseded birth certificates prepared~~
20 ~~in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title,~~
21 ~~before the effective date of this act shall be forwarded to the commissioner of~~

1 ~~health. These packets shall be filed as specified in 15 V.S.A. § 451.~~

2 [Repealed.]

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

4 § 5082. ~~CONSTRUCTION~~

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

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

9 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

10 (a) If a participant in the program described in 15 V.S.A. chapter 21,
11 subchapter 3 who is the parent of a child born during the period of program
12 participation notifies the physician or midwife who delivers the child, or the
13 hospital at which the child is delivered, not later than 24 hours after the birth of
14 the child, that the participant's confidential address should not appear on the
15 child's birth certificate, then the ~~Department shall not disclose such~~
16 ~~confidential address or the participant's town of residence on any public~~
17 ~~records~~ address shall not be maintained in the Statewide Registration System
18 and town clerks, the State Registrar, and the State Archivist shall ensure the
19 confidentiality of the address during the period of program participation in
20 accordance with measures prescribed by the State Registrar. A participant who
21 fails to provide such notice shall be deemed to have waived the provisions of

1 this section. ~~If such notice is received, then notwithstanding section 5071 of~~
2 ~~this title, the attendant physician or midwife shall file the certificate with the~~
3 ~~Supervisor of Vital Records within ten days of the birth, without the~~
4 ~~confidential address or town of residence, and shall not file the certificate with~~
5 ~~the town clerk.~~

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

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

18 (d) Upon the ~~renewal,~~ expiration, withdrawal, invalidation, or cancellation
19 of program participation of any parent of whom the Secretary of State received
20 notice from the ~~Supervisor of Vital Records~~ State Registrar, the Secretary of
21 State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

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

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

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

12 CHAPTER 20. BIRTH INFORMATION NETWORK

13 Sec. 41. REDESIGNATION

14 18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are
15 redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

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

17 § 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

18 (a) ~~Upon receiving from the Probate Division of the Superior Court a court~~
19 ~~order that~~ receipt of an application for a new birth certificate and after
20 receiving sufficient evidence to determine that an individual's sexual

1 reassignment has been completed, the State Registrar shall issue a new birth
2 certificate to:

3 (1) show that the sex of the individual born in this State has been
4 changed; and

5 (2) if the application is accompanied by a decree of the Probate Division
6 authorizing a change of name associated with the change of sex, to reflect the
7 change of name.

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

15 (c) A new certificate issued pursuant to subsection (a) of this section shall
16 be substituted for the original birth certificate in official records. The new
17 certificate shall not show that a change in name or sex, or both, has been made.
18 The original birth certificate, the Probate Division ~~order~~ change of name
19 decree, if any, and any other records relating to the issuance of the new birth
20 certificate shall be confidential and shall be exempt from public inspection and
21 copying under the Public Records Act; however an individual may have access

1 to his or her own records and may authorize the State Registrar to confirm that,
2 ~~pursuant to court order, it has~~ he or she issued a new birth certificate to the
3 individual that reflects a change in name or sex, or both.

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

9 * * * Marriage Records * * *

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

11 § 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
12 RETURN OF CIVIL MARRIAGE CERTIFICATE;
13 REGISTRATION

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

<p>RACE White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)</p>		
<p>FATHER'S NAME (First, Middle, Last)</p>		
<p>FATHER'S BIRTHPLACE (State or Foreign Country)</p>	<p>MOTHER'S BIRTHPLACE (State or Foreign Country)</p>	
<p>MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)</p>		
<p>NO. OF THIS MARRIAGE (1st, 2nd, etc.)</p>	<p>NO. OF CIVIL UNIONS</p>	<p>IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION</p>
<p>Date last marriage or civil union ended _____Month _____Year</p>		

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	COLLEG E (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. <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
5 shall be issued by:

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

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

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

14 (4)(A) Parties to a civil union certified in Vermont may elect to dissolve
15 their civil union upon marrying one another but are not required to do so to
16 form a civil marriage. The ~~department~~ State Registrar shall clearly indicate
17 this option on the civil marriage application form required by subdivision (2)
18 of this subsection. If a couple elects this option, each party to the intended

1 marriage shall sign a statement on the confidential portion of the civil marriage
2 license and certificate form stating that he or she freely and voluntarily agrees
3 to dissolve the civil union between the parties.

4 (B) Dissolution pursuant to this subdivision shall become effective
5 upon solemnization of the marriage between the parties, and the parties shall
6 not be required to file a petition for an uncontested dissolution with the ~~family~~
7 ~~division of the superior court~~ Family Division of the Superior Court pursuant
8 to 15 V.S.A. § 1206(d). A dissolution granted pursuant to this subdivision
9 shall be exempt from fees provided in 32 V.S.A. § 1431(b)(2).

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

19 (c) ~~Such certificate shall be returned within ten days to the office of the~~
20 ~~town clerk from which the license issued by the~~ The person solemnizing such
21 the marriage shall return the certificate to the town clerk within 10 days of the

1 ~~marriage. The~~ Within five days of receipt of the certificate, the town clerk shall
2 ~~retain and file the original according to sections 5007 and 5008 of this title~~
3 enter additional data as the State Registrar shall prescribe into the Statewide
4 Registration System, and the State Registrar shall register the marriage in the
5 System.

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

7 § 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS
8 CONFIDENTIALITY PROGRAM

9 (a) If a participant in the program described in 15 V.S.A. chapter 21,
10 subchapter 3 notifies the town or State Registrar that the participant's
11 confidential address should not appear on the civil marriage license or
12 certificate, then the ~~town clerk shall not disclose such confidential address or~~
13 ~~the participant's town of residence on any public records~~ address shall not be
14 maintained in the Statewide Registration System, and town clerks, the State
15 Registrar, and the State Archivist shall ensure the confidentiality of the address
16 during the period of program participation in accordance with measures
17 prescribed by the State Registrar. A participant who fails to provide such
18 notice shall be deemed to have waived the provisions of this section. ~~If such~~
19 ~~notice is received, then notwithstanding section 5131 of this title, the town~~
20 ~~clerk shall file the civil marriage certificate with the Supervisor of Vital~~

1 ~~Records within 10 days of receipt, without the confidential address or town of~~
2 ~~residence, and shall not retain a copy of the civil marriage certificate.~~

3 (b) ~~The Supervisor of Vital Records shall receive and file for record all~~
4 ~~certificates filed in accordance with this section, and shall ensure that a~~
5 ~~person's confidential address and town of residence do not appear on the civil~~
6 ~~marriage certificate during the period that the person is a program participant.~~
7 ~~A certificate filed in accordance with this section shall be a public document.~~
8 ~~The Supervisor of Vital Records~~ State Registrar shall notify the Secretary of
9 State ~~of the receipt of a civil marriage certificate on behalf of~~ that a program
10 participant has given notice under this section.

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

15 (d) Upon the ~~renewal,~~ expiration, withdrawal, invalidation, or cancellation
16 of program participation of any person of whom the Secretary of State received
17 notice from the ~~Supervisor of Vital Records~~ State Registrar, the Secretary of
18 State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

19 (e) Upon notice of the expiration, withdrawal, invalidation, or cancellation
20 of program participation, the ~~Supervisor of Vital Records~~ State Registrar shall
21 enter the update the Statewide Registration System and take such other steps as

1 may be necessary to ensure that the actual mailing address and town of
2 residence on the ~~original~~ marriage certificate ~~and shall transmit the completed~~
3 ~~original civil marriage certificate to the town clerk where the certificate was~~
4 ~~issued~~ are available for public inspection and copying in accordance with
5 section 5016 of this title.

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

8 Sec. 45. 18 V.S.A. § 5139 is amended to read:

9 § 5139. CLERK'S DUTIES; PENALTY

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

20 (b) A town clerk may issue a civil marriage license to parties other than as
21 described in subdivision 5131(a)(3) of this title when the office of the town

1 clerk with authority to issue the license is not open during standard business
2 hours and the parties have a compelling, immediate need to be married, as
3 determined by the town clerk issuing the civil marriage license. A compelling,
4 immediate need would arise when irreparable harm would occur if the
5 marriage were delayed.

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

7 § 5140. PENALTY FOR MISREPRESENTATION

8 A person ~~making application~~ who applies to a clerk for a license to marry
9 ~~who and knowingly~~ makes a material misrepresentation in ~~filling the forms~~
10 ~~contained in the declaration of intention~~ the application shall be deemed guilty
11 ~~of perjury and punished accordingly~~ subject to the penalties prescribed in
12 section 5011 of this title.

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

14 § 5141. ~~PROOF~~ CONFIRMATION OF LEGAL QUALIFICATIONS OF
15 PARTIES; PENALTY

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

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

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

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

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

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

14 § 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR~~
15 INCOMPETENT NOT AUTHORIZED TO MARRY

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

19 (1) either party is a person who has not attained majority ~~without,~~ unless
20 ~~the consent~~ town clerk has received in writing the consent of one of the parents

1 of the minor, if there is ~~one~~ a parent competent to act; or of the guardian of
2 ~~such~~ the minor;

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

4 (3) ~~nor when~~ either of the parties ~~to the intended marriage is not~~ is
5 mentally ~~capable~~ incapable of entering into marriage as defined in 15 V.S.A.
6 § 514;

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

9 (5) [Repealed.]

10 (6) the parties are prohibited from marrying under 15 V.S.A. § 1a on
11 account of consanguinity or affinity;

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

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

15 § 5143. PENALTIES

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

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

2 § 5148. EVIDENCE OF MARRIAGE

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

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

10 § 5150. CORRECTION, COMPLETION, OR AMENDMENT OF CIVIL
11 MARRIAGE CERTIFICATE

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

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

9 (c) Appeal. If the State Registrar denies an application for a correction,
10 completion, or amendment under this section, the applicant may petition the
11 Probate Division of the Superior Court, which shall review the application and
12 relevant evidence de novo to determine if the requested action is warranted.
13 The court shall transmit a decree ordering a correction, completion, or
14 amendment to the State Registrar, who shall take action in accordance with the
15 decree.

16 (d) Documentation of changes. The State Registrar shall make corrections,
17 completions, and amendments in the Statewide Registration System. A
18 corrected or completed certificate issued from the System shall be free of any
19 evidence of the alteration and shall not be marked "Amended." Any amended
20 certificate issued from the System shall indicate the word "Amended" and the
21 date of amendment. The State Registrar shall enter into and maintain in the

1 System the identity of the person requesting the correction, completion, or
2 amendment and of the person making the change in the System, and the date
3 the change was made.

4 (e) Original certificates. ~~The probate division of the superior court to~~
5 ~~which such application is made shall set a time for hearing thereon and, if such~~
6 ~~court deems necessary, cause notice of the time and place thereof to be given~~
7 ~~by posting the same in the probate division of the superior court office and,~~
8 ~~after hearing, shall make such findings, with respect to the correction of such~~
9 ~~civil marriage certificate as are supported by the evidence. The court shall~~
10 ~~thereupon issue a decree setting forth the facts as found, and transmit a~~
11 ~~certified copy of such decree to the supervisor of vital records registration.~~
12 ~~The supervisor of vital records registration~~ If the State Registrar corrects,
13 completes, or amends a certificate that was registered prior to July 1, 2019, he
14 or she shall transmit the same to the appropriate town clerk to amend notify the
15 custodian of the original ~~or issue a new certificate, who shall replace and~~
16 dispose of the original, and update indexes, as directed by the State Registrar.
17 ~~The words “Court Amended” shall be typed, written, or stamped at the top of~~
18 ~~the new or amended certificate with the date of the decree and the name of the~~
19 ~~issuing court.~~

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

2 § 5151. DELAYED CERTIFICATES OF CIVIL MARRIAGE

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

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

1 § 5168. ~~CORRECTION~~ AMENDMENT OF CIVIL UNION CERTIFICATE

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

9 (b)(1) ~~After six months from the date a civil union is certified, Upon~~
10 ~~application by a party to a civil union or by the person who certified the civil~~
11 ~~union, the State Registrar may amend a civil union certificate may only be~~
12 ~~corrected or amended pursuant to decree of the probate division of the superior~~
13 ~~court in the district where the original certificate is filed if the application and~~
14 ~~relevant evidence, if any, show that the amendment is warranted. If the State~~
15 ~~Registrar denies the application, the applicant may petition the Probate~~
16 ~~Division of the Superior Court, which shall review the application and relevant~~
17 ~~evidence de novo to determine if the amendment is warranted. The court shall~~
18 ~~transmit a decree ordering an amendment to the State Registrar, who shall~~
19 ~~amend the certificate in accordance with the decree.~~

20 (2) The State Registrar shall make amendments in the Statewide
21 Registration System and record in the System the name of the person who

1 requested the amendment, the identity of the person who entered the
2 amendment into the System, and the date of the amendment. Any amended
3 civil union certificate issued from the System shall indicate the word
4 “Amended” and the date of amendment.

5 ~~(c) The probate division of the superior court shall set a time for a hearing~~
6 ~~and, if the court deems necessary, give notice of the time and place by posting~~
7 ~~such information in the probate division of the superior court office. After a~~
8 ~~hearing, the court shall make findings with respect to the correction of the civil~~
9 ~~union certificate as are supported by the evidence. The court shall issue a~~
10 ~~decree setting forth the facts as found, and transmit a certified copy of the~~
11 ~~decree to the supervisor of vital records registration. The supervisor of vital~~
12 ~~records registration~~ If the State Registrar amends a certificate under this
13 section, he or she shall transmit the same to the appropriate town clerk to
14 amend the original or issue a new certificate notify the custodian of the original
15 certificate, who shall replace and dispose of the original, and update indexes,
16 as directed by the State Registrar. ~~The words “Court Amended” shall be typed,~~
17 ~~written, or stamped at the top of the new or amended certificate with the date~~
18 ~~of the decree and the name of the issuing court.~~

19 § 5169. DELAYED CERTIFICATES OF CIVIL UNION

20 (a) Persons who were parties to a certified civil union ceremony in this
21 state State for whom no certificate of civil union was filed, as required by law,

1 may ~~petition the probate division of the superior court of the district in which~~
2 ~~the civil union license was obtained to determine the facts, and to order the~~
3 ~~issuance of~~ apply to the State Registrar to issue a delayed certificate of civil
4 union.

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

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

20 (d) ~~Where a delayed certificate is to be issued, the supervisor of vital~~
21 ~~records registration shall prepare a delayed certificate of civil union, and~~

1 ~~transmit it, with the decree, to the clerk of the town where the civil union~~
2 ~~license was issued. This~~ Any ~~delayed certificate issued from the Statewide~~
3 Registration System ~~shall have~~ indicate the word “Delayed” ~~printed at the top,~~
4 ~~and shall certify that the certificate was ordered by a court pursuant to this~~
5 ~~chapter, with the date of the decree~~ registration. ~~The town clerk shall file the~~
6 ~~delayed certificate and, in accordance with the provisions of section 5010 of~~
7 ~~this title, furnish a copy to the department of health.~~

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

11 * * * Burial-Transit and Cremation Permits * * *

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

13 § 5201. PERMITS; REMOVAL OF BODIES; CREMATION; WAITING
14 PERIOD; INVESTIGATION INTO CIRCUMSTANCES OF
15 DEATH

16 (a) ~~Burial transfer permit.~~ A dead body shall not be buried, entombed, or
17 removed, or otherwise disposed of ~~without~~ unless the person in charge of the
18 body has obtained a burial-transit permit. A separate cremation permit shall be
19 required under subsection (e) of this section for cremation; however, a
20 burial-transit permit shall not be required for the burial, entombment, removal,

1 or disposition of cremated remains. A burial-transit permit may be issued and
2 shall be signed by a municipal clerk, a county clerk, or a deputy:

3 (1) a town clerk for the municipality or unorganized town or gore in
4 which the dead body is located;

5 (2) a funeral director licensed in Vermont;

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

8 (4) a law enforcement officer.

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

14 ~~(2) The county clerk of a county in which an unorganized town or gore~~
15 ~~is located shall perform the same duties and be subject to the same penalties as~~
16 ~~a municipal clerk in respect to issuing burial-transit permits and registering~~
17 ~~deaths that occur in an unorganized town or gore within the county.~~

18 ~~(3) A funeral director licensed in Vermont or an owner or designated~~
19 ~~manager of a crematory licensed in Vermont who is registered to perform~~
20 ~~removals~~ A person authorized to issue burial-transit permits under subdivisions
21 (a)(2)-(4) of this section may issue a burial-transit permit for any municipality

1 ~~or unorganized town or gore~~ at any time, including during the normal business
2 hours of a ~~municipal town clerk, and on the first official working day thereafter~~
3 shall forward the permit and the death certificate or preliminary report of death
4 to the clerk of the municipality in which the dead body is located.

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

10 (5)(c) ~~In cases of death by certain communicable diseases as defined by the~~
11 ~~commissioner, the municipal or county, a deputy registrar, a funeral director, a~~
12 ~~crematory owner or manager, or a law enforcement officer~~ A person
13 authorized under subdivisions (a)(1)–(4) of this section shall not issue a
14 burial-transit permit:

15 (1) unless he or she has received the death certificate or preliminary
16 report of death; and

17 (2) in cases of death by certain communicable diseases as defined by the
18 Commissioner, except in accordance with instructions issued by the
19 ~~commissioner~~ Commissioner.

20 (6)(d)(1) A body for which a burial-transit permit has been secured, except
21 one for the body of any person whose death occurred as a result of a

1 communicable disease, as defined by the ~~commissioner~~ Commissioner, may be
2 taken through or into another municipality ~~or unorganized town or gore~~ for
3 funeral services without additional permits from the local health officer or the
4 ~~commissioner~~ Commissioner.

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

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

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

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

14 (ii) a burial-transit permit issued by a person authorized under
15 subsection (a) of this section, which shall include the name of the deceased, the
16 date of death, and the cause of death.

17 ~~(b)(c) No~~ The operator of a crematory facility shall not cremate or allow
18 the cremation of a dead body until the passage of at unless the following
19 requirements are met:

20 (1) The operator has received the death certificate and at least 24 hours
21 following have passed since the death of the decedent, as indicated on the

1 death certificate, unless, if the decedent died from a virulent, communicable
2 disease, a ~~department of health~~ Department rule or order requires the cremation
3 to occur prior to the end of that period. If the ~~attorney general~~ Attorney
4 General or a ~~state's attorney~~ State's Attorney requests the delay of a cremation
5 based upon a reasonable belief that the cause of death might have been due to
6 other than accidental or natural causes, the cremation of a dead human body
7 shall be delayed, based upon such request, a sufficient time to permit a civil or
8 criminal investigation into the circumstances that caused or contributed to the
9 death.

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

12 (2) For cremations requested for a person who died in Vermont, until the
13 person in charge operator has received a certificate cremation permit in a form
14 prescribed by the Chief Medical Examiner from the chief Chief, regional, or
15 assistant medical examiner attesting that:

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

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

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

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

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

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

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

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

18 (g) A town clerk shall receive, number, file, and preserve burial-transit and
19 cremation permits returned to the clerk in the manner and for the periods
20 prescribed by the State Archivist.

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

2 § 5207. ~~CERTIFICATE FURNISHED FAMILY; BURIAL PERMIT~~

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

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

13 § 5209. ~~DEATH OUT OF STATE; BURIAL PERMIT~~

14 ~~Whenever a dead body is brought into this state for burial or entombment~~
15 ~~accompanied by a removal permit issued under the laws of the state from~~
16 ~~which such body is brought, such permit shall be received as sufficient~~
17 ~~authority for burial; but if not accompanied by such permit, the person in~~
18 ~~charge thereof shall apply to the clerk of the town in which such body is to be~~
19 ~~buried for a burial permit, and the clerk shall issue such permit when furnished~~
20 ~~with such information as is required by law of this state as to the identity and~~
21 ~~cause of death of a person dying in this state. [Repealed.]~~

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

2 § 5210. ~~FORM OF BURIAL OR REMOVAL PERMIT~~

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

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

13 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

14 A person who buries, entombs, transports, or removes the dead body of a
15 person without a burial-transit ~~or removal~~ permit so to do, or in any other
16 manner or at any other time or place than as specified in such permit, shall be
17 ~~imprisoned not more than five years or fined not more than \$1,000.00, or both~~
18 subject to the penalties prescribed in section 5011 of this title.

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

2 § 5212. PERMIT TO REMOVE DEAD BODIES

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

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

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

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

3 * * *

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

5 § 5213. REMOVAL; FORM AND DISPOSITION OF BURIAL-TRANSIT
6 PERMIT

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

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

15 § 5214. DUTIES OF SEXTON; NO BURIAL OR REMOVAL WITHOUT
16 PERMIT

17 A sexton or other person having the care of a cemetery, tomb, or receiving
18 vault shall not receive or permit the burial or entombment of a dead body, or
19 the remains thereof, in the cemetery or tomb of which he or she has charge, or
20 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 town
7 in which such cemetery, tomb, or vault is located the ~~burial-transit and removal~~
8 permits, properly certified, which he or she received during the preceding
9 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

1 municipality in which the historic remains are located. The application shall
2 include all the following:

3 * * *

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

6 * * *

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

10 * * *

11 * * * Reports of Death, Death Certificates * * *

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

13 § 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF

14 PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE

15 PROFESSIONAL

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

1 ~~practice registered nurse.~~ If the licensed health care professional who attended
2 the death is unable to state the cause of death, he or she shall immediately
3 notify the ~~physician~~ licensed health care professional, if any, who was in
4 charge of the patient's care ~~to fill out the certificate, and he or she shall fulfill~~
5 this requirement.

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

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

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

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

18 (2) If so, of what war?

19 (5) The State Registrar shall register the report of death in the Statewide
20 Registration System upon receipt of the required information. The portion of

1 the report of death that is not designated confidential by the State Registrar is
2 the death certificate.

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

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

2 § 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

3 ~~Upon official notification of a death of a member of the armed forces of the~~
4 ~~United States while serving as such beyond the United States, not including the~~
5 ~~territories thereof, and provided the remains of the member are not returned to~~
6 ~~this country, the next of kin thereof or interested person may file with the clerk~~
7 ~~of the town of the residence of such member a certificate of death. Such~~
8 ~~certificate shall set forth the name, date of birth, and date of death, if the same~~
9 ~~can be determined, the names of the parents of the deceased and such other~~
10 ~~information as may be deemed pertinent by the office of the adjutant general.~~

11 [Repealed.]

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

13 § 5204. ~~FORMS; CERTIFICATION~~

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

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

2 § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
3 AND IN OTHER CIRCUMSTANCES; AUTOPSY

4 * * *

5 (f) The State's Attorney or Chief Medical Examiner, if either deem it
6 necessary and in the interest of public health, welfare, and safety, or in
7 furtherance of the administration of the law, may order an autopsy to be
8 performed by the Chief Medical Examiner or under his or her direction. Upon
9 completion of the autopsy, the Chief Medical Examiner shall submit a report to
10 such State's Attorney and the Attorney General and shall ~~complete and sign a~~
11 certificate submit a report of death to the State Registrar.

12 * * *

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

14 § 5206. PENALTY FOR FAILURE TO ~~FURNISH DEATH CERTIFICATE~~
15 SUBMIT REPORT OF DEATH

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

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

2 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH
3 CERTIFICATE

4 (a) Corrections, completions. Within six months after the date of death, the
5 ~~town clerk~~ State Registrar may correct or complete a death certificate upon
6 application by the certifying ~~physician~~ licensed health care professional,
7 medical examiner, hospital, nursing home, or funeral director, if the
8 application and relevant evidence, if any, show that the correction or
9 completion is warranted. ~~The town clerk may correct or complete the~~
10 ~~certificate accordingly and shall certify thereon that such correction or~~
11 ~~completion was made pursuant to this section, with the date thereof. In his or~~
12 ~~her discretion, the town clerk may refuse an application for correction or~~
13 ~~completion, in which case, the applicant may petition the probate division of~~
14 ~~the superior court for such correction or completion.~~

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

1 ~~(2) The probate division of the superior court to which such application~~
2 ~~is made shall set a time for hearing thereon and, if such court deems necessary,~~
3 ~~cause notice of the time and place thereof to be given by posting the same in~~
4 ~~the probate division of the superior court office and, after hearing, shall make~~
5 ~~such findings, with respect to the correction of such death certificate as are~~
6 ~~supported by the evidence. The court shall thereupon issue a decree setting~~
7 ~~forth the facts as found, and transmit a certified copy of such decree to the~~
8 ~~supervisor of vital records registration. The supervisor of vital records~~
9 ~~registration~~

10 (c) Appeal. If the State Registrar denies an application for a correction,
11 completion, or amendment under this section, the applicant may petition the
12 Probate Division of the Superior Court, which shall review the application and
13 relevant evidence de novo to determine if the requested action is warranted.
14 The court shall transmit a decree ordering a correction, completion, or
15 amendment to the State Registrar, who shall take action in accordance with the
16 decree.

17 (d) Documentation of changes. The State Registrar shall make corrections,
18 completions, and amendments in the Statewide Registration System. A
19 corrected or completed certificate issued from the System shall be free of any
20 evidence of the alteration and shall not be marked "Amended." Any amended
21 death certificate issued from the System shall indicate the word "Amended"

1 and the date of amendment. The State Registrar shall enter into and maintain
2 in the System the identity of the person requesting the correction, completion,
3 or amendment and of the person making the change in the System, and the date
4 the change was made.

5 (e) Original certificates. If the State Registrar corrects, completes, or
6 amends a certificate that was registered prior to July 1, 2018, he or she shall
7 transmit the same to the appropriate town clerk to amend notify the custodian
8 of the original ~~or issue a new~~ certificate, who shall replace and dispose of the
9 original, and update indexes, as directed by the State Registrar. ~~The words~~
10 “Court Amended” shall be typed, written, or stamped at the top of the new or
11 amended certificates with the date of the decree and the name of the issuing
12 court.

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

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

2 § 1164. CERTIFIED COPIES; FORM

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

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

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

14 § 1671. FEES TO TOWN CLERK CLERKS RELATED TO RECORDS

15 (a) ~~For the purposes of~~ As used in this section, a “page” is defined as a
16 single side of a leaf of paper on which is printed, written, or otherwise placed
17 information to be recorded or filed. The maximum covered area on a page
18 shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth
19 inch in height or in at least eight point type. Unless otherwise provided by law,
20 the fees to town clerks shall be as follows:

1 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
2 § 1155, \$10.00 per page;

3 (2) For filing or recording a copy of a complaint to foreclose a mortgage
4 as provided in 12 V.S.A. § 4523(b), \$10.00 per page;

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

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

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

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

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

17 (B) the fee for a copy of a vital event certificate shall be as specified
18 in 18 V.S.A. § 5017.

19 (7) For uncertified copies of records and documents on file, or recorded,
20 a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00;
21 however, copies of minutes of municipal meetings or meetings of local boards

1 and commissions, copies of grand lists and checklists, and copies of any public
2 records that any agency of that political subdivision has deposited with the
3 clerk shall be available to the public at actual cost; The fee for a noncertified
4 copy of a vital event certificate shall be as specified in 18 V.S.A. § 5017.

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

8 * * *

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

10 § 1712. TOWN CLERKS

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

13 (1) For issuing and recording a civil marriage ~~or civil union~~ license,
14 \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by
15 the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and
16 Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of
17 which sum shall be paid by the town clerk to the State Treasurer in a return
18 filed quarterly upon forms furnished by the State Treasurer and specifying all
19 fees received by him or her during the quarter. Such quarterly period shall be
20 as of the first day of January, April, July, and October.

1 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
2 ~~§ 5009 to be paid by the town. [Repealed.]~~

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

10 (4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil~~
11 ~~unions, and marriages, transmitted to the Commissioner of Health in~~
12 ~~accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with~~
13 ~~the cost of binding the certificate shall be paid by the town. [Repealed.]~~

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

1 Sec. 77. 32 V.S.A. § 1715 is amended to read:

2 § 1715. ~~VITAL RECORDS~~ EVENT CERTIFICATE OR DIVORCE FORM;
3 COPIES; SEARCH

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

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

18 * * * Effective Dates * * *

19 Sec. 78. EFFECTIVE DATES

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

- 1 (b) The following shall take effect on July 1, 2019:
- 2 (1) Secs. 12, 14, 16, and 43–53 (related to marriage and civil union
- 3 certificates);
- 4 (2) in Sec. 20, 18 V.S.A. § 5016(a)(1)(B), (b)(2), and (c)(1)(B) (issuance
- 5 of copies of marriage certificates from Statewide Registration 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 this act shall take effect on July 1, 2018.