

H.111: Vital Records Bill

Background: H.111 amends the laws of Vermont that address the creation, registration, amendment, and issuance of official records related to birth, death, marriage, and civil union (collectively, “vital events”). The bill is an outgrowth of the work of the Vital Records Study Committee, which was created by Act 110 of 2016, met in the summer and fall of 2016, and submitted a report to the Government Operations Committees in November 2016.¹

I. Bill Structure

- Secs. 1–21: General provisions related to vital records
- Secs. 22–23: Divorce and dissolution
- Secs. 24–42: Birth records
- Secs. 43–52: Marriage records
- Sec. 53: Civil union records
- Secs. 54–64: Burial-transit and cremation permits
- Secs. 65–70: Death records
- Secs. 71–77: Conforming changes
- Sec. 78: Effective dates

II. High-level bill overview

The bill proposes to:

- 1) Require the State Registrar of Vital Records (State Registrar) to operate a Statewide Registration System (System), which as of July 1, 2018 for birth and death certificates, and as of July 1, 2019 for marriage and civil union certificates, shall be the sole official repository of data from vital event certificates registered on or after January 1, 1909.
 - Birth, death, marriage, and civil union certificates are collectively referred to as “vital event certificates.”
 - Party-specific reports of divorces and dissolutions will not be included in the System or be sent to the Office of Vital Records. However, party-specific divorce and dissolution information will continue to be collected by the Family Division, but will be sent directly to the Office of Child Support. The bill directs the Family Division to send aggregated divorce and dissolution statistics to the Office of Vital Records.
- 2) As of July 1, 2018 for birth and death certificates and as of July 1, 2019 for marriage certificates, eliminate the role of town clerks in registering vital event certificates and designate the State Registrar as the entity responsible for registering vital event certificates in the Statewide Registration System.
 - Towns will continue to issue marriage licenses.
 - Towns will continue to be required to maintain in town offices original vital event certificates registered on or after 1/1/1909, but prior to 7/1/18 in the case of birth, death,

¹ The report is available at <http://legislature.vermont.gov/assets/Legislative-Reports/2016-VitalRecordsStudyCommitteeReport.pdf>

and civil union certificates and prior to 7/1/19 in the case of marriage certificates. Such originals will be replaced in cases of a correction, completion, amendment, or replacement certificate made in the System.

- 3) Direct the State Registrar to designate the State Archivist as well as qualified town clerks in the State (collectively, “designated agents”) to issue certified and noncertified copies of vital event certificates from the Statewide Registration System.
- 4) Require that certified and noncertified copies of vital event certificates be issued only by designated agents and only from the Statewide Registration System, unless an exception applies.
- 5) Direct the State Registrar to operate a Vital Records Alert System in order to track and prevent fraud; direct the State Registrar to match birth and death records; and confer rulemaking and other authority on the State Registrar.
- 6) Limit the issuance of certified copies of birth and death certificates to specific persons.
- 7) Require that all requests for a certified copy of any vital event certificate be made upon application accompanied by a reliable type of identification, and that all requests for a noncertified copy be made upon application (unless an exception applies). Require the State Registrar and designated agents to record in a central database maintained by the State Registrar all applications for certified and noncertified copies of vital event certificates.
- 8) Transfer responsibilities from the Probate Division to the State Registrar for initial applications to:
 - a. Amend vital event certificates.
 - b. Issue new birth certificates in the event of a change of sex or due to formerly non-gender neutral nomenclature for parents on reports of birth.
 - c. Issue a delayed birth, marriage, or civil union certificate.
- 9) Raise from \$10.00 to \$15.00 fees for certified copies of vital event certificates and divorce forms, authorize a fee of \$5.00 for a noncertified copy of the same, and authorize a \$5.00 fee for searches of vital records.
- 10) Establish a single statute to address criminal penalties for vital record-related offenses and to authorize the Commissioner of Health to impose administrative penalties.