

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 111 entitled “An act relating to vital records” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

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

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

9 § 4999. DEFINITIONS

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

11 (1) “Issuing agent” means the State Archivist or a town clerk who issues
12 certified and noncertified copies of vital event certificates from the Statewide
13 Registration System.

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

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

19 (4) “Noncertified copy” means a copy of a vital event certificate issued
20 by a public agency as defined in 1 V.S.A. § 317, other than a certified copy.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

4 (6) “Original” means a vital event certificate registered prior to July 1,
5 2018 in the case of birth, death, and civil union certificates, and prior to July 1,
6 2019 in the case of marriage certificates, and required to be preserved in town
7 offices under section 5007 of this title.

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

10 (8) “Statewide Registration System” or “System” means the sole official
11 electronic repository of:

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 (10) “Vital event certificate” means a birth, death, marriage, or civil
2 union certificate. “Vital event certificate” does not include any confidential
3 portion of a report of birth or of death or of a marriage or civil union license or
4 application therefore.

5 (11) “Vital record” means:

6 (A) a report of birth, death, fetal death, or induced termination of
7 pregnancy; a preliminary report of death; or a report of divorce or dissolution
8 statistics;

9 (B) a vital event certificate;

10 (C) a marriage or civil union license;

11 (D) a burial-transit permit; and

12 (E) any other records associated with the creation, registration,
13 processing, modification, or disclosure of the records described in this
14 subdivision (12).

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 § ~~5020~~ 5000. ~~SUPERVISOR OF VITAL RECORDS~~ STATE REGISTRAR;

3 DUTIES; AUTHORITY; STATEWIDE REGISTRATION

4 SYSTEM; **ISSUING** AGENTS

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

6 § 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE

7 REGISTRATION SYSTEM; **ISSUING** AGENTS

8 (a) ~~The commissioner~~ Commissioner shall designate a member of the
9 ~~department~~ Department as ~~supervisor of vital records registration who~~ the State
10 Registrar. The State Registrar shall head the Office of Vital Records, and shall
11 provide consultation to town and county clerks, hospital personnel, physicians
12 licensed health care professionals, midwives, funeral directors, clergymen
13 clergy, probate judges, and all other persons involved in vital records
14 registration for the purpose of promoting uniformity of procedures in reaching
15 a order to promote the complete, accurate, and timely, and lawful creation,
16 registration, processing, modification, and disclosure of vital records.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

6 (2) Birth, death, and marriage certificates registered prior to
7 January 1, 1909:

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

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

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

13 (3) The State Registrar shall investigate and attempt to resolve any
14 known discrepancy between the contents of a vital event certificate in the
15 System and an original vital event certificate maintained in the office of a town
16 clerk. In addition, the State Registrar shall have the authority to change the
17 contents of a vital event certificate in the System in order to address a known
18 error or to conform the certificate to the requirements of a court order. The
19 nature of a change, the identity of the person making the change, and the date
20 the change is made in the System under this subsection shall be recorded and
21 maintained in the System.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

7 (d)(1) Except as provided in subdivision (2) of this subsection, the State
8 Archivist and town clerks in the State shall aid in the efficient administration
9 of the Statewide Registration System and shall act as agents to issue certified
10 and noncertified copies of vital event certificates in accordance with section
11 5016 of this title.

12 (2) A town clerk may opt out of issuing certified and noncertified copies
13 of vital event certificates by filing a written notice with the State Registrar.

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

11 (7) prescribe:

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

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

4 (8) adopt rules governing:

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

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

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

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

14 § 5001. ~~VITAL RECORDS; FORMS OF CERTIFICATES~~ DUTIES OF
15 CUSTODIANS

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

19 (b) Beginning on January 1, 2010, except as otherwise provided in
20 subdivision 5016(a)(2), all ~~certificates of birth, marriage, civil union, divorce,~~
21 ~~death, and fetal death~~ certified copies of vital event certificates shall be issued

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 on unique paper with antifraud features approved by the ~~commissioner of~~
2 ~~health~~ State Registrar and available from the ~~department of health~~ Office of
3 Vital Records.

4 (b) Town custodians of vital event certificates, ~~whether or not they~~ issue
5 copies of vital event certificates, shall ensure that the following are stored in a
6 fireproof safe or vault:

7 (1) blank copies of antifraud paper;

8 (2) original vital event certificates; and

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

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 § 5002. ~~RETURNS; TABLES~~ REPORT OF VITAL STATISTICS

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

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

17 § 5003. ~~FORMS~~ MATERIALS FOR ISSUING AGENTS

18 The ~~commissioner~~ State Registrar shall procure and send to each town and
19 county clerk ~~such forms and reports of uniform size, and with margin for~~
20 ~~binding,~~ issuing agents materials as are may be necessary to be used in

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~compliance with the provisions of this part~~ for the issuance of vital event
2 certificates.

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

4 § 5005. UNORGANIZED TOWNS AND GORES

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

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

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

18 § 5006. VITAL ~~RECORDS~~ EVENT INFORMATION PUBLISHED IN
19 TOWN REPORTS

20 Town clerks ~~annually may compile and the~~ or auditors may publish in the
21 annual town report ~~a transcript of the record of~~ nonconfidential information

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 and statistics concerning births, marriages, ~~civil unions~~, and deaths recorded of
2 residents during the preceding calendar year. Upon request, the State Registrar
3 shall furnish a town clerk such information and statistics.

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

5 § 5007. PRESERVATION OF ~~DATA~~ RECORDS

6 A town clerk shall ~~receive, number, and file for record certificates of births,~~
7 ~~marriages, civil unions, and deaths, and shall preserve such certificates~~
8 ~~together with the burial transit and removal permits returned to the clerk, in a~~
9 ~~fireproof vault or safe, as provided by 24 V.S.A. § 1178 permanently preserve~~
10 at the office of the clerk vital event certificates registered prior to July 1, 2018
11 in the case of birth, death, and civil union certificates, and registered prior to
12 July 1, 2019 in the case of marriage certificates.

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

14 § 5008. ~~TOWN CLERK; RECORDING AND INDEXING PROCEDURES~~

15 A town clerk shall ~~file for record and index in volumes all certificates and~~
16 ~~permits received by the town. Each volume or series shall contain an~~
17 ~~alphabetical index. Civil marriage certificates shall be filed for record in one~~
18 ~~volume or series, civil unions in another, birth certificates in another, and death~~
19 ~~certificates and burial transit and removal permits in another. However, in a~~
20 ~~town having less than 500 inhabitants, the town clerk may cause civil~~
21 ~~marriage, civil union, birth, and death certificates, and burial transit and~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~removal permits to be filed for record in one volume, provided that none of~~
2 ~~such volumes shall contain more than 250 certificates and permits. All~~
3 ~~volumes shall be maintained in the town clerk's office as permanent records.~~

4 [Repealed.]

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

6 § 5009. ~~NONRESIDENTS; CERTIFIED COPIES TO TOWN OF~~

7 RESIDENCE

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

16 Sec. 12. REPEAL

17 18 V.S.A. § 5009 (certified copies to town of residence) is repealed on
18 July 1, 2019.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 § 5010. ~~REPORT OF STATISTICS~~ TRANSMITTAL OF MARRIAGE

3 CERTIFICATES

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

12 Sec. 14. REPEAL

13 18 V.S.A. § 5010 (transmittal of marriage certificates) is repealed on July 1,
14 2019.

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

16 § 5011. ~~PENALTY VIOLATIONS; PENALTIES~~

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

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

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

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

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

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

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

17 § 5012. ~~TOWN CLERK TO PROVIDE GENERAL INDEX; MARRIAGES~~
18 ~~AND CIVIL UNIONS~~

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~Book Page Groom to Bride Date Book Page Bride to Groom Date~~
2 ~~1 1 A. to B. 1 1 B. to A.~~

3 ~~Book Page Party to Party Date Book Page Party to Party Date~~
4 ~~1 1 A. to B. 1 1 B. to A.~~

5 [Repealed.]

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

7 § 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

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

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

11 § 5014. CONFIDENTIALITY

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

13 (A) social security information and information collected only for
14 medical and health purposes in reports of birth;

15 (B) social security numbers in reports of death or in preliminary
16 reports of death;

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

20 (D) such other information contained in a vital record as the State
21 Registrar may designate through a rule adopted pursuant to 3 V.S.A. chapter

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 25, but only if the designation is necessary to protect the privacy of an
2 individual.

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

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

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

12 § 5015. ~~STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 subdivisions (2) and (3) of this subsection:

6 (A) On and after July 1, 2018, only the State Registrar and issuing
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 issuing
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 and a
16 custodian of a pre-1909 vital event certificate shall not issue a copy thereof
17 on antifraud paper.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 issuing agents may issue certified copies
19 of birth and death certificates only upon receipt of a complete application
20 accompanied by a reliable type of identification as prescribed by the State

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 Registrar. The State Registrar and issuing agents shall record in a database
2 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 issuing agents may issue certified copies of civil marriage and civil union

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 issuing agents shall record in a database maintained by the State
4 Registrar any application received.

5 (3) Antifraud paper. Except as provided in subdivision (a)(2) of this section,
6 certified copies of vital event certificates shall be issued only on unique paper with
7 antifraud features 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 issuing agents shall issue a noncertified
13 copy of a birth or death certificate only upon receipt of a complete application.
14 The State Registrar and issuing agents shall record any application received in
15 a database maintained by the State Registrar.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.

17 * * *

Blue shows changes from H.111; yellow indicates topics that may need further review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * * 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~~ of birth in the form and manner prescribed by the ~~Department~~ State Registrar. The ~~certificate shall be registered~~ State Registrar shall register the report in the Statewide Registration System if it has been completed properly and filed in accordance with this chapter. The portion of the registered birth report **that is not confidential under section 5014 of this title** is the birth certificate.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.”

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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,~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.]~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.]~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 confidential.

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.]

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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.

Blue shows changes from H.111; yellow indicates topics that may need further review.

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) If prior to July 1, 2018 a new birth certificate was issued following
15 an adoption which contains a notation that it was issued by authority of this
16 chapter, contains the filing dates of the original and the new birth certificate, or
17 otherwise contains information that facially distinguishes it from an original,
18 the adoptive parent or the adoptee if 14 years of age or older may apply to the
19 State Registrar to issue a replacement birth certificate that does not contain
20 distinguishing information. The State Registrar shall issue the replacement and
21 notify any town clerk with custody of the version that contains distinguishing

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 information, who shall substitute the latter with the replacement birth
2 certificate. The town clerk shall send the version that contains distinguishing
3 information to the State Registrar, who shall keep it confidential.

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

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

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

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 § 5078a. ~~BIRTH CERTIFICATE FOR FOREIGN BORN OF~~

3 LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN

4 VERMONT

5 (a) The ~~supervisor of vital records registration~~ State Registrar shall

6 establish a ~~Vermont birth certificate for a person born in a foreign country in~~

7 the Statewide Registration System a “certificate of live birth for a foreign born

8 child” when ~~the supervisor~~ he or she receives:

9 (1) a written request that ~~a new~~ the certificate be established;

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

11 (B) from the adoptive parent or parents if the adopted person is under

12 ~~18~~ 14 years of age; and

13 (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~

14 15A V.S.A. § 3-801(a).

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

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

17 (1) the true or probable foreign country of birth and true or probable

18 date of birth;

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

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

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

11 § 5080. ~~FORM AND EFFECT OF NEW CERTIFICATE~~

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 § 5081. ~~FILING OF NEW CERTIFICATE~~

3 ~~The town clerk filing a new birth certificate issued in accordance with the~~
4 ~~provisions of sections 5077 and 5078 of this title, and each town clerk or other~~
5 ~~officer to whom is transmitted a certified copy of the new certificate or a return~~
6 ~~based thereon, shall comply with 15 V.S.A. § 451. All known and available~~
7 ~~packets containing adoption orders and superseded birth certificates prepared~~
8 ~~in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title,~~
9 ~~before the effective date of this act shall be forwarded to the commissioner of~~
10 ~~health. These packets shall be filed as specified in 15 V.S.A. § 451.~~

11 [Repealed.]

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

13 § 5082. ~~CONSTRUCTION~~

14 ~~The provisions of sections 5077-5081 of this title shall be applicable with~~
15 ~~respect to both past and future orders, judgments, decrees, and instruments~~
16 ~~relating to marriages and births.~~

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

18 § 5083. ~~PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM~~

19 (a) If a participant in the program described in 15 V.S.A. chapter 21,
20 subchapter 3 who is the parent of a child born during the period of program
21 participation notifies the physician or midwife who delivers the child, or the

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 hospital at which the child is delivered, not later than 24 hours after the birth of
2 the child, that the participant's confidential address should not appear on the
3 child's birth certificate, then the ~~Department shall not disclose such~~
4 ~~confidential address or the participant's town of residence on any public~~
5 ~~records~~ address shall not be maintained in the Statewide Registration System
6 and town clerks, the State Registrar, and the State Archivist shall ensure the
7 confidentiality of the address during the period of program participation in
8 accordance with measures prescribed by the State Registrar. A participant who
9 fails to provide such notice shall be deemed to have waived the provisions of
10 this section. ~~If such notice is received, then notwithstanding section 5071 of~~
11 ~~this title, the attendant physician or midwife shall file the certificate with the~~
12 ~~Supervisor of Vital Records within ten days of the birth, without the~~
13 ~~confidential address or town of residence, and shall not file the certificate with~~
14 ~~the town clerk.~~

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

2 CHAPTER 20. BIRTH INFORMATION NETWORK

3 Sec. 41. REDESIGNATION

4 18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are
5 redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

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

7 § 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

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

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

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

18 (b) An affidavit by a licensed physician who has treated or evaluated the
19 individual stating that the individual has undergone surgical, hormonal, or
20 other treatment appropriate for that individual for the purpose of gender
21 transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~issue an order~~ determine that sexual reassignment has been completed. The
2 affidavit shall include the medical license number and signature of the
3 physician.

4 (c) A new certificate issued pursuant to subsection (a) of this section shall
5 be substituted for the original birth certificate in official records. The new
6 certificate shall not show that a change in name or sex, or both, has been made.
7 The original birth certificate, the Probate Division ~~order~~ change of name
8 decree, if any, and any other records relating to the issuance of the new birth
9 certificate shall be confidential and shall be exempt from public inspection and
10 copying under the Public Records Act; however an individual may have access
11 to his or her own records and may authorize the State Registrar to confirm that,
12 ~~pursuant to court order, it has~~ he or she issued a new birth certificate to the
13 individual that reflects a change in name or sex, or both.

14 (d) If an individual born in this State has an amended birth certificate
15 showing that the sex of the individual has been changed, and the birth
16 certificate is marked “Court Amended” or otherwise clearly shows that it has
17 been amended, the individual may receive a new birth certificate from the State
18 Registrar upon application.

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 * * * Marriage Records * * *

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

3 § 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;

4 RETURN OF CIVIL MARRIAGE CERTIFICATE;

5 REGISTRATION

6 (a)(1) Upon receipt of a completed application in a form prescribed by the
7 department State Registrar, which shall require both parties to sign the
8 application certifying to the accuracy of the facts contained therein, a town
9 clerk shall issue to a person a civil marriage license in the form prescribed by
10 the department and shall enter thereon;

11 (A) Enter into the Statewide Registration System the names of the
12 parties to the proposed marriage and such other data as the State Registrar shall
13 prescribe, fill out the form as far as practicable and retain.

14 (B) Issue the marriage license only if both parties have signed it
15 certifying to the accuracy of the facts contained therein. At least one party
16 shall sign the license in the presence of the clerk.

17 (C) Retain in the clerk's office a copy thereof of the license until the
18 marriage certificate is returned by the solemnizer.

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1
2
3
4
5

~~VERMONT DEPARTMENT OF HEALTH~~
~~APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE~~
~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR~~
~~CERTIFIED COPY \$10.00~~
~~BRIDE/GROOM/SPOUSE (circle one)~~

NAME (First) _____ (Middle) _____ (Last) _____		
SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE
BIRTHPLACE	EDUCATION (Circle No. Yrs. Completed)	
	GRADES 1-8	COLLEGE (1-5+)
RESIDENCE (No. and Street)		
CITY OR TOWN	COUNTY	STATE

Blue shows changes from H.111; yellow indicates topics that may need further review.

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		

Blue shows changes from H.111; yellow indicates topics that may need further review.

<p>LAST RELATIONSHIP ENDED BY:</p> <p>1. <input type="checkbox"/> DEATH 2. <input type="checkbox"/> DISSOLUTION 3. <input type="checkbox"/> ANNULMENT</p> <p>4. <input type="checkbox"/> PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION PARTNER</p>
<p>Does either party have a legal guardian _____ Yes _____ No</p>

1

BRIDE/GROOM/SPOUSE (circle one)

<p>NAME (First) _____ (Middle) _____ (Last) _____</p>				
<p>SEX</p>	<p>DATE OF BIRTH (e.g., July 1, 2009)</p>	<p>AGE</p>		
<p>BIRTHPLACE</p>		<p>EDUCATION (Circle No. Yrs. Completed)</p>		
		<p>GRADES 1-8</p>	<p>GRADES 9-12</p>	<p>COLLEG E (1-5+)</p>
<p>RESIDENCE (No. and Street)</p>				

Blue shows changes from H.111; yellow indicates topics that may need further review.

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	

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 _____ _____

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 to the proposed marriage shall sign the certifying~~

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

5 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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 this option on the civil marriage application form required by subdivision (2)
2 of this subsection. If a couple elects this option, each party to the intended
3 marriage shall sign a statement on the confidential portion of the civil marriage
4 license and certificate form stating that he or she freely and voluntarily agrees
5 to dissolve the civil union between the parties.

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 (c) ~~Such certificate shall be returned within ten days to the office of the~~
2 ~~town clerk from which the license issued by the~~ The person solemnizing such
3 ~~the marriage shall return the certificate to the town clerk within 10 days of the~~
4 ~~marriage.~~ The town clerk shall retain and file the original according to
5 sections 5007 and 5008 of this title and, within five days of receiving it, enter
6 additional data into the Statewide Registration System as the State Registrar
7 shall prescribe. The State Registrar shall register the marriage in the System.

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

9 § 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS

10 CONFIDENTIALITY PROGRAM

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

9 ~~The Supervisor of Vital Records~~ State Registrar shall notify the Secretary of
10 ~~State of the receipt of a civil marriage certificate on behalf of~~ that a program
11 ~~participant~~ has given notice under this section.

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

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

20 (e) Upon notice of the expiration, withdrawal, invalidation, or cancellation
21 of program participation, the ~~Supervisor of Vital Records~~ State Registrar shall

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

10 § 5139. CLERK'S DUTIES; PENALTY

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

9 § 5140. PENALTY FOR MISREPRESENTATION

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

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

16 § 5141. ~~PROOF~~ CONFIRMATION OF LEGAL QUALIFICATIONS OF
17 PARTIES; PENALTY

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

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

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

16 § 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR~~
17 ~~INCOMPETENT~~ NOT AUTHORIZED TO MARRY

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

6 (3) ~~nor when~~ either of the parties ~~to the intended marriage is not is~~
7 mentally ~~capable~~ incapable of entering into marriage as defined in 15 V.S.A.
8 § 514;

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

11 (5) [Repealed.]

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

14 (7) either of the parties has a wife or husband living, as prohibited under
15 13 V.S.A. § 206 (bigamy).

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

17 § 5143. PENALTIES

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~not more than \$500.00~~ subject to the penalties prescribed in section 5011 of
2 this title.

3 Sec. 50. 18 V.S.A. § 5146 is amended to read:

4 § 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR
5 FAILURE TO RETURN

6 ~~A person~~ An individual who solemnizes a marriage, without first obtaining
7 of the parties the license as required by law section 5145 of this title, or who
8 fails to properly fill out the form thereon provided for his or her use and return
9 the license and certificate of civil marriage to the town clerk's office from
10 which it was issued within 10 days from the date of the marriage, shall be ~~fin~~
11 ~~not less than \$10.00~~ subject to the penalties prescribed in section 5011 of this
12 title.

13 Sec. 51. 18 V.S.A. § 5147 is amended to read:

14 § 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;
15 VALIDITY OF MARRIAGE

16 (a) ~~A person~~ An individual who, knowing that he or she is not authorized
17 so to do, undertakes to join others in marriage, shall be ~~imprisoned not more~~
18 ~~than six months or fined not more than \$300.00 nor less than \$100.00, or both~~
19 subject to the penalties prescribed in section 5011 of this title.

20 (b) ~~A marriage solemnized before a person professing to be a justice or a~~
21 ~~minister of the gospel~~ by an individual who was not authorized to do so under

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~this chapter shall not be void nor the validity thereof affected for want of~~
2 ~~jurisdiction or authority in such supposed justice or minister or invalid,~~
3 ~~providing provided that the marriage is in other respects lawful and is~~
4 ~~consummated with a belief on the part of the persons either party so married,~~
5 ~~or either of them, that they the couple were lawfully joined in marriage.~~

6 Sec. 52. 18 V.S.A. § 5148 is amended to read:

7 § 5148. EVIDENCE OF MARRIAGE

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

14 Sec. 53. 18 V.S.A. § 5150 is amended to read:

15 § 5150. CORRECTION, COMPLETION, OR AMENDMENT OF CIVIL

16 MARRIAGE CERTIFICATE

17 (a) Corrections, completions. Within six months after a marriage is
18 solemnized, the ~~town clerk~~ State Registrar may correct or complete a civil
19 marriage certificate upon application by a party to the marriage or by the
20 person who solemnized the marriage, if the application and relevant evidence,
21 if any, show that the correction or completion is warranted. ~~The town clerk~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

10 (e) Original certificates. The probate division of the superior court to
11 which such application is made shall set a time for hearing thereon and, if such
12 court deems necessary, cause notice of the time and place thereof to be given
13 by posting the same in the probate division of the superior court office and,
14 after hearing, shall make such findings, with respect to the correction of such
15 civil marriage certificate as are supported by the evidence. The court shall
16 thereupon issue a decree setting forth the facts as found, and transmit a
17 certified copy of such decree to the supervisor of vital records registration.
18 The supervisor of vital records registration If the State Registrar corrects,
19 completes, or amends a certificate that was registered prior to July 1, 2019, he
20 or she shall transmit the same to the appropriate town clerk to amend notify the
21 custodian of the original or issue a new certificate, who shall replace and

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 dispose of the original, and update indexes, as directed by the State Registrar.

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

5 Sec. 54. 18 V.S.A. § 5151 is amended to read:

6 § 5151. DELAYED CERTIFICATES OF CIVIL MARRIAGE

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 a delayed certificate to the State Registrar, who shall prepare a delayed
2 certificate of civil marriage in the Statewide Registration System in accordance
3 with the decree.

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

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

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

19 * * * Civil Unions * * *

20 Sec. 55. 18 V.S.A. chapter 106 is amended to read:

21 CHAPTER 106. CIVIL UNION; RECORDS AND LICENSES

Blue shows changes from H.111; yellow indicates topics that may need further review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * *

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 § 5169. DELAYED CERTIFICATES OF CIVIL UNION

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~and filling out all items except the medical certification of cause of death~~
2 completing the nonmedical portion of the report of death.

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

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

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

9 ~~(5) The State Registrar shall register the report of death in the Statewide~~
10 Registration System upon receipt of the required information. The portion of
11 the report of death that is not confidential under section 5014 of this title is the
12 death certificate.

13 ~~(b) When death occurs in a hospital and it is impossible to obtain a death~~
14 ~~certificate from an attending licensed health care professional before is not~~
15 available prior to burial or transportation of a body, any licensed health care
16 professional who has access to the facts and can certify that the death is not
17 subject to the provisions of section 5205 of this title may complete and sign a
18 preliminary report of death on a form supplied by the commissioner prescribed
19 by the State Registrar. The municipal or county clerk or a deputy shall The
20 health care professional may delegate completion of the nonmedical facts to
21 any funeral director or person in charge of the body with access to the

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 nonmedical facts, with that individual's consent. A person authorized to issue
2 a burial-transit permit shall accept this report and a properly completed
3 preliminary report and issue a burial-transit permit. This The preliminary
4 report of death may be destroyed six months after a the death certificate has
5 been filed registered. This does not subsection does not relieve the attending a
6 licensed health care professional from the responsibility of completing a death
7 certificate and delivering it to the funeral director within 24 hours after death
8 his or her responsibilities under subsection (a) of this section.

9 Sec. 57. 18 V.S.A. § 5203 is amended to read:

10 § 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

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

19 [Repealed.]

20 Sec. 58. 18 V.S.A. § 5204 is amended to read:

21 § 5204. ~~FORMS; CERTIFICATION~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 medical portion of a report of death containing a true statement of the cause of
2 such death, ~~and all the other facts provided for in the form of death certificates,~~
3 so far as these facts are obtainable, ~~shall be fined not more than \$100.00~~ shall
4 be subject to the penalties prescribed in section 5011 of this title.

5 Sec. 61. 18 V.S.A. § 5202a is amended to read:

6 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH

7 CERTIFICATE

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

19 (b)(4) Amendments. After six months from the date of death, any
20 alteration of a death certificate ~~may only be corrected or amended pursuant to~~
21 ~~decree of the probate division of the superior court in which district the~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~original certificate is filed~~ shall be deemed an amendment. Upon application
2 by a person specified in subsection (a) of this section, the State Registrar may
3 amend the death certificate if the application and relevant evidence, if any,
4 show that the amendment is warranted.

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

18 ~~(e)(f) Provided, however, that only the medical examiner or the certifying~~
19 ~~physician may apply to~~ Cause of death. The State Registrar shall only correct
20 ~~or, complete the certificate as to, or amend~~ the medical certification of the

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 cause of death upon application by the medical examiner or certifying licensed
2 health care professional.

3 Sec. 62. 18 V.S.A. § 5207 is amended to read:

4 **§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT**

5 **PERMIT**

6 ~~The physician or person filling out the certificate of death, within 36~~ Within
7 24 hours after death, shall deliver the same the death certificate shall be made
8 available upon request to the family of the deceased, if any, or the undertaker
9 or person who has charge of the body. Such The certificate shall be filed with
10 the person issuing the certificate of permission for burial, entombment, or
11 removal burial-transit permit obtained by the person who has charge of the
12 body before such dead body shall be buried, entombed, or removed from the
13 town. When such the death certificate of death is so filed, such the officer or
14 person shall immediately issue a certificate of permission for burial,
15 entombment, or removal of the dead body burial-transit permit under legal
16 restrictions and safeguards.

17 Sec. 63. 18 V.S.A. § 5211 is amended to read:

18 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

19 A person who buries, entombs, transports, or removes the dead body of a
20 person without a burial-transit ~~or removal~~ permit so to do, or in any other
21 manner or at any other time or place than as specified in such permit, shall be

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~imprisoned not more than five years or fined not more than \$1,000.00, or both~~
2 subject to the penalties prescribed in section 5011 of this title.

3 Sec. 64. 18 V.S.A. § 5216 is amended to read:

4 § 5216. PENALTY

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

9 * * * Conforming Changes * * *

10 Sec. 65. 4 V.S.A. § 311a is amended to read:

11 § 311a. VENUE GENERALLY

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

15 * * *

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

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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

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

7 * * *

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

12 * * *

13 Sec. 66. 15 V.S.A. § 816 is amended to read:

14 § 816. CERTIFICATE OF CHANGE; CORRECTION AMENDMENT OF

15 BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

16 ~~Whenever a person changes his or her name, as provided in this chapter, he~~

17 ~~or she, shall~~ A person, or the parent or guardian of a minor, may provide the

18 ~~probate division of the superior court~~ State Registrar of Vital Records with a

19 copy of his or her birth certificate and, if married, a copy of his or her civil

20 marriage certificate, and a copy of the birth certificate of each minor child, if

21 any. The register of probate with whom the change of name is filed and

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~recorded shall transmit the certificate and a certified copy of such instrument~~
2 ~~of change of name to the supervisor of vital records registration. The~~
3 ~~supervisor of vital records registration or the birth certificate of the minor and a~~
4 ~~certified copy of a decree issued under this chapter authorizing a change of~~
5 ~~name, and request that the birth certificate be amended in accordance with the~~
6 ~~decree. The State Registrar of Vital Records shall forward such instrument of~~
7 ~~change of name to the town clerk in the town where the person was born~~
8 ~~within the state, or wherein the original certificate is filed, with instructions to~~
9 ~~amend the original certificate and all copies thereof update the Statewide~~
10 ~~Registration System and the custodian of an original shall proceed in~~
11 ~~accordance with the provisions of chapter 101 of Title 18 V.S.A. § 5075. Such~~
12 ~~amended Notwithstanding 18 V.S.A. § 5075, certificates amended pursuant to~~
13 ~~this section shall have the words “Court Amended” stamped, written, or typed~~
14 ~~at the top and shall show that the change of name was made pursuant to this~~
15 ~~chapter.~~

16 Sec. 67. REPLACEMENTS

17 (a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital
18 records” is replaced with “State Registrar of Vital Records” and in 15A V.S.A.
19 § 5-108(c), the word “supervisor” is replaced with “State Registrar.”

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 Sec. 68. 15A V.S.A. § 1-101 is amended to read:

2 § 1-101. DEFINITIONS

3 As used in this title:

4 * * *

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

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

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

11 Sec. 69. 24 V.S.A. § 1164 is amended to read:

12 § 1164. CERTIFIED COPIES; FORM

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

19 (b) A town clerk shall furnish a certified copy of a vital event certificate
20 only if authorized and as prescribed under 18 V.S.A. chapter 101. ~~Copies of~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~vital records for events occurring outside the State, filed with a town clerk~~
2 ~~pursuant to 18 V.S.A. § 5015, shall not be copied and certified.~~

3 Sec. 70. 32 V.S.A. § 1671 is amended to read:

4 § 1671. FEES TO TOWN CLERK CLERKS RELATED TO RECORDS

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

11 * * *

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

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 * * *

6 Sec. 71. 32 V.S.A. § 1712 is amended to read:

7 § 1712. TOWN CLERKS

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

10 (1) For issuing and recording a civil marriage ~~or civil union~~ license,
11 \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by
12 the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and
13 Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of
14 which sum shall be paid by the town clerk to the State Treasurer in a return
15 filed quarterly upon forms furnished by the State Treasurer and specifying all
16 fees received by him or her during the quarter. Such quarterly period shall be
17 as of the first day of January, April, July, and October.

18 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
19 ~~§ 5009 to be paid by the town.~~ [Repealed.]

20 (3) ~~\$2.00 for each birth certificate completed or corrected under the~~
21 ~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078,~~

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~for the correction of each civil marriage certificate under the provisions of~~
2 ~~15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of~~
3 ~~each civil union certificate under the provisions of 18 V.S.A. § 5168, and for~~
4 ~~each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to~~
5 ~~be paid by the town. [Repealed.]~~

6 (4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil~~
7 ~~unions, and marriages, transmitted to the Commissioner of Health in~~
8 ~~accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with~~
9 ~~the cost of binding the certificate shall be paid by the town. [Repealed.]~~

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

14 Sec. 72. 32 V.S.A. § 1715 is amended to read:

15 § 1715. VITAL RECORDS EVENT CERTIFICATE OR DIVORCE FORM;
16 COPIES; SEARCH

17 (a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017,
18 ~~the Commissioner of Health~~ Office of Vital Records or the Vermont State
19 Archives and Records Administration shall provide a certified copies copy of a
20 vital records event certificate or, if in its possession, of a report of divorce
21 form, or shall ascertain and certify what the vital records available to the

Blue shows changes from H.111; yellow indicates topics that may need further review.

1 ~~Commissioner and the Vermont State Archivist show~~ event certificate or report
2 shows, except that ~~the Commissioner and the Vermont State Archivist shall not~~
3 ~~copy~~ the word “illegitimate” shall be redacted from any birth certificate
4 furnished. ~~The fee for the search of the vital records is \$3.00 which is credited~~
5 ~~toward the fee for the first certified copy based upon the search.~~

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

10 * * * Effective Dates * * *

11 Sec. 73. EFFECTIVE DATES

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

14 (b) The following shall take effect on July 1, 2019:

15 (1) Secs. 12, 14, 16, and 43–55 (related to marriage and civil union
16 certificates);

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

19 (3) in Sec. 65, 4 V.S.A. § 311a(20) (conforming change to venue of
20 Probate Division related to marriage and civil union certificates).

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

Blue shows changes from H.111; yellow indicates topics that may need further review.

1

2

3 (Committee vote: _____)

4

5

Representative _____

6

FOR THE COMMITTEE