

H.454

An act relating to the administration and issuance of vital records

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

Sec. 1. 18 V.S.A. chapter 102 is added to read:

CHAPTER 102. VITAL RECORDS GENERALLY

§ 5031. VITAL RECORDS; FORMS OF CERTIFICATES;

APPLICABILITY

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

(b) Beginning January 1, 2012, all originals and certified copies of certificates of birth, death, civil marriage, civil union, divorce, and dissolution shall be issued on unique paper with antifraud features approved by the commissioner of health and available from the department of health.

(c) The provisions of this part apply to all certificates of birth, death, civil marriage, civil union, divorce, and dissolution and reports of fetal death and induced termination of pregnancy previously received by the department and in the custody of the commissioner or any other custodian of vital records as authorized by the commissioner.

(d) The secretary of human services may adopt rules pursuant to chapter 25 of Title 3 as necessary to enable the department of health to conduct vital records administration.

§ 5032. DEFINITIONS

As used in this part, the following words and phrases shall have the following meanings unless the context requires otherwise:

(1) “Attending physician” means the physician who has completed medical training and residency and is responsible for coordinating a patient’s care, including supervising the care provided by interns, residents, or medical students, and who has final responsibility legally and otherwise for that patient’s care.

(2) “Commissioner” means the commissioner of health.

(3) “Dead body” means a human body or parts of a human body, the condition of which reasonably indicates that death has occurred.

(4) “Department” means the department of health.

(5) “Fetal death” means death prior to the complete expulsion or extraction from the mother of a product of conception, irrespective of the duration of pregnancy, and which is not an induced termination of pregnancy.

(6) “File” means the presentation and acceptance of a vital record or report provided for in this part for registration by the office of vital statistics.

(7) “Final disposition” means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

(8) “Form” means the appearance, content, layout, size, software, security devices, and all other features for the reporting of vital records to the office of vital statistics. A form may be a piece of paper, a computer interface or screen, a data file, or other medium approved by the commissioner for use in collecting and transmitting vital records.

(9) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and which does not result in a live birth. The term does not include management of prolonged retention of products of conception following fetal death.

(10) “Institution” means any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care, or to which persons are committed by law.

(11) “Live birth” means the complete expulsion or extraction from the mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical

cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(12) "Office of vital statistics" means an office of the department of health responsible for vital records and the system of vital statistics.

(13) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the office of vital statistics and made available to the registrant, family, or other requesting party.

(14) "State registrar" refers to the supervisor of the office of vital statistics.

(15) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this part; and activities related thereto, including the tabulation, analysis, publication, and dissemination of vital statistics.

(16) "Transmit" means the collection and delivery of vital records by required reporting sources to the office of vital statistics. Methods may include paper, secure fax, and secure electronic data exchange.

(17) "Vital records" means certificates or reports of birth, death, civil marriage, civil union, divorce, dissolution, fetal death, induced termination of pregnancy, and data related thereto.

(18) "Vital statistics" means the analyses of data derived from certificates and reports of birth, death, civil marriage, civil union, divorce,

dissolution, fetal death, and induced termination of pregnancy and from related documents.

§ 5033. CONFIDENTIALITY OF VITAL RECORDS

(a) Certified copies of vital records shall be issued only as provided in section 5040 of this title. Certified copies shall not be available for inspection.

(b) Informational copies of vital records shall be issued only as provided in section 5041 of this title. Any person may inspect informational copies of vital records at the department of health or at the Vermont state archives and records administration. Any person may inspect informational copies of vital records at the office of a town clerk designated by the commissioner pursuant to subsection 5034(c) of this title.

(c) Vital records issued and managed according to the requirements of this chapter may contain confidential information, including information designated as exempt from inspection and copying under 1 V.S.A. chapter 5, subchapter 3 and records to be used for public health or statistical purposes. Confidential information included in vital records subject to the requirements of this chapter is exempt from inspection and copying under 1 V.S.A. chapter 5, subchapter 3. The department may use the confidential information from vital records for public health purposes. The department may publish reports and share such confidential information publicly only

in summary, statistical, or other form in which particular individuals are not identified. Confidential information from vital records may be shared for research purposes consistent with the Health Insurance Portability and Accountability Act of 1996 and with the agency of human services' institutional review board policies and practices. The department may share confidential information from vital records with federal agencies consistent with federal regulations and contractual obligations.

(d) The department may use and disclose confidential information from vital records as is necessary in public health emergencies and may share information from vital records with other municipal, state, and federal government agencies for fraud investigations and other law enforcement purposes.

(e) Nothing in this section shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate unless specifically authorized by the state registrar for statistical or research purposes, consistent with subsection (c) of this section. Such data shall not be subject to subpoena or court order and shall not be admissible before any court, tribunal, or other judicial body.

(f) Nothing in this section shall be construed to permit disclosure of information contained in the "Information for Statistical Purposes Only" section of the certificate of civil marriage or civil union or the certificate of

divorce or dissolution to any party other than the originating couple listed on the certificate unless specifically authorized by the state registrar for statistical or research purposes, consistent with subsection (c) of this section. Such data shall not be subject to subpoena or court order and shall not be admissible before any court, tribunal, or other judicial body.

§ 5034. OFFICE OF VITAL STATISTICS AND STATEWIDE SYSTEM  
OF VITAL STATISTICS

(a) There is hereby established in the department of health an office of vital statistics which shall install, maintain, and operate the only system of vital statistics throughout this state.

(b) The commissioner shall:

(1) designate an employee of the department to serve as the state registrar, who shall be the supervisor of the office of vital statistics;

(2) oversee the administration of the system of vital statistics;

(3) provide for the preservation and security of the official records of the office of vital statistics;

(4) develop a statewide system of vital statistics and promote uniformity of policy and procedures pertaining to vital statistics throughout the state;

(5) prescribe, furnish, and distribute such forms for vital records as are required by this part or prescribe such other means for transmission of

data as will accomplish the purpose of complete and accurate reporting and registration;

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

(c) The commissioner may establish or designate offices, subject to the requirements of section 5043 of this title, in the state to aid in the efficient administration of the system of vital statistics, including the Vermont state archives and records administration; department of health district offices; and city, town, and county clerk offices.

(d) The department shall provide such forms and reports as needed to perform the functions and duties necessary for the administration of the system of vital statistics.

#### § 5035. CONTENT OF CERTIFICATES AND REPORTS

(a) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports prescribed by the commissioner may include as a minimum the items recommended by the federal agency responsible for national vital statistics.

(b) Each certificate, report, and other document required by this part shall be prepared and filed in the form prescribed by the commissioner.

(c) All vital records shall contain the date of registration.



(d) Information required in certificates, forms, records, or reports may be filed, verified, registered, and stored by photographic, electronic, or other means as determined by the commissioner.

§ 5036. DUTIES OF TOWN AND COUNTY CLERKS

(a) Town clerks annually may compile and publish only nonconfidential information from vital records in the annual town report.

(b) County clerks may compile and publish the same as a town clerk on behalf of an unorganized town or gore and may perform the same duties and will be subject to the same penalties as town clerks with respect to licenses, certificates, records, and returns of parties.

(c) Town clerks shall receive, number, and file for record the certificates of civil marriages and burial-transit and removal permits and shall preserve such documents in a manner approved by the department.

(d) Town clerks shall file for record and index in volumes all civil marriages and burial-transit and removal permits in a manner prescribed by the state archivist. Each volume or series shall contain an alphabetical index. Civil marriage certificates shall be filed for record in one volume or series and burial-transit and removal permits in another. All volumes shall be maintained in the town clerk's office as permanent records.

(e) The member of a couple that moves into and becomes a permanent resident of this state may cause to be recognized in the office of the clerk of

the town where he or she resides or, if he or she resides in an unorganized town or gore, in the office of the clerk of the county wherein he or she resides a certificate of his or her civil marriage or civil union embracing the statistics required by law. Such record shall not be returned to the office of vital statistics.

§ 5037. PRESERVATION OF VITAL RECORDS

(a) To preserve vital records, the state registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of certificates or reports in the office of vital statistics. Such reproductions, when verified and approved by the state registrar, shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of consistent with department record retention policies.

(b) In the discretion of the town, vital records maintained in municipal offices prior to January 1, 2012, shall be preserved either by retaining the records in the town offices or by transferring the records, pursuant to an agreement with the Vermont state archives and records administration.

§ 5038. ADMINISTRATIVE PENALTY

No person required by this part to transmit or provide an original or copy of a document, including a report, certificate, certified copy, worksheet, preliminary report, or other information required by law, shall knowingly fail to transmit or provide the document. A person who violates this section shall

be subject to an administrative penalty of not more than \$500.00 for each violation.

§ 5039. VITAL RECORDS COPIES; FEES

(a) Upon payment of a \$15.00 fee, the state registrar and other designated custodians of vital records shall provide certified copies of a vital record, except that prior to providing a copy of a birth certificate, the word “illegitimate” shall be excluded from the copy and any verification.

(b) Upon payment of a \$5.00 fee, the state registrar or other designated custodian shall provide an informational copy of a vital record.

(c) Notwithstanding 1 V.S.A. § 316(c), the fee for the search of the vital records shall be \$5.00, provided that no fee shall be charged for the inspection of vital records that are available for inspection. The fee for the search of the vital record shall be credited toward the fee for the first certified copy or the first informational copy provided as a result of the search.

§ 5040. CERTIFIED COPIES

(a) The state registrar and other custodians of vital records designated by the state registrar to issue certified copies of birth and death records shall, upon receipt of an application, issue a certified copy of a vital record in his or her custody to the registrant or the registrant’s spouse, children, parents, siblings, grandparents, or guardian or such person’s respective legal representative. In addition to those previously listed, when the registrant is deceased, a certified

copy of the death record shall be issued, upon receipt of an application, to the individual with authority for final disposition as provided in section 5227 of this title. The state registrar and other custodians may also issue a certified copy of a vital record to a specific individual pursuant to a court order finding that an informational copy is not sufficient for the applicant's legal purpose and that a certified copy of the record is needed for the determination or protection of an individual's right.

(1)(A) An application for a certified copy of a birth or death certificate shall contain from the requestor the following information:

(i) the requestor's full legal name;

(ii) the requestor's full date of birth;

(iii) the name of requestor's organization, if any;

(iv) the requestor's mailing address, including city or town, state, and country;

(v) the requestor's residence address, if different from the mailing address, including city or town, state, and country;

(vi) the requestor's telephone number, if any;

(vii) the purpose of the request;

(viii) the type of record requested;

(ix) the first and last names of the person listed on the requested certificate;

(x) the requestor's relationship to the person listed on the certificate;

(xi) the year of the vital event; and

(xii) the requestor's signature.

(B) A certified copy shall not be provided if the requesting party cannot or will not provide this completed application.

(2) An application for a certified copy of a birth or death certificate shall include identification documents to prove that the applicant is eligible to receive a certified copy. An application for a certified copy of a birth or death certificate may be submitted by mail or electronic means by a resident or nonresident provided that the requirements of this section are met. A valid government-issued identification document issued by an appropriate issuing authority shall be provided at the time of application. An application submitted by mail shall include a notary public statement of identification of the applicant.

(A) Specific forms of government-issued identification that are acceptable include:

(i) a valid photographic operator's license or enhanced driver's license issued by Vermont or another state of the United States;

(ii) a valid photographic nondriver identification card issued by Vermont or another state of the United States;

(iii) a valid driver's license or identification card issued by a possession or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia;

(iv) a valid tribal identification card containing the bearer's signature;

(v) a valid United States armed services identification card containing the bearer's signature;

(vi) a valid passport issued by the United States or a foreign jurisdiction;

(vii) a valid visa, if it is contained within a passport and the bearer's signature is on the passport rather than the visa;

(viii) a valid Resident Alien Card or Permanent Resident Card (Form I-551);

(ix) a valid Employment Authorization Card (Form I-766 or Form I-688A);

(x) a valid Temporary Resident Card (Form I-688).

(B) The following shall not be accepted as valid government-issued identification:

(i) a Matricula Consular ID Card;

(ii) a Mexican Voter Registration Card "Credencial Para Votar";

(iii) an Alien Registration Receipt Card Form I-151 (replaced by the I-551);

(iv) a USA B1/B2 Visa/BCC (Form DSP-150);

(v) a Nonresident Border Crosser Card (Form I-586);

(vi) a Nonresident Alien Mexican Border Crosser Card (Form I-186);

(vii) a Nonresident Alien Canadian Border Crosser Card (Form I-185);

(viii) a U.S. Citizen Identification Card (Form I-197);

(ix) a school identification card;

(x) a tribal identification card that lacks the bearer's signature;

(xi) a U.S. military identification card that lacks the bearer's signature;

(xii) a driver's license issued by a foreign jurisdiction;

(xiii) an international driver's license.

(C) If a requestor does not have an acceptable or valid government-issued identification document, the state registrar may request alternative evidence of the requestor's identity, as appropriate. The state registrar may also request alternative evidence of the requester's eligibility to receive the document.

(3) All application information shall be entered into a central tracking system and checked for any prohibitions on release of the record generally or release to the requesting party specifically pursuant to section 5045 of this title.

(4) All copies of valid identification documents submitted pursuant to this subsection shall be legible and contain an expiration date that has not passed, a photo, an address, a signature, and a unique number or bar code, such as a driver's license number or passport number, assigned to the person. If the photo is not clear on the valid government-issued identification document but all other information is legible, the identification document may be accepted, but the state registrar may request additional copies or information. All copies of identification documents shall be reviewed for evidence of tampering, expiration date, address, and a comparison of the signature with the signature on the application. Notarized statements shall not be accepted in lieu of a valid government-issued identification document.

(b) The state registrar and other custodians of vital records designated by the state registrar to issue certified copies of civil marriage, civil union, divorce, and dissolution records shall, upon request of any person, issue a certified copy in his or her custody.

(c) All forms and procedures used in the issuance of certified copies of vital records in the state shall be uniform and provided or approved by the commissioner. All certified copies issued shall have security features that



deter the document from being altered, counterfeited, duplicated, or simulated without ready detection.

(d) Each certified copy issued under this subsection shall show the date of registration, if available, and, when applicable, shall be marked "Amended" and show the effective date of the amendment. Certified copies issued from records marked "Delayed" shall be similarly marked and shall include the date of registration and a description of the evidence used to establish the delayed certificate. Any certified copy issued of a "Certificate of Foreign Birth" shall comply with the provisions of section 5106 of this title, show the actual place of birth, and state that the certificate is not proof of United States citizenship for the adoptive child.

(e) Upon receipt of a written request on a form provided by the department, the state registrar may issue a certified copy of a death certificate to:

(1) the Social Security Administration;

(2) the Veterans' Administration;

(3) the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries; and

(4) a funeral home or crematorium on behalf of the individual with authority for final disposition, as provided in section 5227 of this title, for the decedent for whom burial or cremation services are rendered.

(f) A certified copy of a vital record, issued in accordance with subsections (a), (b), (c), (d), and (e) of this section shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(g) If the state registrar receives information that a birth or death certificate may have been registered through fraud or misrepresentation, the state registrar shall withhold issuance of any copy of that birth or death certificate pending an investigation. If the state registrar is unable to verify the accuracy of the birth or death certificate, the state registrar shall remove the birth or death certificate from the file and notify the individual requesting a copy of the birth or death certificate that the record cannot be certified. The birth or death certificate and evidence shall be retained by the department but shall not be subject to inspection or copying except upon order of the civil division of the superior court or by the state registrar for purposes of administering the vital statistics program.

(h) No person shall prepare or issue any certificate which purports to be a certified copy of a vital record except as authorized in this section.

§ 5041. INFORMATIONAL COPIES

(a) The state registrar and other custodians of vital records authorized by the state registrar to issue informational copies of birth and death records shall,

upon receipt of an application, issue an informational copy of a vital record in his or her custody to the requesting party.

(1)(A) An application for an informational copy of a birth or death certificate shall contain from the requestor the following information:

(i) the requestor's full legal name;

(ii) the requestor's full date of birth;

(iii) the name of the requestor's organization, if any;

(iv) the requestor's mailing address, including city or town, state, and country;

(v) the requestor's residence address, if different from the mailing address, including city or town, state, and country;

(vi) the requestor's telephone number, if any;

(vii) the purpose of the request, if any;

(viii) the type of record requested;

(ix) the first and last names of the person listed on the requested certificate;

(x) the requestor's relationship to the person listed on the certificate, if any;

(xi) the year of the vital event; and

(xii) the requestor's signature.

(B) An informational copy shall not be provided if the requesting party cannot or will not provide this completed application.

(2) All application information shall be entered into a central tracking system maintained by the department and shall be checked for any prohibitions on release of the record generally or release to the requesting party specifically pursuant to section 5045 of this title.

(b) The state registrar and other custodians of vital records designated by the state registrar to issue informational copies of civil marriage, civil union, divorce, and dissolution records shall, upon request of any person, issue an informational copy in his or her custody.

(c) All forms and procedures used in the issuance of informational copies of vital records in the state shall be uniform and provided or approved by the commissioner. An informational copy shall not be in the same format as that of a certified copy and will be in a generic report format that cannot be used for legal purposes.

(d) Each informational copy issued shall show the date of registration and, when applicable, shall be marked "Amended" and show the effective date of the amendment. Informational copies issued from records marked "Delayed" shall be similarly marked and shall include a description of the evidence used to establish the delayed certificate. Any informational copy issued of a "Certificate of Foreign Birth" shall comply with the provisions of section 5106

of this title, show the actual place of birth, and state that the certificate is not proof of United States citizenship for the adoptive child.

(e)(1) An informational copy of a vital record issued in accordance with subsections (a) through (d) of this section shall not be considered evidentiary value of a certificate or record or prima facie evidence of the facts stated therein.

(2) Notwithstanding subdivision (1) of this subsection, an informational copy of a vital record may be recorded in the land records of a municipality to establish the date of birth or death of a person with an ownership interest in property. Certified copies of vital records shall not be recorded in the land records of a municipality. A reproduction of a certified copy, such as an informational copy of a vital record or a photocopy of a certified copy of a vital record, may be recorded in the land records provided that the reproduction is not printed on unique paper with antifraud features.

(f) If the state registrar receives information that a certificate may have been registered through fraud or misrepresentation, the state registrar shall withhold issuance of any copy of that certificate pending an investigation. If the state registrar is unable to verify the accuracy of the certificate, the state registrar shall remove the certificate from the file and shall notify the individual requesting a copy of the certificate that the record cannot be certified. The certificate and evidence shall be retained by the department but

shall not be subject to inspection or copying except upon order of the civil division of the superior court or by the state registrar for purposes of administering the vital statistics program. The state registrar shall refer the matter to the appropriate state and federal authorities.

(g) No person shall prepare or issue any certificate which purports to be an informational copy of a vital record except as authorized in this section.

#### § 5042. RECORDS OF OUT-OF-STATE EVENTS

(a) Copies of vital records for events occurring outside the state and filed with the state registrar or another custodian of vital records authorized by the state registrar to receive, store, and issue copies shall not be copied or certified.

(b) Information from vital records for events occurring outside the state and recorded with the state registrar or other designated custodian of vital records may be utilized only for public health and vital statistical purposes, fraud investigations, and birth and death matching or for ensuring right to title of real property in Vermont.

#### § 5043. DESIGNATED VITAL RECORDS OFFICES; REQUIREMENTS

(a) The commissioner shall establish the physical requirements and security standards that must be met for storage of vital records documents and supplies. The requirements and standards shall be based on best practices issued by state and federal law enforcement and public health organizations.

(b) At a minimum, the state registrar and other custodians of vital records designated by the state registrar to issue copies shall utilize a fireproof safe or vault to protect any confidential information and any materials that could be utilized to create a vital record.

(c) The state registrar may authorize inspection of informational copies at a municipal office if the municipality provides access to the electronic database of informational copies of vital records or the municipality maintains an index or other method approved by the state registrar of recording informational copies of vital records.

(d) The state registrar may conduct an audit of any site storing and issuing vital records. Any site that does not pass the audit shall not provide storage and issuance services until the site passes a new audit. The state registrar shall offer to conduct a new audit within 30 days of issuing the previous deficient audit result.

§ 5044. CRIMINAL PENALTIES

(a)(1) No person shall:

(A) knowingly make any false statement in a certificate, record, or report required by this part or in an application for an amendment thereto or in an application for a certified copy of a vital record, or knowingly supply false information intending that such information be used in the preparation of any such report, record, or certificate or amendment thereto;

(B) without lawful authority and with the intent to deceive, make, counterfeit, alter, amend, or mutilate any certificate, record, or report required by this part or a certified copy of such certificate, record, or report;

(C) knowingly and with the intent to deceive, obtain, possess, use, sell, or furnish a false, counterfeited, altered, amended, or mutilated certificate, record, unique paper with antifraud features, or report required by this part, or a certified copy thereof, which relates to the birth of another person, whether living or deceased; or

(D) without lawful authority possesses any certificate, record, or report required by this part or a copy or certified copy of such certificate, record, or report knowing that it has been stolen or otherwise unlawfully obtained.

(2) An employee of the department or any office designated under this part shall not furnish or process a certificate of birth or death or a certified copy of a certificate of birth or death knowing that it is intended to be used for fraudulent purposes.

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

(b)(1) No person shall:

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



(B) knowingly transport or accept for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this part;

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

(c) The penalties provided in this section are in addition to any other penalties that may be authorized by law.

§ 5045. VITAL RECORDS ALERT SYSTEM

(a) The department shall maintain a vital records alert system. The department shall incorporate into the vital records alert system information about activities subject to penalties pursuant to section 5044 of this chapter reported by authorized representatives of other states, territories, and federal agencies and as determined by the state registrar after investigation as provided in this section. The information in the vital records alert system shall be exempt from inspection or copying under the public records act, as set forth in 1 V.S.A. chapter 5, subchapter 3, except that the department may share information in the vital records alert system with other state, federal, or international regulatory agencies or law enforcement authorities if the recipient regulatory agency or law enforcement authority agrees to maintain the confidential nature of the information.

(b) In the event that the vital records alert system identifies a match with any registrant or applicant for a certified or informational copy of a birth or death record or if the information or documentation submitted with the application appears to be false, misleading, modified, or stolen, the state registrar or designated custodians of public records shall delay issuance of the document and the designated custodian of public records shall notify the state registrar. The state registrar shall conduct an investigation.

(1) If, upon conclusion of the investigation, the state registrar determines that the request is legitimate and not related to an activity subject to penalties pursuant to section 5044 of this chapter, the application process for a certified or informational copy or registration of a vital event shall be completed and the requested record shall be issued or the vital record registered.

(2) If, upon conclusion of the investigation, the state registrar confirms that the applicant or registrant is entered in the vital records alert system or determines that information or documents submitted with the application are related to an activity subject to penalties pursuant to section 5044 of this chapter, the state registrar shall inform the applicant in writing that his or her name shall be placed in the vital records alert system. If the applicant requested a certified copy of a vital record or registration of a vital record, the state registrar shall deny the request.

(3) The applicant, pursuant to Rule 75 of the Vermont Rules of Civil Procedure, may appeal the state registrar's decision under subdivision (2) of this subsection to the civil division of the superior court in the county in which the applicant resides or has his or her personal place of business, or in which the public records are situated, or in the civil division of the superior court of Washington County. If the court affirms the decision of the state registrar, based on clear and convincing evidence, the court shall deny the request for a certified copy or registration of a vital record, and the applicant's or registrant's information shall remain in the vital records alert system. If the court reverses the decision of the state registrar, the court shall order the state registrar to issue the certified copy or registration of a vital record and remove the applicant's name and information from the vital records alert system.

§ 5046. BIRTH AND DEATH MATCHING

To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the department shall match birth and death certificates. Certified and informational copies of birth certificates of people who have died shall be marked "Deceased."

§ 5047. MISSING OR KIDNAPPED

(a) The department shall maintain and update the system of vital statistics for Vermont residents listed as missing or kidnapped. The list shall be

provided by the department of public safety to the department of health on an agreed-upon schedule.

(b) The offices designated authority by the state registrar to issue certified or informational copies of birth certificates shall delay issuance of a copy of a birth certificate for a Vermont resident listed as missing or kidnapped and shall refer the case to the department of public safety for investigation. The request for a copy of the birth certificate shall be completed upon clearance by an authorized representative of the department of public safety that the requestor is not involved in the disappearance of the party listed on the birth certificate.

#### § 5048. SEVERABILITY

If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of the part are declared to be severable.

#### § 5049. APPEALS

Any person aggrieved by a decision by the state registrar or designated vital records custodian to withhold issuance of a certified copy of a vital record under this chapter may appeal to the civil division of the superior court in the county in which the complainant resides or has his or her personal place of business, or in which the public records are situated, or in the criminal division

of the superior court of Washington County, provided that a decision of the state registrar or a designated vital records custodian to withhold issuance of a certified copy of a vital record under this chapter shall not be subject to expedited review under 1 V.S.A § 319. A decision of the state registrar or a designated vital records custodian to withhold issuance of an informational copy of a vital record shall be subject to expedited review under 1 V.S.A. § 319.

Sec. 2. 18 V.S.A. chapter 104 is added to read:

#### CHAPTER 104. BIRTH RECORDS

##### § 5101. BIRTH REGISTRATION

(a) A certificate of birth for each live birth which occurs in this state shall be filed with the department within five days after such birth and shall be registered if it has been completed and filed in accordance with this chapter.

(b) At the time of birth of a child, each parent shall furnish the following information on a form or in a manner prescribed by the commissioner: the parent's name, address, and Social Security number and the name and date of birth of the child. The department may request additional information as needed to fulfill federal and state requirements.

(c) When a birth occurs in an institution or en route thereto, the person in charge of the institution or his or her designee shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and

time and on the date stated either by signature or by an approved electronic process, and file the certificate as directed in this part. The physician or other health care provider in attendance shall provide the medical information required by the certificate within 72 hours after the birth.

(d) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) the physician or midwife in attendance at or immediately after the birth;

(2) a parent of the child present at the birth;

(3) any other person in attendance at or immediately after the birth; or

(4) the person in charge of the premises where the birth occurred.

(e) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where the child is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state, but the certificate shall show the actual place of birth insofar as it can be determined.

(f) For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child unless otherwise provided by state law or

determined by the probate division of the superior court prior to the filing of the birth certificate.

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

(h) In any case in which paternity of a child is determined by the family division of the superior court or other court or administrative agency of competent jurisdiction, the name of the father and the surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court or administrative agency.

(i) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(j) Either of the parents of the child or, in the absence of both of the parents, another informant shall verify the accuracy of the personal data to be entered on the certificate in time to permit the registration of the certificate within the five days prescribed in this section.

(k) Certificates of birth filed after five days but within one year from the date of birth shall be registered on the standard form of live birth certificate in the manner prescribed in this section. Such certificates shall not be marked "Delayed." The state registrar may require additional evidence in support of

the facts of birth before issuance of a birth certificate pursuant to this subsection.

(1) The state registrar shall not register any certificate of birth which is incomplete or for which the state registrar has reason to believe the information provided is not accurate. If the state registrar refuses to register a certificate of birth under this section, the person submitting the certificate for registration shall be referred to the probate division of the superior court for proceedings pursuant to section 5104 of this title.

§ 5102. INFANTS OF UNKNOWN PARENTAGE; FOUNDLING

REGISTRATION

(a) Whoever assumes the custody of a live-born infant of unknown parentage shall report to the department on a form and in a manner prescribed by the commissioner within five days of assuming custody the following information:

(1) the date, city or town, and county of finding;

(2) the sex and approximate birth date of the child based on consultation with a physician;

(3) the name and address of the custodian or other person or institution with whom the child has been placed for care;

(4) the name given to the child by the custodian of the child; and

(5) other data as required by the state registrar.



(b) The place where the child was found shall be entered as the place of birth.

(c) A report registered under this section shall constitute the certificate of birth for the child.

(d) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall be placed in a special file and shall not be subject to inspection except upon court order or as provided by the department by rule. All copies of the report in the custody of any other custodian of vital records in this state shall be forwarded to the state registrar and sealed from inspection, as he or she shall direct. Any duplicate electronic records created as a result of the foundling registration shall be removed and destroyed.

#### § 5103. DELAYED REGISTRATION OF BIRTH

(a) When a certificate of birth of a person born in this state has not been filed within one year following the birth event, the person's parent or legal guardian or the person, if over the age of 18, may file with the department an application for a delayed certificate of birth. The application shall contain all of the information required for a certificate of birth pursuant to section 5101 of this title, reasons for the delay in filing, and evidence substantiating the facts of birth.

(b) A previously unreported birth shall be registered on a delayed certificate of birth form with the word "Delayed" at the top and show the date of registration. The delayed certificate shall contain a summary of the evidence submitted in support of the delayed registration.

(c) No delayed certificate of birth shall be registered for a deceased person.

(d) When an applicant does not submit the minimum documentation for delayed registration or when the state registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of birth and shall advise the applicant of the reasons for this action and shall further advise the applicant of his or her right to seek an order pursuant to section 5104 of this title from the probate division of the superior court for the district in which the birth occurred. The state registrar shall refer the matter to the appropriate state and federal authorities.

§ 5104. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF BIRTH

(a) If the state registrar does not register a certificate of birth pursuant to section 5101 of this title or a delayed certificate of birth pursuant to section 5103 of this title, a petition signed and sworn to by the petitioner may be filed with the probate division of the superior court for the district in which the birth occurred for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(b) A petition filed pursuant to subsection (a) of this section shall be made on a form prescribed by the court, in consultation with the commissioner, and shall include sufficient evidence of the following:

(1) that the person for whom a certificate of birth or delayed certificate of birth is sought was born in this state;

(2) that no certificate of birth or delayed certificate of birth of such person can be found in the department or in the office of any local, regional, or state custodian of birth certificates;

(3) that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with the statutes and rules required for a certificate of birth or delayed certificate of birth;

(4) that the state registrar has not registered a certificate of birth or delayed certificate of birth for the individual pursuant to section 5101 or 5103 of this title; and

(5) such other evidence as the court may require to prove the facts of the birth necessary for completion of a certificate of birth or delayed certificate of birth.

(c) The petition shall be accompanied by a statement of the state registrar made in accordance with section 5101 or 5103 of this title, as applicable, and all of the documentary evidence submitted to the state registrar in support of such registration.

(d) The court shall fix a time and place for hearing the petition and shall give the department 30 days' notice of such hearing. The department may appear and participate as a party in the proceeding.

(e) If the court finds from the evidence presented that the person for whom a certificate of birth or delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage, and such other findings as may be required and shall issue an order to establish a certificate of birth or delayed certificate of birth. This order shall include the birth date to be registered, a description of the evidence presented, and the date of the court's action.

(f) If the court finds that it appears the petitioner presented false or misleading evidence or evidence that appears to include falsified, modified, or stolen identification documents, the petition shall be denied and the department shall refer the matter to the appropriate state and federal authorities.

§ 5105. REPORT OF ADOPTION

(a) For each adoption decreed by the probate division of a superior court in this state, the court shall prepare and register a report of adoption on a form prescribed and furnished by the commissioner.

(b) The report of adoption shall:

(1) include such facts as are necessary to locate and identify the certificate of birth of the person adopted or, in the case of a person who was

born in a foreign country, evidence from sources determined to be reliable by the court as to the date and place of birth of such person;

(2) provide information necessary to establish a new certificate of birth of the person adopted;

(3) identify any previous orders of adoption relative to the person;

(4) include the file number of the decree of adoption and the date on which the decree became final; and

(5) be certified by the clerk of the court.

(c) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption. An adoption agency or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report of adoption, as required by the court.

(d) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof which shall include such facts as are necessary to identify the original report of adoption and the facts amended in the adoption decree as shall be necessary to properly amend the birth record. The state registrar shall maintain the confidentiality of the adoption records and reports received from the court as required by law.

(e) Not later than the tenth day of each calendar month, the clerk of the court shall forward to the state registrar reports of adoption, reports of

annulment of adoption, and amendments of decrees of adoption which were entered in the preceding month. The state registrar shall maintain the confidentiality of the adoption records and reports received from the court as required by law.

(f) Upon receipt of a report of adoption, report of annulment of adoption, or amendment of a decree of adoption for a person born outside this state, the state registrar shall forward such report to the state registrar in the state of birth.

(g) If the birth occurred in a foreign country and the child was not a citizen of the United States at the time of birth, the state registrar shall prepare a "Certificate of Foreign Birth." If the child was born in Canada, the state registrar shall also send a copy of the report of adoption, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority in that country. If the child was born in a foreign country but was a citizen of the United States at the time of birth, the state registrar shall not prepare a "Certificate of Foreign Birth" and shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for their child through the United States Department of State.

§ 5106. CERTIFICATES OF BIRTH FOLLOWING ADOPTION, COURT  
DETERMINATION OF PATERNITY, AND PATERNITY  
ACKNOWLEDGMENT

(a) The state registrar shall establish a new certificate of birth for a person born in this state when:

(1) he or she receives a report of adoption, as provided in section 5105 of this title;

(2) he or she receives from the probate division of the superior court an order to issue a new birth certificate establishing the paternity of such person; or

(3) he or she receives a voluntary acknowledgment of paternity form and both parents request that the surname be changed from that shown on the original certificate.

(b) When a new certificate of birth is established following an adoption, it shall show the actual city or town, county, and date of birth, and the adoptive parents as the parents. The new birth certificate shall not contain a statement as to whether the adopted person was illegitimate and shall not contain any content or statement that would distinguish it from any other original certificate of birth.

(c) The new birth certificate shall be substituted for the original certificate of birth in the office of vital statistics and at local, regional, and state facilities,

and the original certificate of birth and the evidence of adoption, court determination of paternity, or paternity acknowledgment shall not be subject to inspection until 99 years after the adoptee's date of birth or upon order of the probate division of the superior court for the district in which the birth occurred or as otherwise provided by Vermont law.

(d) Upon receipt of a report of an amended decree of adoption pursuant to section 5105 of this title, the certificate of birth shall be amended.

(e) Upon receipt of a report or decree of annulment of adoption pursuant to section 5105 of this title, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of the probate division of the superior court or as otherwise provided by Vermont law.

(f) If no certificate of birth is on file for a person for whom a new birth certificate is to be established under this section and the date and place of birth have not been determined in the adoption or paternity proceedings, a delayed certificate of birth shall be filed with the state registrar before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.

(g) When a new certificate of birth is established by the state registrar, all copies of the original certificate of birth in the custody of any other custodian



of vital records in this state shall be sealed from inspection or forwarded to the state registrar, as he or she shall direct.

(h) Unless specified in an order of adoption issued by the probate division of the superior court, the state registrar shall not establish a new birth certificate if he or she receives, accompanying the record of adoption, a written request that a new certificate not be established from either:

(1) the adopted person, if 14 years or older; or

(2) the adoptive parent or parents, if the adopted person is under 14 years of age.

(i) The state registrar shall, upon request, prepare and register a certificate in this state for a person born in a foreign country who is not a citizen of the United States and who was adopted through a court of competent jurisdiction or through the birth country's government office with legal authority to issue adoption decrees. The certificate shall be established upon receipt of a report of adoption from the court or government office decreeing the adoption, proof of the date and place of the child's birth, and a request from the court or government office, the adopting parents, or the adopted person if 14 years of age or over that such a certificate be prepared. Such certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the child for whom it is issued. After

registration of the birth certificate in the new name of the adopted person, the state registrar shall seal and file the report of adoption and any associated records and documents, which shall not be subject to inspection except upon order of a court in this state or as otherwise provided by Vermont law.

(j) When the state registrar receives a report of adoption for a person born in another state, he or she shall forward a certified copy of the court order of adoption and a certified copy of the report of adoption to the state registrar in the state of birth, with a request that a new birth certificate be established under the laws of that state.

(k) Upon request by a person who was listed as a parent on an adoptee's original birth certificate and who furnishes appropriate proof of the person's identity, the state registrar shall give the person an informational copy of the original birth certificate.

#### § 5107. CORRECTIONS

(a) For each birth which occurs in this state, within three months of registration of the birth, except for that of a child known to have died or to have been surrendered for adoption, the state registrar shall send a notice of birth registration to the parents of the child. Such notice shall contain the pertinent facts, including the child's full name, the date and place of birth, and the names of the parents, along with instructions and a form on which to apply for corrections or additions.

(b) Within six months after the date of registration of the birth certificate, correction of obvious errors, of transpositions of letters in words of common knowledge, or of omissions and addition of the father to the birth certificate pursuant to a voluntary acknowledgment of parentage may be made by the state registrar upon his or her own observation. The state registrar may make corrections to or complete items which are not obvious errors upon written request of the parent or guardian, the hospital, the certifying attendant, or the town clerk in the town of occurrence or the town of residence on a form provided by the state registrar. The state registrar may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof.

(c) The state registrar shall destroy any current version of the corrected or completed birth certificate maintained at the department and at local, regional, and state facilities and replace it with the corrected or completed version.

(d) The state registrar may refuse an application for correction or completion, in which case the applicant may petition the probate division of the superior court for the district in which the birth occurred for such correction or completion.

#### § 5108. AMENDMENTS

(a) Except as otherwise provided in subsection (b) of this section, after six months from the date of registration of the birth, the birth certificate of a

person born in this state may be amended only by the decree of the probate division of the superior court for the district in which the birth occurred. A petition for such amendment may be brought by the person, the person's parent or guardian, the hospital in which the birth occurred, the certifying attendant, the town clerk in the town of occurrence or the town of residence, or the state registrar, setting forth the reason for such petition and the amendment desired. After six months from the date of birth, the birth certificate may be amended to add the father pursuant to a voluntary acknowledgment of parentage only as provided in this section.

(b) The state registrar may amend a certificate of birth after six months from the date of registration of the birth without a decree from the probate division of the superior court when the amendment is to address an administrative error as a result of data entry, electronic imaging, or other minor errors related to records management activity. The state registrar may refuse an application for amendment of an administrative error if the state registrar is unable to confirm the existence of the error, in which case the applicant may petition the probate division of the superior court for the district in which the birth occurred for such amendment.

(c) The probate division of the superior court for the district in which the birth occurred shall set a time for hearing on a petition filed under this section and may cause notice thereof, if it deems notice to be necessary, by posting a

notice in the public area of the court's office. After hearing such proper and relevant evidence as may be presented, the court shall make findings with respect to the birth of the person as are supported by the evidence, issue a decree setting forth the facts as found, and transmit a certified copy thereof to the state registrar.

(d) A certificate of birth that is amended by court order pursuant to this section shall have the words "Court Amended" at the top of the amended certificate and all copies thereof and the state registrar shall certify that the amendment was ordered by said court pursuant to this section with the date of decree. The amended information shall be notated on the amended certificate and all copies thereof to show the legal effects, including the date of the court order and specification of the information that was changed.

(e) The state registrar shall destroy any current version of the birth certificate maintained at the department and at local, regional, and state facilities and replace it with the amended version.

(f) Birth certificates that are amended pursuant to this section for corrections or additions that would have been permitted under subsection 5107(b) of this section if requested within six months of the registration of the birth of the child shall be amended without payment of a court fee.

(g) Whenever a person changes his or her name pursuant to chapter 13 of Title 15, he or she shall provide the probate division of the superior court with

a certified copy of his or her birth certificate and, if married or a party to a civil union, a certified copy of his or her civil marriage or civil union certificate and a certified copy of the birth certificate of each minor child, if any. The register of probate with whom the change of name is filed and recorded shall transmit the certificates and a certified copy of the instrument of change of name to the state registrar. The state registrar shall amend the original birth certificate or certificates in accordance with the provisions of this section. Such amended certificates shall have the words "Court Amended" at the top of the amended certificate and all copies thereof and shall certify that the amendment was ordered by said court pursuant to this section. The amended information shall be notated on the amended certificate and all copies thereof to show the legal effects, including the date of the court order and specification of the information that was changed.

§ 5109. FORM AND EFFECT OF NEW CERTIFICATES

All birth certificates issued pursuant to the provisions of this chapter shall have the same force and effect as though filed in accordance with the provisions of section 5101 of this title. Each certified copy of such a certificate shall have the same force and effect as though the original certificate is presented. A certified copy shall provide the necessary elements to meet the legal requirements of state and federal law but is not required to be an exact image of the original certificate.

§ 5110. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in chapter 21, subchapter 3 of Title 15 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child or the hospital at which the child is delivered not later than 72 hours after the birth of the child that the participant's confidential address should not appear on the child's birth certificate, then the department shall not disclose such confidential address or the participant's town of residence on any public record. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. Notwithstanding the provisions of section 5101 of this title, if notice of a parent's participation in the address confidentiality program is received in a timely fashion, the attendant physician or midwife shall file the certificate with the state registrar within five days of the birth without the confidential address or town of residence and shall not file the certificate with the town clerk.

(b) The state registrar shall receive and file for record all certificates filed in accordance with this section and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. The state registrar shall notify the secretary of state of the receipt of a birth certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the parent's actual mailing address and town of residence. Such record shall be exempt from public inspection and copying.

(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any parent for whom the secretary of state received notice from the state registrar, the secretary of state shall notify the state registrar.

(e) Notwithstanding the provisions of sections 5107 and 5108 of this title, upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the state registrar shall enter the parent's actual mailing address and town of residence on the original birth certificate and shall transmit the completed original birth certificate to all sites with designated authority by the state registrar to hold such records and issue copies.

#### § 5111. NAMES ON BIRTH CERTIFICATES

(a) A birth certificate is not complete and correct and acceptable for registration by the state registrar if such certificate contains:

(1) items completed with pictographs or ideographs or writing that is not part of the standard 26-letter English alphabet;

(2) given names or surnames written with symbols that have no phonetic standing on their own, provided, however, that numerals used for generational identifiers; common punctuation such as hyphens for hyphenated names,



apostrophes used as part of a given name or surname, commas to separate surnames from generational identifiers, and periods in generational identifiers; and initials and abbreviations used as part of a name shall be permitted; or

(3) given names and surnames that exceed a total of 50 characters in length for each of the first, middle, and last names, to include hyphens, apostrophes, and periods when used as part of the name.

(b) Only one generational identifier may be used after the surname. Generational identifiers may not take the form of commonly conferred academic honorifics, including M.D., J.D., D.O., Esq., B.A., B.S., M.A., M.S., or Ph.D. or other designations not commonly used as generational identifiers.

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

(a) Upon receiving from the probate division of the superior court a court order that an individual's sexual reassignment has been completed, the state registrar shall issue a new birth certificate to show that the sex of the individual born in this state has been changed.

(b) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence for the court to issue an order that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.

(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the probate court order, and any other records relating to the issuance of the new birth certificate shall be confidential and shall not be subject to public inspection pursuant to 1 V.S.A. § 317(c); however an individual may have access to his or her own records and may authorize the state registrar to confirm that, pursuant to court order, it has issued a new birth certificate to the individual that reflects a change in name or sex, or both.

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

Sec. 3. 18 V.S.A. § 5202 is amended to read:

§ 5202. ~~DEATH CERTIFICATE; DUTIES OF PHYSICIAN~~ DEATH

REGISTRATION

(a) A certificate of death for each death which occurs in Vermont shall be filed with the department in the manner and form prescribed by the commissioner within 24 hours after death or the finding of a dead body and

prior to final disposition and shall be registered if the certificate has been completed and filed in accordance with this chapter.

(1) The commissioner shall prescribe, furnish, and distribute such forms as are required by this section or prescribe such other means for transmission of data as will accomplish the purpose of complete and accurate reporting and registration of deaths.

(2) If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed in accordance with this chapter. The place where the body is found shall be shown as the place of death. If the exact date of death is unknown, the portions of the date known shall be entered as the date of death. If no portion of the date of death can be determined, the date of death shall be entered as unknown and the date the body was found shall be indicated as the date pronounced.

(3) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death.

(4) In all other cases, the place where death is pronounced shall be considered the place where death occurred.

(b) The death certificate shall contain at minimum: the name of the deceased person; the deceased person's date of birth; the deceased person's date of death; the deceased's place of death; the name of the person certifying the death; whether the deceased person was a veteran of any war and, if so, of which war; and the cause of death. The department may request additional information as needed to fulfill federal and state requirements. The deceased person's Social Security number shall be collected but shall not be part of any public record and shall be exempt from inspection and copying.

(c) The ~~physician who is last in attendance upon a~~ attending licensed health care professional responsible for coordinating the care of the deceased person during his or her last illness shall immediately ~~fill out~~ complete a certificate of death on a form and in a manner prescribed by the commissioner, attest to the information by signature or an approved electronic process, and ensure that the completed certification of the death is provided to the state registrar within 24 hours after the death. For purposes of this section, a licensed health care professional means a physician licensed pursuant to chapter 23 of Title 26, physician's assistant licensed pursuant to chapter 31 of Title 26, or advanced practice registered nurse licensed pursuant to chapter 28 of Title 26, but does not include a resident, fellow, or other temporary licensee. If ~~he~~ the attending

licensed health care professional responsible for coordinating the deceased person's care during the last illness is unable to state the cause of death, he or she shall immediately notify the physician, if any, in charge of the patient's care for the illness or condition which resulted in death, who shall ~~fill out~~ complete the certificate. If neither physician is able to state the cause of death, the provisions of section 5205 of this title shall apply. The ~~physician may~~ licensed health care professional, with the consent of the funeral director, the deceased's next-of-kin, or the individual with authority for final disposition as provided in section 5227 of this title, may delegate to ~~said funeral director~~ such person the responsibility of gathering data for and ~~filling out~~ completing all items except those in the medical certification of cause of death section. All ~~entries, except signatures, on the certificate shall be typed or printed. Such forms contain the following questions:~~

(1) ~~Was the deceased a veteran of any war?~~

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

~~(b) When death occurs to an admitted patient in a hospital and it is impossible to obtain a death certificate from an attending physician before burial or transportation, any physician who has access to the facts and can certify that death is not subject to the provisions of section 5205, may complete and sign a preliminary report of death on a form supplied by the commissioner of health. The town clerk or his deputy shall accept this report and issue a~~

~~burial transit permit. This preliminary report of death may be destroyed six months after a death certificate has been filed. This does not relieve the attending physician from the responsibility of completing a death certificate and delivering it to the funeral director within twenty-four hours after death.~~

~~(e) If a dead body must be removed immediately and a death certificate or preliminary report cannot be obtained, the town clerk, deputy or law enforcement officer may issue a temporary burial transit permit which shall expire forty-eight hours after issuance. This does not relieve the attending physician from the responsibility of completing a death certificate and delivering it to the funeral director within twenty-four hours after death. Upon receipt of the death certificate, the funeral director shall apply for and the issuing authority shall issue a burial transit permit to replace the temporary permit.~~

(d) Upon receipt of autopsy results or other information that would change the information in the cause-of-death section of the death certificate from that originally reported, the certifier or the pathologist who conducted the autopsy shall immediately notify the department to correct the record, consistent with section 5204 or 5205 of this title, as applicable.

Sec. 4. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION OF DEATH CERTIFICATE

~~(a) Within six months after the date of death, the town clerk may correct or complete a death certificate upon application by the certifying physician, medical examiner, hospital, nursing home or funeral director. The town clerk may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof. In his or her discretion, the town clerk may refuse an application for correction or completion, in which case, the applicant may petition the probate division of the superior court for such correction or completion.~~

~~(b)(1) After six months from the date of death a death certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed.~~

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

~~registration shall transmit the same to the appropriate town clerk to amend the original or issue a new certificate. The words "Court Amended" shall be typed, written or stamped at the top of the new or amended certificates, with the date of the decree and the name of the issuing court.~~

Within six months after the date of registration of the death certificate, correction of obvious errors, of transpositions of letters in words of common knowledge, or of omissions may be made by the state registrar upon his or her own observation. The state registrar may make corrections to or complete items which are not obvious errors upon written request of the next of kin or other informant, the hospital, the nursing home, the certifying physician, the medical examiner, the funeral director or other person authorized to dispose of the body, or the town clerk in the town of occurrence or in the town of residence on a form provided by the state registrar. The state registrar may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof.

(b) The state registrar shall destroy any current version of the death certificate maintained at the department and at local, regional, and state facilities, and replace it with the corrected or completed version.

(c) ~~Provided, however, that only~~ The state registrar may refuse an application for correction or completion, in which case the applicant may



petition the probate division of the superior court for the district in which the death occurred for such correction or completion.

(d) Only the medical examiner ~~or the certifying physician~~, the certifier, or the pathologist who conducted the autopsy may apply to correct or complete the certificate as to items in the medical certification ~~of the cause of death~~ section.

Sec. 5. 18 V.S.A. § 5202b is added to read:

§ 5202b. AMENDMENT TO DEATH CERTIFICATE

(a) Except as provided in subsection (b) of this section, after six months from the date of registration of the death certificate of a person who died in this state, a death certificate may be amended only by the decree of the probate division of the superior court for the district in which the death occurred. Except as provided in subsection (h) of this section, a petition setting forth the reason for such petition and the amendment desired may be brought by the next of kin or other informant, the hospital, the nursing home, the certifying physician, the medical examiner, the funeral director, the town clerk in the town of occurrence or the town of residence, or the state registrar.

(b) The state registrar may amend a certificate of death after six months from the date of registration of the death certificate without a decree of a court when the amendment is to address an administrative error as a result of data entry, electronic imaging, or other records management activity. The state

registrar may refuse an application for amendment of an administrative error, in which case the applicant may petition the probate division of the superior court for the district in which the death occurred for such amendment.

(c) The probate division of the superior court for the district in which the death occurred shall set a time for hearing on a petition filed under this section and cause notice thereof, if it deems such necessary, by posting a notice in the public area of the court office. After hearing such proper and relevant evidence as may be presented, the court shall make such findings with respect to the death of the person as are supported by the evidence.

(d) The probate division of the superior court shall thereupon issue a decree setting forth the facts as found and transmit a certified copy thereof to the state registrar.

(e) A certificate of death that is amended by court order shall have the words "Court Amended" at the top of the amended certificate and all copies thereof, and the state registrar shall certify that the amendment was ordered by the court pursuant to this section with the date of decree. The amended information shall be notated on the amended certificate and all copies thereof to show the legal effects, including the date of the court order and specification of the information that was changed.

(f) The state registrar shall destroy any current version of the death certificate maintained at the department and at local, regional, and state facilities and replace it with the amended version.

(g) Death certificates that are amended under this section for administrative errors that would have been permitted within six months of the date of registration of the death certificate under section 5202a of this title shall be amended without payment of a court fee.

(h) Only the medical examiner, the certifier, or the pathologist who conducted the autopsy may apply to complete, correct, or amend a death certificate as to the medical certification section.

Sec. 6. 18 V.S.A. § 5203 is amended to read:

§ 5203. DEATH CERTIFICATE; MEMBER OF ARMED FORCES

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

(b) The certificate shall be made on a form prescribed by the state registrar, and a certified copy thereof shall be forwarded to the office of the adjutant general.

Sec. 7. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN;  
AUTOPSY

(a) When a person dies from violence, or suddenly when in apparent good health or when unattended by a physician or a recognized practitioner of a well-established church, or by casualty, or by suicide or as a result of injury or when in jail or prison; or ~~any mental institution~~ a specialty hospital for mental health care, or in any unusual, unnatural, or suspicious manner, or in circumstances involving a hazard to public health, welfare, or safety, the head of the household, the jailer ~~or~~ the superintendent of a mental institution where such death occurred, ~~or~~ the next of kin, ~~or~~ the person discovering the body, or any doctor notified of the death; shall immediately notify the medical examiner who resides nearest the town where the death occurred, and, immediately upon being notified, such medical examiner shall notify the state's attorney of the county in which the death occurred. The state's attorney shall thereafter be in charge of the body and shall issue such instructions covering the care or removal of the body as he or she shall deem appropriate until he or she releases same.

(b) The medical examiner and a designated law enforcement officer shall thereupon together immediately make a proper preliminary investigation.

(c) Unless the cause and manner of death is uncertain, such medical examiner shall complete and sign a certificate of death in the manner prescribed by the commissioner. He or she and the designated law enforcement officer shall each submit a report of investigation to the state's attorney and the chief medical examiner. If, however, the cause or circumstances of death are uncertain, he or she shall immediately so advise the state's attorney of the county where the death occurred, and notify the chief medical examiner.

(d) The state's attorney of each county, with the advice of the commissioner of public safety or ~~his~~ designee, the sheriff, and the chief of police of any established police department, shall prepare a list of law enforcement officers in his or her county qualified to make an investigation and report. This list shall be made available to the medical officers concerned and such other persons as the state's attorney deems proper.

(e) If an undertaker or embalmer ~~shall~~, in the course of his or her employment, ~~find~~ finds evidence of physical violence on the body or evidence of an unlawful act sufficient to indicate to such a person that death might have been the result of an unlawful act, he or she shall immediately notify the state's attorney of the county where the body is then located and shall proceed no

further with the preparation and embalming process of such body until permitted to do so by the state's attorney.

(f) The state's attorney or chief medical examiner, if either ~~deem~~ deems it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the chief medical examiner or under his or her direction. Upon completion of the autopsy, the chief medical examiner shall submit a report to such state's attorney, the designated law enforcement officer investigating the case, and the attorney general and shall complete and sign a certificate of death in the manner prescribed by the commissioner.

(g) When a person who is committed to the custody of the department of corrections or who is under the supervision of the department of corrections dies, the commissioner of corrections may request to be provided with a copy of any and all reports generated pursuant to subsection (f) of this section. No such request shall be granted where the medical examiner is unable to determine a manner of death or the manner of death is classified as a homicide. In other circumstances, the request shall be granted in the discretion of the medical examiner for good cause shown. Reports disclosed pursuant to this subsection shall remain confidential as required by law and shall not be considered to be a public record pursuant to 1 V.S.A. § 317.

Sec. 8. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL PERMIT

The physician or person filling out the medical certification section of the certificate of death or preliminary report of death, within ~~thirty-six~~ 24 hours after death, shall deliver the same to the family of the deceased, if any, or the undertaker or person who has charge of the body. Such certificate or preliminary report of death shall be filed with the person issuing the certificate of permission for burial, entombment, or removal obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When such certificate of death or preliminary report of death is so filed, such officer or person shall immediately issue a certificate of permission for burial, entombment, or removal of the dead body under legal restrictions and safeguards.

Sec. 9. 18 V.S.A. § 5207a is added to read:

§ 5207a. DELAYED REGISTRATION OF DEATH

(a) When a certificate of death of a person who died in this state has not been filed within one year after death, the next-of-kin of the deceased may file with the department an application for a delayed certificate of death. The application shall contain all information required for a certificate of death pursuant to section 5202 of this title, reasons for the delay in filing the death registration, and evidence substantiating the alleged facts of death.

(b) The death shall be registered on a delayed certificate of death form, which shall feature the word "Delayed" at the top and show on its face the date of registration. The delayed certificate shall contain a summary statement of the evidence submitted in support of the delayed registration.

(c) If an applicant does not submit the minimum documentation required for delayed registration or if the state registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of death and shall advise the applicant of the reasons for this action and shall further advise the applicant of his or her right to seek an order from the probate division of the superior court for the district in which the death occurred.

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

§ 5131. ISSUANCE OF MARRIAGE LICENSE; SOLEMNIZATION;

RETURN OF MARRIAGE CERTIFICATE

(a)(1) Upon application in a form prescribed by the department, a town clerk shall issue to a person a civil marriage license in the form prescribed by the department and shall enter thereon the names of the parties to the proposed marriage, fill out the form as far as practicable and retain in the clerk's office a copy thereof.

\* \* \*



(3) At least one party to the proposed marriage shall sign the certifying application to the accuracy of the facts so stated. The license shall be issued by the clerk of the town where either party resides or, if neither is a resident of the state, by any town clerk in the state.

\* \* \*

(c) Such certificate shall be returned within ten days to the office of the town clerk from which the license issued by the person solemnizing such marriage. The town clerk shall retain and file the original according to sections ~~5007~~ 5036 and ~~5008~~ 5037 of this title.

(d) A copy of the certificate of each marriage performed in Vermont shall be forwarded by the town clerk to the state registrar within 30 days following the filing of the certificate.

Sec. 11. 18 V.S.A. § 5132 is amended to read:

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

(a) If a participant in the program described in subchapter 3 of chapter 21 of Title 15 notifies the town that the participant's confidential address should not appear on the civil marriage license or certificate, then the town clerk shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is

received, then notwithstanding section 5131 of this title, the town clerk shall file the marriage certificate with the ~~supervisor of vital records registration~~ state registrar within ten days of receipt, without the confidential address or town of residence, and shall not retain a copy of the marriage certificate.

(b) The ~~supervisor of vital records registration~~ state registrar shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a person's confidential address and town of residence do not appear on the marriage certificate during the period that the person is a program participant. A certificate filed in accordance with this section shall be a public document. The ~~supervisor of vital records~~ state registrar shall notify the secretary of state of the receipt of a marriage certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the person's actual mailing address and town of residence. Such record shall be exempt from public inspection.

(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any person of whom the secretary of state received notice from the ~~supervisor of vital records registration~~ state registrar, the secretary of state shall notify the ~~supervisor of vital records registration~~ state registrar.

(e) Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the ~~supervisor of vital records registration~~ state registrar shall enter the actual mailing address and town of residence on the original marriage certificate and shall transmit the completed original marriage certificate to the town clerk where the certificate was issued.

(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter.

Sec. 12. 18 V.S.A. § 5150 is amended to read:

§ 5150. CORRECTION OF MARRIAGE CERTIFICATE

\* \* \*

(b) After six months from the date a marriage is solemnized, a civil marriage certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed. The probate division of the superior court to which such application is made shall set a time for hearing thereon and, if such court deems necessary, cause notice of the time and place thereof to be given by posting the same in the probate division of the superior court office and, after hearing, shall make such findings, with respect to the correction of such civil marriage certificate as are supported by the evidence. The court shall thereupon issue a decree setting forth the facts as found, and transmit a certified copy of such decree to the ~~supervisor of vital records registration~~.

~~The supervisor of vital records registration shall transmit the same to the~~  
appropriate town clerk to amend the original or issue a new certificate. The  
words "Court Amended" shall be typed, written or stamped at the top of the  
new or amended certificate with the date of the decree and the name of the  
issuing court.

(c) A copy of each corrected or amended certificate shall be forwarded by  
the town clerk to the state registrar within 30 days following the filing of the  
corrected or amended certificate.

Sec. 13. 18 V.S.A. § 5151(c) and (d) are amended to read:

(c) The court shall issue a decree setting forth the facts as found and  
transmit a certified copy of said facts to the ~~supervisor of vital records  
registration~~ state registrar.

(d) Where a delayed certificate is to be issued, the ~~supervisor of vital  
records registration~~ state registrar shall prepare a delayed certificate of civil  
marriage and transmit it, with the decree, to the clerk of the town where the  
civil marriage license was issued. This delayed certificate shall have the word  
"Delayed" printed at the top and shall certify that the certificate was ordered by  
a court pursuant to this chapter, with the date of the decree. The town clerk  
shall file the delayed certificate and, ~~in accordance with the provisions of  
section 5010 of this title,~~ furnish a copy to the ~~department of health~~ state  
registrar within 30 days following the filing.

Sec. 14. 18 V.S.A. § 5152 is added to read:

§ 5152. COURT CLERKS; DIVORCE RETURNS

(a) A record of each order of divorce of marriage, annulment, and dissolution of civil union in Vermont shall be transmitted by an employee of the judiciary designated by the clerk of the applicable unit of the superior court to the commissioner on a schedule and on a form established by the commissioner, but no less frequently than once each month.

(b) The record shall be prepared by the petitioner or his or her legal representative in a form prescribed by the commissioner and shall be presented to the clerk of the family division of the superior court with the petition. In all cases, the completed record shall be a prerequisite to the entry of the order.

(c) The record transmitted from the court to the commissioner shall contain:

(1) the names of the parties;

(2) the date of marriage or civil union;

(3) the number of children;

(4) such other statistical information available from the family division of the superior court clerk's file as may be required by the commissioner.

(d) The commissioner shall maintain a copy of the record of the divorce or dissolution and provide informational or certified copies on request as provided in section 5040 or 5041 of this title.

(e) The clerk of the family division of the superior court shall also send to the commissioner a report of the number of divorces and dissolutions which became absolute during the preceding month on a schedule and in a form established by the commissioner.

Sec. 15. 18 V.S.A. § 5168 is amended to read:

§ 5168. CORRECTION OF CIVIL UNION CERTIFICATE

\* \* \*

(c) The probate division of the superior court shall set a time for a hearing and, if the court deems necessary, give notice of the time and place by posting such information in the probate division of the superior court office. After a hearing, the court shall make findings with respect to the correction of the civil union certificate as are supported by the evidence. The court shall issue a decree setting forth the facts as found, and transmit a certified copy of the decree to the ~~supervisor of vital records registration. The supervisor of vital records registration shall transmit the same to the~~ appropriate town clerk to amend the original or issue a new certificate. The words "Court Amended" shall be typed, written or stamped at the top of the new or amended certificate with the date of the decree and the name of the issuing court.

(d) A copy of each corrected or amended certificate shall be forwarded by the town clerk to the state registrar within 30 days following the filing of the corrected or amended certificate.

Sec. 16. 18 V.S.A. § 5169(c) and (d) are amended to read:

(c) The court shall issue a decree setting forth the facts as found, and transmit a certified copy of ~~said~~ the facts to the ~~supervisor of vital records registration~~ state registrar.

(d) Where a delayed certificate is to be issued, the ~~supervisor of vital records registration~~ state registrar shall prepare a delayed certificate of civil union, and transmit it, with the decree, to the clerk of the town where the civil union license was issued. This delayed certificate shall have the word “Delayed” printed at the top, and shall certify that the certificate was ordered by a court pursuant to this chapter, with the date of the decree. The town clerk shall file the delayed certificate and, ~~in accordance with the provisions of section 5010 of this title,~~ furnish a copy to the ~~department of health~~ state registrar within 30 days following the filing.

Sec. 17. 15 V.S.A. § 816 is amended to read:

§ 816. CERTIFICATE OF CHANGE; CORRECTION OF BIRTH AND  
CIVIL MARRIAGE RECORDS

Whenever a person changes his or her name, as provided in this chapter, he or she shall provide the probate division of the superior court with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if any. The register of probate with whom the change of name is filed and recorded shall

transmit the certificates and a certified copy of such instrument of change of name to the ~~supervisor of vital records registration~~ state registrar. The ~~supervisor of vital records registration~~ state registrar shall amend the birth certificates in accordance with 18 V.S.A. § 5108 and shall forward the marriage certificate and a copy of such instrument of change of name to the town clerk in the town where the person was born within the state, or wherein the original certificate is filed, with instructions to amend the original marriage certificate and all copies thereof in accordance with the provisions of Title 18, chapter ~~101~~ 104 of Title 18. Such amended marriage certificates shall have the words "Court Amended" ~~stamped, written, or typed~~ at the top and shall show that the change of name was made pursuant to this ~~chapter~~ section, along with the date of decree.

Sec. 18. 15A V.S.A. § 1-101 is amended to read:

§ 1-101. DEFINITIONS

In this title:

\* \* \*

(7) "Department" means the department ~~of social and rehabilitation services~~ for children and families.

\* \* \*

(22) "State registrar" and "state registrar in the office of vital statistics" mean the supervisor of the office of vital statistics in the department of health.



(23) "Stepparent" means a person who is the spouse or surviving spouse of a parent of a child but who is not a parent of the child.

~~(23) "Supervisor of vital records" means the supervisor of vital records registration of the department of health.~~

Sec. 19. 15A V.S.A. § 3-705(a) is amended to read:

(a) A decree of adoption shall state or contain:

\* \* \*

(6) information to be incorporated into a new birth certificate to be issued by the ~~supervisor of vital records~~ state registrar in the office of vital statistics, unless the petitioner or an adoptee who has attained 14 years of age requests that a new certificate not be issued;

\* \* \*

Sec. 20. 15A V.S.A. § 3-801 is amended to read:

§ 3-801. REPORT OF ADOPTION

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

~~(1) information in the court's record of the proceeding for adoption which is necessary to locate and identify the adoptee's birth certificate or, in~~

~~the case of an adoptee born outside the United States, evidence the court finds appropriate to consider as to the adoptee's date and place of birth;~~

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

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

~~(b) Within 30 days after a decree of adoption is amended or set aside, the clerk of the court shall prepare a report of that action on a form furnished by the supervisor of vital records and shall certify and send the report to the supervisor of vital records. The report shall include information necessary to identify the original report of adoption, and shall also include information necessary to amend or withdraw any new birth certificate that was issued pursuant to the original report of adoption as provided in 18 V.S.A. § 5105.~~

Sec. 21. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW BIRTH CERTIFICATE

~~(a) Except as otherwise provided in subsection (d) of this section, upon~~  
Upon receipt of a report of adoption prepared pursuant to section 3-801 of this title, a report of adoption prepared in accordance with the law of another state or country, a certified copy of a decree of adoption together with information

~~necessary to identify the adoptee's original birth certificate and to issue a new certificate, or a report of an amended adoption, the supervisor of vital records shall:~~

~~(1) issue a new birth certificate for an adoptee born in this state and furnish a certified copy of the new certificate to the adoptive parent and to an adoptee who has attained 14 years of age;~~

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

~~(3) issue a certificate of foreign birth for an adoptee adopted in this state and who was born outside the United States and was not a citizen of the United States at the time of birth, and furnish a certified copy of the certificate to the adoptive parent and to an adoptee who has attained 14 years of age;~~

~~(4) notify an adoptive parent of the procedure for obtaining a revised birth certificate through the United States Department of State for an adoptee born outside the United States who was a citizen of the United States at the time of birth; or~~

~~(5) in the case of an amended decree of adoption, issue an amended birth certificate according to the procedure in subdivision (a)(1) or (3) of this section or follow the procedure in subdivision (2) or (4) of this section.~~

~~(b) Unless otherwise specified by the court, a new birth certificate issued pursuant to subdivision (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of this section shall:~~

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

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

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

~~(4) include the filing date of the original birth certificate and the filing date of the new birth certificate;~~

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

~~(e) The supervisor of vital records, and any other custodian of such records, shall substitute the new or amended birth certificate for the original birth certificate. The original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection until 99 years after the adoptee's date of birth, except as provided by this title.~~

~~(d) If the court, the adoptive parent, or an adoptee who has attained 14 years of age requests that a new or amended birth certificate not be issued, the supervisor of vital records may not issue a new or amended certificate for an adoptee pursuant to subsection (a) of this section, but shall forward a certified copy of the report of adoption or of an amended decree of adoption for an~~

~~adoptee who was born in another state to the appropriate office in the adoptee's state of birth.~~

~~(e) Upon receipt of a report that an adoption has been vacated, the supervisor of vital records shall:~~

~~(1) restore the original birth certificate for a person born in this state to its place in the files, seal any new or amended birth certificate issued pursuant to subsection (a) of this section, and not allow inspection of a sealed certificate except upon court order or as otherwise provided in this title;~~

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

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

~~(f) Upon request by a person who was listed as a parent on an adoptee's original birth certificate and who furnishes appropriate proof of the person's identity, the supervisor of vital records shall give the person a noncertified copy of the original birth certificate, a report of an amended decree of adoption, or a report or decree of annulment of adoption, pursuant to 18 V.S.A.~~

§ 5105, the state registrar shall establish a new or amended certificate of birth as provided in 18 V.S.A. § 5106.

Sec. 22. 15A V.S.A. § 5-108(c) is amended to read:

(c) Within 30 days after a decree of adoption becomes final, the clerk of the court shall prepare a report of the adoption for the ~~supervisor of vital records~~ state registrar in the office of vital statistics, and, if the petitioners have requested it, the report shall instruct the ~~supervisor~~ state registrar to issue a new birth certificate to the adoptee, as provided in ~~Article 3, Part 8 of this title~~ 18 V.S.A. § 5106.

Sec. 23. 24 V.S.A. § 1164 is amended to read:

§ 1164. CERTIFIED COPIES; FORM

A town clerk shall furnish certified copies of any instrument on record in his or her office, or any instrument or paper filed in his office pursuant to law, on the tender of his fees therefor, and his attestation shall be a sufficient authentication of the copies, except that the town clerk shall ~~not copy~~ exclude the word “illegitimate” from any copy of a birth certificate that he or she furnishes. A town clerk may furnish a certified copy of a vital record if his or her office has been designated by the health commissioner pursuant to 18 V.S.A. § 5034(c). Copies of vital records for events occurring outside the state, filed with a town clerk pursuant to ~~section 5015~~ 18 V.S.A. § 5036(e), shall not be copied and certified.

Sec. 24. 32 V.S.A. § 1715 is amended to read:

§ 1715. VITAL RECORDS SEARCH

(a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5039, the commissioner of health or the Vermont state archives and records administration shall provide certified copies of vital records or shall ascertain and certify what the vital records available to the commissioner and the Vermont state archivist show, except that the commissioner and the Vermont state archivist shall ~~not copy~~ exclude the word “illegitimate” from any birth certificate furnished. ~~The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.~~

\* \* \*

Sec. 25. REDESIGNATION

Chapter 103 of Title 18 shall be redesignated as “Birth information network.”

Sec. 26. REPEALS

The following are repealed:

- (1) 18 V.S.A. chapter 101 (vital records generally).
- (2) 18 V.S.A. §§ 5071–5083, inclusive (birth certificates).
- (3) 18 V.S.A. § 5204 (certified copy of death certificate forwarded to adjutant general).
- (4) 18 V.S.A. § 5206 (penalty for failure to furnish death certificate).

(5) Sec. 6 of No. 151 of the Acts of the 2009 Adj. Sess. (2010).

Sec. 27. Sec. 7 of No. 151 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage ~~except that Sec. 6 shall take effect on~~  
~~January 1, 2012.~~

Sec. 28. 32 V.S.A. § 1671 is amended to read:

§ 1671. TOWN CLERK

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

(1) For recording a trust mortgage deed as provided in 24 V.S.A.

§ 1155, \$10.00 per page;

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

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



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

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

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

(7) For uncertified copies of records and documents on file, or recorded, a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00; however, copies of minutes of municipal meetings or meetings of local boards and commissions, copies of grand lists and checklists and copies of any public records that any agency of that political subdivision has deposited with the clerk shall be available to the public at actual cost;

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

(9) Notwithstanding subdivision (6) of this subsection, the fee charged by a town clerk for a copy of a vital record shall be the same as the fee charged under 18 V.S.A. § 5309.

\* \* \*

Sec. 29. 18 V.S.A. § 5087 is amended to read:

§ 5087. ESTABLISHMENT OF BIRTH INFORMATION NETWORK

(a) The commissioner of health shall establish a statewide birth information network designed to identify newborns who have specified health conditions which may respond to early intervention and treatment by the health care system.

(b) The department of health is authorized to collect information for the birth information network for the purpose of preventing and controlling disease, injury, and disability. The commissioner of health, in collaboration with appropriate partners, shall coordinate existing data systems and records to enhance the network's comprehensiveness and effectiveness, including:

- (1) Vital records (birth, death, and fetal death certificates).
- (2) The children with special health needs database.
- (3) Newborn metabolic screening.
- (4) Universal newborn hearing screening.
- (5) The hearing outreach program.
- (6) The cancer registry.
- (7) The lead screening registry.
- (8) The immunization registry.

(9) The special supplemental nutrition program for women, infants, and children.

(10) The Medicaid claims database.

(11) The hospital discharge data system.

(12) Health records (such as discharge summaries, disease indexes, nursery logs, pediatric logs, and neonatal intensive care unit logs) from hospitals, outpatient specialty clinics, genetics clinics, and cytogenetics laboratories.

(13) The Vermont health care claims uniform reporting and evaluation system.

(c) The commissioner of health shall refer to the report submitted to the general assembly by the birth information council, pursuant to section 5086 of this title, for the purpose of establishing guiding principles for the research and decision-making necessary for the development of the birth information network.

(d) The network shall provide information on public health activities, such as surveillance, assessment, and planning for interventions to improve the health and quality of life for Vermont's infants and children and their families. This information shall be used for improving health care delivery systems and outreach and referral services for families with children with special health

needs and for determining measures that can be taken to prevent further medical conditions.

(e) The network shall be designed to follow infants and children up to one year of age with the 40 medical conditions listed in the matrix developed by the birth information council which have been selected as identifiable via existing Vermont data systems and are considered to be representative of the most significant health conditions of newborns in Vermont, including conditions relating to upper and lower limbs. The department of health is authorized to amend the list of medical conditions through rulemaking pursuant to chapter 25 of Title 3 to meet the objectives of this section.

(f) The network's data system shall be designed to coordinate with the data systems of other states so that data on out-of-state births to Vermont residents will be captured for vital records, case ascertainment, and follow-up services. The commissioner of health is authorized to enter into interstate agreements containing the necessary conditions for information transmission.

(g) The commissioner of health shall compile information every two years to document possible links between environmental and chemical exposure with the special health conditions of Vermont's infants and children.

(h) The department of health shall develop a form that contains a description of the birth information network and the purpose of the network. The form shall include a statement that the parent or guardian of a child may

contact the department of health and have his or her child's personally identifying information removed from the network, using a process developed by the advisory committee.

Sec. 30. EFFECTIVE DATE

This act shall take effect on January 1, 2012, except that 18 V.S.A. § 5112 (birth certificate; change of sex) and Sec. 29 (birth information network) of this act shall take effect on passage.