

1 TO THE HOUSE OF REPRESENTATIVES:

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

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

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

9 § 4999. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

19 (10) “Vital record” means:

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

22 (B) a vital event certificate;

- 1 (C) a marriage or civil union license;
2 (D) a burial-transit permit; and
3 (E) any other records associated with the creation, registration,
4 processing, modification, or disclosure of the records described in this
5 subdivision (10).

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

7 § ~~5020~~ 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR;
8 DUTIES; AUTHORITY; STATEWIDE REGISTRATION
9 SYSTEM; ISSUING AGENTS

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

11 § 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE
12 REGISTRATION SYSTEM; ISSUING AGENTS

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

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

6 (c)(1) The State Registrar shall operate the Statewide Registration
7 System, which shall be the sole official repository of data from birth and
8 death certificates registered on or after January 1, 1909. The State Registrar
9 shall create and maintain an index which, at a minimum, will enable the
10 public to search contents of the System by the name of the registrant and the
11 date of the vital event.

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

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

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

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

18 (3) The State Registrar shall investigate and attempt to resolve any
19 known discrepancy between the contents of a vital event certificate in the
20 custody of the State Registrar and a vital event certificate maintained in the
21 office of a town clerk. In addition, the State Registrar shall have the authority
22 to change the contents of a birth or death certificate in the System in order to

1 address a known error or to conform the certificate to the requirements of a
2 court order. The State Registrar shall record and maintain in the System the
3 nature and content of a change made in the System, the identity of the person
4 making the change, and the date of the change.

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

11 (d)(1) Except as provided in subdivision (2) of this subsection, town clerks
12 in the State shall aid in the efficient administration of the Statewide
13 Registration System and shall act as agents to issue copies of birth and death
14 certificates from the Statewide Registration System in accordance with section
15 5016 of this title.

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

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

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

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

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

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

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

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

15 (7) prescribe:

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

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

21 (C) physical requirements and security standards for storage of
22 vital event certificates and related supplies, after consideration of best

1 practices issued by state and federal law enforcement and public health
2 organizations;

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

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

8 (8) adopt rules governing:

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

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

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

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

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

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

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

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

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

14 (1) blank copies of antifraud paper;

15 (2) original vital event certificates; and

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

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

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

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

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

3 PRESERVATION OF RECORDS; AUTHORITY TO ISSUE

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

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

20 § 5003. ~~FORMS~~ MATERIALS FOR ISSUING AGENTS

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

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

7 § 5005. UNORGANIZED TOWNS AND GORES

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

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

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

2 § 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN
3 TOWN REPORTS

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

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

10 § 5007. PRESERVATION OF ~~DATA~~ RECORDS

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

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

18 § 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

19 A town clerk shall file for record and index in volumes all marriage
20 certificates and burial-transit permits received by the town. Each volume or
21 series shall contain an alphabetical index. Civil marriage certificates shall be
22 filed for record in one volume or series, ~~civil unions~~ union certificates kept in

1 another, ~~birth certificates in another, and death certificates~~ and burial-transit
2 ~~and removal~~ permits in another. ~~However, except that~~ in a town having less
3 than 500 inhabitants, the town clerk may cause civil marriage, civil union,
4 ~~birth, and death certificates,~~ and burial-transit ~~and removal~~ permits to be filed
5 for record in one volume, ~~provided that none of such volumes shall contain~~
6 ~~more than 250 certificates and permits. All volumes shall be maintained in the~~
7 ~~town clerk's office as permanent records.~~

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

9 § 5009. ~~NONRESIDENTS;~~ CERTIFIED COPIES TO TOWN OF
10 RESIDENCE

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

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

2 § 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE
3 CERTIFICATES

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

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

13 § 5011. PENALTY VIOLATIONS; PENALTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) A person who violates this subsection shall be fined not more than
19 \$1,000.00 or imprisoned for not more than one year, or both.

20 (c) An employee of the Office of Vital Records or any issuing agent who
21 knowingly furnishes or processes a certified copy of a vital event certificate
22 with the knowledge or intention that it may be used for the purposes of

1 deception shall be fined not more than \$10,000.00 or imprisoned for not more
2 than five years, or both.

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

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

12 § 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

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

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

16 § 5014. CONFIDENTIALITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 5015. ~~STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

18 ~~The head of a family who moves into and becomes a permanent resident of~~
19 ~~this state may cause to be recorded in the office of the clerk of the town where~~
20 ~~he or she resides, or if he or she resides in an unorganized town or gore, in the~~
21 ~~office of the clerk of the county wherein he or she resides, a certificate of his or~~
22 ~~her marriage embracing the statistics required by law, and may also cause to be~~

1 ~~recorded the birth of any of his or her children born without the state, with the~~
2 ~~statistics relating to such birth required by law, and shall make oath to the~~
3 ~~correctness of such statistics. Such record shall not be returned to the~~
4 ~~commissioner. [Repealed.]~~

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

6 § 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

7 (a) Access and issuance generally.

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

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

12 (B) only the State Registrar and issuing agents may issue certified or
13 noncertified copies of birth and death certificates registered on or after July 1,
14 2018, and such certificates shall only be issued from the Statewide Registration
15 System.

16 (2) Copies of birth and death certificates registered prior to January 1,
17 1909 shall not be issued from the Statewide Registration System. Any town
18 clerk may issue a certified copy of a pre-1909 birth or death certificate,
19 provided he or she fulfills the requirements of subsection (b) of this section
20 and such additional requirements as the State Registrar may prescribe as
21 necessary to track antifraud paper used to produce such copies.

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

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

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

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

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

20 (b) Certified copies.

21 (1) The State Registrar and issuing agents may issue certified copies
22 of birth and death certificates only upon receipt of a complete application

1 accompanied by a form of identification prescribed in rules adopted by the
2 State Registrar. The State Registrar and issuing agents shall record in a
3 database maintained by the State Registrar any application received.

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

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

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

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

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

17 (ii) the Social Security Administration;

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

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

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

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

3 (c) Noncertified copies.

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

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

11 (d) Inspection. In addition to the provisions of the Public Records Act, the
12 State Registrar may prescribe procedures governing the inspection of birth and
13 death certificates if necessary to protect the integrity of the certificates or to
14 prevent fraud.

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

16 § 5017. FEES FOR COPIES AND SEARCHES

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

1 * * * Divorce and Dissolution Records * * *

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

3 § 5004. FAMILY DIVISION OF THE SUPERIOR COURT ~~CLERKS;~~
4 DIVORCE AND DISSOLUTION RETURNS

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

13 * * * Birth Records * * *

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

15 § 5071. BIRTH REPORTS AND CERTIFICATES; WHO TO MAKE;
16 RETURN

17 (a) On or before the fifth business day of each live birth that occurs in this
18 State, the attending physician or designee or midwife or, if no attending
19 physician or midwife is present, a parent of the child or a legal guardian of a
20 mother under 18 years of age shall file with the ~~town clerk~~ State Registrar a
21 certificate report of birth in the form and manner prescribed by the ~~Department~~
22 State Registrar. The ~~certificate shall be registered~~ State Registrar shall register

1 the report in the Statewide Registration System if it has been completed
2 properly and filed in accordance with this chapter. The portion of the
3 registered birth report that is not confidential under section 5014 of this title is
4 the birth certificate.

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

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

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

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

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

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

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

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

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

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

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

13 § 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

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

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

2 § 5073. ~~AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE~~
3 CORRECTIONS, COMPLETIONS

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

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

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

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

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

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

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

17 ~~(b) The town clerk shall send a certified copy of any certificate amended~~
18 ~~under subsection (a) of this section to the commissioner and also to the clerk of~~
19 ~~any town to whom a copy of the original record was sent under the provisions~~
20 ~~of section 5009 of this title, and shall enclose with that copy, but not endorsed~~
21 ~~thereon, a notation identifying the copy to be replaced. The copy shall show~~

1 ~~the notations specified in subsection (a) of this section. The commissioner shall~~
2 ~~file this return or copy by attaching the same to the original return or copy.~~

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

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

9 § 5074. PENALTY

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

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

14 § 5075. ISSUANCE OF ~~NEW OR CORRECTED~~ AMENDED OR
15 DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF
16 THE SUPERIOR COURT APPLICATION

17 (a) ~~After~~ Except as otherwise provided in subdivision 5073(a)(2) of this
18 title, after six months from the date of birth, any alteration of the birth
19 certificate of a person born in this state may be amended only by the decree of
20 the probate division of the superior court of the district in which such birth
21 occurred State shall be deemed an amendment. A petition for such
22 amendment may be brought by the person, the person’s Upon application by

1 the registrant, his or her parent or guardian, the hospital in which the birth
2 occurred, or the certifying attendant, ~~or custodian~~ setting forth the ~~reason for~~
3 ~~such petition and the correction or amendment desired~~ and the reason for it, the
4 State Registrar may amend the birth certificate if the application and relevant
5 evidence, if any, show that the amendment is warranted.

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

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

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

20 (d) The State Registrar shall make any amendment and register any delayed
21 certificate in the Statewide Registration System. Any amended birth certificate
22 issued from the System shall indicate the word “Amended” and the date of

1 amendment, and any delayed certificate issued from the System shall indicate
2 the word “Delayed” and the date of registration. The State Registrar shall
3 record and maintain in the System the identity of the person requesting the
4 amendment or delayed certificate, the nature and content of the change made in
5 the System, the person who made the amendment or registered the delayed
6 certificate in the System, and the date of the amendment or registration.

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

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

12 § 5076. NOTICE; HEARING; DECREE; RECORD

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

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

21 ~~(1) Where the certificate is to be amended, the supervisor of vital records~~
22 ~~registration shall transmit the decree to the town clerk where the birth~~

1 ~~occurred, with instructions to amend the original certificate. A correction shall~~
2 ~~be made by drawing a line through the matter to be corrected and writing in~~
3 ~~new matter as required to show the legal effects. The town clerk shall stamp,~~
4 ~~write or type the words “Court Amended” at the top of the amended certificate~~
5 ~~and all copies thereof and shall certify that the amendment was ordered by said~~
6 ~~court pursuant to this chapter with the date of decree. The town clerk shall send~~
7 ~~a certified copy of such completed or corrected birth record, showing new~~
8 ~~matter added, or changed matter lined out and the substituted matter as it~~
9 ~~appears thereon, to the commissioner and also to the clerk of any town to~~
10 ~~whom a copy of the original record was sent under the provisions of section~~
11 ~~5009 of this title, and shall enclose with that copy, but not endorsed thereon, a~~
12 ~~notation identifying the original.~~

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

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

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

5 § 5077. ~~NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS~~
6 ~~WHO SUBSEQUENTLY MARRY~~

7 ~~(a) A person whose previously unwed parents have intermarried~~
8 ~~subsequent to his or her birth and whose father has recognized such person as~~
9 ~~his child may establish his or her legitimacy under the provisions of 14 V.S.A.~~
10 ~~§ 554 and the facts with respect to his or her birth and parentage, and procure~~
11 ~~the issuance and filing of a new birth certificate by petition to the probate~~
12 ~~division of the superior court of the district where the child was born.~~

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

19 ~~(c) The clerk shall file and index the new certificate in the most recent book~~
20 ~~of births, shall also index them with births occurring at the same time and shall~~
21 ~~otherwise comply with the provisions of sections 5080 and 5081 of this title.~~

22 ~~The new certificate shall contain a notation that it was issued by authority of~~

1 ~~this chapter, and it shall not contain the word “Amended” or other special~~
2 ~~designation. [Repealed.]~~

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

4 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE

5 NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

6 (a) If a parent of a person born in this State was unable to be listed as a
7 parent on the person’s birth certificate due to the lack of gender-neutral
8 nomenclature on ~~the former report of birth information form forms~~ provided by
9 the Department of Health, and the person or the person’s parent may petition
10 the Probate Division of the Superior Court of the district where the person was
11 born in order to establish his or her parentage and be issued a new submits
12 sufficient proof of parentage to the State Registrar, the State Registrar shall
13 complete the birth certificate in the State Registration System. The State
14 Registrar shall record in the System the identity of the person requesting the
15 new certificate, the nature and content of the change, the person who made the
16 change, and the date of the change. The State Registrar shall issue a new birth
17 certificate from the System which shall not contain the word “Amended” or
18 other special designation, and shall notify the town clerk or clerks with custody
19 of the certificate, who shall replace the original with the new certificate and
20 update indexes as directed by the State Registrar. The town clerk or clerks
21 shall send the original to the State Registrar, who shall keep it confidential.

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

5 [Repealed.]

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

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

13 § 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL
14 RECORDS

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

20 (1) information in the court’s record of the proceeding for adoption
21 ~~which~~ that is necessary to locate and identify the adoptee’s birth certificate or,
22 in the case of an adoptee born outside the United States, evidence the court

1 finds appropriate to consider as to the adoptee's date and ~~place~~ country, state,
2 and municipality of birth, as may be available;

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

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

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

17 Sec. 29. 15A V.S.A. § 3-802 is amended to read:

18 § 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

19 (a) Except as otherwise provided in subsection (d) of this section, upon
20 receipt of a report of adoption prepared pursuant to ~~section~~
21 ~~3-801~~ subsection 3-801(a) of this title, a report of adoption prepared in
22 accordance with the law of another state or country, a certified copy of a

1 decree of adoption together with information necessary to identify the
2 adoptee’s original birth certificate and to issue a new certificate, or a report of
3 an amended adoption prepared pursuant to subsection 3–801(b) of this title, the
4 ~~supervisor of vital records~~ State Registrar shall either:

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

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

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

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

1 time of birth, notify the adoptive parent of the procedure for obtaining a
2 revised birth certificate through the U.S. Department of State; or

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

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

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

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

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

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

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

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

1 State Registrar shall notify the town clerk or clerks with custody of the
2 certificate, who shall substitute the new or amended birth certificate for the
3 original birth certificate. The original certificate and all copies of the
4 certificate in the files shall be sealed and shall not be subject to inspection or
5 copying until 99 years after the adoptee’s date of birth, except as provided by
6 this title.

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

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

17 (1) ~~restore the original birth certificate~~ for a person born in this state ~~to~~
18 ~~its place in the files,~~ State for whom a new birth certificate was issued, update
19 the Statewide Registration System to reflect the original birth certificate data
20 and, in the case of an original birth certificate registered prior to July 1, 2018,
21 notify the town clerk or clerks with custody of the certificate, who shall seal
22 any new or amended birth certificate issued pursuant to subsection (a) of this

1 section, restore the original, update indexes as directed by the State Registrar,
2 and not allow inspection or copying of a the sealed certificate except upon
3 court order or as otherwise provided in this title;

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

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

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

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

1 Sec. 30. 18 V.S.A. § 5078 is amended to read:

2 § 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

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

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

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

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

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

1 certificate. The town clerk shall send the version that contains distinguishing
2 information to the State Registrar, who shall keep it confidential.

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

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

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

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

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

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

1 Sec. 31. 18 V.S.A. § 5078a is amended to read:

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

3 LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN

4 VERMONT

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

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

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

11 (B) from the adoptive parent or parents if the adopted person is under
12 ~~18~~ 14 years of age; and

13 (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~
14 15A V.S.A. § 3-801(a).

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

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

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

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

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

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

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

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

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

8 Sec. 32. 18 V.S.A. § 5080 is amended to read:

9 § 5080. ~~FORM AND EFFECT OF NEW CERTIFICATE~~

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

1 Sec. 33. 18 V.S.A. § 5081 is amended to read:

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

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

11 [Repealed.]

12 Sec. 34. 18 V.S.A. § 5082 is amended to read:

13 § 5082. ~~CONSTRUCTION~~

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

17 Sec. 35. 18 V.S.A. § 5083 is amended to read:

18 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

19 (a) If a participant in the program described in 15 V.S.A. chapter 21,
20 subchapter 3 who is the parent of a child born during the period of program
21 participation notifies the physician or midwife who delivers the child, or the
22 hospital at which the child is delivered, not later than ~~24 hours~~ 10 days after

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

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

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

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

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

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

1 Sec. 36. 18 V.S.A. chapter 20 is added to read:

2 CHAPTER 20. BIRTH INFORMATION NETWORK

3 Sec. 37. REDESIGNATION

4 18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are

5 redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

6 Sec. 38. 18 V.S.A. § 5112 is amended to read:

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

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

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

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

18 (b) An affidavit by a licensed physician who has treated or evaluated the
19 individual stating that the individual has undergone surgical, hormonal, or
20 other treatment appropriate for that individual for the purpose of gender
21 transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to
22 ~~issue an order~~ determine that sexual reassignment has been completed. The

1 affidavit shall include the medical license number and signature of the
2 physician.

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

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

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* * * Marriage Records * * *

Sec. 39. 18 V.S.A. § 5131 is amended to read:

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

(a)(1) Upon receipt of a completed application in a form prescribed by the
department State Registrar, which shall require both parties to sign the
application certifying to the accuracy of the facts contained therein, a town
clerk shall issue to a person a civil marriage license in the form prescribed by
the ~~department~~ State Registrar only if at least one party has signed the license
in the presence of the clerk and shall enter thereon the names of the parties to
the proposed marriage; and fill out the form as far as practicable and. The
town clerk shall retain in the clerk’s office a copy thereof of the license until
the marriage certificate is returned by the solemnizer.

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

~~VERMONT DEPARTMENT OF HEALTH~~
~~APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE~~
~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR~~
~~CERTIFIED COPY \$10.00~~

1

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

NAME (First) _____ (Middle) _____ (Last) _____			
SEX	DATE OF BIRTH (e.g., July 1, 2009)		AGE
BIRTHPLACE	EDUCATION (Circle No. Yrs. Completed)		
	GRADES 1-8	GRADES 9-12	COLLEGE (1-5+)
RESIDENCE (No. and Street)			
CITY OR TOWN	COUNTY	STATE	
RACE — White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)			
FATHER'S NAME (First, Middle, Last)			

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

1

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

NAME (First) _____ (Middle) _____ (Last) _____		
SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE
BIRTHPLACE	EDUCATION (Circle No. Yrs. Completed)	
	GRADES 1-8	COLLEGE E (1-5+)
RESIDENCE (No. and Street)		
CITY OR TOWN	COUNTY	STATE
RACE — White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)		
FATHER'S NAME (First, Middle, Last)		

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

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

Officiant Name & Address _____	

Your mailing address after wedding _____	

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

1 Date License issued _____ Clerk issuing License _____

2 This worksheet may be destroyed after the marriage is registered.

3 (3) ~~At least one party to the proposed marriage shall sign the certifying~~

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

5 issued by:

1 person has solemnized the marriage, he or she shall fill out that part of the
2 form on the license provided for his or her use, sign it, and certify to the ~~same~~
3 occurrence and date of the marriage. Thereafter the document shall be known
4 as a civil marriage certificate.

5 * * *

6 Sec. 40. 18 V.S.A. § 5139 is amended to read:

7 § 5139. CLERK'S DUTIES; PENALTY

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

18 (b) A town clerk may issue a civil marriage license to parties other than as
19 described in subdivision 5131(a)(3) of this title when the office of the town
20 clerk with authority to issue the license is not open during standard business
21 hours and the parties have a compelling, immediate need to be married, as
22 determined by the town clerk issuing the civil marriage license. A compelling,

1 immediate need would arise when irreparable harm would occur if the
2 marriage were delayed.

3 Sec. 41. 18 V.S.A. § 5140 is amended to read:

4 § 5140. PENALTY FOR MISREPRESENTATION

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

10 Sec. 42. 18 V.S.A. § 5141 is amended to read:

11 § 5141. ~~PROOF~~ CONFIRMATION OF LEGAL QUALIFICATIONS OF
12 PARTIES; PENALTY

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

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

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

21 (b) A clerk who fails to comply with the provisions of this section or who
22 issues a civil marriage license with knowledge that the parties, or either of

1 them, are prohibited from marrying or otherwise have failed to comply with
2 the requirements of the laws of this state State, or a person who having
3 authority and having such knowledge solemnizes such a marriage, shall be
4 ~~fined not more than \$100.00~~ subject to the penalties prescribed in section 5011
5 of this title.

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

9 Sec. 43. 18 V.S.A. § 5142 is amended to read:

10 § 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR~~
11 ~~INCOMPETENT~~ NOT AUTHORIZED TO MARRY

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

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

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

20 (3) ~~nor when~~ either of the parties to ~~the intended marriage is not is~~
21 ~~mentally capable~~ incapable of entering into marriage as defined in 15 V.S.A.
22 § 514;

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

3 (5) [Repealed.]

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

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

8 Sec. 44. 18 V.S.A. § 5143 is amended to read:

9 § 5143. PENALTIES

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

16 Sec. 45. 18 V.S.A. § 5146 is amended to read:

17 § 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR
18 FAILURE TO RETURN

19 ~~A person~~ An individual who solemnizes a marriage, without first obtaining
20 of the parties the license as required by ~~law~~ section 5145 of this title, or who
21 fails to properly fill out the form thereon provided for his or her use and return
22 the license and certificate of civil marriage to the town clerk's office from

1 which it was issued within 10 days from the date of the marriage, shall be ~~fin~~
2 ~~not less than \$10.00~~ subject to the penalties prescribed in section 5011 of this
3 title.

4 Sec. 46. 18 V.S.A. § 5147 is amended to read:

5 § 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;
6 VALIDITY OF MARRIAGE

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

11 (b) A marriage solemnized ~~before a person professing to be a justice or a~~
12 ~~minister of the gospel~~ by an individual who was not authorized to do so under
13 this chapter shall not be void ~~nor the validity thereof affected for want of~~
14 ~~jurisdiction or authority in such supposed justice or minister~~ or invalid,
15 ~~providing~~ provided that the marriage is in other respects lawful and is
16 consummated with a belief on the part of ~~the persons~~ either party so married,
17 ~~or either of them,~~ that ~~they~~ the couple were lawfully joined in marriage.

1 * * * Reports of Death, Death Certificates * * *

2 Sec. 47. 18 V.S.A. § 5202 is amended to read:

3 § 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF
4 ~~PHYSICIAN AND AUTHORIZED~~ LICENSED HEALTH CARE
5 PROFESSIONAL

6 (a)(1) ~~The~~ Within 24 hours after a death, the licensed health care
7 professional who is ~~last in attendance upon~~ last attended a deceased person
8 shall ~~immediately fill out a certificate of death on a form prescribed by the~~
9 ~~commissioner~~ submit the medical portion of a report of death in a manner
10 prescribed by the State Registrar. ~~For the purposes of this section, a licensed~~
11 ~~health care professional means a physician, a physician assistant, or an advance~~
12 ~~practice registered nurse.~~ If the licensed health care professional who attended
13 the death is unable to state the cause of death, he or she shall immediately
14 notify the ~~physician~~ licensed health care professional, if any, who was in
15 charge of the patient's care ~~to fill out the certificate, and he or she shall fulfill~~
16 this requirement.

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

19 (3) The licensed health care professional may, ~~with the consent of the~~
20 ~~funeral director,~~ delegate to the funeral director or the person in charge of the
21 body, with that individual's consent, the responsibility of ~~gathering data for~~

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

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

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

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

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

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

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

8 Sec. 48. 18 V.S.A. § 5203 is amended to read:

9 § 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

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

18 [Repealed.]

19 Sec. 49. 18 V.S.A. § 5204 is amended to read:

20 § 5204. ~~FORMS; CERTIFICATION~~

21 ~~The certificate shall be made on forms furnished by the commissioner and~~
22 ~~shall be recorded by the town clerk in accordance with the provisions of this~~

1 ~~chapter. The town clerk shall forthwith, upon making such record, forward a~~
2 ~~certified copy thereof to the office of the adjutant general. [Repealed.]~~

3 Sec. 50. 18 V.S.A. § 5205 is amended to read:

4 § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN

5 AND IN OTHER CIRCUMSTANCES; AUTOPSY

6 * * *

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

14 * * *

15 Sec. 51. 18 V.S.A. § 5206 is amended to read:

16 § 5206. ~~PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE~~

17 SUBMIT REPORT OF DEATH

18 ~~A physician who fails to furnish a certificate of death~~ licensed health care
19 professional who fails to cause the medical portion of a report of death to be
20 submitted within 24 hours after the death of a person containing a true
21 statement of the cause of such death, ~~and all the other facts provided for in the~~
22 ~~form of death certificates, so far as these facts are obtainable, shall be fined not~~

1 ~~more than \$100.00~~ shall be subject to the penalties prescribed in section 5011
2 of this title.

3 Sec. 52. 18 V.S.A. § 5202a is amended to read:

4 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH

5 CERTIFICATE

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

17 (b)(4) Amendments. After six months from the date of death, any
18 alteration of a death certificate ~~may only be corrected or amended pursuant to~~
19 ~~decree of the probate division of the superior court in which district the~~
20 ~~original certificate is filed~~ shall be deemed an amendment. Upon application
21 by a person specified in subsection (a) of this section, the State Registrar may

1 amend the death certificate if the application and relevant evidence, if any,
2 show that the amendment is warranted.

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

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

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

1 death certificate issued from the System shall indicate the word “Amended”
2 and the date of amendment. The State Registrar shall enter into and maintain
3 in the System the identity of the person requesting the correction, completion,
4 or amendment, the nature and content of the change, the identity of the person
5 making the change in the System, and the date the change was made.

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

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

1 Sec. 53. 18 V.S.A. § 5207 is amended to read:

2 § 5207. CERTIFICATE FURNISHED FAMILY; ~~BURIAL~~ BURIAL-
3 TRANSIT PERMIT

4 ~~The physician or person filling out the certificate of death, within 36~~ Within
5 24 hours after death, shall deliver the same the death certificate shall be made
6 available upon request to the family of the deceased, if any, or the undertaker
7 or person who has charge of the body. ~~Such~~ The certificate shall be filed with
8 the person issuing the ~~certificate of permission for burial, entombment, or~~
9 ~~removal~~ burial-transit permit obtained by the person who has charge of the
10 body before such dead body shall be buried, entombed, or removed from the
11 town. When ~~such the death~~ the death certificate of death is so filed, ~~such the~~ the officer or
12 person shall immediately issue a ~~certificate of permission for burial,~~
13 ~~entombment, or removal of the dead body~~ burial-transit permit under legal
14 restrictions and safeguards.

15 Sec. 54. 18 V.S.A. § 5211 is amended to read:

16 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

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

1 Sec. 55. 18 V.S.A. § 5216 is amended to read:

2 § 5216. PENALTY

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

7 * * * Conforming Changes * * *

8 Sec. 56. 4 V.S.A. § 311a is amended to read:

9 § 311a. VENUE GENERALLY

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

13 * * *

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

17 (20) Correction or amendment of a civil marriage or civil union
18 certificate or issuance of delayed certificate: in the district where the ~~original~~
19 ~~certificate is filed~~ marriage or civil union license was issued or allegedly
20 issued.

21 (21) ~~Correction or amendment of a~~ Appeal from a denial by the State
22 Registrar of Vital Records of a request for a corrected or amended death

1 certificate: in the district where the ~~original certificate is filed~~ death occurred
2 or, if the place of death is unknown, where the body was found.

3 * * *

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

8 * * *

9 Sec. 57. 15 V.S.A. § 816 is amended to read:

10 § 816. ~~CERTIFICATE OF CHANGE; CORRECTION~~ AMENDMENT OF
11 BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

12 ~~Whenever a person changes his or her name, as provided in this chapter, he~~
13 ~~or she, shall~~ A person, or the parent or guardian of a minor, may provide the
14 ~~probate division of the superior court~~ State Registrar of Vital Records with a
15 copy of his or her birth certificate and, if married, a copy of his or her civil
16 ~~marriage certificate, and a copy of the birth certificate of each minor child, if~~
17 ~~any. The register of probate with whom the change of name is filed and~~
18 ~~recorded shall transmit the certificate and a certified copy of such instrument~~
19 ~~of change of name to the supervisor of vital records registration. The~~
20 ~~supervisor of vital records registration~~ or the birth certificate of the minor and a
21 certified copy of a decree issued under this chapter authorizing a change of
22 name, and request that the birth certificate be amended in accordance with the

1 ~~decree. The State Registrar of Vital Records shall forward such instrument of~~
2 ~~change of name to the town clerk in the town where the person was born~~
3 ~~within the state, or wherein the original certificate is filed, with instructions to~~
4 ~~amend the original certificate and all copies thereof~~ update the Statewide
5 Registration System and proceed in accordance with ~~the provisions of chapter~~
6 ~~401 of Title 18 V.S.A. § 5075. Such amended~~ Notwithstanding 18 V.S.A.
7 § 5075, certificates amended pursuant to this section shall have the words
8 “Court Amended” ~~stamped, written, or typed~~ at the top and shall show that the
9 change of name was made pursuant to this chapter.

10 Sec. 58. REPLACEMENTS

11 (a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital
12 records” is replaced with “State Registrar of Vital Records”, and in
13 15A V.S.A. § 5-108(c), the word “supervisor” is replaced with “State
14 Registrar.”

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

17 (c) In 18 V.S.A. § 5148, “commissioner of health” is replaced with “State
18 Registrar.”

19 (d) In 18 V.S.A. §§ 5150(c) and 5168(c), the phrase “supervisor of vital
20 records registration” is replaced by “State Registrar” wherever it appears.

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

5 Sec. 61. 32 V.S.A. § 1712 is amended to read:

6 § 1712. TOWN CLERKS

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

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

17 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
18 ~~§ 5009 to be paid by the town. [Repealed.]~~

19 (3) ~~\$2.00 for each birth certificate completed or corrected under the~~
20 ~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078,~~
21 ~~for the correction of each civil marriage certificate under the provisions of~~
22 ~~15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of~~

1 ~~each civil union certificate under the provisions of 18 V.S.A. § 5168, and for~~
2 ~~each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to~~
3 ~~be paid by the town. [Repealed.]~~

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

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

12 Sec. 62. 32 V.S.A. § 1715 is amended to read:

13 § 1715. VITAL RECORDS EVENT CERTIFICATES; COPIES; SEARCH

14 (a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017,
15 ~~the Commissioner of Health~~ Office of Vital Records or the Vermont State
16 Archives and Records Administration shall provide a certified copies copy of a
17 ~~vital records~~ event certificate, or shall ascertain and certify what the vital
18 ~~records available to the Commissioner and the Vermont State Archivist show~~
19 event certificate shows, except that ~~the Commissioner and the Vermont State~~
20 ~~Archivist shall not copy~~ the word “illegitimate” shall be redacted from any
21 birth certificate furnished. The fee for the search of the vital records is \$3.00

1 which is credited toward the fee for the first certified copy based upon the
2 search.

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

7 * * * Effective Dates * * *

8 Sec. 63. EFFECTIVE DATES

9 (a) This section; in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking
10 authority); and in Sec. 39, 18 V.S.A. § 5131(a)(2) (marriage license application
11 form) shall take effect on passage.

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

13

14

15 (Committee vote: _____)

16

17

Representative _____

18

FOR THE COMMITTEE