

Administrative Procedures – Final Proposed Rule Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

RECEIVED
MAY 21 2018

BY:

All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Vital Records Rule

 _____, on 5-14-2018.
(signature) (date)

Printed Name and Title:
Clarence E. Davis
Interim Deputy Secretary, Agency of Human Services

RECEIVED BY: _____

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:
Vital Records Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
18P-010

3. ADOPTING AGENCY:
Department of Health

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Shayla Livingston

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT 05402

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: ahs.vdhrules@vermont.gov

Web URL(*WHERE THE RULE WILL BE POSTED*):

<http://healthvermont.gov/regs/index.aspx>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: David Englander

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT
05402

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: ahs.vdhrules@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

18 V.S.A. §§ 5000 and 5015(b)(1)(D) and 3 V.S.A. §801(b)(11).

8. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.
9. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
10. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
11. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
12. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
13. **CONCISE SUMMARY (150 WORDS OR LESS):**
This rule specifies the documents needed to obtain a birth or death certificate, the application process for a birth or death certificate, how to certify a birth or death certificate, the process for issuing birth or death certificates during a state of emergency or other disruption, the physical security requirements for the creation and storage of birth and death certificates, the character criteria for a child's name on a birth certificate, and the disposal process for original birth and death certificates.
14. **EXPLANATION OF WHY THE RULE IS NECESSARY:**
Act 46 (2017) requires the Department of Health to adopt rules regarding the specific requirements for obtaining, creating, storing and disposing of birth and death certificates in Vermont.
15. **LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**
Issuing agents (mainly Town Clerks) and individuals seeking a vital record.
16. **BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):**
There will be no economic impact as a result of this rule.
17. A HEARING WAS HELD.
18. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 3/30/2018

Time: 02:00 PM

Street Address: 108 Cherry Street, Burlington, VT Room 3B

Zip Code: 05401

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

19. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

5/7/2018

20. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

birth certificate

death certificate

vital record

town clerk

Run Spell Check

280 STATE DRIVE
WATERBURY, VERMONT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

AL GOBELLE, SECRETARY
MARTHA MAKSYM, DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Jim Condos, Secretary of State

FROM: Al Gobeille, Secretary, Agency of Human Services *ALG*

DATE: Friday, April 27th, 2018

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Interim Deputy Secretary of Human Services Clarence E. Davis as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3 V.S.A. § 801 et seq.

Cc: Clarence E. Davis

Administrative Procedures – Adopting Page

Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:
Vital Records Rule
2. ADOPTING AGENCY:
Department of Health
3. AGENCY REFERENCE NUMBER, IF ANY:
4. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):
 - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
 - **NEW RULE** - A rule that did not previously exist even under a different name.
 - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

5. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

Run Spell Check



State of Vermont
Agency of Administration
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-3320

Office of the Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: March 19, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Ashley Berliner, Diane Bothfeld, John Kessler and Steve Knudson

Members Absent: Clare O'Shaughnessy, Jen Duggan and Karen Songhurst

Minutes By: Melissa Mazza-Paquette

- 2:03 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the February 12, 2018 meeting.
 - Motion made to accept the minutes by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- No additions/deletions to agenda.
 - Motion made to accept agenda as is by John Kessler, seconded by Diane Bothfeld, and passed unanimously.
- No public comments made.
- Presentation of Proposed Rules on pages 2-4 to follow.
 1. Vital Records Rule, Agency of Human Services, Department of Health, page 2
 2. Inmate Procedure to Marry, Agency of Human Services, Department of Corrections, page 3
 3. VOSHA Rule: 29 CFR 1910.1024 Occupational Exposure to Beryllium in General Industry, Vermont Department of Labor, page 4
- Next scheduled meeting is April 9, 2018 at 2:00 p.m.
- Motion made to adjourn by Steve Knudson, seconded by Diane Bothfeld, and passed unanimously.
- 2.47 p.m. meeting adjourned.

Proposed Rule: Vital Records Rule, Agency of Human Services, Department of Health
Presented by: Shayla Livingston

Motion made to accept the rule by John Kessler, seconded by Diane Bothfeld, and passed unanimously except for Ashely Berliner who abstained, with the following four recommendations:

1. Proposed Rule Coversheet, page 3, #7, line 3: Remove the second 'to' so it reads "...how to certify a birth or death certificate...".
2. Proposed Rule Coversheet, page 3, #7, line 8: Add a description of "the criteria for a child's name on a birth certificate".
3. Signatory Authority for Purposes of Authorizing Administrative Rules Memorandum: Clearly state whose initials signed on behalf of Secretary Gobeille.
4. Vital Records Rule Text, 3.0 Definitions: Include "State Registrar".

Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Vital Records Rule

 _____, on 5.14.2018.
(signature) (date)

Printed Name and Title:

Clarence E. Davis

Interim Deputy Secretary, Agency of Human Services

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Vital Records Rule

2. ADOPTING AGENCY:

Department of Health

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Issuing agents (mainly Town Clerks) will have greater clarity in the management of vital records.

Individuals seeking a vital record will have greater clarity on how to do so.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

None.

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

None.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

None.

7. GREENHOUSE GAS IMPACT: *EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:*

A. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS

(e.g., "THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS" OR "LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE."):
None.

B. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., "THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT." OR "THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND/OR AGRICULTURAL LAND."):
None.

C. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., "THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS." OR "THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION."):
None.

D. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., "THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS." OR "AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A 'METHANE TO ENERGY PROJECT'."):
None.

E. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:
None.

Run Spell Check

Administrative Procedures – Public Input Statement

Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

1. TITLE OF RULE FILING:

Vital Records Rule

2. ADOPTING AGENCY:

Department of Health

3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Department received input from the Vermont State Archives and Records Administration. A public meeting was held. The rule was posted for public comment on the Department's website: <http://www.healthvermont.gov/about-us/laws-regulations/public-comment>

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Vermont State Archives and Records Administration

Town Clerks

Run Spell Check

Chapter 4 – Vital Records Rule

Subchapter 7 –

Vital Records Rule

1.0 Authority

This rule is adopted pursuant to 18 V.S.A. §§ 5000 and 5015(b)(1)(D).

2.0 Purpose

The purpose of this rule is to establish the specific requirements for obtaining, creating, storing and disposing of birth and death certificates in Vermont.

3.0 Definitions

3.1 “Alternate means of identification” means two documents that between them shall contain a current address and a signature of the applicant. Alternate documentation that are acceptable are:

3.1.1 Employment Identification Card with photo, accompanied by a pay stub or U.S. Internal Revenue W-2 form;

3.1.2 School, university, college identification card with photo, accompanied by a report card or other proof of current school enrollment;

3.1.3 U. S. Department of Corrections identification card, accompanied by probation documents or discharge papers;

3.1.4 Social Security/Medicare Card that contains the bearer’s signature;

3.1.5 Pilot’s License;

3.1.6 Car registration or title with current address;

3.1.7 U.S. Selective Service Card;

3.1.8 Voter’s Registration Card;

3.1.9 Filed Federal tax form that contains current address and signatures;

3.1.10 Bank statement or utility bill (gas, water, electric, sewer, phone) with current address; or

3.1.11 U.S. or state court documents with current address.

3.2 “Custodian” means any person or entity who maintains official copies of vital records for access and inspection by the public, or any lawful purpose, including the Department of Health, Vermont State Archives and Records Administration and town clerks.

- 3.3 “Eligible party” means the same as defined in 18 V.S.A. § 5016(b)(2)(A):
- 3.3.1 The registrant or his or her spouse, child, parent, sibling, grandparent, or guardian; a person petitioning to open a decedent's estate; a court-appointed executor or administrator; or the legal representative of any of these;
 - 3.3.2 A specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant's legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person's right; or
 - 3.3.3 In the case of a death certificate only, additionally to:
 - 3.3.3.1 the individual with authority for final disposition as provided in section 5227 of this title or a funeral home or crematorium acting on the individual's behalf;
 - 3.3.3.2 the Social Security Administration;
 - 3.3.3.3 the U.S. Department of Veterans Affairs; or
 - 3.3.3.4 the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries.
- 3.4 “Generational identifier” means JR, SR, or numerals to designate the number of generations. Generational identifiers may not take the form of commonly conferred academic honorifics such as, but not limited to: MD, JD, DO, Esq., BA, BS, MA, MS, or PhD, or other designations not commonly used as generational identifiers.
- 3.5 “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of vital records.
- 3.6 “Secure facility” means a building or room equipped with locks or other security devices that does not permit access during non-working or non-business hours.
- 3.7 “Valid government-issued identification means a document that shall contain an expiration date that has not passed, a photograph, a current address, a signature and a unique number or barcode such as a driver's license, or valid passport, assigned to the person. The following forms of government-issued identification are acceptable:
- 3.7.1 United States issued Driver's License or Identification card;
 - 3.7.2 United States Territories Driver's License or Identification Card;
 - 3.7.3 Tribal Identification Card that contains bearer's signature;
 - 3.7.4 U.S. Military Identification Card that contains bearer's signature;
 - 3.7.5 Passport issued by the United States, or by foreign country recognized by the United States government;
 - 3.7.6 Visa issued by the United States and that is included within a Passport and the bearer's signature is on the passport and not on the Visa;

3.7.7 U.S. Resident Alien Card, also known as the U.S. Green Card, also known as the U.S. Permanent Resident Card (Form I-551); or

3.7.8 U.S. Employment Authorization Document / Card (Form I-765).

4.0 Documents Needed to Obtain a Birth or Death Certificate

4.1 An applicant is required to provide a valid government-issued identification document or alternate means of identification and must be presented at time of signing the Vermont application for a certified copy of a birth or death certificate.

4.2 An applicant may establish their identity by providing a minimum of two alternate pieces of documentation. The Office of Vital Records may request additional evidence as necessary for the positive identification of the applicant.

5.0 Applications for Certified Copies of Birth and Death Certificates

5.1 The Vermont application for a certified copy of birth or death certificate must be submitted by an eligible party to:

5.1.1 the Vermont Office of Vital Records;

5.1.2 the Vermont State Archives and Records Administration;

5.1.3 a statutorily authorized issuing agent, such as town clerk's office; or

5.1.4 a contractor of the State of Vermont that is providing application processing services on behalf of the Vermont Office of Vital Records.

6.0 Certification of Birth and Death Certificates by Town Clerks and Their Designees

6.1 Town clerks and their designees shall certify a birth or death certificate copy using one of the following methods:

6.1.1 Use of a town seal that does not include the town clerk's name, and ensures all documents are signed by either the town clerk, assistant town clerk, or another designated assistant clerk pursuant to state statute; or

6.1.2 Use of a town seal that includes the town clerk's name, and ensures all documents using that seal are signed by the town clerk whose name is on the seal.

7.0 Issuance of Certified Copies of Births and Deaths During a Declared State of Emergency or Other Disruption

7.1 The State Registrar may temporarily suspend the requirement for issuing agents to utilize the statewide registration system for the issuance of certified copies of birth and death certificates. The reasons for a temporary suspension are limited to:

7.1.1 A declared state of emergency that covers the State of Vermont when the period has exceeded 48 hours;

7.1.2 A technical event with the statewide registration system that results in the system being inaccessible to issuing agents for a period that exceeds 48 hours.

- 7.2 During a period in which a temporary suspension has been issued, the State Registrar shall provide instruction to the issuing agents for the methods to be used to issue and track all certified copies, and for later recording in the statewide registration system when service has been restored.

8.0 Physical Security Requirements for Creation and Storage of Birth and Death Certificates

- 8.1 Activities to support the creation, storage and issuance of certified copies of Vermont birth and death certificates shall occur in secure, government-operated buildings. The area of the building that houses the Vermont birth and death certificates, and materials utilized to create, modify or access the certificates, and the computers used to access the statewide registration system, shall meet the following requirements:
- 8.1.1 Contains appropriate sensor, warning systems, or controls in place to monitor for fire, smoke or other emergencies;
 - 8.1.2 Contains a fire suppression method, which may be dry- or wet-suppression, and/or fire extinguishers;
 - 8.1.3 Is a secure facility;
 - 8.1.4 Employee work space is separated from the public, such as by service counter, service window, locked door, or other physical barrier;
 - 8.1.5 Non-employees, such as, but not limited to, visitors, vendors, delivery personnel, and cleaning staff, must identify themselves to the town clerk or their designee, and request access to the space that contains the birth and death certificate materials, the certificates themselves, and/or the computers used to access the statewide registration system, providing a valid and reasonable reason for such access. These non-employees shall be escorted to the designated area. If cleaning is done during nonworking hours, only preapproved cleaning personnel shall be permitted access to the space that contains the birth and death certificate materials, the certificates themselves, and/or the computers used to access the statewide registration system;
 - 8.1.6 All materials used for certification of the birth and death certificates, such as, but not limited to, equipment (computers, printers, town seal), security paper, and any other documents or confidential files/records, shall be locked in a secure area or cabinets accessible only to the town clerk and their designees;
 - 8.1.7 Visitors shall be accompanied when such visitors may have access to the materials used for certification of birth and death certificates, or access to the statewide registration system.
- 8.2 If an existing government-operated building does not have a fireproof safe or vault as specified in 18 V.S.A. § 5001(b), the town clerk shall ensure that these rules are complied with and confirm in writing to the State Registrar that all reasonable precautions and safeguards have been implemented to protect the birth

and death certificate materials, the birth and death certificates, and the computer used to access the statewide registration system.

8.3 The public shall be allowed access to view or inspect birth and death certificates stored at issuing agent's offices during the standard business hours of the office. Issuing agents may implement reasonable precautions to protect the certificates from potential harm or theft, such as, but not limited to:

8.3.1 Monitoring visitors;

8.3.2 Requiring visitors to view/inspect certificates at a designated table or office;

8.3.3 Retrieving only the birth and death certificates requested by the visitor rather than providing unlimited access to all certificates;

8.3.4 Requiring visitors to sign in and out when requesting access to birth and death certificates; and/or

8.3.5 Requiring visitors to show the contents of any bags, briefcases or other storage methods prior to departing the office.

9.0 Criteria for Acceptance of Child's Name on Birth Certificates

9.1 In order to be valid, names on birth certificates shall:

9.1.1 Not contain pictographs or ideographs or writing that is not part of the standard twenty-six letter English alphabet;

9.1.2 Not contain symbols other than:

9.1.2.1 Numerals used for generational identifiers;

9.1.2.2 Common punctuation such as hyphens for hyphenated names, apostrophes used as part of a given name or surname, and periods in generational identifiers or when an initial or abbreviation is used as part of a name; or

9.1.2.3 Special characters that are commonly used, such as accent marks and entildes.

9.1.3 Not exceed a total of 50 characters in length for each of First, Middle, and Last Name. The count of maximum allowable characters shall include hyphens, apostrophes, and periods when used as part of the name.

9.1.4 Contain a last name.

9.1.5 Contain up to only one generational identifier after the last name.

10.0 Disposal of Original Birth and Death Certificates

10.1 Pursuant to 18 V.S.A. § 5075(e) and 18 V.S.A. § 5202(a)(e), "replace and dispose" shall include the following:

10.1.1 The custodian of the birth or death certificate confirms they have accurately identified the certificate that is to be removed; and

- 10.1.1.1 The custodian shreds the certificate using a paper shredder that is in the office of the issuing agent, or places the certificate in a storage container that is used solely for the collection of off-site shredding by a contractor; or
- 10.1.1.2 The certificate is placed into a recycling container that will be collected by an off-site shredding contractor within 24 hours of the certificate's disposal.

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 18 : Health****Chapter 101 : Vital Records Generally**

(Cite as: **18 V.S.A. § 5000**)

[Section 5000 effective July 1, 2018, except 5000(e)(8) and (f) effective May 22, 2017.]

§ 5000. State Registrar; duties; authority; Statewide Registration System; issuing agents

(a) The Commissioner shall designate a member of the Department as the State Registrar. The State Registrar shall head the Office of Vital Records and shall provide consultation to town clerks, hospital personnel, licensed health care professionals, midwives, funeral directors, clergy, probate judges, and all other persons involved in vital records for the purpose of promoting uniformity of procedures in order to promote the complete, accurate, timely, and lawful creation, registration, processing, modification, and disclosure of vital records.

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

(c)(1) The State Registrar shall operate the Statewide Registration System, which shall be the sole official repository of data from birth and death certificates registered on or after January 1, 1909. However, nothing in this part shall be construed to preclude town clerks or other issuing agents from printing from the System and maintaining for public inspection noncertified copies of birth and death certificates. The State Registrar shall create and maintain an index which, at a minimum, will enable the public to search contents of the System by the name of the registrant and by the date of the vital event.

(2) On and after July 1, 2018:

(A) upon registration of a birth or death in the Statewide Registration System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant;

(B) upon the correction or amendment of a birth or death certificate registered in the System, or upon issuance of a new birth certificate to replace a birth certificate registered in the System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant.

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

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

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

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

(4) The State Registrar shall investigate and attempt to resolve any known discrepancy between the contents of a vital event certificate in the custody of the State Registrar and a vital event certificate maintained in the office of a town clerk. In addition, the State Registrar shall have the authority to change the contents of a birth or death certificate in the System in order to address a known error or to conform the certificate to the requirements of a court order. The State Registrar shall record and maintain in the System the nature and content of a change made in the System, the identity of the person making the change, and the date of the change.

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

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

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

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

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

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

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

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

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

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

(7) prescribe:

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

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

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

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

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

(8) adopt rules governing:

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

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

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

(f) The State Registrar may adopt rules as may be necessary to carry out his or her duties under this part. (Added 1979, No. 142 (Adj. Sess.), § 23; amended 2017, No. 46, § 2, eff. July 1, 2018 and § 3, eff. May 22, 2017 and July 1, 2018.)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 18 : Health

Chapter 101 : Vital Records Generally

(Cite as: 18 V.S.A. § 5015)

[Section 5015 effective until July 1, 2018; see also section 5015 effective July 1, 2018 set out below.]

§ 5015. Statistics by head of family becoming resident

The head of a family who moves into and becomes a permanent resident of this State may cause to be recorded in the office of the clerk of the town where he or she resides, or if he or she resides in an unorganized town or gore, in the office of the clerk of the county wherein he or she resides, a certificate of his or her marriage embracing the statistics required by law, and may also cause to be recorded the birth of any of his or her children born without the State, with the statistics relating to such birth required by law, and shall make oath to the correctness of such statistics. Such record shall not be returned to the Commissioner.

[Section 5015 effective July 1, 2018; see also section 5015 effective until July 1, 2018 set out above.]

§ 5015. Repealed. 2017, No. 46, § 16, effective July 1, 2018.

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 3 : Executive****Chapter 025 : Administrative Procedure**

(Cite as: 3 V.S.A. § 801)

§ 801. Short title and definitions

(a) This chapter may be cited as the "Vermont Administrative Procedure Act."

(b) As used in this chapter:

(1) "Agency" means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) "Contested case" means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) "Practice" means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, which is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) "Procedure" means a practice which has been adopted in the manner provided in section 835 of this title, either at the election of the agency or as the result of a request under subsection 831(b) of this title.

(9) "Rule" means each agency statement of general applicability which implements, interprets, or prescribes law or policy and which has been adopted in the manner provided by sections 836-844 of this title.

(10) "Incorporation by reference" means the use of language in the text of a regulation which expressly refers to a document other than the regulation itself.

(11) "Adopting authority" means, for agencies which are attached to the Agencies of Administration, of Development and Community Affairs, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time employees. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: May 04, 2018

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

Rule Number:	18P010
Title:	Vital Records Rule.
Type:	Standard
Status:	Proposed
Agency:	Department of Health, Agency of Human Services
Legal Authority:	18 V.S.A. §§ 5000 and 5015(b)(1)(D) and 3 V.S.A. § 801(b)(11)
Summary:	This rule specifies the documents needed to obtain a birth or death certificate, the application process for a birth or death certificate, how to certify a birth or death certificate, the process for issuing birth or death certificates during a state of emergency or other disruption, the

physical security requirements for the creation and storage of birth and death certificates, the character criteria for a child's name on a birth certificate, and the disposal process for original birth and death certificates.

Persons Affected: Issuing agents (mainly Town Clerks) and individuals seeking a vital record.
Economic Impact: There will be no economic impact as a result of this rule.
Posting date: Mar 28,2018

Hearing Information

Information for Hearing # 1

Hearing date: 04-27-2018 1:00 PM
Location: Vermont Department of Health VT Room 3B
Address: 108 Cherry Street
City: Burlington
State: VT
Zip: 05401
Hearing Notes:

Contact Information

Information for Contact # 1

Level: Primary
Name: Shayla Livingston
Agency: Department of Health, Agency of Human Services
Address: 108 Cherry Street
City: Burlington
State: VT
Zip: 05402
Telephone: 802-863-7312
Fax: 802-951-1275
Email: ahs.vdhrules@vermont.gov
Website Address: <http://healthvermont.gov/regs/index.aspx>

Information for Contact # 2

Level: Secondary
Name: David Englander
Agency:

Department of Health, Agency of Human Services

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Keyword Information

Keywords:

birth certificate
death certificate
vital record
town clerk



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The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: Louise Corliss, APA Clerk

Date of Fax: March 29, 2018

RE: The "Proposed State Rules " ad copy to run on

April 5, 2018

PAGES INCLUDING THIS COVER MEMO:

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***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact Louise Corliss at 802-828-2863, or E-Mail louise.corliss@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Vital Records Rule.

Vermont Proposed Rule: 18P010

AGENCY: Agency of Human Services, Department of Health

CONCISE SUMMARY: This rule specifies the documents needed to obtain a birth or death certificate, the application process for a birth or death certificate, how to certify a birth or death certificate, the process for issuing birth or death certificates during a state of emergency or other disruption, the physical security requirements for the creation and storage of birth and death certificates, the character criteria for a child's name on a birth certificate, and the disposal process for original birth and death certificates.

FOR FURTHER INFORMATION, CONTACT: Shayla Livingston, Vermont Department of Health 108 Cherry Street, Burlington, VT 05402 Tel: 802-863-7312 Fax: 802-951-1275 Email: ahs.vdhrules@vermont.gov. URL: <http://healthvermont.gov/regs/index.aspx>.

FOR COPIES: David Englander, Vermont Department of Health 108 Cherry Street, Burlington, VT 05402 Tel: 802-863-7280 Fax: 802-951-1275 Email: ahs.vdhrules@vermont.gov.

Inmate Procedure to Marry.

Vermont Proposed Rule: 18P011

AGENCY: Agency of Human Services, Department of Corrections

CONCISE SUMMARY: This Rule would amend the current APA Rule which outlines the responsibilities of the Department of Corrections (DOC) and the inmate when an inmate submits a request to get married while incarcerated. This Rule amendment would reflect changes in Vermont and federal marriage laws, and update the process for DOC to review all requests to ensure legitimate safety and security concerns are met while affording inmates the ability to exercise the fundamental right to marry.

FOR FURTHER INFORMATION, CONTACT: Matt Nault, Agency of Human Services - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000 Tel: 802-241-0068 Fax: 802-241-0020 Email: matthew.nault@vermont.gov URL: <http://corrections.vermont.gov/about/policies>.

FOR COPIES: Gabrielle Tamasi, Agency of Human Services - Department of Corrections 280 State Drive, Waterbury, VT 05671-2000, Tel: 802-798-2555 Fax: 802-241-0020 Email: gabrielle.tamasi@vermont.gov.