

H.111 As Passed the House

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

I. Bill Structure

- Secs. 1–18: General provisions related to vital records
- Secs. 19: Divorce and dissolution
- Secs. 20–38: Birth records
- Secs. 39–46: Marriage records
- Secs. 47–55: Death-related records
- Secs. 56–62: Conforming changes
- Sec. 63: Effective dates

II. High-level bill summary

The bill proposes to:

- 1) Require the State Registrar of Vital Records (State Registrar) to operate a Statewide Registration System, which as of July 1, 2018 will be the sole official repository of data from birth and death certificates registered on or after January 1, 1909.
- 2) As of July 1, 2018, eliminate the role of town clerks in registering birth and death certificates and designate the State Registrar as the entity responsible for registering birth and death certificates in the Statewide Registration System.
 - Towns will continue to issue marriage licenses and register marriage certificates.
 - Towns will continue to be required to maintain in town offices original birth and death certificates registered prior to 7/1/18. Such originals will be replaced in cases of a correction, completion, amendment, or replacement of a certificate in the System.
- 3) Provide that only town clerks (unless they opt out) and duly authorized representatives of the State Registrar (collectively, “issuing agents”) are authorized to issue certified and noncertified copies of birth and death certificates registered on or after 7/1/18, and certified copies of birth and death certificates registered prior to 7/1/18, and that such copies may only be issued from the Statewide Registration System, unless an exception applies.
- 4) Direct the State Registrar to operate a Vital Records Alert System in order to track and prevent fraud; direct the State Registrar to match birth and death records; and confer rulemaking and other authority on the State Registrar.

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

- 5) Limit the issuance of certified copies of birth and death certificates to specific persons.
- 6) Require that all requests for a certified copy of a birth or death certificate be made upon application accompanied by a reliable type of identification, and that the State Registrar and issuing agents record such applications in a central database maintained by the State Registrar.
- 7) Transfer responsibilities from the Probate Division to the State Registrar for initial applications to:
 - a. Amend birth and death certificates.
 - b. Issue new birth certificates in the event of a change of sex or due to formerly nongender-neutral nomenclature for parents on reports of birth.
 - c. Issue a delayed birth certificate.
- 8) Authorize the Commissioner of Health to impose administrative penalties for violations of vital records laws.