



1. TITLE OF RULE FILING:

**Vital Records Rule**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

21P-037

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: David Englander

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT 05402

Telephone: 802 863 - 7312 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: Natalie Weill

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT 05401

Telephone: 802 863 - 7312 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).*

Final Proposed Coversheet

18 V.S.A §§ 5000 (e) (8) and (f), and 3 V.S.A § 801(b) (11).

**EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

18 V.S.A. § 5000 (e) (8) states: "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.

8. 18 V.S.A. § 5000 (f) states: "The State Registrar [appointed to lead the Office of Vital Records] may adopt rules as may be necessary to carry out his or her duties under this part."

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. **CONCISE SUMMARY (150 WORDS OR LESS):**

This rulemaking does the following:

## Final Proposed Coversheet

- 1) Ensure that certified copies of birth or death certificates are available to employees of a public agency as defined by 1 V.S.A §317 as part of their official duties (within their scope of employment), and to registrants' grandchildren. 2)Amends definitions for clarity and to reflect current usages.
- 3)Removes the section on the disposal of records to ensure consistency with Act 15 (2021).
- 4)Amends the list of documents that fall under the category, "alternate means" of identification to include additional documents to increase accessibility.

### 15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The passage of Act 15 in 2021 amended 18 V.S.A § 5016 by expanding the list of eligible parties who may be issued and may request certified copies of vital records. The Act also removed the requirement to dispose of records. The Department is amending the rule to ensure consistency with statute. Amendments made to definitions include changing gendered-pronouns to non-gendered pronouns to include people that fall outside of this binary. Amendments to definitions also include changing the term "homeless person" to "person experiencing homelessness" to follow modern usages. Additional documents will now be acceptable means of identification to increase accessibility.

### 16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

Act 15 passed in 2021 amending the list of eligible parties permitted to request certified vital records to include grandchildren of registrants and employees of a public agency when they are conducting activities as part of their official professional duties. This rulemaking will ensure consistency with the law, update the rule to include modern definitions, and add additional acceptable alternative means of identification.

### 17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

All state agencies, and departments  
Town Clerks  
Eligible party members

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

There is an overall economic benefit to the proposed rule changes. Small efficiencies are gained through the proposed rule changes, however they are unquantifiable.

19. A HEARING WAS HELD.

20. 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: 1/12/2022

Time: 11:00 AM

Street Address: 108 Cherry St. Burlington, Conference Rm 2A

Zip Code: 05401

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

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

1/19/2022

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

Birth certificates

Death certificates

Vital records





**VERMONT**  
**DEPARTMENT OF HEALTH**

**To:** Senator Mark McDonald, Chair of the Legislative Committee on Administrative Rules

**From:** Natalie Weill, Public Health Policy Advisor for Vermont Department of Health

**Re:** Vital Records Rule

**Date:** February 24, 2022

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***Following the filing of the rule for public comment, the Health Department made the following changes to the proposed rule:***

1. The term “registrant” was removed from the following sections in order to improve the clarity of these provisions: Sections 3.3, 3.4, 3.6.2, 4.1, 4.2, and 4.3.
2. Section 2.0 has been amended to reflect consistency with Act 15 (2021) on the disposal of records. Accordingly, Section 2.0 states:

“The purpose of this rule is to establish the specific requirements for obtaining, creating, and storing ~~and disposing of~~ birth and death certificates in Vermont.”
3. The definition in Section 3.3 has been amended to indicate that the affidavit of homeless status can be found on the Department’s website.

# Administrative Procedures – Adopting Page

## **Instructions:**

This form must accompany each filing made during the rulemaking process:

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.

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### 1. TITLE OF RULE FILING:

**Vital Records Rule**

### 2. ADOPTING AGENCY:

Department of Health

### 3. 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 **AN AMENDMENT OF AN EXISTING RULE** .

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

Vital Records Rule; January 1, 2020 Secretary of State  
Rule Log #19-069



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** November 15, 2021, Virtual Option: Via Microsoft Teams with physical location option available in the Pavilion Building, 109 State Street, 5th Floor, Montpelier, VT 05609.

**Members Present:** Diane Bothfeld – acting as Chair, Jennifer Mojo, John Kessler, Diane Sherman, Clare O’Shaughnessy and Michael Obuchowski

**Members Absent:** Chair Kristin Clouser and Dirk Anderson

**Minutes By:** Melissa Mazza-Paquette

- 3:00 p.m. meeting called to order, welcome and introductions.
- Note that Ashley Berliner resigned as a member of ICAR due to her primary job responsibilities.
- Review and approval of minutes from the October 11, 2021 meeting.
- Agenda approved as drafted with the addition of committee discussion of administrative rules in other states.
- Note the Reportable and Communicable Diseases Emergency Rule by the Agency of Human Services, Department of Health was supported by ICAR Chair Clouser on 10-29-21.
  - The purpose of this rule is to protect the public health through the reporting of communicable diseases and other diseases dangerous to public health. Through this rulemaking, the Department adds COVID-19 to the list of reportable diseases, clarifies how diseases are to be reported to the Department and by whom, and requires demographic information be reported to the Department. The Department anticipates initiating formal rulemaking soon, which will include the proposed changes to this emergency rule.
- No public comments made.
- Presentation of the Vital Records Rule, Agency of Human Services, Department of Health (see page 2 for details).
- Next scheduled meeting is December 15, 2021 at 1:00 p.m.
- Committee discussion of administrative rules in other states.
  - Documents from other states will be distributed to ICAR members for review to see if there are ways to be more efficient in Vermont. Committee will discuss at a future ICAR meeting as time allows.
- 3:31 p.m. meeting adjourned.

**Proposed Rule: Vital Records Rule, Agency of Human Services, Department of Health**  
**Presented By: David Englander**

Motion made to accept the rule by John Kessler, seconded by Diane Sherman, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, #7: Include more detail in regard to 'State Registrar' and 'duties'.
2. Proposed Rule Coversheet: Consider using another word for 'practices'.
3. Proposed Rule Coversheet, #9: Omit unnecessary words.
4. Proposed Rule Coversheet, #12: Include reasoning.
5. Economic Impact Analysis, #3: 'Applicant' should be plural.
6. Economic Impact Analysis, #9: Clarify what is meant by 'the will'.
7. Throughout the forms: Clarify reference to 'applicants' grandchildren' to be consistent with the proposed rule.

DRAFT

# Administrative Procedures – Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 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:*

State of Vermont: This will allow the State of Vermont employees to more efficiently obtain vital records when conducting official business.

Eligible party members: This will allow the grandchildren of registrants to obtain vital records, and will allow all applicants more options for acceptable forms of identification.

Economic Impact Analysis

4. IMPACT ON SCHOOLS:

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

None .

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

None .

6. IMPACT ON SMALL BUSINESSES:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

None .

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

None .

8. COMPARISON:

*COMPARE THE 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:*

Not enacting these changes would make the rule inconsistent with the law.

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

This rule is being implemented consistent with the direction of the General Assembly.

# Administrative Procedures – Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 1. TITLE OF RULE FILING:

**Vital Records Rule**

### 2. ADOPTING AGENCY:

Department of Health

### 3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None .

### 4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None .

### 5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None .

### 6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

None .

### 7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

None .

Environmental Impact Analysis

8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

None .

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

There is no impact.

# Administrative Procedures – Public Input

## **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**Vital Records Rule**

2. ADOPTING AGENCY:

Department of Health

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

A public hearing was held.

The rule is posted on the Department of Health website:  
<https://www.healthvermont.gov/about-us/laws-regulations/public-comment>

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

Prior to filing the proposed rule the Department engaged with the Vermont Municipal Clerk's & Treasurers' Association for input. A public meeting was held on 01/12/2022. The Rule has been posted for public comment on the Department's website:  
<http://www.healthvermont.gov/about-us/laws-regulations/public-comment>. Hard copies are available by contacting the Department at 802-863-7280.

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

Vermont Municipal Clerk's & Treasurers' Association

Public Comment Responsiveness Summary  
Vital Records Rule  
February 24, 2022

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The Department of Health (Department) held a public hearing on January 12, 2022, in Burlington, Vermont, for the proposed Vital Records Rule. Written comments were accepted through January 19, 2022. The following is a summary of comments received from the public and the Department's responses. All comments were submitted in writing.

- 1. Comment:** One commenter asked if the process to obtain one's own vital record could be amended to make it easier for an individual to obtain these documents in instances where they may not have access to the required identification documents (e.g. because their wallet was lost/stolen) and who are unable to have an eligible party request the records on their behalf.

**Response:** The Department must balance accessibility to the records while reducing the risk of fraud through illegitimate access. The proposed rule's requirements for identity verification appropriately strikes that balance. The Department regularly works with individuals to help address issues like the one described.

- 2. Comment:** One commenter asked for clarification regarding the alternate means of identification requirements for "applicants" and "registrants"

**Response:** The Department has updated the rule to clarify the requirements regarding alternative means of identification. Accordingly, the terms "applicant" and "registrant" have been defined.

RE: Vital Records Rule public comment period

Carol Dawes <cdawes@barrecity.org>

Tue 1/18/2022 12:02 PM

To: Weill, Natalie <Natalie.Weill@vermont.gov>

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hey Natalie,

I have one question with regards to the Vital Records Rule:

- Under Definitions, new item 3.4 "Alternate means of identification" has been amended by changing it to "registrant or the applicant". I'm interpreting that to mean we can accept alternate means of ID from either, so we could get one form of alternate ID from the registrant and one from the applicant.

Am I interpreting that correctly? Or is it required that both forms of alternate ID come from one of them?

Thanks,

Carol

Carolyn S. Dawes CVC CVT  
Barre City Clerk/Treasurer  
6 N. Main St., Suite 6  
PO Box 418  
Barre VT  
(802) 476-0242  
[www.barrecity.org](http://www.barrecity.org)

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From: Weill, Natalie [mailto:Natalie.Weill@vermont.gov]  
Sent: Thursday, January 13, 2022 4:21 PM  
To: Carol Dawes <cdawes@barrecity.org>  
Subject: Vital Records Rule public comment period

Hello Carol:

My name is Natalie Weill and I am a policy advisor with the Vermont Department of Health, we spoke back in the late summer, early fall on the Vital Records Rule. I'm reaching out to let you know the Vital Records Rule is open for public comment, and will close on 1/19/22. Thank you very much for the work you have contributed.

The link to the proposed rule is here: <https://www.healthvermont.gov/about-us/laws-regulations/public-comment>.

Best,  
Natalie

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**Natalie Weill RN, MPA** | [she/her](#)  
Public Health Policy Advisor | Department of Health  
Office of the Commissioner

vital records access: assistance for individuals with lost or stolen wallets

SHELDON, ANITA <a.sheldon@manchester-vt.gov>

Wed 1/19/2022 8:31 AM

To: Weill, Natalie <Natalie.Weill@vermont.gov>

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning Natalie,

I write to you regarding vital record access which is nearly impossible for some individuals after having a wallet lost or stolen. I respectfully request vital records review a similar scenario, hopefully making it a bit easier for an individual in a similar situation to obtain his or her birth certificate.

We had a gentleman come into the office who now resides in a town in New York. His wallet was stolen and he was unable to have a parent come into the office. We are hopeful that his estranged sister will be willing to help him obtain a copy of his birth certificate, but it does create a challenge for some families with difficult family dynamics.

Thank you for your consideration.

Best,

Anita L. Sheldon

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Anita L. Sheldon, CMC/CVC  
Manchester Town Clerk

40 Jeff Williams Way / PO Box 830  
Manchester Center, Vermont 05255  
(802) 362 1313 Option 1  
[a.sheldon@manchester-vt.gov](mailto:a.sheldon@manchester-vt.gov)

The land record index may be viewed online from November 2004 forward  
at [recordhub.cottsystems.com](http://recordhub.cottsystems.com)

Office Hours:

Monday - Friday 8:00am - 4:30pm

**PLEASE NOTE: The Town of Manchester does not bear any responsibility or liability for missing or incorrect information or documents. Documents are provided as a courtesy due to current circumstances.**

Chapter 4— Health Surveillance

Subchapter 7 – Vital Records

**Vital Records Rule**

**1.0 Authority**

This rule is adopted pursuant to 18 V.S.A. § 5000 (e)(8) and (f).

**2.0 Purpose**

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

**3.0 Definitions**

3.03.1 “Registrant” means the person whom the vital record identifies.

3.2 “Applicant” means an eligible party seeking to obtain the vital records of a registrant.

3.13.3 “Affidavit of Homeless Status” means the form published by the Department that can be used to verify an individual’s status as a person experiencing homelessness for the purposes of obtaining a certified birth certificate. The affidavit must be signed by both the applicant and the homeless services provider. The affidavit is available on the Department’s website.

3.23.4 “Alternate means of identification” means two documents (exempting 3.2.12 and 3.2.13 when only one form of identification is needed) that between them shall contain a current address and a signature of the applicant. Alternate acceptable documents are:

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

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

3.2.33.4.3 Federal or state identification issued by departments, bureaus, or agencies of corrections or prisons,

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

3.2.53.4.5 Pilot’s License;

3.2.63.4.6 Car registration or title with current address;

~~3.2.73.4.7~~ U.S. Selective Service Card;

~~3.2.83.4.8~~ Voter Registration Card;

~~3.2.93.4.9~~ Filed Federal tax form that contains current address and signatures;

~~3.2.103.4.10~~ Bank statement, property or utility bill (e.g. gas, water, electric, sewer, phone) with current address;

~~3.2.113.4.11~~ U.S. or state court documents with current address;

~~3.2.123.4.12~~ Documentation provided by the Vermont Department of Corrections substantiating the identity of the eligible person; or

~~3.2.133.4.13~~ A valid State of Vermont Employee identification when the application for a birth and/or death certificate is a bona fide request made within the scope of employment with the State; or

~~3.4.14~~ First class mail with name and current address; or

~~3.2.143.4.15~~ A receipt from a licensed healthcare provider with name and a current address.

~~3.2.15~~

~~3.2.16~~

~~3.33.5~~ “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.

~~3.43.6~~ “Eligible party” means the same as defined in 18 V.S.A. § 5016(b)(2):

~~3.4.43.6.1~~ The registrant; or ~~their his or her~~ spouse, child, grandchild, 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;

~~3.4.23.6.2~~ 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

~~3.4.33.6.3~~ An employee of a public agency authorized by the State Registrar as defined in 1 V.S.A § 317; or

~~3.4.43.6.4~~ In the case of a death certificate only, additionally to:

~~3.4.4.13.6.4.1~~ the individual with authority for final disposition as provided 18 V.S.A. § 5227, or a funeral home or crematorium acting on the individual's behalf;

~~3.4.4.23.6.4.2~~ the Social Security Administration;

~~3.4.4.33.6.4.3~~ the U.S. Department of Veterans Affairs; or

~~3.4.4.43.6.4.4~~ the deceased's insurance carrier, if such carrier provides

benefits to the decedent's survivors or beneficiaries.

3.53.7 “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.

3.63.8 “Person experiencing homelessness” and “Homeless,” “homeless individual,” and “homeless person,” mean the same as defined by the definition found in 42 USC § 11302 for a “homeless individual”.

3.73.9 “Homeless services provider” means:

3.7.13.9.1 A governmental or nonprofit agency receiving federal, state, or municipal funding to provide services to a person experiencing homelessness “homeless person” or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.

3.7.23.9.2 An attorney licensed to practice law in Vermont and who is representing a client for whom the request for a certified birth certificate is being made.

3.7.33.9.3 A local educational agency liaison for homeless children and youth, or a school social worker.

3.7.43.9.4 A human services provider or public social services provider funded by the State of Vermont to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, public assistance, or employment services.

3.83.10 “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of vital records.

3.93.11 “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.

3.103.12 “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:

3.10.13.12.1 United States issued Driver’s License or Identification card;

3.10.23.12.2 United States Territories Driver’s License or Identification Card;

3.10.33.12.3 Tribal Identification Card that contains the bearer’s signature;

3.10.43.12.4 U.S. Military Identification Card that contains the bearer’s signature;

3.10.53.12.5 Passport issued by the United States, or by a foreign country recognized by the United States government;

3.10.63.12.6 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;  
~~3.10.73.12.7~~ U.S. Resident Alien Card, also known as the U.S. Green Card or the U.S. Permanent Resident Card (Form I-551); or  
~~3.10.83.12.8~~ U.S. Employment Authorization Document / Card (Form I-765 or successor form).

#### **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 present the identification 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 means of identification (exempting 3.2.12 and 3.2.13 when only one form of identification is needed). The Office of Vital Records may request additional evidence as necessary for the positive identification of the applicant.
- 4.3** A person experiencing homelessness~~homeless individual~~ may establish their identity necessary to be eligible to receive a certified birth certificate by providing a completed Affidavit of Homeless Status. The Affidavit must be signed by the applicant and the homeless services provider. The Office of Vital Records may request additional documentation 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/ workspace 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 tildes.

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 no more than one generational identifier after the last name.

~~10.0 Disposal of Original Birth and Death Certificates~~

~~10.1 Pursuant to 18 V.S.A. § 5073(d), 18 V.S.A. § 5075(e) and 18 V.S.A. § 5202(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.~~

DRAFT

**Vital Records Rule**

**1.0 Authority**

This rule is adopted pursuant to 18 V.S.A. § 5000 (e)(8) and (f).

**2.0 Purpose**

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

**3.0 Definitions**

3.1 “Registrant” means the person whom the vital record identifies.

3.2 “Applicant” means an eligible party seeking to obtain the vital records of a registrant.

3.3 “Affidavit of Homeless Status” means the form published by the Department that can be used to verify an individual’s status as a person experiencing homelessness for the purposes of obtaining a certified birth certificate. The affidavit must be signed by both the applicant and the homeless services provider. The affidavit is available on the Department’s website.

3.4 “Alternate means of identification” means two documents (exempting 3.2.12 and 3.2.13 when only one form of identification is needed) that between them shall contain a current address and a signature of the applicant. Alternate acceptable documents are:

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

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

3.4.3 Federal or state identification issued by departments, bureaus, or agencies of corrections or prisons,

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

3.4.5 Pilot’s License;

3.4.6 Car registration or title with current address;

3.4.7 U.S. Selective Service Card;

- 3.4.8 Voter Registration Card;
  - 3.4.9 Filed Federal tax form that contains current address and signatures;
  - 3.4.10 Bank statement, property or utility bill (e.g. gas, water, electric, sewer, phone) with current address;
  - 3.4.11 U.S. or state court documents with current address;
  - 3.4.12 Documentation provided by the Vermont Department of Corrections substantiating the identity of the eligible person;
  - 3.4.13 A valid State of Vermont Employee identification when the application for a birth and/or death certificate is a bona fide request made within the scope of employment with the State;
  - 3.4.14 First class mail with name and current address; or
  - 3.4.15 A receipt from a licensed healthcare provider with name and current address.
- 3.5** “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.
- 3.6** “Eligible party” means the same as defined in 18 V.S.A. § 5016(b)(2):
- 3.6.1 The registrant; or their spouse, child, grandchild, 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;
  - 3.6.2 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;
  - 3.6.3 An employee of a public agency authorized by the State Registrar as defined in 1 V.S.A § 317; or
  - 3.6.4 In the case of a death certificate only, additionally to:
    - 3.6.4.1 the individual with authority for final disposition as provided 18 V.S.A. § 5227, or a funeral home or crematorium acting on the individual's behalf;
    - 3.6.4.2 the Social Security Administration;
    - 3.6.4.3 the U.S. Department of Veterans Affairs; or
    - 3.6.4.4 the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries.
- 3.7** “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.

- 3.8** “Person experiencing homelessness” and “Homeless,” mean the same as the definition found in 42 USC § 11302 for a “homeless individual”.
- 3.9** “Homeless services provider” means:
- 3.9.1 A governmental or nonprofit agency receiving federal, state, or municipal funding to provide services to a person experiencing homelessness or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
  - 3.9.2 An attorney licensed to practice law in Vermont and who is representing a client for whom the request for a certified birth certificate is being made.
  - 3.9.3 A local educational agency liaison for homeless children and youth, or a school social worker.
  - 3.9.4 A human services provider or public social services provider funded by the State of Vermont to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, public assistance, or employment services.
- 3.10** “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of vital records.
- 3.11** “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.
- 3.12** “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:
- 3.12.1 United States issued Driver’s License or Identification card;
  - 3.12.2 United States Territories Driver’s License or Identification Card;
  - 3.12.3 Tribal Identification Card that contains the bearer’s signature;
  - 3.12.4 U.S. Military Identification Card that contains the bearer’s signature;
  - 3.12.5 Passport issued by the United States, or by a foreign country recognized by the United States government;
  - 3.12.6 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;
  - 3.12.7 U.S. Resident Alien Card, also known as the U.S. Green Card or the U.S. Permanent Resident Card (Form I-551); or
  - 3.12.8 U.S. Employment Authorization Document / Card (Form I-765 or successor form).

#### **4.0 Documents Needed to Obtain a Birth or Death Certificate**

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  - 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.

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system being inaccessible to issuing agents for a period that exceeds 48 hours.

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- 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 workspace 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
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**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 tildes.
- 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 no more than one generational identifier after the last name.

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 3 : Executive

### Chapter 025 : Administrative Procedure

#### Subchapter 001 : General Provisions

(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, that 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 that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that 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 that expressly refers to a document other than the regulation itself.

(11) "Adopting authority" means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, 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.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (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; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 18 : Health

### Chapter 101 : Vital Records Generally

(Cite as: 18 V.S.A. § 5000)

#### **§ 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, 2019:

(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, 2019 and § 3, eff. May 22, 2017 and July 1, 2019.)



# Proposed Rules Postings

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### Deadline For Public Comment

Deadline: Jan 19, 2022

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

### Rule Details

Rule Number:	21P037
Title:	Vital Records Rule.
Type:	Standard
Status:	Proposed
Agency:	Department of Health, Agency of Human Services
Legal Authority:	18 V.S.A. §§ 5000(e)(8) and (f), and 3 V.S.A. § 801(b)(11).
Summary:	This rulemaking establishes consistency with statute by ensuring that certified copies of birth or death certificates are available to employees of a public agency as defined by 1 V.S.A § 317 as part of their official duties (within their scope of their

employment), and to registrants' grandchildren. Definitions have been amended to reflect current usages. The section on the disposal of records has been removed to ensure consistency with Act 15 (2021). Documents that fall under the category, "alternate means" of identification have been amended to include additional documents to increase accessibility.

**Persons Affected:** All state agencies, and departments, Town Clerks, All applicants and registrants.

**Economic Impact:** There is an overall economic benefit to the proposed rule changes. Small efficiencies are gained through the proposed rule changes, however they are unquantifiable.

**Posting date:** Dec 08,2021

## Hearing Information

### Information for Hearing # 1

**Hearing date:** 01-12-2022 11:00 AM [ADD TO YOUR CALENDAR](#)

**Location:** Vermont Dept. of Health, Conference Room 2A

**Address:** 108 Cherry Street

**City:** Burlington

**State:** VT

**Zip:** 05401

**Hearing Notes:**

## Contact Information

### Information for Contact # 1

**Level:** Primary

**Name:** David Englander

**Agency:** Department of Health, Agency of Human Services

**Address:** 108 Cherry Street

**City:** Burlington

**State:** VT

**Zip:** 05401

**Telephone:** 802-863-7312

**Fax:** 802-951-1275

**Email:** ahs.vdhrules@vermont.gov

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Website <https://www.healthvermont.gov/about-us/laws-regulations/public-comment>  
Address: [VIEW WEBSITE](#)

**Information for Contact # 2**

Level: Secondary  
Name: Natalie Weill  
Agency: Department of Health, Agency of Human Services  
Address: 108 Cherry Street  
City: Burlington  
State: VT  
Zip: 05401  
Telephone: 802-863-7312  
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**Keyword Information**

Keywords:

- Birth certificates
- Death certificates
- Vital Records
- Town Clerk

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	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

**FROM:** APA Coordinator, VSARA

**Date of Fax:** March 9, 2022

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

**December 16, 2021**

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 VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@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: 21P037

AGENCY: Agency of Human Services, Department of Health

CONCISE SUMMARY: This rulemaking establishes consistency with statute by ensuring that certified copies of birth or death certificates are available to employees of a public agency as defined by 1 V.S.A § 317 as part of their official duties (within their scope of their employment), and to registrants' grandchildren. Definitions have been amended to reflect current usages. The section on the disposal of records has been removed to ensure consistency with Act 15 (2021). Documents that fall under the category, "alternate means" of identification have been amended to include additional documents to increase accessibility.

FOR FURTHER INFORMATION, CONTACT: David Englander, Department of Health, 108 Cherry Street, Burlington, VT 05402 Tel: 802-863-7312, Fax: 802-951-1275 Email: [ahs.vdhrules@vermont.gov](mailto:ahs.vdhrules@vermont.gov) URL: <https://www.healthvermont.gov/about-us/laws-regulations/public-comment>.

FOR COPIES: Natalie Weill,

Department of Health, 108 Cherry Street, Burlington, VT 05402 Tel: 802-863-7312, Fax: 802-951-1275 Email: [ahs.vdhrules@vermont.gov](mailto:ahs.vdhrules@vermont.gov)