

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Registrar, Department of Health, pursuant to the authority set forth in § 27 of the Vital Records Act of 1981 (Act), effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-226) (2001), hereby gives notice of her intent to take final rulemaking action to adopt the following amendments to section 2800 of Title 29 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the rulemaking is to clarify the procedures for recording a child's name on birth information supplied to the Registrar for the purpose of generating a birth certificate and registering the birth consistent with the requirements of the Act as amended by the Surname Choice Amendment Act of 2002 (D.C. Law 14-299).

Section 2800.6 of Title 29 (Public Welfare) (May 1987) of the DCMR is amended to read as follows:

- 2800.6 A child's surname shall be entered on the birth certificate as follows:
- (a) A child's surname, if the father's name is included on the birth certificate, may be:
 - (1) The mother's surname;
 - (2) The father's surname;
 - (3) A combination of the mother's surname and the father's surname in any order, or in hyphenated or unhyphenated form; or
 - (4) A surname that has a familial connection to either the father or the mother.
 - (b) A child's surname, if the father is not named on the birth certificate, may be:
 - (1) The mother's surname; or
 - (2) A surname that has a familial connection to the mother.
 - (c) If a child's surname is not the surname of the mother or the father, or a combination of all or part of both surnames, either the father or the mother shall provide an affidavit stating that the child's surname is the name of a relative or ancestor or has some other clearly stated familial connection.

- (d) A person who submits an affidavit with false information pursuant to subsection (c) shall be subject to a fine of not more than two hundred dollars (\$200), imprisonment of not more than ninety (90) days, or both.

All persons wishing to comment on the proposed rulemaking shall submit written comments no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays, at the address listed above.