



**MONTANA  
ADMINISTRATIVE  
REGISTER**



**DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

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**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2025-176.1**

**Summary**

Amendment of ARM 37.8.302 pertaining to Electronic Parental Review of Birth Certificate Information

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**Hearing Date and Time**

Thursday, October 30, 2025, at 11:00 a.m.

**Virtual Hearing Information**

Join Zoom Meeting: <https://mt-gov.zoom.us/j/81296185529?pwd=EkgIho5OzB8UbBwmJpGHIwGelgsgBT.1>

Meeting ID: 812 9618 5529 and Password: 458395

Dial by Telephone +1 646 558 8656

Meeting ID: 812 9618 5529 and Password: 458395

Find your local number: <https://mt-gov.zoom.us/j/81296185529?pwd=EkgIho5OzB8UbBwmJpGHIwGelgsgBT.1>

**Comments**

Comments may be submitted using the contact information below. Comments must be received by Friday, November 7, 2025, at 5:00 p.m.

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## Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, October 16, 2025, at 5:00 p.m.

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## Contact

Bailey Yuhas  
406-329-7913  
hhsadminrules@mt.gov  
Fax: (406) 444-9744

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## Rulemaking Actions

### AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

#### 37.8.302 PARENTAL REVIEW OF BIRTH CERTIFICATE INFORMATION

- (1) Before a mother who recently gave birth in or en route to a health care facility leaves the facility in which the birth occurred, the health care facility administrator or the administrator's authorized designee shall present a completed birth certificate to a parent of the child so they may verify the information contained in the birth certificate. When the parent agrees that the information is correct, the certificate will be entered into the electronic birth registration system by the administrator's authorized designee or preparer. ~~the parent shall sign the certificate after the words~~ A checkbox is present in the online system that must be checked by the preparer if the parent has agreed the information presented to them is correct. The checkbox reads, "I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief." If the information is not correct, the birth certificate must be redone with the correct information and presented again to the parent. ~~for signature.~~
- (2) A parent's informational copy (not a certified copy) of the birth certificate must be given to the parent at the time he or she reviews and approves ~~signs~~ the certificate.
- (3) If a birth occurs outside of a health care facility, the person responsible for certifying the live birth and filing the birth certificate under the provisions of 50-15-221(4), MCA, must fulfill the same duties as those specified in (1) and (2) for a health care facility administrator.

**Authorizing statute(s):** 50-15-102, MCA

**Implementing statute(s):** 50-15-102, 50-15-103, 50-15-108, 50-15-109, 50-15-221, MCA

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### **General Reasonable Necessity Statement**

The Department of Public Health and Human Services (department) proposes to amend ARM 37.8.302 to modernize the parental review process for birth certificates. This amendment is necessary because the department now requires birth certificates to be submitted through an electronic registration system (per ARM 37.8.104) and no longer accepts paper copies of birth certificates.

The proposed change will replace the outdated parental signature requirement with a checkbox. The birth certificate preparer will be required to check the box, verifying that a parent has reviewed the information for accuracy. This update aligns the parental review process with the department's electronic registration system.

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### **Small Business Impact**

Pursuant to 2-4-111, MCA, the agency has determined there is no class or group of small businesses affected by the proposed rule amendment and that the proposed rule amendment will not have a significant and direct effect upon small businesses.

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### **Bill Sponsor Notification**

The bill sponsor contact requirements do not apply.

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### **Interested Persons**

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be emailed, mailed or otherwise delivered to the contact person above.

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**Rule Reviewer**

Robert Lishman

**Approval**

Charles T. Brereton, Director

Department of Public Health and Human Services