



MONTANA  
ADMINISTRATIVE  
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2026-852.1**

**Summary**

Amendment of ARM 37.8.104 pertaining to the authorized format for submission of vital records

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**Hearing Date and Time**

Friday, May 15, 2026, at 1:00 p.m.

**Virtual Hearing Information**

Join Zoom Meeting: <https://mt-gov.zoom.us/j/83944752534?pwd=msol7jh0Y4qfbpFdSmNXgALzVC7HIh.1>

Meeting ID: 839 4475 2534 and Password: 681869

Dial by Telephone: +1 646 558 8656

Meeting ID: 839 4475 2534 and Password: 681869

Find your local number: <https://mt-gov.zoom.us/j/83944752534?pwd=msol7jh0Y4qfbpFdSmNXgALzVC7HIh.1>

**Comments**

Comments may be submitted using the contact information below. Comments must be received by Friday, May 22, 2026, 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 Friday, May 1, 2026, at 5:00 p.m.

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## Contact

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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:

#### **37.8.104 AUTHORIZED FORMAT FOR SUBMISSION OF A VITAL RECORD**

- (1) All vital records, such as marriage license applications, birth certificates, death certificates, fetal death certificates, and marriage certificates, shall be submitted electronically using the department's electronic registration system, and in rare instances where access to the department's electronic registration system is unavailable, submitted on forms provided or authorized by the department.
- (2) When vital records are submitted outside of the department's electronic registration system due to unavailability of the system, each vital record application and certificate must be typed or plainly written in unfading black ink that is legible on all copies or must be completed using computer printers that produce dense and legible characters in black. The characters entered onto these forms must be adequate for high quality reproduction by microfilming or photocopying and may not contain any alterations or obliteration of the original data.
- (3) If the preparation of a certificate or application is so poor as to make the reading of the form difficult or if the entries are not dark enough to reproduce satisfactorily, the registrar shall notify the person who submitted the certificate or application that it is unacceptable. The person who filed the certificate or application must prepare and file a new certificate or application within ten days after receipt of the notification.

- (4) Special characters are allowed in the first, middle, and last name fields of the record. The special characters allowed for use are only those characters with consonants or vowels. Special characters or symbols not associated with consonants or vowels, such as numbers, dollar signs, and exclamation marks, are not permitted.

**Authorizing statute(s):** 50-15-102, 50-15-103, MCA

**Implementing statute(s):** 40-1-107, 50-15-102, 50-15-103, 50-15-121, 50-15-124, MCA

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### **General Reasonable Necessity Statement**

The Department of Public Health and Human Services (department) proposes to amend ARM 37.8.104 pertaining to the authorized format for submission of vital records.

The department is proposing to amend this rule to specify what special characters are allowed to be contained within vital records. The department has recently moved to a fully electronic registration process for vital records. This electronic system requires that a subset of allowable special characters be defined. To reflect Montana's full population, the department is proposing to allow special characters and accents used with vowels and consonants in the first, middle, and last name fields of vital records. However, the use of special characters that stand on their own (i.e., those that do not require a base letter to function) and numbers is disallowed under the proposed rule.

The proposed rule is necessary to establish a uniform standard for data providers such as hospitals and funeral homes and provide clear direction on how to handle the use of special characters when submitting records for registration.

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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. The proposed rulemaking impacts data providers such as hospitals and funeral homes by establishing what special characters are allowed to be used when submitting vital records for registration. These data providers generally do not meet the definition of a small business. To the extent a data provider meets the definition of a small business, specifying allowable special characters for vital records is not anticipated to have a direct or significant impact on any small business.

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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. Such written request 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