

637

2009-2010 Regular Sessions

I N   S E N A T E

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Introduced by Sens. LARKIN, DeFRANCISCO, GOLDEN, GRIFFO, MAZIARZ, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "missing angels act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "missing angels act".  
3     S 2. The public health law is amended by adding two new sections  
4     4160-a and 4160-b to read as follows:  
5     S 4160-A. CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. 1. NOTWITH-  
6     STANDING THE PROVISIONS OF SECTION FORTY-ONE HUNDRED SIXTY OF THIS  
7     TITLE, THE OFFICE OF VITAL RECORDS OF THE DEPARTMENT SHALL ESTABLISH A  
8     CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH ON A FORM APPROVED BY THE  
9     LOCAL REGISTRAR FOR EACH STILLBIRTH. THIS CERTIFICATE WILL BE PROVIDED  
10    TO THE PARENT OR PARENTS OF A STILLBORN CHILD.  
11    2. THE CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL MEET ALL OF  
12    THE FORMAT AND FILING REQUIREMENTS OF SECTION FORTY-ONE HUNDRED THIRTY  
13    OF THIS ARTICLE RELATING TO A LIVE BIRTH.  
14    3. THE PERSON WHO PREPARES THE CERTIFICATE PURSUANT TO THIS SECTION  
15    SHALL LEAVE BLANK ANY REFERENCES TO THE STILLBORN CHILD'S NAME IF THE  
16    PARENT OR PARENTS DO NOT WISH TO PROVIDE A NAME OF THE STILLBORN CHILD.  
17    4. FOR PURPOSES OF FEDERAL, STATE AND LOCAL TAXES, THE CERTIFICATE  
18    PROVIDED UNDER THIS SECTION IS NOT PROOF OF A LIVE BIRTH.  
19    5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE PARENTS  
20    MAY CHOOSE TO LIMIT THE DISCLOSURE OF INFORMATION TO THE PARENTS NAMED  
21    ON THE CERTIFICATE, THEIR LAWFUL REPRESENTATIVES AND TO AUTHORIZED  
22    PERSONNEL OF THE DEPARTMENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1       6. FOR THE PURPOSES OF THIS TITLE, THE TERM "STILLBIRTH" SHALL MEAN  
2 THE NATURALLY OCCURRING INTRAUTERINE DEATH OF A FETUS THAT OCCURS AFTER  
3 THE TWENTIETH WEEK OF PREGNANCY.

4       S 4160-B. DELAYED REGISTRATION OF BIRTH RESULTING IN STILLBIRTH. WHEN  
5 A BIRTH RESULTING IN STILLBIRTH OCCURRING IN THIS STATE HAS NOT BEEN  
6 REGISTERED WITHIN ONE YEAR AFTER THE DATE OF DELIVERY, A CERTIFICATE  
7 MARKED "DELAYED" MAY BE FILED AND REGISTERED IN ACCORDANCE WITH REGU-  
8 LATIONS OF THE COMMISSIONER RELATING TO EVIDENTIARY AND OTHER REQUIRE-  
9 MENTS SUFFICIENT TO SUBSTANTIATE THE ALLEGED FACTS OF BIRTH RESULTING IN  
10 STILLBIRTH.

11       S 3. This act shall take effect on the ninetieth day after it shall  
12 have become a law.