

2889--A

Cal. No. 51

2013-2014 Regular Sessions

I N   S E N A T E

January 24, 2013

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Introduced by Sen. SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report

AN ACT to amend the public health law, in relation to the adoption information registry; and to amend chapter 480 of the laws of 2012, amending the public health law relating to the adoption registry, in relation to the effectiveness thereof

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

1     Section 1. Subdivision 2 and the opening paragraph of subdivision 4 of  
2     section 4138-c of the public health law, as amended by chapter 480 of  
3     the laws of 2012, are amended to read as follows:  
4     2. Upon application for registration by an adoptee not born in this  
5     state, or by a birth parent or BIOLOGICAL sibling of such an adoptee,  
6     the department shall [search the records of the department to], TO THE  
7     EXTENT PRACTICABLE, determine whether the adoptee's adoption occurred  
8     within this state. If the department determines that the adoption  
9     occurred within this state, it shall register the applicant if he or she  
10    is otherwise qualified and make appropriate notifications pursuant to  
11    subdivision four of this section. The registry shall accept, at any  
12    time, and maintain the verified registration transmitted by an agency  
13    pursuant to section forty-one hundred thirty-eight-d of this title, or  
14    of the birth parents of an adoptee who was born in this state. The  
15    registry shall neither accept nor maintain the registration of an adop-  
16    tee sooner than eighteen years after the adoptee's birth, or in the case  
17    of registration by a biological sibling of an adoptee, no sooner than  
18    the longer of eighteen years after the biological sibling's birth or  
19    eighteen years after the adoptee's birth. Any person whose registration  
20    was accepted may withdraw such registration prior to the release of any

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

LBD08311-02-3

1 identifying information. The adoptee registrant, and the biological  
2 sibling registrant, shall include as part of the registration the iden-  
3 tification, including the name and address, of known biological siblings  
4 of the adoptee. The adoptee may upon registration, or any time thereaft-  
5 er, elect not to have release of information by the authorized agency  
6 involved in such adoption. The department shall establish an authorized  
7 agency fee schedule for search costs and registry costs and services  
8 provided by such agency in gathering and forwarding information pursuant  
9 to this section. The fee schedule may also include costs for disseminat-  
10 ing information about the registry and the adoption medical information  
11 sub-registry to the public. Such publications or brochures may include  
12 information as to identifying and non-identifying information, how to  
13 register and fees charged to the registrants, and any other information  
14 deemed appropriate.

15 Upon acceptance of a registration of an adoptee born in this state, or  
16 by a birth parent or BIOLOGICAL sibling of such adoptee, pursuant to  
17 this section, the department shall search the records of the department  
18 to determine whether the adoptee's adoption occurred within this state.  
19 [Upon completion of] AFTER MAKING A DETERMINATION, TO THE EXTENT PRACTI-  
20 CABLE, AS TO WHETHER AN ADOPTEE'S ADOPTION OCCURRED WITHIN THIS STATE  
21 PURSUANT TO SUBDIVISION TWO OF THIS SECTION, OR UPON COMPLETING a search  
22 of the records pursuant to this subdivision [or subdivision two of this  
23 section]:

24 S 2. Paragraphs (d) and (e) of subdivision 6-a of section 4138-c of  
25 the public health law, as added by chapter 480 of the laws of 2012, are  
26 amended to read as follows:

27 (d) Upon receipt from the birth parent of certified medical informa-  
28 tion and other information needed to identify the adopted person, the  
29 department shall, TO THE EXTENT PRACTICABLE, determine if the adoptee  
30 was adopted in New York state. If the adoptee was adopted in New York  
31 state, the department shall register such information and determine if  
32 the adoptee or adoptive parent of the adoptee is registered. Upon such  
33 determination, the department shall release the non-identifying medical  
34 information only to an adoptee, aged eighteen years or older, or adop-  
35 tive parent of an adoptee who has not attained the age of eighteen  
36 years.

37 (e) Upon receipt from an adoptee aged eighteen years or older or the  
38 parent of an adoptee of a registration, the department shall, TO THE  
39 EXTENT PRACTICABLE, determine if the adoptee was adopted in New York  
40 state. If the adoptee was adopted in New York state, the department  
41 shall search its records for medical information provided by the  
42 adoptee's birth parent. If such medical information is found, the  
43 department shall release the non-identifying medical information only,  
44 to an adoptee, aged eighteen years or older, or adoptive parent of an  
45 adoptee who has not attained the age of eighteen years.

46 S 3. Section 5 of chapter 480 of the laws of 2012, amending the public  
47 health law relating to the adoption registry, is amended to read as  
48 follows:

49 S 5. This act shall take effect [immediately] ONE YEAR AFTER IT SHALL  
50 HAVE BECOME A LAW.

51 S 4. This act shall take effect immediately; provided that sections  
52 one and two of this act shall take effect on the same date and in the  
53 same manner as chapter 480 of the laws of 2012, takes effect.