

4668--A

2013-2014 Regular Sessions

I N S E N A T E

April 17, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the establishment of an electronic death registration system

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

1 Section 1. The public health law is amended by adding a new section  
2 4148 to read as follows:  
3 S 4148. ELECTRONIC DEATH REGISTRATION SYSTEM. 1. THE DEPARTMENT IS  
4 HEREBY AUTHORIZED AND DIRECTED TO DESIGN, IMPLEMENT AND MAINTAIN AN  
5 ELECTRONIC DEATH REGISTRATION SYSTEM FOR COLLECTING, STORING, RECORDING,  
6 TRANSMITTING, AMENDING, CORRECTING AND AUTHENTICATING INFORMATION, AS  
7 NECESSARY AND APPROPRIATE TO COMPLETE A DEATH REGISTRATION, AND TO  
8 GENERATE SUCH DOCUMENTS AS DETERMINED BY THE DEPARTMENT IN RELATION TO A  
9 DEATH OCCURRING IN THIS STATE. THE PAYMENT REFERENCED IN SUBDIVISION  
10 FIVE OF THIS SECTION SHALL BE COLLECTED FOR EACH BURIAL OR REMOVAL  
11 PERMIT ISSUED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION FROM THE  
12 LICENSED FUNERAL DIRECTOR OR UNDERTAKER TO WHOM SUCH PERMIT IS ISSUED,  
13 IN THE MANNER SPECIFIED BY THE DEPARTMENT AND SHALL BE USED SOLELY FOR  
14 THE PURPOSE SET FORTH IN SUBDIVISION FIVE OF THIS SECTION.  
15 2. COMMENCING ON THE IMPLEMENTATION DATE, THE DEPARTMENT SHALL REQUIRE  
16 THAT DEATHS OCCURRING WITHIN THIS STATE MUST BE REGISTERED USING THE  
17 ELECTRONIC DEATH REGISTRATION SYSTEM ESTABLISHED IN THIS SECTION. ELEC-  
18 TRONIC DEATH REGISTRATION MAY BE PHASED IN, AS DETERMINED BY THE COMMIS-  
19 SIONER, FOR DEATHS OCCURRING IN THE STATE UNTIL THE ELECTRONIC DEATH  
20 REGISTRATION SYSTEM IS FULLY IMPLEMENTED IN THE STATE. AS USED IN THIS  
21 SECTION, "IMPLEMENTATION DATE" MEANS THE FIRST DAY IN JANUARY IN THE  
22 SECOND YEAR AFTER THIS SECTION BECOMES A LAW, OR AS SOON THEREAFTER AS

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

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1 THE COMMISSIONER REASONABLY DETERMINES BY REGULATION IS FEASIBLE IN  
2 LIGHT OF THE INTENT OF THIS SECTION.

3 3. COMMENCING ON THE IMPLEMENTATION DATE, ALL PERSONS REQUIRED TO  
4 REGISTER A DEATH OR FILE A CERTIFICATE OF DEATH UNDER THIS ARTICLE, AND  
5 SUCH OTHERS AS MAY BE AUTHORIZED BY THE COMMISSIONER, SHALL HAVE ACCESS  
6 TO THE ELECTRONIC DEATH REGISTRATION SYSTEM FOR THE PURPOSE OF ENTERING  
7 INFORMATION REQUIRED TO EXECUTE, COMPLETE AND FILE A CERTIFICATE OF  
8 DEATH OR TO RETRIEVE SUCH INFORMATION OR GENERATE DOCUMENTATION FROM THE  
9 ELECTRONIC DEATH REGISTRATION SYSTEM. THE CONFIDENTIALITY PROVISIONS IN  
10 SECTION FORTY-ONE HUNDRED FORTY-SEVEN OF THIS TITLE SHALL APPLY TO  
11 INFORMATION MAINTAINED IN THIS SYSTEM.

12 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, COMMENCING ON  
13 OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETERMINED  
14 BY THE COMMISSIONER PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ANY  
15 REQUIREMENT OF THIS TITLE FOR A SIGNATURE OF ANY PERSON SHALL BE DEEMED  
16 SATISFIED BY THE USE BY SUCH PERSON OF DIGITAL SIGNATURE PROVIDED SUCH  
17 PERSON IS AUTHORIZED IN ACCORDANCE WITH THIS SECTION TO USE THE ELEC-  
18 TRONIC DEATH REGISTRATION SYSTEM.

19 5. LICENSED FUNERAL DIRECTORS AND UNDERTAKERS SHALL SUPPORT THE ESTAB-  
20 LISHMENT AND MAINTENANCE OF THE ELECTRONIC DEATH REGISTRATION SYSTEM  
21 THROUGH A PAYMENT, TENDERED FOR EACH BURIAL AND REMOVAL PERMIT ISSUED TO  
22 A LICENSED FUNERAL DIRECTOR OR UNDERTAKER, IN THE AMOUNT OF TWENTY  
23 DOLLARS, PROVIDED THAT SUCH PAYMENT SHALL BE CONSIDERED A COST OF OPERA-  
24 TION AND THE FUNERAL DIRECTOR OR UNDERTAKER SHALL NOT CHARGE ANY ADDI-  
25 TIONAL FEE RELATED TO SUCH PAYMENT FOR FUNERAL OR OTHER SERVICES.

26 S 2. Subdivision 1 of section 4100-a of the public health law, as  
27 amended by chapter 644 of the laws of 1988, is amended and a new subdi-  
28 vision 5 is added to read as follows:

29 1. The term "certified copy" means a photographic reproduction in the  
30 form of a photocopy or a microfilm print of the original certificate OR  
31 ELECTRONICALLY PRODUCED PRINT OF THE ORIGINAL CERTIFICATE, COMMENCING ON  
32 OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-  
33 EIGHT OF THIS TITLE, and certified by the commissioner, his designated  
34 representative, a local registrar [or his deputy], DEPUTY REGISTRAR OR  
35 SUB-REGISTRAR as a true copy thereof.

36 5. THE TERM "ELECTRONIC DEATH REGISTRATION SYSTEM" MEANS THE DATA  
37 SYSTEM CREATED AND MAINTAINED BY THE DEPARTMENT FOR COLLECTING, STORING,  
38 RECORDING, TRANSMITTING, AMENDING, CORRECTING AND AUTHENTICATING INFOR-  
39 MATION, AS NECESSARY AND APPROPRIATE TO COMPLETE A DEATH REGISTRATION,  
40 AND TO GENERATE SUCH DOCUMENTS AS DETERMINED BY THE DEPARTMENT, INCLUD-  
41 ING PERMITS OR CERTIFICATES, RELATING TO A DEATH OCCURRING IN THIS  
42 STATE.

43 S 3. Subdivision 1 of section 4140 of the public health law is amended  
44 to read as follows:

45 1. The death of each person who has died in this state shall be regis-  
46 tered immediately and not later than seventy-two hours after death or  
47 the finding of a dead human body, by filing with the registrar of the  
48 district in which the death occurred or the body was found a certificate  
49 of such death, [which certificate shall be upon the form] IN A MANNER  
50 AND FORMAT AS prescribed by the commissioner, WHICH SHALL INCLUDE  
51 THROUGH ELECTRONIC MEANS IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED  
52 FORTY-EIGHT OF THIS TITLE.

53 S 4. Section 4141-a of the public health law, as amended by chapter  
54 153 of the laws of 2011, is amended to read as follows:

55 S 4141-a. Death certificate; duties of hospital administrator. When a  
56 death occurs in a hospital, except in those cases where certificates are

1 issued by coroners or medical examiners, the person in charge of such  
2 hospital or his or her designated representative shall promptly present  
3 the certificate to the physician or nurse practitioner in attendance, or  
4 a physician or nurse practitioner acting in his or her behalf, who shall  
5 promptly certify to the facts of death, provide the medical information  
6 required by the certificate, sign the medical certificate of death, and  
7 thereupon return such certificate to such person, so that the seventy-  
8 two hour registration time limit prescribed in section four thousand one  
9 hundred forty of this title can be met; PROVIDED, HOWEVER THAT COMMENC-  
10 ING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED  
11 FORTY-EIGHT OF THIS TITLE, INFORMATION AND SIGNATURES REQUIRED BY THIS  
12 SECTION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE  
13 HUNDRED FORTY-EIGHT OF THIS TITLE.

14 S 5. Section 4142 of the public health law is amended by adding a new  
15 subdivision (e) to read as follows:

16 (E) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF LAW AS MAY BE SET FORTH  
17 IN THIS SECTION, COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER  
18 SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, INFORMATION AND  
19 SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE OBTAINED AND MADE IN  
20 ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE.

21 S 6. Paragraph (b) of subdivision 2 and subdivisions 3 and 5 of  
22 section 4144 of the public health law, paragraph (b) of subdivision 2 as  
23 amended by chapter 153 of the laws of 2011, are amended to read as  
24 follows:

25 (b) Verbal permission to remove a body of a deceased person from the  
26 county in which death occurred or the body was found to a non-adjacent  
27 county within the state of New York, as provided in subdivision one of  
28 this section, shall be issued by the said registrar of vital statistics,  
29 upon request by telephone of a licensed funeral director or undertaker  
30 who holds a certificate of death signed by the attending physician or  
31 nurse practitioner, OR FOR DEATHS OCCURRING ON OR AFTER THE IMPLEMENTA-  
32 TION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE,  
33 SUCH CERTIFICATE OF DEATH SIGNED BY THE ATTENDING PHYSICIAN OR NURSE  
34 PRACTITIONER IS AVAILABLE ELECTRONICALLY IN ACCORDANCE WITH SECTION  
35 FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, showing that the death  
36 resulted from natural causes and was not a result of accidental,  
37 suicidal, homicidal or other external causes.

38 3. No registrar of vital statistics shall receive any fee for the  
39 issuance of burial or removal permits under this chapter EXCEPT AS  
40 REFERENCED BY SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE AND  
41 other than the compensation provided in this article.

42 5. If the interment, or other disposition of the body of a deceased  
43 person is to be made within the state, the wording of the burial or  
44 removal permit may be limited to a statement by the registrar, and over  
45 his signature, that a satisfactory certificate of death, having been  
46 filed with him, as required by law, permission is granted to inter,  
47 remove or otherwise dispose of the body, stating the name, age, sex,  
48 cause of death, and other necessary details [upon the form prescribed by  
49 the commissioner] IN A MANNER AND FORMAT AS MAY BE REQUIRED BY THE  
50 COMMISSIONER.

51 S 7. Subdivisions 1 and 4 of section 4161 of the public health law,  
52 subdivision 1 as amended by chapter 589 of the laws of 1991 and subdivi-  
53 sion 4 as amended by chapter 153 of the laws of 2011, are amended to  
54 read as follows:

55 1. The certificate of fetal death and the report of fetal death shall  
56 contain such information and be in such form as the commissioner may

1 prescribe; PROVIDED HOWEVER THAT COMMENCING ON OR AFTER THE IMPLEMENTA-  
2 TION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE,  
3 INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE  
4 OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED  
5 FORTY-EIGHT OF THIS ARTICLE, except that unless requested by the woman  
6 neither the certificate nor the report of fetal death shall contain the  
7 name of the woman, her social security number or any other information  
8 which would permit her to be identified except as provided in this  
9 subdivision. The report shall state that a certificate of fetal death  
10 was filed with the commissioner and the date of such filing. The commis-  
11 sioner shall develop a unique, confidential identifier to be used on the  
12 certificate of fetal death to be used in connection with the exercise of  
13 the commissioner's authority to monitor the quality of care provided by  
14 any individual or entity licensed to perform an abortion in this state  
15 and to permit coordination of data concerning the medical history of the  
16 woman for purposes of conducting surveillance scientific studies and  
17 research pursuant to the provisions of paragraph (j) of subdivision one  
18 of section two hundred six of this chapter.

19 4. When a fetal death occurs in a hospital, except in those cases  
20 where certificates are issued by coroners or medical examiners, the  
21 person in charge of such hospital or his or her designated represen-  
22 tative shall promptly present the certificate to the physician or nurse  
23 practitioner in attendance, or a physician or nurse practitioner acting  
24 in his or her behalf, who shall promptly certify to the facts of birth  
25 and of fetal death, provide the medical information required by the  
26 certificate, sign the medical certificate of birth and death, and there-  
27 upon return such certificate to such person, so that the seventy-two  
28 hour registration time limit prescribed in section four thousand one  
29 hundred sixty of this title can be met; PROVIDED, HOWEVER THAT COMMENC-  
30 ING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED  
31 FORTY-EIGHT OF THIS ARTICLE, INFORMATION AND SIGNATURES REQUIRED BY THIS  
32 SUBDIVISION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION  
33 FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE.

34 S 8. Subdivision 3 of section 4171 of the public health law is amended  
35 to read as follows:

36 3. All certificates, either of birth or death, shall be written legi-  
37 bly, in durable black ink, [and no] PROVIDED, HOWEVER, THAT COMMENCING  
38 ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED  
39 FORTY-EIGHT OF THIS ARTICLE, DEATH CERTIFICATES SHALL BE COMPLETED IN  
40 ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE.  
41 NO certificate, WHETHER FILED IN PAPER FORM OR DEATH CERTIFICATE FILED  
42 ELECTRONICALLY IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT  
43 OF THIS ARTICLE, shall be held to be complete and correct that does not  
44 supply all of the items of information called for therein, or satisfac-  
45 torily account for their omission.

46 S 9. This act shall take effect immediately, provided that the commis-  
47 sioner of health is authorized to make regulations as necessary to  
48 implement this act.