

STATE OF NEW YORK

9837

IN ASSEMBLY

February 14, 2018

Introduced by M. of A. STECK -- read once and referred to the Committee on Health

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 4140 of the public health law, as amended by chapter 352 of the laws of 2013, is amended to read as follows:

1. The death of each person who has died in this state shall be registered immediately and not later than seventy-two hours after death or the finding of a dead human body, by filing with the registrar of the district in which the death occurred or the body was found a certificate of such death, in a manner and format as prescribed by the commissioner, which shall ~~[include]~~ be through electronic means in accordance with section forty-one hundred forty-eight of this title.

§ 2. Section 4148 of the public health law, as added by chapter 352 of the laws of 2013, is amended to read as follows:

§ 4148. Electronic death registration system. 1. The department is hereby authorized and directed to design, fully implement and maintain an electronic death registration system for collecting, storing, recording, transmitting, amending, correcting and authenticating information, as necessary and appropriate to complete a death registration, and to generate such documents as determined by the department in relation to a death occurring in this state. As part of the design and full implementation of the system established by this section, the department shall consult with all persons authorized to use such system to the extent practicable and feasible. The payment referenced in subdivision five of this section shall be collected for each burial or removal permit issued on or after the effective date of this section, but not after the implementation date, from the registered funeral firm represented by the licensed funeral director or undertaker to whom such permit is issued, in the manner specified by the department and shall be used solely for the purpose set forth in subdivision five of this section. Except as specifically provided in this section, the existing general duties of, and remuneration received by, local registrars in accepting and filing certificates of death and issuing burial and removal permits pursuant to

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

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1 any statute or regulation shall be maintained, and not altered or
2 abridged in any way by this section.

3 2. Commencing on the implementation date~~[, the department shall~~
4 ~~require that]~~ all deaths occurring within this state must be registered
5 using the electronic death registration system established in this
6 section. Electronic death registration may be phased in, as determined
7 by the commissioner, for deaths occurring in the state ~~[until the elec-~~
8 ~~tronic death registration system is fully implemented in the state]~~
9 prior to the implementation date. As used in this section, "implementa-
10 tion date" means the ~~[first]~~ sixtieth day ~~[in January in the second~~
11 ~~year]~~ after ~~[this]~~ the chapter of the laws of two thousand eighteen
12 amending this section becomes a law~~[, or as soon thereafter as the~~
13 ~~commissioner reasonably determines by regulation is feasible in light of~~
14 ~~the intent of this section]~~. Violations of this section shall be subject
15 to sections twelve and twelve-b of this chapter, provided that subdivi-
16 sion four of section twelve of this chapter shall not apply.

17 3. Commencing on the implementation date, all persons required to
18 register a death or file a certificate of death under this article, and
19 such others as may be authorized by the commissioner, shall have access
20 to the electronic death registration system for the purpose of entering
21 information required to execute, complete and file a certificate of
22 death or to retrieve such information or generate documentation from the
23 electronic death registration system. The confidentiality provisions in
24 section forty-one hundred forty-seven of this title shall apply to
25 information maintained in this system.

26 4. Notwithstanding any provision of law to the contrary, commencing on
27 or after January first, two thousand fifteen~~[, or on such date deter-~~
28 ~~mined by the commissioner pursuant to subdivision two of this section]~~
29 but no later than the implementation date, any requirement of this title
30 for a signature of any person shall be deemed satisfied by the use by
31 such person of digital signature provided such person is authorized in
32 accordance with this section to use the electronic death registration
33 system.

34 5. [Licensed] For burial and removal permits issued prior to the
35 implementation date, licensed funeral directors and undertakers shall
36 support the establishment and maintenance of the electronic death regis-
37 tration system through a payment, tendered for each burial and removal
38 permit issued to a licensed funeral director or undertaker, in the
39 amount of twenty dollars, provided that such payment shall be considered
40 a cost of operation and the funeral director or undertaker shall not
41 charge any additional fee related to such payment for funeral or other
42 services.

43 § 3. Subdivision 3 of section 4171 of the public health law, as
44 amended by chapter 352 of the laws of 2013, is amended to read as
45 follows:

46 3. All certificates, either of birth or death, shall be written legi-
47 bly, in durable black ink, provided, however, that commencing on ~~[or~~
48 ~~after]~~ the implementation date under section forty-one hundred forty-
49 eight of this article, death certificates shall be completed in accord-
50 ance with section forty-one hundred forty-eight of this article. No
51 certificate~~[, whether filed in paper form or death certificate filed~~
52 ~~electronically in accordance with section forty one hundred forty eight~~
53 ~~of this article,]~~ shall be held to be complete and correct that does not
54 supply all of the items of information called for therein, or satisfac-
55 torily account for their omission.

56 § 4. This act shall take effect immediately.