S T A T E O F N E W Y O R K

1731

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. CALHOUN, ALFANO, McDONOUGH -- Multi-Sponsored by -- M. of A. ERRIGO, REILICH, SAYWARD -- read once and referred 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:

Section 1. Short title. This act shall be known and may be cited as the "missing angels act".

S 2. The public health law is amended by adding two new sections 4160-a and 4160-b to read as follows:

S 4160-A. CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. 1. NOTWITHSTANDING THE PROVISIONS OF SECTION FORTY-ONE HUNDRED SIXTY OF THIS TITLE, THE OFFICE OF VITAL RECORDS OF THE DEPARTMENT SHALL ESTABLISH A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH ON A FORM APPROVED BY THE LOCAL REGISTRAR FOR EACH STILLBIRTH. THIS CERTIFICATE WILL BE PROVIDED TO THE PARENT OR PARENTS OF A STILLBORN CHILD.

2. THE CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL MEET ALL OF THE FORMAT AND FILING REQUIREMENTS OF SECTION FORTY-ONE HUNDRED THIRTY OF THIS ARTICLE RELATING TO A LIVE BIRTH.

3. THE PERSON WHO PREPARES THE CERTIFICATE PURSUANT TO THIS SECTION SHALL LEAVE BLANK ANY REFERENCES TO THE STILLBORN CHILD'S NAME IF THE PARENT OR PARENTS DO NOT WISH TO PROVIDE A NAME OF THE STILLBORN CHILD.

4. FOR PURPOSES OF FEDERAL, STATE AND LOCAL TAXES, THE CERTIFICATE PROVIDED UNDER THIS SECTION IS NOT PROOF OF A LIVE BIRTH.

5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE PARENTS MAY CHOOSE TO LIMIT THE DISCLOSURE OF INFORMATION TO THE PARENTS NAMED ON THE CERTIFICATE, THEIR LAWFUL REPRESENTATIVES AND TO AUTHORIZED PERSONNEL OF THE DEPARTMENT.

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

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

S 4160-B. DELAYED REGISTRATION OF BIRTH RESULTING IN STILLBIRTH. WHEN A BIRTH RESULTING IN STILLBIRTH OCCURRING IN THIS STATE HAS NOT BEEN REGISTERED WITHIN ONE YEAR AFTER THE DATE OF DELIVERY, A CERTIFICATE MARKED "DELAYED" MAY BE FILED AND REGISTERED IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER RELATING TO EVIDENTIARY AND OTHER REQUIREMENTS SUFFICIENT TO SUBSTANTIATE THE ALLEGED FACTS OF BIRTH RESULTING IN STILLBIRTH.

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