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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.