

2087

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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

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 ASSEM-  
BLY, 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  
21    identifying information. The adoptee registrant, and the biological  
22    sibling registrant, shall include as part of the registration the iden-

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

LBD04595-01-3

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

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

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

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

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

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

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

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