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

5538

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. HANNON -- 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 the adoption medical information registry

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

Section 1. Subdivision 6-a of section 4138-c of the public health law, as amended by chapter 480 of the laws of 2012 and paragraphs (d) and (e) as amended by chapter 15 of the laws of 2013, is amended to read as follows:

6-a. (a) There shall be established in the registry an adoption medical information sub-registry. Access to all identifying records and information in the sub-registry shall be subject to the same restrictions as the adoption information registry.

(b) The department shall establish procedures FOR ALL ADOPTIONS IN THE STATE by which a birth parent [may] SHALL provide medical information to the sub-registry, and by which an adoptee aged eighteen years or older or the adoptive parents of an adoptee who has not attained the age of eighteen years may access such medical information.

(c) [A] FOR ALL ADOPTIONS IN THE STATE, A birth parent [may] SHALL provide the adoption medical information sub-registry with certified medical information. Such certified medical information must include other information sufficient to locate the adoptee's birth record.

(d) Upon receipt from the birth parent of certified medical information and other information needed to identify the adopted person, the department shall[, to the extent practicable, determine if] CONFIRM WHETHER the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall register such information and determine if the adoptee or adoptive parent of the adoptee is registered. Upon such determination, the department shall release the non-identifying medical information only to an adoptee, aged eighteen

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

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years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(e) Upon receipt from an adoptee aged eighteen years or older or the parent of an adoptee of a registration, the department shall[, to the extent practicable, determine if] CONFIRM WHETHER the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall search its records for medical information provided by the adoptee's birth parent. [If such medical information is found, the] THE department shall release the non-identifying medical information only, to an adoptee, aged eighteen years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(f) The department shall [not solicit or request the provision of medical information from a birth parent or the registration by an adoptee or parent of an adoptee] ESTABLISH PROCEDURES TO ENSURE HEALTH INFORMATION IS PERIODICALLY UPDATED.

(g) A fee shall not be required from a birth parent for providing health information.

S 2. This act shall take effect on the same date and in the same manner as chapter 480 of the laws of 2012 takes effect.