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

2087

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 and the opening paragraph of subdivision 4 of section 4138-c of the public health law, as amended by chapter 480 of the laws of 2012, are amended to read as follows:

2. Upon application for registration by an adoptee not born in this state, or by a birth parent or BIOLOGICAL sibling of such an adoptee, the department shall [search the records of the department to], TO THE EXTENT PRACTICABLE, determine whether the adoptee's adoption occurred within this state. If the department determines that the adoption occurred within this state, it shall register the applicant if he or she is otherwise qualified and make appropriate notifications pursuant to subdivision four of this section. The registry shall accept, at any time, and maintain the verified registration transmitted by an agency pursuant to section forty-one hundred thirty-eight-d of this title, or of the birth parents of an adoptee who was born in this state. The registry shall neither accept nor maintain the registration of an adoptee sooner than eighteen years after the adoptee's birth, or in the case of registration by a biological sibling of an adoptee, no sooner than the longer of eighteen years after the biological sibling's birth or eighteen years after the adoptee's birth. Any person whose registration was accepted may withdraw such registration prior to the release of any identifying information. The adoptee registrant, and the biological 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

tification, including the name and address, of known biological siblings of the adoptee. The adoptee may upon registration, or any time thereafter, elect not to have release of information by the authorized agency involved in such adoption. The department shall establish an authorized agency fee schedule for search costs and registry costs and services provided by such agency in gathering and forwarding information pursuant to this section. The fee schedule may also include costs for disseminating information about the registry and the adoption medical information sub-registry to the public. Such publications or brochures may include information as to identifying and non-identifying information, how to register and fees charged to the registrants, and any other information deemed appropriate.

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

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

(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 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 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 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 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.

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

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

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