

STATE OF NEW YORK

9837--A

IN ASSEMBLY

February 14, 2018

Introduced by M. of A. STECK, GOTTFRIED, DINOWITZ, SKOUFIS, McDONALD, RAIA, BRAUNSTEIN, JEAN-PIERRE, SANTABARBARA, JOHNS, TITONE, KOLB, FINCH, GARBARINO -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the implementation of an electronic death registration system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 4140 of the public health law, as
2 amended by chapter 352 of the laws of 2013, is amended to read as
3 follows:

4 1. The death of each person who has died in this state shall be regis-
5 tered immediately and not later than seventy-two hours after death or
6 the finding of a dead human body, by filing with the registrar of the
7 district in which the death occurred or the body was found a certificate
8 of such death, in a manner and format as prescribed by the commissioner,
9 which shall ~~[include]~~ be through electronic means in accordance with
10 section forty-one hundred forty-eight of this title.

11 § 2. Section 4148 of the public health law, as added by chapter 352 of
12 the laws of 2013, is amended to read as follows:

13 § 4148. Electronic death registration system. 1. The department is
14 hereby authorized and directed to design, fully implement and maintain
15 an electronic death registration system for collecting, storing, record-
16 ing, transmitting, amending, correcting and authenticating information,
17 as necessary and appropriate to complete a death registration, and to
18 generate such documents as determined by the department in relation to a
19 death occurring in this state. As part of the design and full implemen-
20 tation of the system established by this section, the department shall
21 consult with all persons authorized to use such system to the extent
22 practicable and feasible. The payment referenced in subdivision five of
23 this section shall be collected for each burial or removal permit issued
24 on or after the effective date of this section from the registered
25 funeral firm represented by the licensed funeral director or undertaker

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

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1 to whom such permit is issued, in the manner specified by the department
2 and shall be used solely for the purpose set forth in subdivision five
3 of this section. Except as specifically provided in this section, the
4 existing general duties of, and remuneration received by, local regist-
5 rars in accepting and filing certificates of death and issuing burial
6 and removal permits pursuant to any statute or regulation shall be main-
7 tained, and not altered or abridged in any way by this section.

8 2. Commencing on the implementation date~~[, the department shall~~
9 ~~require that]~~ all deaths occurring within this state must be registered
10 using the electronic death registration system established in this
11 section. Electronic death registration may be phased in, as determined
12 by the commissioner, for deaths occurring in the state ~~[until the elec-~~
13 ~~tronic death registration system is fully implemented in the state]~~
14 prior to the implementation date. As used in this section, "implementa-
15 tion date" means ~~[the first day in January in the second year after this~~
16 ~~section becomes a law, or as soon thereafter as the commissioner reason-~~
17 ~~ably determines by regulation is feasible in light of the intent of this~~
18 ~~section]~~ January first, two thousand nineteen. Violations of this
19 section shall be subject to sections twelve and twelve-b of this chap-
20 ter, provided that subdivision four of section twelve of this chapter
21 shall not apply. Penalties shall not be assessed if non-compliance is
22 determined by the department to be attributable to a circumstance or
23 occurrence substantially beyond the control of said person.

24 3. Commencing on the implementation date, all persons required to
25 register a death or file a certificate of death under this article, and
26 such others as may be authorized by the commissioner, shall have access
27 to the electronic death registration system for the purpose of entering
28 information required to execute, complete and file a certificate of
29 death or to retrieve such information or generate documentation from the
30 electronic death registration system. The confidentiality provisions in
31 section forty-one hundred forty-seven of this title shall apply to
32 information maintained in this system.

33 4. Notwithstanding any provision of law to the contrary, commencing on
34 or after January first, two thousand fifteen~~[, or on such date deter-~~
35 ~~mined by the commissioner pursuant to subdivision two of this section]~~
36 but no later than the implementation date, any requirement of this title
37 for a signature of any person shall be deemed satisfied by the use by
38 such person of digital signature provided such person is authorized in
39 accordance with this section to use the electronic death registration
40 system.

41 5. ~~[Licensed]~~ For burial and removal permits, licensed funeral direc-
42 tors and undertakers shall support the establishment and maintenance of
43 the electronic death registration system through a payment, tendered for
44 each burial and removal permit issued to a licensed funeral director or
45 undertaker, in the amount of twenty dollars, provided that such payment
46 shall be considered a cost of operation and the funeral director or
47 undertaker shall not charge any additional fee related to such payment
48 for funeral or other services.

49 § 3. Subdivision 3 of section 4171 of the public health law, as
50 amended by chapter 352 of the laws of 2013, is amended to read as
51 follows:

52 3. All certificates, either of birth or death, shall be written legi-
53 bly, in durable black ink, provided, however, that commencing on ~~[or~~
54 ~~after]~~ the implementation date under section forty-one hundred forty-
55 eight of this article, death certificates shall be completed in accord-
56 ance with section forty-one hundred forty-eight of this article. No

1 certificate[, ~~whether filed in paper form or death certificate filed~~
2 ~~electronically in accordance with section forty one hundred forty eight~~
3 ~~of this article,~~] shall be held to be complete and correct that does not
4 supply all of the items of information called for therein, or satisfac-
5 torily account for their omission.
6 § 4. This act shall take effect immediately.