STATE OF NEW YORK

7630--A

IN SENATE

February 1, 2018

Introduced by Sens. YOUNG, ADDABBO, AVELLA, BONACIC, FUNKE, GALLIVAN, HELMING, MARCHIONE, O'MARA, SEWARD, VALESKY -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

§ 4148. Electronic death registration system. 1. The department is hereby authorized and directed to design, **fully** implement and maintain an electronic death registration system for collecting, storing, recording, transmitting, amending, correcting and authenticating information, as necessary and appropriate to complete a death registration, and to generate such documents as determined by the department in relation to a death occurring in this state. As part of the design and **full** implementation of the system established by this section, the department shall consult with all persons authorized to use such system to the extent practicable and feasible. The payment referenced in subdivision five of this section shall be collected for each burial or removal permit issued on or after the effective date of this section from the **registered 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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to whom such permit is issued, in the manner specified by the department and shall be used solely for the purpose set forth in subdivision five of this section. Except as specifically provided in this section, the existing general duties of, and remuneration received by, local registrars in accepting and filing certificates of death and issuing burial and removal permits pursuant to any statute or regulation shall be maintained, and not altered or abridged in any way by this section.

2. Commencing on the implementation date[~~, the department shall require that~~] **all** deaths occurring within this state must be registered using the electronic death registration system established in this section. Electronic death registration may be phased in, as determined by the commissioner, for deaths occurring in the state [~~until the electronic death registration system is fully implemented in the state~~] **prior to the implementation date**. As used in this section, "implementation date" means [~~the first day in January in the second year after this section becomes a law, or as soon thereafter as the commissioner reasonably determines by regulation is feasible in light of the intent of this section~~] **January first, two thousand nineteen**. **Violations of this section shall be subject to sections twelve and twelve-b of this chapter, provided that subdivision four of section twelve of this chapter shall not apply. Penalties shall not be assessed if non-compliance is determined by the department to be attributable to a circumstance or occurrence substantially beyond the control of said person.**

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

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

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

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

3. All certificates, either of birth or death, shall be written legibly, in durable black ink, provided, however, that commencing on [~~or after~~] the implementation date under section forty-one hundred forty-eight of this article, death certificates shall be completed in accordance with section forty-one hundred forty-eight of this article. No

certificate[~~, whether filed in paper form or death certificate filed electronically in accordance with section forty-one hundred forty-eight of this article,~~] shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.

§ 4. This act shall take effect immediately.