

STATE OF NEW YORK

10677

IN ASSEMBLY

August 28, 2024

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

AN ACT to amend the public health law, in relation to requiring a certified copy or certified transcript of a birth record, death record, certificate of marriage, or certificate of dissolution of marriage to be issued to the child, grandchild, or great-grandchild of a deceased person upon request

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

1 Section 1. Subdivision 2 of section 4173 of the public health law, as
2 amended by section 30 of part L of chapter 56 of the laws of 2015, is
3 amended to read as follows:

4 2. A certified copy or certified transcript of a birth record shall be
5 issued only upon order of a court of competent jurisdiction or upon a
6 specific request therefor by the person, if eighteen years of age or
7 more, or by a parent or other lawful representative of the person to
8 whom the record of birth relates including an authorized representative
9 of the office of children and family services or a local social services
10 district if the person is in the care and custody or custody and guardi-
11 anship of such entity. A certified copy or certified transcript of a
12 birth record of a deceased person shall be issued only upon order of a
13 court of competent jurisdiction, or upon a specific request therefor by
14 a parent, lawful representative, child, grandchild, or great-grandchild
15 of such deceased person to whom such record of birth relates.

16 § 2. Paragraphs (a), (b) and (g) of subdivision 1 of section 4174 of
17 the public health law, paragraph (a) as amended by chapter 15 of the
18 laws of 2024, paragraph (b) as amended by section 31 of part L of chap-
19 ter 56 of the laws of 2015, and paragraph (g) as amended by chapter 396
20 of the laws of 1989, are amended and a new paragraph (h) is added to
21 read as follows:

22 (a) upon request, issue to any applicant either a certified copy or a
23 certified transcript of the record of any death registered under the
24 provisions of this chapter (1) when a documented medical need has been
25 demonstrated, (2) when a documented need to establish a legal right or

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

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1 claim has been demonstrated, (3) when needed for medical or scientific
2 research approved by the commissioner, (4) when needed for statistical
3 or epidemiological purposes approved by the commissioner, (5) upon
4 specific request by municipal, state or federal agencies for statistical
5 or official purposes, (6) upon specific request of the agent charged
6 with controlling disposition of a decedent's remains, as designated
7 pursuant to subdivision three of section four thousand two hundred one
8 of this chapter, spouse, domestic partners as defined in paragraph (c)
9 of subdivision one of section four thousand two hundred one of this
10 chapter, children, grandchildren, great-grandchildren, siblings, or [7]
11 parents of the deceased or the lawful representative of such persons, or
12 (7) pursuant to the order of a court of competent jurisdiction on a
13 showing of necessity; except no certified copy or certified transcript
14 of a death record shall be subject to disclosure under article six of
15 the public officers law;

16 (b) issue certified copies or certified transcripts of birth certifi-
17 cates only (1) upon order of a court of competent jurisdiction, or (2)
18 upon specific request therefor by the person, if eighteen years of age
19 or more, or by a parent or other lawful representative of the person, to
20 whom the record of birth relates including authorized representatives of
21 a local social services district if the person is in the care and custo-
22 dy or custody and guardianship of such district, or (3) in the case of a
23 certified copy or certified transcript of a birth certificate of a
24 deceased person, upon specific request therefor by a parent or other
25 lawful representative, child, grandchild, or great-grandchild of such
26 deceased person to whom such record of birth relates, or (4) upon
27 specific request therefor by a department of a state or the federal
28 government of the United States;

29 (g) upon request of a board of elections, issue certification of
30 death [7];

31 (h) upon request of the child, grandchild, or great-grandchild of a
32 deceased person, issue a certified copy or certified transcript of a
33 certificate of marriage to which such deceased person was a party.

34 § 3. Section 4139 of the public health law is amended by adding a new
35 subdivision 5-a to read as follows:

36 5-a. Where both parties to a certificate of dissolution of a marriage
37 are deceased, the commissioner shall issue such certificate, upon
38 request, to a child, grandchild, or great-grandchild of either such
39 party.

40 § 4. This act shall take effect immediately.