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:

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

2. A certified copy or certified transcript of a birth record shall be issued only upon order of a court of competent jurisdiction or upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person to whom the record of birth relates including an authorized representative of the office of children and family services or a local social services district if the person is in the care and custody or custody and guardianship of such entity. **A certified copy or certified transcript of a birth record of a deceased person shall be issued only upon order of a court of competent jurisdiction, or upon a specific request therefor by a parent, lawful representative, child, grandchild, or great-grandchild of such deceased person to whom such record of birth relates.**

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

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

(b) issue certified copies or certified transcripts of birth certificates only (1) upon order of a court of competent jurisdiction, or (2) upon specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person, to whom the record of birth relates including authorized representatives of a local social services district if the person is in the care and custody or custody and guardianship of such district, or (3) **in the case of a certified copy or certified transcript of a birth certificate of a deceased person, upon specific request therefor by a parent or other lawful representative, child, grandchild, or great-grandchild of such deceased person to whom such record of birth relates, or (4)** upon specific request therefor by a department of a state or the federal government of the United States;

(g) upon request of a board of elections, issue certification of death[~~,~~]**;**

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

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

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

§ 4. This act shall take effect immediately.