

STATE OF NEW YORK

3439

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

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:

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

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

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

33 (g) upon request of a board of elections, issue certification of
34 death[-];

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

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

40 5-a. Where both parties to a certificate of dissolution of a marriage
41 are deceased, the commissioner shall issue such certificate, upon
42 request, to a child, grandchild, or great-grandchild of either such
43 party.

44 § 4. This act shall take effect immediately.