

ARTICLE 41

VITAL STATISTICS

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TITLE I

GENERAL PROVISIONS

- Section 4100. Vital statistics; functions, powers and duties of the department, commissioner and public health council.
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§ 4100. Vital statistics; functions, powers and duties of the department, commissioner and public health council. 1. The department shall, except in the city of New York:

- (a) have charge of the registration of births and deaths;
- (b) procure the faithful registration of births and deaths;
- (c) provide the necessary instructions and forms for obtaining and preserving records of births and deaths; and,
- (d) be charged with the uniform and thorough enforcement of the provisions of this article throughout the state.

2. The commissioner shall:

(a) have general supervision of vital statistics;

(b) provide suitably equipped offices for the permanent and safe preservation of all records received or made under the provisions of this article;

(c) prepare, print, and supply to all registrars all forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this article;

(d) prepare and issue such detailed instructions, not inconsistent with the sanitary code, as may be required to procure the uniform observance of the provisions of this article and the maintenance of a good system of registration;

(e) examine the certificates received monthly and if any such are incomplete or unsatisfactory, he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory;

(f) arrange, and permanently preserve the certificates in a systematic manner;

(g) prepare and maintain a complete typewritten, printed, photographic or magnetically stored index of all births and deaths registered; said index to be arranged, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers, or the names of mothers if the names of the fathers do not appear; and

(h) prescribe and prepare the necessary methods and forms for obtaining and preserving records and statistics of autopsies which are conducted by a coroner or by a medical examiner, or by his order, within the state of New York, and shall require all those performing such autopsies, for the purpose of determining the cause of death or the means or manner of death, to enter upon such record the pathological appearances and findings embodying such information as may be prescribed, and to append thereto the diagnosis of the cause of death and the means or manner of death.

(i) upon notification by the division of criminal justice services that a person who was born in the state is a missing child, flag the certificate record of that person in such manner that whenever a copy of the record is requested, he or she shall be alerted to the fact that the record is that of a missing child. The commissioner shall also notify the appropriate registrar to likewise flag his or her records. The

commissioner or registrar shall immediately report to the local law enforcement authority and the division of criminal justice services any request concerning flagged birth records or knowledge as to the whereabouts of any missing child. Upon notification by the division of criminal justice services that the missing child has been recovered, the commissioner shall remove the flag from the person's certificate record and shall notify any other previously notified registrar to remove the flag from his or her record. In the city of New York, the commissioner of the department of health for the city of New York shall implement the requirements of this paragraph.

3. The public health council may from time to time establish such rules and regulations in the sanitary code supplementary to the provisions of this article and not inconsistent therewith, as it may deem necessary, in relation to the registration of births, deaths and fetal deaths. Such rules and regulations shall be observed by all persons upon whom duties are imposed by this chapter in connection with the registration of births, deaths and fetal deaths.

4. Certified nurse practitioners completing a death certificate for a death occurring in the city of New York shall have the same authority and responsibility to complete the certificate as they would have if the death occurred outside such city; provided, however, that such responsibility shall be exercised in accordance with the rules and regulations of the city of New York.

§ 4100-a. Definitions. As used or referred to in this article:

1. The term "certified copy" means a photographic reproduction in the form of a photocopy or a microfilm print of the original certificate or electronically produced print of the original certificate, commencing on or after the implementation date under section forty-one hundred forty-eight of this title, and certified by the commissioner, his designated representative, a local registrar, deputy registrar or sub-registrar as a true copy thereof.

2. The term "certified transcript" means a computer generated or other reproduction of information abstracted from the original state or local record the elements of which shall be as determined by the commissioner and certified by the commissioner, his designated representative, a local registrar or a deputy registrar as being an accurate abstract of information contained in the original record.

3. The term "certification of birth" means a certification that a certificate of birth is on file and shall contain only the name, sex, date of birth and place of birth of the person to whom it relates and none of the other data on a certificate of birth. When issued by the local registrar or his deputy, it shall also contain the date of filing of the certificate of birth. When issued by the commissioner or by his designated representative, it shall also contain the dates of filing in the local registration district, or a statement that the birth certificate was filed within one year of the date of birth, and in the state department of health of the original certificate of birth.

4. A "certification of death" shall contain only the name, the date of death, and the place of death of the person to whom it relates, the date of filing in the local registration district, or a statement that the death certificate was filed within one year of the death of the person to whom it relates, and none of the other data on the certificate of death.

5. The term "electronic death registration system" means the data system created and maintained by the department 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, including permits or certificates, relating to a death occurring in this state.

§ 4101. Vital statistics; enforcement. 1. The commissioner is hereby charged with the execution of the provisions of this article and is hereby granted supervisory power over registrars, deputy registrars, and

subregistrars, to the extent that there shall be uniform compliance with all of the requirements of this article.

2. Each registrar is hereby charged with the enforcement of the provisions of this article in his registration district, under the supervision and direction of the commissioner. He shall make an immediate report to the commissioner of any violation of any provision of this article coming to his knowledge, by observation, or upon complaint of any person, or otherwise.

3. The commissioner, either personally or by an accredited representative, shall have authority to investigate cases of irregularity, or violation of law, and all registrars shall aid him, upon request, in such investigations.

4. When he shall deem it necessary, the commissioner shall report cases of violation of any of the provisions of this article to the district attorney of the county, with a statement of the facts and circumstances. When any such case is reported to him by the commissioner, the district attorney shall forthwith initiate and promptly proceed with the necessary court proceedings against the person, firm or corporation responsible for the alleged violation of law.

5. Upon request of the commissioner, the attorney general shall assist in the enforcement of the provisions of this article.

§ 4102. Vital statistics; violations; penalties. 1. Any person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than five dollars nor more than fifty dollars and for each subsequent offense not less than ten dollars or more than one hundred dollars or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, shall:

(a) refuse or fail to furnish correctly any information in his

possession, or shall furnish false information affecting any certificate or record, required by this article; or,

(b) wilfully alter, otherwise than is provided by this article, or shall falsify any certificate of birth or death, or any record established by this article; or,

(c) being required by this article to fill out a certificate of death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect or refuse to perform such duty in the manner required by this article; or,

(d) inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred, or in which the body was found, except as provided in section four thousand one hundred forty-four of this article; or,

(e) being a registrar, deputy registrar, or subregistrar, shall fail, neglect or refuse to perform his duty as required by this article and by the instructions and directions of the commissioner thereunder.

2. Whenever any physician, nurse-midwife, or other person shall fail or neglect properly to record and file a certificate of birth as required by this article such person shall be liable to a penalty of not less than five dollars nor more than fifty dollars for the first and second offenses, which penalty may be recovered by an action brought by the commissioner in any court of competent jurisdiction, and for every subsequent offense, such person shall be guilty of a misdemeanor, punishable by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not more than sixty days, or both.

§ 4103. Vital statistics; evidence. 1. Certified copies of birth certificates, certification of birth, certified or verified transcripts of birth certificates, certificates of birth data or certificates of registration of birth shall be accepted by public school authorities in this state as prima facie evidence of age of children registering for

school attendance, and by the legally constituted authorities as prima facie proof of age for the issuance of employment certificates, provided that when it is not possible to secure such certified copy of the birth certificate, certification of birth, certified or verified transcript of the birth certificate, certificate of birth data or certificate of registration of birth for any child, the school authorities may accept as secondary proof of age any of the kinds of evidence specified in the labor law.

2. Any copy of the record of a birth or of a death or any certificate of registration of birth or any certification of birth, when properly certified by the local registrar, shall be prima facie evidence of the facts therein stated in all courts and places and in all actions, proceedings, or applications, judicial, administrative or otherwise, and any such certificate of registration of birth or any such certification of birth shall be accepted with the same force and effect with respect to the facts therein stated as the original certificate of birth or a certified copy thereof.

3. A certified copy of the record of a birth or death, a certification of birth or death, a transcript of a birth or death certificate, a certificate of birth data or a certificate of registration of birth, when properly certified by the commissioner or persons authorized to act for him, shall be prima facie evidence in all courts and places of the facts therein stated.

§ 4104. Vital statistics; application of article. The provisions of this article except for the provisions contained in paragraph (i) of subdivision two and subdivision four of section four thousand one hundred, section four thousand one hundred three, subdivision two of section four thousand one hundred thirty-five, section four thousand one hundred thirty-five-b, subdivision eight of section four thousand one hundred seventy-four, paragraphs (b) and (e) of subdivision one, paragraph (a) and (b) of subdivision three, and subdivisions five and eight of section four thousand one hundred thirty-eight, subdivision eleven of section four thousand one hundred thirty-eight-c, paragraph

(b) of subdivision three of section four thousand one hundred thirty-eight-d, section four thousand one hundred thirty-eight-e and section four thousand one hundred seventy-nine of this article, shall not apply to the city of New York.

TITLE II

REGISTRATION DISTRICTS: REGISTRARS, PHYSICIANS, MIDWIVES AND FUNERAL DIRECTORS

Section 4120. Vital statistics; registration districts; establishment.

4121. Vital statistics; registrar; qualifications and appointment.

4122. Vital statistics; deputy registrars and subregistrars; appointment.

4123. Vital statistics; registrars; term of office; oath; removal.

4124. Vital statistics; registrars and subregistrars; compensation and expenses.

§ 4120. Vital statistics; registration districts; establishment. 1. Except as otherwise provided in this article, each city, incorporated village and town in the state shall constitute a separate primary registration district, except that the commissioner may designate any county, except those comprising the city of New York, as a primary registration district with the approval of the board of supervisors of such county.

2. To facilitate registration, the commissioner may:

(a) with the approval of the legislative body of the county in which each affected district is located, combine two or more primary registration districts into a single primary registration district; or,

(b) divide one primary registration district into two or more primary registration districts; or,

(c) establish any state hospital, charitable or penal institution as a primary registration district.

3. Whenever a county or part-county primary registration district has been established or two or more primary registration districts have been combined, the records of birth and death and all papers pertaining to such records in the possession of the original primary registration district or districts shall be transferred as directed by the commissioner.

§ 4121. Vital statistics; registrar; qualifications and appointment.

1. In each primary registration district there shall be a registrar of vital statistics.

2. Qualifications of registrars of vital statistics hereafter appointed may be prescribed by the public health council, provided that:

(a) a local health officer shall be eligible for appointment as registrar of vital statistics; and,

(b) no licensed and registered funeral director, undertaker or embalmer engaged or employed in the business or practice of funeral directing, undertaking or embalming, and no other person engaged or employed in the business of funeral directing, undertaking or embalming shall be eligible for appointment as a registrar, deputy registrar or sub-registrar of vital statistics.

3. (a) In towns and villages the registrar or registrars of vital statistics shall be appointed by the town board and by the village board of trustees respectively; a local town clerk shall be eligible for appointment as registrar of his town and of any village wholly within said town in which he has an office, and a village clerk shall be eligible for appointment as a registrar of his village and of any town in which he resides.

(b) In the cities, unless otherwise provided by charter, the registrar or registrars of vital statistics shall be appointed by the mayor.

(c) In each primary registration district consisting of a state hospital, charitable or penal institution, the registrar shall be the director or person in charge of such institution, provided, however, that he shall receive no additional remuneration for acting as such registrar.

(d) In an area designated as a county or part-county registration district, the county commissioner of health or public health director shall be appointed by the board of supervisors as registrar of such county or part-county registration district. If there be no county commissioner of health or public health director, then the board of supervisors, with the approval of the commissioner, shall designate the registrar. When such appointment is made, the terms of office of registrars theretofore appointed within such county or part-county registration district shall thereupon terminate, and the county commissioner of health or public health director or registrar so designated shall be the registrar of the entire area embraced within such county or part-county registration district.

4. When a district is divided into two or more primary registration districts, the appointment of a registrar for each shall be made by the same appointing authority which had jurisdiction over the original district.

5. (a) When two or more primary registration districts are combined, the registrar for such combined district shall be appointed by the board or city council of those former primary registration districts having had an aggregate of one hundred or more births, deaths or fetal deaths in each of the two preceding calendar years, and which theretofore made the appointment of registrars of the original districts, except that;

(b) in a county registration district, the county commissioner of health or public health director, or if there be no county commissioner of health or public health director, the designee of the board of supervisors of such county shall be appointed as registrar for the area of his jurisdiction as provided in paragraph (d) of subdivision three of this section;

(c) where the combined primary registration districts have each registered less than an aggregate of one hundred births, deaths or fetal deaths in each of the two preceding calendar years the registrar of the combined districts, or of the districts forming a part-county registration district shall be appointed by the board of supervisors of such county.

§ 4122. Vital statistics; deputy registrars and subregistrars; appointment. 1. Immediately upon his acceptance of appointment, each registrar of vital statistics shall appoint a deputy whose duty it shall be to act in his stead in case of his absence or inability, and such deputy shall accept such appointment, in writing, and be subject to the provisions of this article and all rules and regulations governing registrars.

2. When it appears necessary for the convenience of the people in any district, the registrar is authorized, with the approval of the commissioner, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive birth and death certificates and to issue burial or removal permits in and for such portions of the district as may be designated, and each such subregistrar shall note on each certificate over his signature the date of filing and shall forward all certificates to the local registrar of the district within three days, and in all cases before the third day of the following month.

§ 4123. Vital statistics; registrars; term of office; oath; removal. 1. Unless the charter of the city or village shall provide otherwise, the term of office of a registrar of vital statistics shall be four years, except that in a town or village of the first class operating under the general town or village law, the term of office of registrar of vital statistics shall be coterminous with the term of office of the town or village clerk, as the case may be. The term of office of a county or part-county registrar shall be coterminous with that of the county commissioner of health or public health director. If there be no county commissioner of health or public health director, then the term of office of such county or part-county registrar shall be as determined by the board of supervisors of such county.

2. Each registrar of vital statistics shall hold office until his successor is appointed and shall have qualified.

3. Any registrar, deputy registrar or subregistrar of vital statistics, who fails or neglects to discharge efficiently the duties of his office in accordance with the provisions of this article or the regulations of the public health council, or to make prompt and complete returns of births and deaths as required thereby, shall be removed forthwith by the commissioner or by the person or board authorized by law to appoint such registrar, deputy registrar or subregistrar. Such other penalties may be imposed upon him as are provided by this article.

4. Notwithstanding any other provisions of the laws of this state, each registrar, deputy registrar and subregistrar of vital statistics shall file his oath of office with the clerk or clerks of the county or counties in which his registration district is located.

§ 4124. Vital statistics; registrars and subregistrars; compensation and expenses. 1. Except as otherwise provided, each registrar shall be paid:

(a) the sum of fifty cents for each birth certificate properly and completely made out, registered and promptly returned by him to the commissioner as required by this article;

(b) the sum of fifty cents for each death certificate properly and completely made out in accordance with the international classification of diseases and returned and filed with the registrar, and correctly recorded and promptly returned by him to the commissioner, as required by this article;

(c) the sum of fifty cents for each burial, removal or transit permit issued by him;

(d) the sum of fifty cents for each report of fetal death properly and completely made out and filed with the registrar; and

(e) his actual and necessary expenses.

2. A village clerk, unless the charter of the village provides otherwise, or a town clerk serving as registrar of vital statistics shall be entitled to the fees provided in this section. If a city clerk, town clerk or village clerk is appointed a registrar of vital statistics, as authorized by section forty-one hundred twenty-one of

this article, all fees collected by such registrar in the discharge of his duties shall be the property of the city, town or village and shall be paid to the chief fiscal officer of such city, town or village, provided, however, that an amount equivalent to the sum of such fees shall be paid at least monthly by such chief fiscal officer to such city clerk, town clerk or village clerk entitled to receive fees as a registrar of vital statistics.

3. (a) In any city, town or village, the legislative body of the city, town board or board of trustees may provide that the registrar be paid a stipulated daily, monthly, or annual salary instead of the fees provided for by this article.

(b) If a stipulated salary is fixed, all fees collected by the registrar in the discharge of his duties shall be the property of the city, town or village and shall be paid to the chief fiscal officer, supervisor or the village treasurer, as the case may be.

(c) In any city, town or village where the compensation of the registrar is fixed by the legislative body of the city, town board or board of trustees at a stipulated salary, the provisions herein as to the payment of fees or as to the certification by the commissioner shall not apply.

(d) In any city, town or village, the registrar shall keep a true and correct account of all fees received by him or her and report the amount of such fees to the chief fiscal officer of such city, town or village on an annual basis.

4. In any case where a local health officer is appointed as registrar of vital statistics he shall serve as such registrar without additional remuneration therefor.

5. In any case where a director or other person in charge of any state hospital, charitable or penal institution is appointed or acts as registrar of vital statistics of such registration district he shall serve as such registrar without additional remuneration therefor.

6. All amounts payable to the local registrar under the provisions of this article shall be paid by the municipality comprising the

registration district, upon certification by the commissioner.

7. Remuneration and expenses of the registrars of districts which have been divided into two or more primary registration districts shall be paid by the municipality comprising the original district.

8. (a) Remuneration and expenses of registrars of combined districts shall be paid by the municipalities comprising such districts in proportion as each would be required to compensate a separate registrar for its own district, except that when such combined districts coincide with a consolidated health district the remuneration and expenses of the registrar shall be paid by the board of health of such consolidated health district as provided by section three hundred ninety-nine of this chapter.

(b) In any combined district, the governing boards of the municipalities comprising such district; or in a combined district coinciding with a consolidated health district, the board of health thereof; or in a district divided into two or more primary registration districts, the governing board of the municipality comprising the original district, may provide that the registrar or registrars therein be paid a stipulated daily, monthly or annual salary instead of fees provided for by this article.

(c) If a salary is paid as provided in paragraph (b) of this section, all fees collected by the registrar in the discharge of his duties shall be the property of the municipality or municipalities involved and the provisions herein requiring the payment of fees to the registrar or the certification by the commissioner shall not apply.

9. The commissioner shall certify annually to the municipality the number of births and deaths properly registered, with the name of the local registrar and the amount due him at the rate fixed herein.

10. Except as otherwise provided, each subregistrar in counties designated pursuant to this article as primary registration districts shall be paid:

(a) the sum of fifty cents for each birth and death certificate properly and completely made out and received, noted and forwarded to

the registrar of the district, as required by this article;

(b) the sum of fifty cents for each burial or removal permit issued by him; and

(c) the sum of fifty cents for each report of fetal death properly and completely made out and filed with the registrar.

11. (a) The board of supervisors of the county in which such primary registration district is located may provide that the subregistrar be paid a stipulated daily, monthly or annual salary instead of the fees provided for by subdivision eleven of this section.

(b) The fees specified to be paid subregistrars under subdivision eleven or, in lieu thereof, the salary provided for by the board of supervisors of the county shall be paid by the county embracing such primary registration district.

TITLE III

REGISTRATION OF BIRTHS

Section 4130. Births; registration.

4131. Births; registration; foundlings.

4132. Birth certificate; form and content.

4133. Birth certificate; incomplete; duty of registrar.

4134. Birth certificate; unnamed child.

4135. Birth certificate; child born out of wedlock.

4135-a. Birth certificate; child born in prison.

4135-b. Voluntary acknowledgments of parentage.

4136. Birth certificate; statement as to blood test.

4137. Births; notice of recording.

4138. Birth certificate; new certificate in case of subsequent marriage of unwed parents; adoption; adjudication of parentage; change of name of registrant or parent; gender transition of registrant or parent.

4138-a. Certificate of birth data.

4138-b. Birth certificate: foreign adoption.

4138-c. Adoption information registry.

4138-d. Mutual consent voluntary adoption registry.

4138-e. Adoptee's right to a certified copy of his or her birth

certificate.

§ 4130. Births; registration. 1. Live birth is defined as the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born.

2. The birth of each child born alive in this state shall be registered within five days after the date of birth by filing with the registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form prescribed therefor by the commissioner.

3. In each case where a physician or nurse-midwife was in attendance upon the birth, it shall be the duty of such physician or nurse-midwife to file said certificate.

4. In each case where there was no physician or nurse-midwife in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the director or person in charge of the public or private institution where the birth occurred, each in the order named, within five days after the date of such birth, to report to the local registrar the fact of such birth and to file said certificate.

5. When a birth occurs in a hospital, the person in charge of such hospital or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the registrar. The physician in attendance or a physician acting in his behalf shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth.

§ 4131. Births; registration; foundlings. 1. The report of the finding of a child whose parents are unknown, filed by the commissioner of social services or by the city social services officer in accordance with the provisions of subdivision two of section three hundred ninety-eight of the social services law, shall constitute the birth record of such child.

2. The district wherein such child was found shall be considered as the place of birth, and the date of birth shall be that determined by the commissioner of social services or by the city social services officer as the approximate date of birth.

3. If, however, such child be subsequently identified, and it should appear that a certificate of birth for this child has either before or following identification been filed, as otherwise provided in this article, the report of the commissioner of social services or of the city social services officer shall be placed under seal by the state commissioner of health, such seal not to be broken except upon order of a court of competent jurisdiction.

§ 4132. Birth certificate; form and content. 1. The certificate of birth shall contain such information, including the social security numbers of the parents, and be in such form as the commissioner may prescribe.

2. The personal particulars called for shall be obtained from a competent person acquainted with the facts.

3. (a) The certificate shall be signed by the attending physician or nurse-midwife, with date of signature and his or her address.

(b) If there was no physician or nurse-midwife, in attendance, then the certificate of birth shall be signed by the father or mother of the child, householder, owner of the premises, director or other person in charge of the public or private institution where the birth occurred, or

by any other competent person whose duty it is to notify the local registrar of such birth.

4. The registrar shall enter the exact date of filing of the certificate of birth in his office attested by his official signature and registered number of birth.

5. Each parent of the child may choose to be designated on the original certificate of birth or by amendment as "father" or "mother" or "parent".

§ 4133. Birth certificate; incomplete; duty of registrar. 1. If a certificate of birth is incomplete, the registrar of the district in which the birth occurred and with whom the certificate has been filed shall immediately notify the person who signed the record, and require him to supply the missing items of information if they can be obtained.

2. In any case where the physician or nurse-midwife in attendance upon the birth of a child within this state, or other person reporting a birth of a child within this state as provided by section four thousand one hundred thirty of this chapter, is unable, by diligent inquiry, to obtain any item or items of information required in this article, it shall then be the duty of the registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable the registrar to prepare the certificate of birth herein required.

3. It shall be the duty of the person reporting such birth or who is interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by this article, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the registrar.

§ 4134. Birth certificate; unnamed child. 1. If a living child has not yet been named at the date of filing the certificate of birth, the space provided for the given name of the child is to be left blank, to be filled out subsequently by a supplemental report, as herein provided.

2. If a child dies without a given name, there shall be entered in the space provided for the name the words "died unnamed." The parents of the deceased child may submit a supplemental report of the given name of the deceased child. Such report shall be returned to the local registrar and the given name shall be entered on the original birth certificate.

3. When any certificate of birth of a living child is presented without the statement of the given name, the local registrar shall make out and deliver to the parents of the child a supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named. The given name, supplied by the supplemental report, shall be entered on the original birth certificate.

§ 4135. Birth certificate; child born out of wedlock. 1. (a) There shall be no specific statement on the birth certificate as to whether the child is born in wedlock or out of wedlock or as to the marital name or status of the mother.

(b) The phrase "child born out of wedlock" when used in this article, refers to a child whose father is not its mother's husband.

2. The name of the alleged father of a child born out of wedlock shall not be entered on the certificate of birth prior to filing without (i) an acknowledgment of parentage pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of this article executed by both the mother and alleged father, and filed with the record of birth; or (ii) notification having been received by, or proper proof having been filed with, the record of birth by the clerk of a court of competent jurisdiction or the parents, or their attorneys of a judgment, order or decree relating to parentage.

3. Orders relating to parentage shall be held confidential by the commissioner and shall not be released or otherwise divulged except by order of a court of competent jurisdiction.

§ 4135-a. Birth certificate; child born in prison. There shall be no specific statement on the birth certificate as to the fact that a child was born in prison.

§ 4135-b. Voluntary acknowledgments of parentage. 1. (a) Immediately preceding or following the in-hospital birth of a child to an unmarried person or to a person who gave birth to a child conceived through assisted reproduction, the person in charge of such hospital or his or her designated representative shall provide to the unmarried person who gave birth to the child and the alleged genetic parent, if such alleged genetic parent is readily identifiable and available, or to the person who gave birth and the other intended parent of a child conceived through assisted reproduction if such person is readily identifiable and available, the documents and written instructions necessary for such person or to a person who gave birth to a child conceived through assisted reproduction and alleged persons to complete an acknowledgment of parentage witnessed by two persons not related to the signatory. Such acknowledgment, if signed by both parties, at any time following the birth of a child, shall be filed with the registrar at the same time at which the certificate of live birth is filed, if possible, or anytime thereafter. Nothing herein shall be deemed to require the person in charge of such hospital or his or her designee to seek out or otherwise locate an alleged genetic parent or intended parent of a child conceived through assisted reproduction who is not readily identifiable or available.

(b) The following persons may sign an acknowledgment of parentage to establish the parentage of the child:

(i) An unmarried person who gave birth to the child and another person who is a genetic parent.

(ii) A married or unmarried person who gave birth to the child and

another person who is an intended parent under section 581-303 of the family court act of a child conceived through assisted reproduction.

(c) An acknowledgment of parentage shall be in a record signed by the person who gave birth to the child and by either the genetic parent other than the person who gave birth to the child or a person who is a parent under section 581-303 of the family court act of the child conceived through assisted reproduction.

(d) An acknowledgment of parentage is void if, at the time of signing, any of the following are true:

(i) A person other than the signatories is a presumed parent of the child under section twenty-four of the domestic relations law;

(ii) A court has entered a judgment of parentage of the child;

(iii) Another person has signed a valid acknowledgment of parentage with regard to the child;

(iv) The child has a parent under section 581-303 of the family court act other than the signatories;

(v) A signatory is a gamete donor under section 581-302 of the family court act;

(vi) The acknowledgment is signed by a person who asserts that they are a parent under section 581-303 of the family court act of a child conceived through assisted reproduction, but the child was not conceived through assisted reproduction.

(e) The acknowledgment shall be executed on a form provided by the commissioner developed in consultation with the commissioner of the office of temporary and disability assistance, which shall: (i) include the social security number of the signatories; (ii) provide in plain language (A) a statement by the person who gave birth to the child consenting to the acknowledgment of parentage and a statement that the other signatory is the only possible other genetic parent or that the other signatory is an intended parent and the child was conceived through assisted reproduction, (B) a statement by the, alleged genetic parent, if any, that he or she is the genetic parent of the child, and (C) a statement that the signing of the acknowledgment of parentage by both parties shall have the same force and effect as an order of parentage or filiation entered after a court hearing by a court of competent jurisdiction, including an obligation to provide support for the child except that, only if filed with the registrar of the district

in which the birth certificate has been filed, will the acknowledgment have such force and effect with respect to inheritance rights; and (iii) include the name and address, if known, of any gamete donors.

(f) Prior to the execution of an acknowledgment of parentage, the person who gave birth to the child and the other signatory shall be provided orally, which may be through the use of audio or video equipment, and in writing with such information as is required pursuant to this section with respect to their rights and the consequences of signing a voluntary acknowledgment of parentage including, but not limited to:

(i) that the signing of the acknowledgment of parentage shall establish the parentage of the child and shall have the same force and effect as an order of parentage or filiation issued by a court of competent jurisdiction establishing the duty of both parties to provide support for the child;

(ii) that if such an acknowledgment is not made, the signatory other than the person who gave birth to the child can be held liable for support only if the family court, after a hearing, makes an order declaring that the person is the parent of the child whereupon the court may make an order of support which may be retroactive to the birth of the child;

(iii) that if made a respondent in a proceeding to establish parentage the signatory other than the person who gave birth to the child has a right to free legal representation if indigent;

(iv) that an alleged genetic parent has a right to a genetic marker test or to a DNA test when available;

(v) that by executing the acknowledgment, the alleged genetic parent waives their right to a hearing, to which they would otherwise be entitled, on the issue of parentage;

(vi) that a copy of the acknowledgment of parentage shall be filed with the registry created by section three hundred seventy-two-c of the social services law, and that such filing may establish the child's right to inheritance from the alleged genetic parent or the other intended parent of a child conceived through assisted reproduction pursuant to clause (B) of subparagraph two of paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

(vii) that, if such acknowledgment is filed with the registrar of the

district in which the birth certificate has been filed, such acknowledgment will establish inheritance rights from the alleged genetic parent or the other intended parent of a child conceived through assisted reproduction pursuant to clause (A) of subparagraph two of paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

(viii) that no further judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of parentage provided, however, that:

(A) A signatory to an acknowledgment of parentage, who had attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment within the earlier of sixty days from the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which the signatory is a party, provided that the "date of an administrative or a judicial proceeding" shall be the date by which the respondent is required to answer the petition;

(B) A signatory to an acknowledgment of parentage, who had not attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child, whichever is earlier; provided, however, that the signatory must have been advised at such proceeding of his or her right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding;

(ix) that after the expiration of the time limits set forth in clauses (A) and (B) of subparagraph (viii) of this paragraph, any of the signatories may challenge the acknowledgment of parentage in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment;

(x) that the person who gave birth to the child and the other signatory may wish to consult with attorneys before executing the acknowledgment; and that they have the right to seek legal representation and supportive services including counseling regarding such acknowledgment;

(xi) that the acknowledgment of parentage may be the basis for the signatory other than the person who gave birth to the child establishing custody and visitation rights to the child and for requiring the consent of the signatory other than the person who gave birth to the child prior to an adoption proceeding;

(xii) that the refusal of the person who gave birth to the child to sign the acknowledgment shall not be deemed a failure to cooperate in establishing parentage of the child; and

(xiii) that the child may bear the last name of either parent, or any combination thereof, which name shall not affect the legal status of the child.

In addition, the governing body of such hospital shall ensure that appropriate staff shall provide to the person who gave birth to the child and the other signatory, prior to the discharge from the hospital of the person who gave birth to the child, the opportunity to speak with hospital staff to obtain clarifying information and answers to their questions about parentage establishment, and shall also provide the telephone number of the local support collection unit.

(g) Within ten days after receiving the certificate of birth, the registrar shall furnish without charge to each parent or guardian of the child or to the person who gave birth at the address designated by her for that purpose, a certified copy of the certificate of birth and, if applicable, a certified copy of the written acknowledgment of parentage. If the person who gave birth is in receipt of child support enforcement services pursuant to title six-A of article three of the social services law, the registrar also shall furnish without charge a certified copy of the certificate of birth and, if applicable, a certified copy of the written acknowledgment of parentage to the social services district of the county within which the person who gave birth resides.

2. (a) When a child's parentage is acknowledged voluntarily pursuant to section one hundred eleven-k of the social services law, the social services official shall file the executed acknowledgment with the registrar of the district in which the birth occurred and in which the birth certificate has been filed.

(b) Where a child's parentage has not been acknowledged voluntarily pursuant to paragraph (a) of subdivision one of this section or

paragraph (a) of this subdivision, the person who gave birth to the child and the other signatory may voluntarily acknowledge a child's parentage pursuant to this paragraph by signing the acknowledgment of parentage.

(c) A signatory to an acknowledgment of parentage, who has attained the age of eighteen at the time of execution of the acknowledgment shall have the right to rescind the acknowledgment within the earlier of sixty days from the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which either signatory is a party; provided that for purposes of this section, the "date of an administrative or a judicial proceeding" shall be the date by which the respondent is required to answer the petition.

(d) A signatory to an acknowledgment of parentage, who has not attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child in which the signatory is a party, whichever is earlier; provided, however, that the signatory must have been advised at such proceeding of his or her right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding.

(e) After the expiration of the time limits set forth in paragraphs (c) and (d) of this subdivision, any of the signatories may challenge the acknowledgment of parentage in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment. The acknowledgment shall have full force and effect once so signed. The original or a copy of the acknowledgment shall be filed with the registrar of the district in which the birth certificate has been filed.

3. (a) An acknowledgment of parentage executed by any two people eligible to sign such an acknowledgment under paragraph (b) of subdivision one of this section, married or unmarried, shall establish the parentage of a child and shall have the same force and effect as an

order of parentage or filiation issued by a court of competent jurisdiction. Such acknowledgement shall thereafter be filed with the registrar pursuant to subdivision one or two of this section.

(b) A registrar with whom an acknowledgment of parentage has been filed pursuant to subdivision one or two of this section shall file the acknowledgment with the state department of health, the New York city department of health and mental hygiene and the registry operated by the department of social services pursuant to section three hundred seventy-two-c of the social services law. If the acknowledgment includes the name and address of any known gamete donors of a child conceived through assisted reproduction, the state department of health or the New York city department of health and mental hygiene shall mail a copy to the known donors listed on the form with the social security numbers of the signatories redacted.

4. The court shall give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the law of the other state.

5. A new certificate of birth shall be issued if the certificate of birth of the child as defined in paragraph (b) of subdivision one of section four thousand one hundred thirty-five of this article has been filed without entry of the name of the signatory other than the person who gave birth, and the commissioner thereafter receives a notarized acknowledgment of parentage accompanied by the written consent of the person who gave birth to the child and other signatory to the entry of the name of such person, which consent may also be to a change in the surname of the child.

6. Any reference to an acknowledgment of paternity in any law of this state shall be interpreted to mean an acknowledgment of parentage signed pursuant to this section or signed in another state consistent with the law of that state.

§ 4136. Birth certificate; statement as to blood test. 1. In reporting every birth and fetal death, physicians and others permitted to attend

pregnancy cases and required to report births and fetal deaths shall state on the birth certificate or fetal death certificate, as the case may be, whether a blood test for syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or fetal death certificate is filed.

2. In addition to the information provided to be contained in each certificate of birth by this article every certificate of birth shall state whether such test was made during pregnancy or at delivery, and in the case where no blood test has been made such fact shall be reported together with the reason why such test has not been taken in compliance with the provisions of section two thousand three hundred eight of this chapter.

3. If such test has been made during pregnancy, those required to report births and fetal deaths shall state the date on which the test was made.

4. In no event shall the birth certificate state the result of the blood test.

§ 4137. Births; notice of recording. 1. (a) Within ten days after receiving the certificate of birth the registrar shall furnish without charge to the parents or guardian of the child or to the mother at the address designated by her for the purpose, a certified copy.

(b) The registrar shall, at the same time, furnish without charge to the parents or guardian of the child or to the mother at the address designated by her the immunization schedule for children. The registrar shall include the telephone number of the local county health department on the immunization schedule.

2. A certificate of registration of birth shall be accepted by public authorities in this state for the purposes indicated in section four thousand one hundred three of this chapter in the same manner as certified copies or certified transcripts of birth certificates.

3. The local registrar shall also make a notation on his copy of the original birth certificate indicating the date of issuance of such certified copy.

§ 4138. Birth certificate; new certificate in case of subsequent marriage of unwed parents; adoption; adjudication of parentage; change of name of registrant or parent; gender transition of registrant or parent. 1. A new certificate of birth shall be made whenever:

(a) proof is submitted to the commissioner that the previously unwed parents of a person have intermarried subsequent to the birth of such person; or,

(b) notification is received by, or proper proof is submitted to, the commissioner from or by the clerk of a court of competent jurisdiction or the parents, or their attorneys, or the person himself, of a judgment, order or decree relating to the parentage; or,

(c) notification is received by, or proper proof is submitted to, the commissioner from or by the clerk as aforesaid of a judgment, order or decree relating to the adoption of such person. Such judgment, order or decree shall also be sufficient authority to make a new birth certificate with conforming change in the name of such person on the birth certificate of any of such person's children under the age of eighteen years whose record of birth is on file in the state health department; or,

(d) proper proof is submitted to the commissioner by the parents, or their attorneys, or the person himself or his attorney, of a judgment, order or decree relating to a change of name granted by a court of competent jurisdiction. Such judgment, order or decree shall also be sufficient authority to make a new birth certificate with conforming change in surname for any of such person's children under the age of eighteen years whose record of birth is on file in the state health department; or,

(e) the certificate of birth of a child born out of wedlock as defined in paragraph (b) of subdivision one of section four thousand one hundred thirty-five of this article has been filed without entry of the name of the signatory other than the person who gave birth and the commissioner thereafter receives the acknowledgment of parentage pursuant to section

one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of this article executed by the person who gave birth and the other signatory which authorizes the entry of the name of such other signatory, and which may also authorize a conforming change in the surname of the child; or

(f) any person born in New York state who submits an application to change the gender on the birth certificate and an affidavit attesting under penalty of perjury that the request for a change of gender to (female, male, or X) is to conform the person's documents and records to the person's gender identity and is not made for any fraudulent purpose. A sex designation of X shall not be a required sex designation of any individual. Upon receipt of the documentation, the commissioner shall establish a new birth certificate reflecting the gender stated in the application and any change in name, if accompanied by a court order for a change of name. If such application is made on behalf of a person younger than seventeen, such affidavit shall be signed by the person's parent, legal guardian, mental health or medical provider, or social services provider.

2. (a) On every new certificate of birth made pursuant to this section, a notation that it is filed pursuant to section four thousand one hundred thirty-eight of the public health law shall be entered thereon. Notwithstanding other provisions of this article, when a child is adopted by an unmarried man or woman, the new certificate shall, if the adopting parent so requests, reflect the fact that it is a single parent adoption.

(b) Notwithstanding other provisions of this article, when a petition for adoption by two persons has been duly filed, and one of the petitioners dies before the adoption is complete, such deceased petitioner's name shall be included on the new certificate as a parent, if such adoption is completed, unless otherwise requested by the other petitioner.

(c) If the original certificate of birth contains fictitious names of either or both parents, a new certificate shall not be prepared until notification is received by, or proper proof is submitted to, the commissioner by the clerk of a court of competent jurisdiction or the parents or their attorney, or the person himself, or his attorney, of a

judgment, order or decree relating to parentage.

3. (a) When a new certificate of birth is made the commissioner shall substitute such new certificate for the certificate of birth then on file, if any, and shall send the registrar of the district in which the birth occurred a copy of the new certificate of birth. The registrar shall make a copy of the new certificate for the local record and hold the contents of the original local record confidential along with all papers and copies pertaining thereto. It shall not be released or otherwise divulged except by order of a court of competent jurisdiction or pursuant to section four thousand one hundred thirty-eight-e of this title.

(b) Thereafter, when a verified transcript or certification of birth of such person is issued by the registrar, it shall be based upon the new certificate, except when an order of a court of competent jurisdiction shall require the issuance of a verified transcript or certification based upon the original local record of birth or application is made pursuant to section four thousand one hundred thirty-eight-e of this title.

4. The commissioner may make a microfilm or other suitable copy of the original certificate of birth and all papers pertaining to the new certificate of birth. In such event, the original certificate and papers may be destroyed. All undestroyed certificates and papers and copies thereof shall be confidential and the contents thereof shall not be released or otherwise divulged except by order of a court of competent jurisdiction or pursuant to section forty-one hundred thirty-eight-c, forty-one hundred thirty-eight-d or forty-one hundred thirty-eight-e of this title.

5. Thereafter, when a certified copy or certified transcript of the certificate of birth of such a person, or a certification of birth for such person is issued, it shall be based upon the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth or application is made pursuant to section four thousand one hundred thirty-eight-e of this title.

6. When the commissioner shall receive proper proof or notification pursuant to paragraphs (a), (b), or (c) of subdivision one of this section relating to a person born outside this state, such proof or notification shall be forwarded to the appropriate registration authority for the place of birth.

7. Whenever the commissioner makes a new birth certificate for any person pursuant to the provisions of subdivision one of this section, he shall forward to such person, if eighteen years of age or more, or to the parents of such person, a certified copy, a certified transcript or a certification of birth, whichever he deems appropriate under the circumstances, without making any charge therefor.

8. An adopted person eighteen years of age or older, or the birth parent or parents, may submit to the registrar a notice of change of name and/or address and such information shall be attached to the original birth certificate of the adopted person.

§ 4138-a. Certificate of birth data. Any existing certificate of birth data shall continue to be effective.

§ 4138-b. Birth certificate: foreign adoption. 1. Whenever the finalization of a foreign adoption or recognition of a foreign adoption of a person of any age pursuant to section one hundred eleven-c of the domestic relations law, or the adoption of a foreign-born person of any age at the time of adoption has been reported to the commissioner, the commissioner shall file a birth certificate for the adopted person provided there is no other birth certificate or other birth record on file other than in the country where such person was born and provided, further, that a certificate of birth data does not exist for that person. Such birth certificate shall be filed upon receipt of: proof that the adoptive parent was a resident of this state at the time of adoption or that the adoptee was lawfully adopted within the State of New York; if the adoptee was adopted in a foreign country or

jurisdiction, a copy of the adoption documents of the jurisdiction or country in which the person was adopted; a certified translation of the foreign adoption documents, evidence of the date and place of the adopted person's birth; and evidence of IR-3, IR-4 or IH-3 immigrant visa status or a successor immigrant visa status. The birth certificate shall include the adopted person's name, sex, date of birth, time of birth, place of birth, mother's maiden name, and father's name. A birth certificate issued pursuant to this section which has been filed by a local registrar and all supporting documentation shall be submitted by the local registrar to the commissioner who shall file a new birth certificate pursuant to this section.

2. A petitioner may submit an attorney certified copy of the adoptee's foreign birth certificate, or similar confirmation of birth, and adoption decree, and copies of attorney certified translations of the foreign documentation in connection with the finalization of a foreign adoption or recognition of a foreign adoption pursuant to section one hundred eleven-c of the domestic relations law.

3. This provision shall be deemed retroactive so that an adopted person who was adopted in accordance with this section prior to the effective date hereof may obtain, upon application, a birth certificate pursuant to this section.

§ 4138-c. Adoption information registry. 1. There shall be established in the department an adoption information registry operated by employees of the department specifically designated by the commissioner. Access to all records and information in the registry shall be limited to such designated employees and such records and information shall be kept strictly confidential except as specifically authorized by law. The commissioner shall establish rules and procedures designed to keep such records and information separate and apart from other records of the department and kept in a manner where access to such records and information is strictly limited to such designated employees and shall promulgate regulations designed to effectuate the purposes of this section. Notwithstanding any inconsistent provision of the domestic

relations law or any other law to the contrary, the commissioner shall have access to the information authorized to be released pursuant to this section contained in birth and adoption records of any agency, court or department having appropriate records which will enable the commissioner to effectuate the purposes of this section and may require the cooperation of such agency, court or department in providing the information authorized to be released pursuant to this section, provided, however, that the commissioner shall not have access to the actual adoption records of any agency, court or department maintaining such records.

1-a. For the purposes of this section, "adoptee" shall include: those persons born in this state, and those persons born in any other state within the United States or in the District of Columbia whose adoption occurred within this state.

2. Upon application for registration by an adoptee not born in this state, or by a birth parent or biological sibling of such an adoptee, the department shall, to the extent practicable, determine whether the adoptee's adoption occurred within this state. If the department determines that the adoption occurred within this state, it shall register the applicant if he or she is otherwise qualified and make appropriate notifications pursuant to subdivision four of this section. The registry shall accept, at any time, and maintain the verified registration transmitted by an agency pursuant to section forty-one hundred thirty-eight-d of this title, or of the birth parents of an adoptee who was born in this state. The registry shall neither accept nor maintain the registration of an adoptee sooner than eighteen years after the adoptee's birth, or in the case of registration by a biological sibling of an adoptee, no sooner than the longer of eighteen years after the biological sibling's birth or eighteen years after the adoptee's birth. Any person whose registration was accepted may withdraw such registration prior to the release of any identifying information. The adoptee registrant, and the biological sibling registrant, shall include as part of the registration the identification, including the name and address, of known biological siblings of the adoptee. The adoptee may upon registration, or any time thereafter, elect not to have

release of information by the authorized agency involved in such adoption. The department shall establish an authorized agency fee schedule for search costs and registry costs and services provided by such agency in gathering and forwarding information pursuant to this section. The fee schedule may also include costs for disseminating information about the registry and the adoption medical information sub-registry to the public. Such publications or brochures may include information as to identifying and non-identifying information, how to register and fees charged to the registrants, and any other information deemed appropriate.

3. For the purposes of this section, the term "non-identifying information" shall only include the following information, if known, concerning the adoptee, parents and biological siblings of an adoptee:

- (a) Age of the parents in years, at birth of such adoptee.
- (b) Heritage of the parents, which shall include nationality, ethnic background and race.
- (c) Education, which shall be the number of years of school completed by the parents at the time of birth of such adoptee.
- (d) General physical appearance of the parents at the time of the birth of such adoptee, which shall include height, weight, color of hair, eyes, skin and other information of similar nature.
- (e) Religion of parents.
- (f) Occupation of parents.
- (g) Health history of parents.
- (h) Talents, hobbies and special interests of parents.
- (i) Facts and circumstances relating to the nature and cause of the adoption.
- (j) Name of the authorized agency involved in such adoption.
- (k) The existence of any known biological siblings.
- (l) The number, sex and age, at the time of the adoptee's adoption, of any known biological siblings.

4. Upon acceptance of a registration of an adoptee born in this state, or by a birth parent or biological sibling of such adoptee, pursuant to this section, the department shall search the records of the department to determine whether the adoptee's adoption occurred within this state.

After making a determination, to the extent practicable, as to whether an adoptee's adoption occurred within this state pursuant to subdivision two of this section, or upon completing a search of the records pursuant to this subdivision:

(a) If the department determines that the adoption occurred within this state, it shall notify the court wherein the adoption occurred to submit to the department non-identifying information as may be contained in the records of the court and the names of the birth parents of the adoptee. Notwithstanding any other provision of law to the contrary, the court shall thereupon transmit to the department non-identifying information as may be contained in the records of the court, and the names of the birth parents of the adoptee, provided that, if the court determines from its records that the adoption was from an authorized agency, the court shall submit to the department only the name and address of such authorized agency and the names of the birth parents of the adoptee. In such cases, unless the adoptee registrant shall have elected otherwise, the department shall notify the authorized agency whose name was provided by the court to release promptly to the adoptee all non-identifying information as may be contained in the agency records. Such agency shall thereafter promptly release the non-identifying information to the adoptee registrant. If the adoptee registrant shall have elected not to have the information released to him or her by the authorized agency, the agency shall submit promptly to the department all non-identifying information as may be contained in the agency records. In any case where the agency records are incomplete, no longer exist or are otherwise unavailable, the department shall so notify the court. The court shall thereupon promptly submit such non-identifying information as may be contained in their records. If no authorized agency was involved or if the adoptee registrant shall have elected not to have release of information by the authorized agency involved in such adoption, the department shall release the non-identifying information to the adoptee registrant. The department and/or an authorized agency may restrict the nature of the non-identifying information released pursuant to this section upon a reasonable determination that disclosure of such non-identifying information would not be in the adoptee's, biological sibling's, or parent's best interest.

(b) If the department determines that the adoption did not occur within the state, it shall notify the adoptee registrant that no record exists of the adoption occurring within the state.

5. Upon acceptance of a registration pursuant to this section, the department shall search the registry to determine whether the adoptee, any biological sibling of the adoptee, or birth parents of the adoptee is also registered.

(a) If the department determines the adoptee is not in contact with a biological sibling under the age of eighteen and that there is a corresponding registration for the adoptee, for either of the birth parents, and/or for the biological sibling registrant, it shall notify the court wherein the adoption occurred and the department shall notify all such persons that a corresponding match has been made and request such persons' final consent to the release of identifying information.

(b) If the department determines that there is no corresponding registration for the adoptee, for either of the birth parents, and/or for a biological sibling of the adoptee, it shall notify the registering person that no corresponding match has been made. The department shall not solicit or request the consent of the non-registered person or persons.

6. Upon receipt of a final consent by the adoptee, by either of the birth parents, and/or by a biological sibling of the adoptee, the department shall, unless the adoptee or biological sibling registrant shall elect otherwise, if an authorized agency was involved in such adoption, release identifying information to such agency; such agency shall thereafter promptly release identifying information about the consenting registrants to the consenting registrants. If no authorized agency was involved, or if any registrant shall have elected not to have release of the information by the authorized agency involved in such adoption the department shall release identifying information to the consenting registrants. Such identifying information shall be limited to the names and addresses of the consenting registrants and shall not include any other information contained in the adoption or birth records. However, nothing in this section shall be construed to prevent the release of adoption records as otherwise permitted by law.

6-a. (a) There shall be established in the registry an adoption medical information sub-registry. Access to all identifying records and information in the sub-registry shall be subject to the same restrictions as the adoption information registry.

(b) The department shall establish procedures by which a birth parent may provide medical information to the sub-registry, and by which an adoptee aged eighteen years or older or the adoptive parents of an adoptee who has not attained the age of eighteen years may access such medical information.

(c) A birth parent may provide the adoption medical information sub-registry with certified medical information. Such certified medical information must include other information sufficient to locate the adoptee's birth record.

(d) Upon receipt from the birth parent of certified medical information and other information needed to identify the adopted person, the department shall, to the extent practicable, determine if the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall register such information and determine if the adoptee or adoptive parent of the adoptee is registered. Upon such determination, the department shall release the non-identifying medical information only to an adoptee, aged eighteen years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(e) Upon receipt from an adoptee aged eighteen years or older or the parent of an adoptee of a registration, the department shall, to the extent practicable, determine if the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall search its records for medical information provided by the adoptee's birth parent. If such medical information is found, the department shall release the non-identifying medical information only, to an adoptee, aged eighteen years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(f) The department shall not solicit or request the provision of medical information from a birth parent or the registration by an adoptee or parent of an adoptee.

(g) A fee shall not be required from a birth parent for providing

health information.

7. (a) Any employee of the department or any employee of an authorized agency who solicits or causes another to solicit a registration for the purposes of this section, except as otherwise permitted by law, shall be guilty of a misdemeanor, provided, however, that solicitation shall not include disclosure of the adoption information registry.

(b) Any person who unlawfully discloses any information in the adoption information registry shall be guilty of a class A misdemeanor.

(c) Notwithstanding any other provision, any employee of the department who unlawfully discloses any information in the adoption information registry shall be subject to dismissal for such violation.

8. For purposes of this section: "authorized agency" or "agency" means an authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of the social services law.

10. The commissioner is directed to develop an adoption information registry birth parent registration consent form to be completed at the time of surrender or consent to adoption. Such form shall include check-off boxes to be appropriately marked by the biological parent or parents whose consent is necessary for the relinquishment of such child indicating whether or not such parent consents to the receipt of identifying information by the child to be adopted. A copy of such form shall be sent to the department with copies of the original and amended birth certificates. Such form shall state that it is the responsibility of the birth parent to update the registry with any changes in contact information. The form shall additionally advise the biological parents of the adoption medical information sub-registry and the procedures by which a birth parent may provide medical information to the sub-registry. Notwithstanding any inconsistent provision of law to the contrary, the commissioner is directed to develop any rules and regulations necessary to expedite the transfer of information from any agency, court or department necessary to implement this subdivision.

11. Upon receipt of the adoption information registry birth parent registration consent form required by section two hundred fifty-four of

the judiciary law, the commissioner of health of the city of New York shall forward a copy of such consent form, copies of the original birth certificate, the amended birth certificate and a copy of the notification of adoption to the adoption information registry maintained in accordance with this section.

§ 4138-d. Mutual consent voluntary adoption registry. 1. A mutual consent voluntary adoption registry may be established and maintained by each authorized agency involved in an adoption. Persons eligible to receive identifying information may work through the agency involved in the adoption. If that agency has merged or ceased operations, a successor agency which has the files pertaining to adoptions in which the ceased or merged agency was involved may establish and maintain a mutual consent voluntary adoption registry concerning those adoptions. Any authorized agency which establishes and maintains a mutual consent voluntary adoption registry pursuant to this section shall notify the department of the name and address of such agency, together with such other information the department may require.

2. The agency shall accept, at any time, and maintain the verified registration of the birth parents of an adoptee. The agency shall accept and maintain the verified registration of an adoptee or of the biological sibling of an adoptee if such adoptee was born in this state, or was born in any other state within the United States, or in the District of Columbia, and his or her adoption occurred within this state, no sooner than eighteen years after the adoptee's birth or in the case of a biological sibling registrant, no sooner than the longer of eighteen years after the birth of the adoptee or eighteen years after the birth of the biological sibling; provided however, that any person whose registration was accepted may withdraw such registration prior to the release of any identifying information.

3. Upon acceptance of a registration pursuant to this section, the agency shall search the records of the agency to determine whether the agency was involved in such adoption.

(a) If the agency determines that the agency was not involved in such

adoption, it shall notify the registrant that no record exists of the adoption and refer the registrant to the department's adoption information registry operated pursuant to section forty-one hundred thirty-eight-c of this title.

(b) If the agency determines that the agency was involved in such adoption, it shall transmit the registration to the adoption information registry operated by the department and the agency shall release the non-identifying information, as defined in section forty-one hundred thirty-eight-c of this title, to the adopted person.

4. Upon acceptance of a registration pursuant to this section, the department shall search the records of the department to determine whether the adoptee's adoption occurred within the state. The department shall establish an authorized agency fee schedule for search costs and registry costs of an authorized agency.

(a) If the department determines that there is a corresponding registration for the adoptee, for either of the birth parents and/or for a biological sibling of the adoptee, it shall notify the court wherein the adoption occurred and the department shall notify the agency that a corresponding match has been made. The agency shall notify all such registrants that a corresponding match has been made and request such persons' final consent to the release of identifying information.

(b) If the department determines that there is no corresponding registration for the adoptee, for either of the birth parents and/or for a biological sibling of the adoptee, it shall notify the agency which shall notify the registering person that no corresponding match has been made. The agency shall not solicit or request the consent of the non-registered person or persons.

5. Upon receipt of a final consent by the adoptee, by either of the birth parents and/or by a biological sibling of the adoptee, the agency shall release identifying information about the consenting registrants to the consenting registrants. Such identifying information shall be limited to the names and addresses of the consenting registrants and shall not include any other information contained in the adoption or birth records. However, nothing in this section shall be construed to prevent the release of adoption records as otherwise permitted by law.

6. (a) Any employee of the agency who solicits or causes another to solicit a registration for the purposes of this section, except as otherwise permitted by law, shall be guilty of a misdemeanor, provided, however, that solicitation shall not include disclosure of the existence of the adoption information registry.

(b) Any person who unlawfully discloses any information in the mutual consent voluntary adoption registry shall be guilty of a class A misdemeanor.

(c) Notwithstanding any other provision, any employee of the department who unlawfully discloses any information in the mutual consent voluntary adoption registry shall be subject to dismissal for such violation.

7. Upon receipt of identifying information from the department pursuant to section four thousand one hundred thirty-eight-c of this article, the agency shall promptly release identifying information to all the registrants. Such identifying information shall be limited to the names and addresses of the registrants and shall not include any other information contained in the adoption or birth records or other records maintained by the agency. However, nothing in this section shall be construed to prevent the release of adoption records as otherwise permitted by law.

8. For purposes of this section: "authorized agency" or "agency" means an authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of the social services law.

§ 4138-e. Adoptee's right to a certified copy of his or her birth certificate. 1. The legislature hereby states its intention to acknowledge, support and encourage the life-long health and well-being needs of persons who have been and will be adopted in this state. The legislature further recognizes that the denial of access to accurate and complete medical and self-identifying data of any adopted person, known and wilfully withheld by others, may result in such person succumbing to preventable disease, premature death or otherwise unhealthy life, is a

violation of that person's human rights and is contrary to the tenets of government. As such, the provisions of this section seek to establish considerations under the law for adopted persons equal to such considerations permitted by law to all non-adopted persons; this section does so while providing for the privacy of an adopted person and his or her birth.

2. (a) Notwithstanding any other provision of law, the commissioner or a local registrar or any person authorized by the commissioner or a local registrar, upon application, proof of identity and payment of a nominal fee, shall issue certified copies of original long form line by line, vault copy birth certificates, including any change attached to that certificate by a birth parent or parents, and any information provided to the commissioner or a local registrar pursuant to subdivision one of section one hundred fourteen of the domestic relations law, to (i) an adopted person, if eighteen years of age or more, or (ii) if the adopted person is deceased, the adopted person's direct line descendants, or (iii) the lawful representatives of such adopted person, or lawful representatives of such deceased adopted person's direct line descendants, as the case may be.

(b) When it shall be impossible for the commissioner or a local registrar to provide a copy of an adult adopted person's original long form birth certificate (as may occur in the case of an adopted person born outside of, but adopted within, the state and such certificate is not part of the records of the commissioner or a local registrar), the true and correct information about the adopted person and the adopted person's birth parents, including their identifying information, that would have appeared on such original birth certificate shall be provided to: (i) the adopted person, if eighteen years of age or more, or (ii) if the adopted person is deceased, the adopted person's direct line descendants, or (iii) the lawful representatives of such adopted person, or lawful representatives of such deceased adopted person's direct line descendants, as the case may be by any authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of the social services law. In such case, the agency shall be held harmless from any liability arising out of the disclosure.

(c) For purposes of this subdivision, the term "commissioner" shall

include the state commissioner of health, the commissioner of health and mental hygiene of the city of New York and for records of birth prior to January first, nineteen hundred fourteen, the local registrars of the cities of Albany, Buffalo and Yonkers.

TITLE III-A

FILING OF CERTIFICATES OF DISSOLUTION OF MARRIAGE

Section 4139. Certificates of dissolution of marriages to be filed with the department; duties of county clerks in connection therewith.

§ 4139. Certificates of dissolution of marriages to be filed with the department; duties of county clerks in connection therewith. 1. No interlocutory decree, judgment or order of divorce, annulment, or other dissolution of marriage shall hereafter be filed or entered in the office of any county clerk of this state, unless there is submitted therewith, a certificate of dissolution of marriage on a form prescribed, printed and furnished by the commissioner. Such form may contain a confidential section for statistical and research purposes. Such section shall not be subject to subpoena or to inspection by persons other than the commissioner or authorized personnel of the department. The commissioner may, however, pursuant to appropriate rules assuring that the identity of individuals will not be revealed, approve the inspection and use of such confidential sections for scientific purposes.

2. Such certificate shall contain the names and addresses of the attorneys for the parties thereto, the names, social security numbers and addresses of the parties to the action, and such other information as prescribed by the commissioner, including but not limited to such information as may be requested by the federal agency in charge of vital statistics.

3. At such times as the commissioner shall direct, the county clerk of each county shall transmit to the department the certificates of

dissolution of marriage so filed in his office for each case where the decree became final during the previous months. Such certificates of dissolution of marriage shall be kept on file and properly indexed by the department.

4. A certified copy or certified transcript of such certificate may be furnished to either party to the action by the commissioner. A certified copy or certified transcript of such certificate may be furnished by the commissioner to one other than a party to the action, only upon order of a judge of a court of record, or a judge of a family court, granted upon application of such other person, with or without notice, upon showing a proper or judicial necessity therefor, which order and the papers accompanying same shall be filed by the commissioner and given the indexed number of the certificate of dissolution to which it relates. The commissioner shall be deemed to have complied with the applicable provisions of this subdivision by the issuance of a certified transcript of the desired certificate instead of a certified copy thereof except where the requester shall show, to the satisfaction of the commissioner or his designated representative, a demonstrated need for such certified copy, or where a court order rendered pursuant to the provisions of this subdivision contains an express recital or direction therein that the issuance of a certified transcript of such certificate instead of a certified copy thereof shall not be considered to be in compliance therewith.

5. Whenever in his opinion, information as to the dissolution of a marriage is required for a legal or other proper purpose, the commissioner may make a search of the files and, if the record of dissolution of marriage is found, he may furnish to the applicant, in the form of a certification, the names of the parties to the dissolved marriage, the name of the county and county seat of such county in which the decree dissolving the marriage was granted, and the date the decree was entered.

6. The commissioner shall be entitled to a fee of thirty dollars for each certification, certified copy or certified transcript of certificate of dissolution of marriage furnished.

7. For a search of the files where no such certification, certified copy, or certified transcript is furnished, or for a certification that a search discloses no record of a dissolution of marriage, the commissioner shall be entitled to a fee of thirty dollars.

8. Notwithstanding any other provisions of this section, the federal agency in charge of vital statistics may obtain from the department at a fee acceptable to the commissioner, information from certificates of dissolution of marriage for use solely as statistical data without the order of a justice of the supreme court. For other official purposes, subject to the provisions of subdivision four of this section, certifications, certified copies, or certified transcripts of certificates of dissolution of marriage may be furnished, at a fee acceptable to the commissioner upon specific request therefor by a department of the state of New York or of the government of the United States.

TITLE IV

REGISTRATION OF DEATHS: BURIAL PERMITS

- Section 4140. Deaths from natural causes; registration.
- 4141. Death certificate; form and content.
 - 4141-a. Death certificate; duties of hospital administrator.
 - 4142. Death certificate; duties of funeral director.
 - 4143. Deaths without medical attendance; registration.
 - 4144. Deaths; burial and removal permits; transportation of remains.
 - 4145. Deaths; burial and removal permits; disposition of remains.
 - 4146. Deaths; burial permits; interments in certain cemeteries prohibited.
 - 4147. Deaths; confidentiality of records.
 - 4148. Electronic death registration system.

§ 4140. Deaths; registration. 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 through electronic means in accordance with section forty-one hundred forty-eight of this title.

2. If the certificate of death is properly executed and complete, the registrar of the district in which the death occurred shall then issue a burial or removal permit to the funeral director or undertaker. In case the death occurred from a disease which is designated in the sanitary code as a communicable disease, no permit for the removal or other disposition of the body shall be issued by the registrar, except to a funeral director or undertaker licensed in accordance with the provisions of this chapter, under such conditions as may be prescribed in the sanitary code.

3. The commissioner and the department of health of the city of New York shall deliver to the state board of elections, at least monthly, records in a format as mutually determined by both agencies, of the names of all persons of voting age for whom death certificates were issued. Such records shall be arranged by county of residence and shall include the name, residence address and birth date of each such person.

§ 4141. Death certificate; form and content. 1. The certificate of death shall contain such information, including but not limited to the decedent's social security number, and shall be in such form as the commissioner may prescribe.

2. The personal particulars called for shall be furnished by a competent person acquainted with the facts.

3. The statement of facts relating to the disposition of the body shall be signed by the funeral director or undertaker in charge of the corpse.

4. (a) The medical certificate shall be made, dated, and signed by the physician or nurse practitioner, if any, last in attendance on the deceased.

(b) Indefinite terms, denoting only symptoms of disease or conditions resulting from disease, shall not be held sufficient.

(c) Any certificate stating the cause of death in terms which the commissioner declares indefinite shall be returned to the physician, nurse practitioner, or person making the medical certificate for correction and more definite statement.

(d) Where a death is caused by an opioid overdose, such information shall be indicated on the certificate, including, if known to the person completing the death certificate, the specific opioid that caused the death of the decedent, along with any other related information as the commissioner may require.

§ 4141-a. Death certificate; duties of hospital administrator. When a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present the certificate to the physician or nurse practitioner in attendance, or a physician or nurse practitioner acting in his or her behalf, who shall promptly certify to the facts of death, provide the medical information required by the certificate, sign the medical certificate of death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred forty of this title can be met; provided, however that commencing on or after the implementation date under section forty-one hundred forty-eight of this title, information and signatures required by this section shall be obtained and made in accordance with section forty-one hundred forty-eight of this title.

§ 4142. Death certificate; duties of funeral director. In each case the funeral director, undertaker or person having charge of the body of a deceased person, shall:

(a) obtain the personal and statistical particulars required for the certificate of death from a competent person acquainted with the facts and qualified to supply them and enter them on the certificate together with the name and address of his informant;

(b) present the certificate promptly to the attending physician or nurse practitioner, who shall forthwith certify to the facts of death, provide the medical information required by the certificate and sign the medical certificate of death, or to the coroner or medical examiner in those cases where so required by this article or, when a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, to the person in charge of such hospital or his or her designated representative, who shall obtain the medical certificate of death as prescribed in section four thousand one hundred forty-one-a of this title;

(c) state the facts required on the certificate of death relative to the date and place of burial, cremation or removal, over his signature and with his address; and,

(d) prior to the disposition of the remains, file the certificate of death with the registrar of the district in which the death occurred as provided in section four thousand one hundred forty of this article.

(e) notwithstanding any contrary provisions of law as may be set forth in this section, commencing on or after the implementation date under section forty-one hundred forty-eight of this title, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this title.

§ 4143. Deaths without medical attendance; registration. 1. In case of any death occurring without medical attendance, it shall be the duty of the funeral director, undertaker or any other person to whose knowledge the death may come, to give notice of such death to the coroner of the county, or if there be more than one, to a coroner having jurisdiction, or to the medical examiner.

2. When notified of any death occurring without medical attendance, the coroner or medical examiner shall immediately investigate as provided by law and shall certify as provided in subdivision three.

Provided, however, no coroner or medical examiner shall have the authority to investigate a pregnancy loss as provided in section forty-one hundred sixty-one of this article.

3. The coroner or medical examiner whose duty it is to investigate the death and to execute the certificate of death, shall state in such certificate the name of the disease causing death, or if from external causes, the means of death; whether probably accidental, suicidal or homicidal; and shall, in any case, furnish such information as may be required by the commissioner in order to classify the death.

4. In case of any death occurring without medical attendance in the county of Erie, it shall be the duty of the undertaker or other person to whose knowledge the death may come, to notify the medical director of such death, and when so notified the medical director shall immediately investigate and certify as to the cause of death and shall, if such medical director has reason to believe that the death may have been due to an unlawful act or neglect, cause a proper investigation and certification in accordance with the provisions of this section. Provided, however, the medical director shall not have the authority to investigate a pregnancy loss as provided in section forty-one hundred sixty-one of this article.

§ 4144. Deaths; burial and removal permits; transportation of remains.

1. The body of any person whose death occurs in this state, or which shall be found dead herein shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from this state, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the registrar of vital statistics of the registration district in which the death occurred or the body was found; provided, however, that a licensed funeral director may apply for and receive such permit on behalf of any person or institution authorized by article forty-two or forty-three of this chapter to receive unclaimed cadavers or anatomical gifts.

2. (a) No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as provided in this article.

(b) The funeral director or undertaker who shall make any removal before a permit is issued by the registrar, shall return the body to the registration district where death occurred, whenever the coroner, medical examiner, or district attorney shall request such return of the body for investigation or post-mortem examination.

(c) 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.

3. No registrar of vital statistics shall receive any fee for the issuance of burial or removal permits under this chapter except as referenced by section forty-one hundred forty-eight of this title and other than the compensation provided in this article.

4. When the body of a deceased person is transported from outside of the state into a registration district in this state for burial or other disposition, the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred shall be given the same force and effect as the burial permit herein provided for.

5. If the interment, or other disposition of the body of a deceased person is to be made within the state, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death, having been filed with him, as required by law, permission is granted to inter, remove or otherwise dispose of the body, stating the name, age, sex, cause of death, and other necessary details in a manner and format as may be required by the commissioner.

6. Notwithstanding any other provision of law, the commissioner shall have power to promulgate rules with reference to the removal of bodies

of persons whose deaths occur on trains, boats or other carriers engaged in the transportation of persons within this state, and with reference to the removal of bodies as provided herein.

§ 4145. Deaths; burial and removal permits; disposition of remains.

1. No person in charge of any premises on which interments, cremations, natural organic reductions or other disposition of the body of a deceased person are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, cremation, natural organic reduction or transit permit, as provided in this article.

2. (a) The funeral director or undertaker shall deliver the burial permit to the person in charge of the place of burial or other disposition before interring or otherwise disposing of the body or shall attach the removal or transit permit to the box containing the body, when shipped by any transportation company, which permit shall accompany the remains to its destination, where, if within this state, it shall be delivered to the person in charge of the place of burial or other disposition.

(b) Any person or other entity owning, operating, managing, or designated to receive the body of a deceased person at a place of burial, cremation, natural organic reduction, or other final disposition in this state, who receives the body of a deceased person, shall provide a receipt for the body to the funeral director, undertaker or registered resident who delivered such body. Each receipt shall (i) be endorsed by both such person and the funeral director, undertaker or registered resident, (ii) indicate the date the body was delivered, (iii) include the name of the funeral director, undertaker or registered resident delivering the body and the registration number of such funeral director, undertaker or registered resident, (iv) include the name of the registered funeral firm the funeral director, undertaker or registered resident represents, (v) include the name of the deceased person as it appears on the burial, cremation, natural organic reduction, or transit permit, and (vi) include the name of the owner, operator, manager, or person in charge of the place of burial,

cremation, natural organic reduction, or other final disposition who received the body of the deceased person. A copy of such receipt shall be retained by the owner, operator, manager, or person in charge of the place of burial, cremation, natural organic reduction, or other final disposition for a period of not less than four years, and shall be made available for inspection by the division of cemeteries during normal business hours. The original copy of every such receipt shall be retained by the licensed funeral firm for a period of not less than four years pursuant to the rules and regulations of the department governing the maintenance of records.

3. The person in charge of the place of burial or other disposition shall endorse upon the permit, the date of interment, natural organic reduction, or cremation or other disposition over his signature, and shall return all permits so endorsed to the registrar of his district within seven days after the date of interment, cremation, natural organic reduction, or other disposition.

4. When burying or otherwise disposing of the body of a deceased person in a cemetery or burial place having no person in charge, the funeral director or undertaker shall (a) sign the burial or removal permit, giving the date of burial; (b) write across the face of the permit the words "No person in charge;" and (c) file the burial or removal permit within three days with the registrar of the district in which the cemetery is located.

5. The person in charge of the place of burial, cremation, natural organic reduction, or other disposition shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the funeral director or undertaker, which record shall at all time be open to official inspection.

6. For the purposes of this section, such documents required to be produced under this section may be signed by written instrument or the use of an electronic signature, as that term is defined in subdivision

three of section three hundred two of the state technology law, with the intent to execute the instrument, writing or electronic record.

§ 4146. Deaths; burial permits; interments in certain cemeteries prohibited. 1. Whenever the legislative authority of any municipality shall deem that further interments in any cemetery in such municipality would be detrimental to the public health, it may by resolution direct its clerk to cause a notice to be served upon the person or corporation owning or controlling such cemetery, and to publish said notice once a week for three successive weeks in two papers published in such city, stating a time and place not less than thirty days after service and first publication of such notice, at which any person interested may show cause to the legislative authority why further interments in such cemetery should not be prohibited.

2. At the time and place specified in such notice the legislative authority of such municipality shall hear all persons desiring to be heard, and if upon such hearing it appears that further interments in such cemetery will be detrimental to public health, it may by resolution prohibit further interments therein.

3. If such resolution is adopted a certified copy thereof shall be filed with the board of health of the municipality in which the cemetery is located, and thereafter permits for interments in such cemetery shall not be issued. The action of the legislative authority in passing such resolution may be reviewed within thirty days thereafter under and pursuant to article seventy-eight of the civil practice act.

4. A burial permit issued by any registrar of vital statistics authorizing burial in such cemetery shall be deemed null and void and of no legal effect after a copy of the resolution has been filed with the board of health of the municipality.

§ 4147. Deaths; confidentiality of records. The death certificate, burial permit or any other record of death or interment, as defined by

article forty-one of this chapter, including but not limited to the name, address or telephone number of the decedent, next of kin or surviving relatives of such decedent, shall not be sold or offered for sale for commercial, promotional or profit-making purposes without the written consent of the next of kin or the legal representative of such decedent or next of kin. The provisions of this section shall not apply to newspapers or newsletters providing general information to the public. A violation of this section shall constitute a violation as defined in the penal law.

§ 4148. Electronic death registration system. 1. The department is hereby authorized and directed to design, 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 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. 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 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. 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.

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, 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.

TITLE V

REPORTING OF PREGNANCY LOSS

Section 4160. Pregnancy loss; reporting.

4160-a. Certificate of still birth.

4161. Pregnancy loss certificates; form and content; health care professionals and hospital administrators.

4162. Products of conception; burial and removal; permits.

4163. Penalties.

§ 4160. Pregnancy loss; reporting. 1. Pregnancy loss is defined as the loss of a pregnancy at any gestation, as confirmed by a health care provider licensed pursuant to title eight of the education law and acting within such health care provider's scope of practice, including spontaneous miscarriage, still birth, or any termination of pregnancy which is consistent with the requirements of article twenty-five-A of this chapter.

2. A pregnancy loss caused by spontaneous miscarriage or still birth shall be registered within seventy-two hours of the pregnancy loss by electronically filing directly with the department of health, a report of such loss.

* 3. A pregnancy loss due to an induced termination of pregnancy shall be registered within seventy-two hours of such pregnancy loss if the individual experiencing the pregnancy loss requests such registration to facilitate disposition of the products of conception in accordance with section forty-one hundred sixty-two of this title, by filing directly with the department of health, a report of such loss. Such report shall be limited to the information strictly necessary to facilitate disposition.

* NB Effective until March 30, 2027

* 3. A pregnancy loss due to an induced termination of pregnancy shall be registered within seventy-two hours of such pregnancy loss if the individual experiencing the pregnancy loss requests such registration to facilitate disposition of the products of conception in accordance with section forty-one hundred sixty-two of this title, by electronically filing directly with the department of health, a report of such loss. Such report shall be limited to the information strictly necessary to facilitate disposition.

* NB Effective March 30, 2027

4. Notwithstanding any other provision of this chapter, the disclosure of information filed pursuant to this section shall be limited to the individual who experienced the pregnancy loss, such individual's lawful representative and to authorized personnel of the department. Nothing in this section shall prohibit disclosure of deidentified information in compliance with federal reporting requirements.

§ 4160-a. Certificate of still birth. 1. The department, or in the city of New York, the New York city department of health and mental hygiene, shall establish a certificate of still birth. The department, or in the city of New York, the New York city department of health and mental hygiene, shall issue a certificate of still birth upon the request of such parent or parents who experienced the still birth. If

both parents are deceased at the time of the still birth, the department, or in the city of New York, the New York city department of health and mental hygiene shall issue the certificate to, and upon the request of, the lawful estate representative, the sibling, parent, or parents of the parents.

2. A certificate issued pursuant to this section shall include such appropriate information as shall be determined by the department or if the stillbirth occurred in the city of New York, by the New York city department of health and mental hygiene, and shall be on a form established by the department or New York city department of health and mental hygiene which is similar, as applicable, to the form of a certificate prescribed by section forty-one hundred thirty of this article relating to a live birth. The department, or in the city of New York, the New York city department of health and mental hygiene, shall provide for the submission of such form through electronic means.

3. The provider attending the still birth or such provider's designee shall inform the parents in writing, of the right to receive a certificate of still birth. Provided, however that if both parents are deceased at the time of such stillbirth, then the person shall so inform the lawful estate representative, sibling, parent or parents of the parent or parents.

4. The person who prepares a request for a certificate pursuant to this section shall include thereon the name given to the stillborn fetus by the parents, if the parent or parents wish to include such name on such certificate.

5. A certificate issued pursuant to this section shall not constitute proof of a live birth. Furthermore, such certificate shall not be used to calculate live birth statistics.

6. Notwithstanding any other provision of this chapter, the parent or parents may elect to have the disclosure of and access to the information included on such certificate limited to the parents named on the certificate, their lawful representatives, to authorized personnel

of the department, or, in the city of New York, personnel of the New York city department of health and mental hygiene.

7. For the purposes of this section, the term "stillbirth" shall mean the intrauterine death of a fetus that occurs after the clinical estimate of the twentieth week of gestation.

8. A certificate of still birth may be requested and issued regardless of the date on which the pregnancy loss certificate was issued.

9. The department, or in the city of New York, the New York city department of health and mental hygiene shall not charge any fee for the issuance of a certificate under this section.

10. This section shall apply to the city of New York, notwithstanding section forty-one hundred four of this article.

§ 4161. Pregnancy loss certificates; form and content; health care professionals and hospital administrators. 1. The certificate of pregnancy loss and the report of pregnancy loss shall contain such information and be in such form as the commissioner may prescribe; provided however that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this article, except that unless requested by the individual who experienced the pregnancy loss neither the certificate nor the report of pregnancy loss shall contain the name of the individual, such individual's social security number or any other information, alone or in combination, which would permit such individual to be identified except as provided in this subdivision. The report shall state that a certificate of pregnancy loss was filed with the commissioner and the date of such filing.

2. In each case where a health care provider licensed pursuant to title eight of the education law and acting within the scope of such health care provider's practice was in attendance at or after a

pregnancy loss, it is the duty of such health care provider to certify the pregnancy loss certificate.

3. Where a pregnancy loss occurs without the attendance of a health care provider as provided in subdivision two of this section and the individual experiencing the pregnancy loss seeks disposition of the products of conception in accordance with section forty-one hundred sixty-two of this title, such individual may present themselves to the coroner or medical director of the county, or if there be more than one, to a coroner having jurisdiction, or to the medical examiner to certify the pregnancy loss certificate. Provided, however, nothing in this section shall provide the coroner, medical director, or medical examiner with the authority to investigate an individual who experienced a pregnancy loss.

4. When a pregnancy loss occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or such person's designated representative shall ensure that the certificate is promptly prepared in accordance with the provisions of this article and regulations as promulgated by the commissioner.

5. A local registrar shall not charge a fee for the issuance of a certificate of pregnancy loss under this article.

§ 4162. Products of conception; burial and removal; permits. 1. Upon request a permit shall be issued for the removal, transportation, burial or other disposition of products of conception.

2. Such permit shall be issued by the local registrar of the district in which the pregnancy loss occurred upon request by the funeral director seeking to take possession of the products of conception, on the form prescribed by the commissioner. The issuance of such permit shall be subject to the provisions of title IV of this article.

§ 4163. Penalties. Any person who shall release information which might disclose the identity of the pregnant person in connection with a certificate of pregnancy loss or report of pregnancy loss in violation of the provisions of this title shall be subject to a civil penalty not to exceed five thousand dollars for each such release. Such penalty may be recovered in the same manner as the penalty provided in section twelve of this chapter.

TITLE V-A
INDUCED VIABLE BIRTHS

TITLE VI
REGISTRATION OF PERSONS IN INSTITUTIONS

Section 4165. Persons in institutions; registration.

§ 4165. Persons in institutions; registration. 1. Directors, superintendents, managers or other persons in charge of hospitals, homes for indigents, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or to which persons are committed by process of law, shall make, at the time of their admittance, a record of all the personal and statistical particulars relative to the patients and incarcerated individuals in their institutions, which are required in the forms of the certificate provided for by this article as directed by the commissioner.

2. The personal particulars and information required by this section shall be obtained from the patient or incarcerated individual, if it is practicable to do so; and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

3. In the case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted.

4. The records of patients or incarcerated individuals obtained in accordance with this section shall not be sold to any person for promotional or profit-making purposes without the written consent of such patient or incarcerated individual or the written consent of the legal representative of such patient or incarcerated individual.

TITLE VII

VITAL STATISTICS RECORDS

Section 4170. Records; general duties of registrars.

4171. Records; duties of physicians, nurse practitioners, and others to furnish information.

4172. Records; registrar to transmit through health officers.

4173. Records; transcripts and certifications by registrars; fees.

4174. Records; transcripts and certifications by commissioner; fees.

4175. Records; unrecorded births and deaths.

4176. Records; correction of defective registration.

4177. Vital records; refund of fees.

4179. Vital records; fees; city of New York.

§ 4170. Records; general duties of registrars. Each registrar shall:

(a) supply blank forms of certificates to such persons as require them;

(b) examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this article and the instructions of the commissioner;

(c) number consecutively the certificates of birth and death, in two separate series, beginning with the number one for the first birth and the first death, in each calendar year, and sign his name as registrar in attest of the date of filing in his office;

(d) make a complete and accurate copy of each birth and death certificate registered by him in such form as approved by the

commissioner;

(e) file the permit for each burial, or cremation or other disposition of bodies of deceased persons in his district as the local record, in such manner as directed by the commissioner and which shall be subject to disposition at such time and in such manner as may be prescribed by rules and regulations promulgated by the commissioner;

(f) at such times as the commissioner shall direct, and as otherwise ordered by the commissioner as provided in section four thousand one hundred seventy-two of this chapter transmit to the commissioner all original certificates, including reports of foundlings, as required by section three hundred ninety-eight of the social services law, and orders relating to parentage registered by him;

(g) maintain a count of reports of fetal death with such reports to be destroyed at the end of each month.

(h) immediately notify the division of criminal justice services in the event that a copy of a birth certificate or information concerning the birth records of any person whose record is flagged pursuant to paragraph (i) of subdivision two of section four thousand one hundred of this article is requested. In the event that a copy of the birth certificate of a person whose record is so flagged is requested in person, the registrar's personnel accepting the request shall immediately notify his or her supervisor who shall notify the local law enforcement agency and department in accordance with regulations promulgated by the department. The person making the request shall complete a form as prescribed by the commissioner, which shall include the name, address, telephone numbers and social security numbers of the person making the request. A motor vehicle operator's license, or if such license is not available, such other identification as the commissioner determines to be satisfactory, shall be presented, photocopied and returned to him or her. When a copy of the birth certificate of a person whose record has been flagged is requested in writing, the registrar shall notify the local law enforcement agency and the department in accordance with regulations promulgated by the department.

§ 4171. Records; duties of physicians, nurse practitioners, and others

to furnish information. 1. Physicians, nurse practitioners, nurse-midwives, funeral directors, undertakers and informants, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the commissioner or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the commissioner, in person, by mail, or through the registrar.

2. No forms shall be used other than those supplied by the commissioner.

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.

§ 4172. Records; registrar to transmit through health officers. 1. When the commissioner shall have so ordered, each registrar shall transmit, at such times as the commissioner shall direct, to designated local health units or officials copies of original birth and death certificates which have been registered in such primary registration district, and the statistical abstract of fetal death.

2. Each designated local health unit or official receiving copies of original certificates shall retain such copies thereof pursuant to subdivision one of this section as confidential records subject to such further regulation to assure such confidentiality as may be prescribed by the commissioner.

§ 4173. Records; transcripts and certifications by registrars; fees.

1. Upon request, a certification of birth or of death or a certified copy or certified transcript of a birth or death record shall be issued by the registrar under regulations prescribed by the commissioner.

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.

3. (a) Except as otherwise provided in paragraph (b) of this subdivision, the registrar shall be entitled to a fee of ten dollars for each certification of birth or death or for each certified copy or certified transcript of any record of a birth or of a death or for a certification that a search discloses no record of a birth or of a death, furnished by him to an applicant, except that no fee shall be charged for a search, certification of birth or death or certified copy or certified transcript of a birth or a death record to be used for school entrance, employment certificate or for purposes of public relief or government compensation or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration, provided, however, that if such registrar is a city clerk, town clerk or village clerk, he shall collect such fees for and on behalf of the city, town or village in which he serves, provided, however, that an amount equivalent to the sum of such fees shall be paid at least monthly by such city, town or village to such city clerk, town clerk or village clerk entitled to receive fees as a registrar of vital statistics.

(b) Notwithstanding paragraph (a) of this subdivision, in the following county jurisdictions the fee shall be set by the county health commissioner: Chemung, Monroe, Onondaga, Tompkins; and in the following local jurisdictions the fee shall be set by the local legislative body:

city of Oswego, city of Albany, city of Jamestown. In such jurisdictions, the fee may be set up to the amount charged by the commissioner as prescribed in subdivision two of section forty-one hundred seventy-four of this title.

4. All fees for searches, certification, certified copies and certified transcripts collected by a registrar of vital statistics in a state hospital, charitable or penal institution shall be transmitted by him to the executive department, having jurisdiction, management and control of such hospital or institution, to be paid into the state treasury as provided by section one hundred twenty-one of the state finance law.

§ 4174. Records; transcripts and certifications by commissioner; fees.

1. The commissioner or any person authorized by him shall:

(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 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, 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) upon specific request therefor by a department of a state or the federal government of the United States;

(c) upon request, issue a wallet-size certification of birth, in a form and bearing a design provided by the commissioner. Each applicant for a wallet-size certification of birth shall remit to the commissioner with such application, a fee determined by the department;

(d) upon request, issue certification of birth or death unless in his judgment it does not appear to be necessary or required for a proper purpose;

(e) furnish non-identifiable statistical information in tabular or machine readable format for research activities if satisfied that the same is required for a proper purpose, and the commissioner is authorized to fix and to require payment of a fee sufficient to compensate the state for the expense of providing the requested information;

(f) be deemed to have complied with the applicable provisions of paragraphs (a) and (b) of this subdivision by the issuance of a certified transcript of the desired certificate or record instead of a certified copy thereof except where the requester shall show, to the satisfaction of the commissioner or his authorized representative, a demonstrated need for such certified copy, or where a court order rendered pursuant to the provisions of paragraph (b) of this subdivision contains an express recital or direction therein that the issuance of a certified transcript of such certificate or record in place of a certified copy thereof shall not be considered to be in compliance therewith;

(g) upon request of a board of elections, issue certification of death.

2. Each applicant for a certification of birth or death, certificate of birth data or for a certified copy or certified transcript of a birth or death certificate or certificate of birth data shall remit to the commissioner with such application a fee of thirty dollars in payment

for the search of the files and records and the furnishing of a certification, certified copy or certified transcript if such record is found or for a certification that a search discloses no record of a birth or of a death.

3. For any search of the files and records conducted for authorized genealogical or research purposes, the commissioner or any person authorized by him shall be entitled to, and the applicant shall pay, a fee of twenty dollars for each hour or fractional part of an hour of time of search, together with a fee of two dollars for each uncertified copy or abstract of such record requested by the applicant or for a certification that a search discloses no record.

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual who has died under custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the care and custody or custody and guardianship of the local commissioner of social services or the care and custody or custody and guardianship of the office of children and family services in anticipation of such youth's discharge from placement or foster care. Whenever a request is made by the department of corrections and community supervision for a certified copy or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of

the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.

5. (a) The United States social security administration may obtain information from death certificates needed in the administration of old-age and survivors insurance benefits laws, subject to the provisions of any contract entered into pursuant to paragraph (b) of this subdivision.

(b) In addition, the commissioner or any person authorized by the commissioner is authorized and directed to enter into a contract to furnish the federal secretary of health and human services information concerning individuals with respect to whom death certificates have been officially filed with the commissioner. Such contract shall not include any restriction on the use of information obtained by such secretary pursuant to such contract, except that such contract may provide that such information is only to be used by the secretary (or any other federal agency) for purposes of ensuring that federal benefits or other payments are not erroneously paid to deceased individuals.

6. The federal agency in charge of vital statistics may obtain, at a fee acceptable to the commissioner, information from birth and death certificates for use solely as statistical data.

7. Except as herein otherwise provided, the commissioner is authorized to establish rules and regulations whereby searches may be made and certifications, certified copies and certified transcripts of birth and death certificates furnished without fees to federal, state and municipal departments for official purposes.

8. The commissioner, the commissioner of health of the city of New York, or any person authorized by the commissioner having jurisdiction shall immediately notify the division of criminal justice services in the event that a copy of a birth certificate or information concerning the birth records of any person whose record is flagged pursuant to paragraph (i) of subdivision two of section four thousand one hundred of

this article is requested. In the event that a copy of the birth certificate of a person whose record is so flagged is requested in person, the personnel accepting the request shall immediately notify his or her supervisor. The person making the request shall complete a form as prescribed by the commissioner or, in the city of New York, the commissioner of health of the city of New York, which shall include the name, address and telephone numbers and social security number of the person making the request. A motor vehicle operator's license, or if such license is not available, such other identification as the commissioner, or in the city of New York, the commissioner of the New York city department of health, determines to be satisfactory, of the person making the request shall be presented, shall be photocopied and returned to him or her. The person receiving the request shall note the physical description of the person making the request and his or her supervisor shall immediately notify the local law enforcement authority as to the request and the information obtained pursuant to this subsection. When a copy of the birth certificate of a person whose record has been flagged is requested in writing, the law enforcement authority having jurisdiction shall be notified as to the request and shall be provided with a copy of the written request. The registrar shall retain the original written response.

9. The commissioner may institute an additional fee of fifteen dollars for priority handling for each certification, certified copy or certified transcript of certificates of birth, death, or dissolution of marriage; or fifteen dollars for priority handling for each certification, certified copy or certified transcript of certificate of marriage.

§ 4175. Records; unrecorded births and deaths. 1. If, at any time after the birth, or within one year of the death, of any person within the state, a certified copy of the official record of said birth or death, with the information required to be registered by this article, is necessary for legal, judicial, or other proper purposes, and, after search by the commissioner or his or her representatives, it appears that no such certificate of birth or death was made and filed as

provided by this article, then the commissioner shall immediately require the physician, nurse practitioner, or nurse-midwife who, being in attendance upon a birth, failed or neglected to file a certificate thereof, or the funeral director, undertaker, or other person who, having charge of the interment or removal of the body of a deceased person, failed or neglected to file the certificate of death, if he or she is living, to obtain and file at once with the local registrar such certificate in as complete form as the lapse of time will permit.

2. With said delayed certificate shall be filed such statements subscribed and affirmed by the persons making them as true under the penalties of perjury and other evidence as may be required by the commissioner.

3. If the physician, nurse practitioner, nurse-midwife, funeral director, or undertaker responsible for the report is deceased or cannot be located, then the person making application for the certified copy of the record may file such certificate of birth or death together with such statements subscribed and affirmed by the persons making them as true under the penalties of perjury and other evidence as the commissioner may require.

4. The commissioner shall file such certificate and issue a certified copy thereof to said applicant without fee.

5. The delinquent physician, nurse practitioner, nurse-midwife, funeral director, undertaker, or other person may, in the discretion of the commissioner, be prosecuted as required by this article, without bar from the statute of limitations, if he or she neglects or fails to file promptly the certificate required by this section.

§ 4176. Records; correction of defective registration. 1. If defects be found in the registration under the supervision of a registrar of vital statistics, the commissioner shall notify such registrar that such defects must be corrected within ten days of the date of the notice.

2. If such defects are not so corrected the commissioner shall take control of such registration and of the records thereof, and enforce the rules and regulations in regard thereto and secure a complete registration in such district, and such control shall continue until the registrar of vital statistics shall satisfy the commissioner that he will make such record and registry complete as required by law and in the sanitary code.

3. The expenses incurred by the commissioner or his authorized representative while in control of such registration shall be a charge upon the city, town or village comprising the registration district.

4. No certificate of birth or death, after its acceptance for registration by the registrar, and no new certificate or other record made in pursuance of this article, shall be altered or changed in any respect except to correct errors made in completing the certificate by the person responsible for preparing the certificate or as otherwise provided in this article. The commissioner shall provide the application form for a correction of a record which must be properly dated, signed and witnessed, or subscribed and affirmed by the persons making them as true under the penalties of perjury, together with such supporting proofs as may be prescribed by the commissioner.

§ 4177. Vital records; refund of fees. Moneys received pursuant to this article may within one year from the receipt thereof be refunded on proof satisfactory to the commissioner that such moneys were in excess of amounts required by law. Such refund shall after audit by the comptroller be paid by the commissioner from any moneys in the custody of the commissioner received pursuant to this article.

§ 4179. Vital records; fees; city of New York. Notwithstanding the provisions of paragraph one of subdivision a of section 207.13 of the health code of the city of New York, the department of health shall charge, and the applicant shall pay, for a search of two consecutive calendar years under one name and the issuance of a certificate of

birth, death or termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, a fee of fifteen dollars for each copy. Provided, however, that no such fee shall be charged when the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law requests a certificate of birth or certification of birth for the purpose of providing such certificate of birth or certification of birth to an incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual who has died under custody or when the office of children and family services or an authorized agency requests a certified copy or certified transcript of birth for a youth placed in the custody of the local commissioner of social services or the custody of the office of children and family services pursuant to article three of the family court act for the purpose of providing such certified copy or certified transcript of birth to such youth in anticipation of discharge from placement. Whenever a request is made by the department of corrections and community supervision for a certified copy or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.