

HOUSE No. 2054

By Mr. Calter of Kingston, petition of Thomas J. Calter relative to birth, marriage and death records. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO ESTABLISH AN ELECTRONIC SYSTEM OF VITAL RECORDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 46 of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by striking out section
3 2 and inserting in place thereof the following section:—

4 Section 2. The state registrar shall be responsible for preparing an
5 index of the records under its jurisdiction. If vital records are auto-
6 mated into a database, said database shall fulfill the requirements of
7 such an index. The state registrar shall make such automated data-
8 base available to the custodians of vital records consistent with
9 restrictions expressed in Sections 2A and 13 of this chapter.

10 Custodians are authorized to reproduce vital records, returns and
11 reports required under this chapter for transmission to other custo-
12 dians for the purpose of preserving the original copies of vital
13 records and reports. Such reproductions may be prepared in a type-
14 written, photographic, micrographic or electronic media consistent
15 with all applicable regulations.

16 A certified copy of such a record signed by a custodian shall be
17 admissible as evidence of such record. The paper records from
18 which such reproductions have been made shall be retained as per-
19 manent records by the custodian required to maintain such vital
20 records.

21 Certified copies may be issued from such reproductions of the
22 vital records and reports. The seal authorized for the use of the cus-
23 todian shall denote such certification. Such certification may occur
24 from a centralized, automated database of vital records. The fee for a
25 certified copy issued by any custodian from the centralized, auto-

26 mated database for a record not in his or her physical custody, will
27 be uniform throughout the Commonwealth. Any such automated
28 database shall contain records management controls, which insure
29 the authenticity and the integrity of the information that the original
30 records contain.

31 Vital records in the custody of the archives of the Commonwealth
32 may be issued in a format other than certified copies.

1 SECTION 2. Section 12 of said Chapter 46 of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 inserting at the end thereof the following sentence:—

4 Effective with the completion of the automation of vital records
5 as determined by the special vital records and statistics committee
6 but no sooner than January 1, 2008, the transmission of copies of
7 birth and death records to custodians in the community of residence,
8 as provided in this section, shall cease. Such automation shall pro-
9 vide full access to all data currently available to custodians in the
10 community of residence. Thereafter, the state registrar shall transmit
11 at least quarterly to town clerks in the Commonwealth a list of births
12 and deaths that have occurred in their towns.

1 SECTION 3. Chapter 46 of the General Laws, as appearing in the
2 2000 Official Edition, is hereby amended by striking out section 16
3 and inserting in place thereof the following section:—

4 Section 16. Uniform forms and instructions for the preparation of
5 vital records. The state registrar shall prepare and furnish to the
6 clerks, boards of health of towns, physicians, hospitals, probate and
7 district courts, and others involved in the preparation and registra-
8 tion of all vital records, forms for returns, on paper of uniform size,
9 and any necessary instructions and explanations. Such forms used
10 for permanent records shall meet any regulations of the supervisor of
11 public records. Any forms for returns and other materials not sup-
12 plied by the state registrar shall be approved by the state registrar
13 and the special vital records and statistics committee and shall be
14 subject to any applicable regulations of the supervisor of public
15 records. Any electronic program for the preparation, collection,
16 storage or issuance of vital records, not part of the statewide vital
17 records system, must be approved by the state registrar and the

18 special vital records and statistics committee and shall be subject to
19 any applicable regulations of the supervisor of public records.

1 SECTION 4. Section 17D of Chapter 46 of the General Laws, as
2 appearing in the 2000 Official Edition, is amended by striking out in
3 lines 5 to 11, as appearing in the 2000 Official Edition, the second
4 and third sentences and inserting in place thereof the following sen-
5 tences:—

6 If a delayed record of birth or death or other return of birth or
7 death is recorded by the state registry, the state registrar shall
8 transmit a certified copy of the record of birth or death to the clerk in
9 the city or town where the birth or death occurred. If a delayed
10 record of marriage or other record of marriage is recorded by the
11 state registry, the state registrar shall transmit a certified copy of a
12 delayed record of marriage to the town clerk where the original
13 intention of marriage was filed.

1 SECTION 5. Chapter 46 of the General Laws, as appearing in the
2 2000 Official Edition, is hereby amended by striking out section 18
3 and inserting in place thereof the following section:—

4 Section 18. Information on Forms. Copies transmitted or retained
5 under Sections 17 through 17D of this chapter shall be typewritten
6 or reproduced in actual size by photographic or micro photographic
7 process or approved electronic process. Any forms and formats
8 reproduced must have prior approval of the state registrar and meet
9 any standards established by regulations of the supervisor of public
10 records and regulations promulgated by the department.

1 SECTION 6. Chapter 46 of the General Laws, as appearing in the
2 2000 Official Edition, is hereby amended by striking out section 26
3 and inserting in place thereof the following section:—

4 Section 26. The town clerk shall receive the following fees from
5 the town upon presenting to the town treasurer a certificate attested
6 to the state registrar listing the types and number of birth, marriage
7 and death records registered by the town clerk. For each birth, mar-
8 riage, or death, one dollar. He shall also receive from the town the
9 following fees:—

10 For each certificate transmitted under Section 12 of this chapter,
11 50 cents; for receiving and recording an affidavit and forwarding a

12 copy thereof under Section 13 of this chapter, one dollar; for sending
13 the notice required by Section 23 of this chapter, 50 cents; for each
14 oath administered in his capacity as clerk, 25 cents. A town may
15 limit the aggregate compensation allowed to its clerk.

1 SECTION 7. Chapter 46 of the General Laws, as appearing in the
2 2000 Official Edition, is hereby further amended by inserting after
3 Section 31 the following section:—

4 Section 32. To protect the integrity of vital records and to prevent
5 the fraudulent use of birth certificates of deceased persons, the state
6 registry is hereby authorized to match birth and death certificates,
7 and if the state registrar is satisfied that the death certificate and the
8 birth certificate refer to the same person, he shall make note of the
9 facts of death on the birth certificate. Certified copies of such
10 marked birth records shall also be marked with the facts of death.
11 After such matching, the state registrar shall provide appropriate
12 information to clerks who shall mark the records in their custody and
13 similarly mark records issued by them.

1 SECTION 8. All forms and procedures used in the issuance of
2 certified copies of vital records in the Commonwealth shall be uni-
3 form and shall be provided by the state registrar. All such certified
4 copies issued shall have security features that deter alteration, coun-
5 terfeiting, duplication or simulation of vital records and shall meet
6 any federal standards established for this purpose. Each such copy
7 issued shall show the date of registration and registration number.
8 Copies issued from records that have been amended shall include
9 that date unless prohibited by Section 13 of this chapter.