

HOUSE No. 2064

The Commonwealth of Massachusetts

PRESENTED BY:
Lida E. Harkins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to the security of vital records and verification of identity .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Lida E. Harkins	13th Norfolk
Viriato Manuel deMacedo	1st Plymouth
Christine E. Canavan	10th Plymouth
Elizabeth Poirier	14th Bristol

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO THE SECURITY OF VITAL RECORDS AND VERIFICATION OF IDENTITY.

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

SECTION 1. Section 15 of chapter 46 of the General Laws is hereby repealed.

SECTION 2. Chapter 46 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 16 and inserting in place thereof the following topser and section:—

46:16 Uniform forms and instructions for the preparation of vital records.

Section 16. The state registrar shall prepare and furnish forms of uniform size to the clerks, boards of health, physicians, hospitals, the chief medical examiner, funeral directors, probate and district courts, and others involved in the preparation and registration of vital records and shall provide them with any necessary instructions and explanations as to use of such forms. All forms shall have security features that deter alteration, counterfeiting, duplication or simulation of vital records and shall meet applicable federal and state standards established for this purpose. Any forms and other materials that are used for preparation of any vital records but are not supplied by the state registrar shall be approved by the state registrar. All forms used for permanent records shall meet standards established by the state registrar, which standards shall be no less stringent than the current standards of the supervisor of public records and the state archivist for materials, devices and preservation.

SECTION 3. Chapter 46 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 18 and inserting in place thereof the following section:—

Section 18. Records transmitted by the town clerk under section 12 and sections 17 through 17D shall be written in legible hand, typewritten, printed using an electronic format approved by the state registrar or printed using the centralized, automated database operated by the state registrar pursuant to section 32. Any forms and formats must have prior approval of the state registrar and meet state standards for uniformity, security, materials, devices and preservation.

SECTION 4. Section 19C of said chapter 46 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out in line 1 the words “commissioner of public health” and inserting in place thereof the words:— state registrar and by striking out the phrase in line 3: - “in his department.”

SECTION 5. Section 30 of chapter 46 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out in line 5 the noun “secretary of state” and inserting in lieu thereof the noun: — state registrar

SECTION 6. Chapter 46 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 30 the following new topser and new section:—

46:31 Fraud prevention; administrative action.

Section 31. When a clerk at the state registry of vital records and statistics or a town clerk has reasonable cause to believe that a vital record may have been falsely made, altered, forged, counterfeited, or procured through fraud or misrepresentation or improper use of the signature or facsimile of the signature or signature stamp of a town clerk or the state registrar, he shall not issue a certified copy of the record or make the record available for examination but he shall retain the record and related evidence and shall notify the state registrar.

When the state registrar has reasonable cause to believe that a vital record may have been falsely made, altered, forged, counterfeited, or procured through fraud or misrepresentation or improper use of the signature or facsimile of the signature or signature stamp of a town clerk or the state registrar, he shall take reasonable administrative action to prevent and control fraud or improper use of the record, including instructions to all vital records clerks who have custody of the record to limit, restrict or stop issuing certified copies or making the record available for examination notwithstanding any general or special laws to the contrary. In addition, the state registrar shall notify appropriate law enforcement authorities.

46:32 Centralized state system for vital records and statistics.

Section 32. The state registrar shall establish, maintain, and operate a centralized, automated database for the system of vital records and statistics throughout the commonwealth, subject to appropriations. The state registrar shall make such automated database available to town clerks who shall use it for the purposes of (1) recording all births and deaths by city or town of occurrence and all marriages by city or town that issued the license and (2) issuing certified copies of vital records.

All certified copies issued from this database shall be identical in size and format and shall have security features that deter alteration, counterfeiting, duplication or simulation of vital records and shall meet applicable federal and state standards established for this purpose. When issuing certified copies, the state registrar and town clerks shall comply with all applicable restrictions of state and federal law. The fee for a certified copy of a vital record issued by any town clerk from the database operated by the state registrar shall be uniform throughout the commonwealth, irrespective of where the record was originally recorded.

The database operated by the state registrar shall have the capacity for authorized users throughout the commonwealth to enter information required for (i) standard certificates of live birth and as required by the commissioner for administrative, research and statistical purposes under section 24B of chapter 111; (ii) acknowledgments of paternity; (iii) standard certificates of death; and (iv) fetal death reports. The database also shall have the capacity for the chief medical examiner to enter information required for a medical examiner's certificate of death and for licensed health professionals and licensed funeral directors to enter information required for the standard certificate of death. In addition, the database shall have the capacity for courts in the commonwealth to enter information required for amendment of birth records following adjudications of paternity under chapter 209C and adoptions under chapter 210. The database shall have the capacity to enter, verify and hold electronic signatures.

Town clerks shall be responsible for the maintenance and preservation of original paper records until such time as originals are transferred to the state registrar. The state registrar shall be responsible for maintenance and preservation of original paper records until such time as bound volumes of original birth, marriage and death records are transferred to the state archivist.

46:33 Verification of vital information

Section 33. The state registrar may enter into agreements with state and federal agencies administering public health and welfare programs, registrars of motor vehicles, passport agencies, or the National Association for Public Health Statistics and Information Systems to verify the existence of a Massachusetts birth, marriage or death record as an alternative to issuance of a certified copy of the record either to streamline administration of programs and services or to minimize the potential for

identity theft and fraud associated with birth and marriage records, drivers licenses, state identification cards, and passports.