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ATTACHMENT C

July 4, 2025

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 29 of House Bill No. 4240, "An Act making appropriations for the fiscal year 2026 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements, and for certain permanent improvements."

Section 29 provides important updates to the vital statistics statute to make our laws more inclusive and accessible to all Massachusetts residents. This section includes a proposal to remove Social Security numbers from death records. Because death records are public records, it can be a fraud risk to have a decedent's Social Security number on a death certificate. However, there are also circumstances under which it is important or helpful to have a decedent's Social Security number included in their death record.

For example, the Department of Public Health includes Social Security numbers in death records sent to the Social Security Administration, providing protections against fraud, as well as ensuring that no accidental overpayments occur. In addition, estate administrators or family members going through probate may find it more efficient to use a death certificate with the decedent's Social Security number to close bank accounts and take other important actions. Furthermore, this section, as proposed in H.4240, would take effect retroactively to July 1, 2025. This retroactive date would create confusion and lead to implementation challenges.

To address these challenges, I am proposing to amend Section 29 to clarify that Social Security numbers will be part of a decedent's death record, but will be held confidential on death certificates, unless an appropriate requester, such as next of kin or the executor of an estate so requests. I am also proposing to make this confidentiality requirement take effect in 12 months. This will allow the Department of Public Health additional time to implement these changes to ensure the correct balance of protections for Social Security numbers.

For these reasons, I recommend that section 29 be amended by striking out the section and inserting in place thereof the following 2 sections:-

SECTION 29. Chapter 46 of the General Laws is hereby amended by striking out section 1, as amended by section 1 of chapter 166 of the acts of 2024, and inserting in place thereof the following section:-

Section 1. Each local clerk shall obtain and record the following facts set forth in this section, as well as such additional information that may be required under federal statutes or contracts, regulations promulgated pursuant to section 4 of chapter 17 or as the commissioner of public health may require, relative to births, marriages, acknowledgments and adjudications of parentage and deaths which occurred in the town or city and for certificates of marriage issued by the town or city.

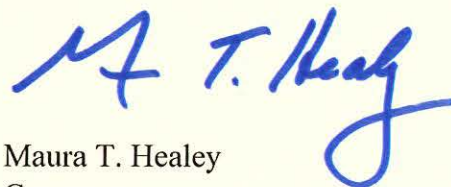
In the record of births, name, date of birth, place of birth and sex of child; legal names, dates of birth, residences, places of birth and surname at birth or adoption of the parent or parents. In the record of birth of a child born to parents not married to each other, the name of and other facts relating to the other parent or parents shall not be recorded except as provided in section 2 of chapter 209C where parentage has been acknowledged or adjudicated under the laws of the commonwealth or under the laws of any other jurisdiction.

In the record of marriages, date of record, date and place of marriage, name, residence and official station of the person by whom solemnized; for each of the parties to be married the name, date and place of birth, residence, age, number of the marriage and if previously married, whether widowed or divorced and the name at birth or adoption of the parties' parents.

In the record of death, date of death, name of deceased, including surname at birth or adoption, social security number, gender, race, marital status, education, name of spouse if ever married, supposed age, residence, occupation, place of death, place of birth, surname at birth or adoption and places of birth of the deceased's parent or parents, disease or cause of death, defined so that it can be classified under the international classification of causes of death, and place and type of immediate disposition. As used in this section, the word "residence" shall include the name of the street and number, if any, of the house. For purposes of this section, the social security number in a record of death shall not be made available except upon request from a person with a legitimate need, as defined in regulations promulgated pursuant to section 4 of chapter 17.

SECTION 29A. The last sentence of section 1 of chapter 46 of the General Laws, as amended by section 29 of this act, shall take effect on July 1, 2026.

Respectfully submitted,



Maura T. Healey
Governor