

ASSEMBLY, No. 1390

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblywoman NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Hackett

SYNOPSIS

Establishes guidelines for dissemination of vital records.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the dissemination of vital records and
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Qualified business entity" means a bank, trust company, safe
9 deposit company, benefit association, insurance company, credit
10 union, credit agency, savings and loan association, industrial loan
11 company, title company, or other person or entity in the business of
12 lending money or clearing title of real or personal property of a
13 deceased person.

14 "State registrar" means the State registrar of vital statistics.

15 "Vital records" means the birth, death, fetal death, marriage and
16 domestic partnership records from which vital statistics are
17 produced, including all paper records, indices, forms, data, data
18 systems and related documents or information collected or stored in
19 the registration of vital statistics.

20 "Vital statistics" means statistics concerning births, deaths, fetal
21 deaths, marriages and domestic partnerships.

22

23 2. Vital records shall not be deemed to be a public or
24 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
25 or P.L.2001, c.404 (C.47:1A-5 et seq.).

26

27 3. The provisions of section 2 of this act shall not be construed
28 to prohibit the State registrar from:

29 a. supplying a certification or certified copy of a vital record to
30 an individual pursuant to R.S.26:8-62; or

31 b. furnishing or disclosing vital records, upon application on a
32 form and in a manner prescribed by the State registrar, as follows:

33 (1) to a local, state or federal government agency for use by that
34 agency in the performance of its official duties; except that the
35 agency shall not release to another party any portion of the vital
36 records obtained from the State registrar without the latter's written
37 consent, unless otherwise required by law;

38 (2) a death record to a qualified business entity with a
39 demonstrated need to establish the death of an individual in the
40 performance of the duties of its business;

41 (3) a birth record to a person or entity performing research that
42 has been approved by the Institutional Review Board of the
43 Department of Health and Senior Services, except that the approval
44 of the board shall not be transferable to another party and shall be
45 valid for a period of one year following its issuance by the board; or

46 (4) a death record to a person or entity performing research that
47 has been approved by the State registrar based upon a
48 demonstration of valid scientific interest as determined by the

1 Commissioner of Health and Senior Services in accordance with
2 standards approved by the federal Department of Health and Human
3 Services, except that the approval of the State registrar shall not be
4 transferable to another party and shall be valid for a period of one
5 year following its issuance by the State registrar.

6
7 4. a. An application to visually inspect or obtain a vital record
8 pursuant to subsection b. of section 3 of this act shall be subject to
9 the approval of the State registrar.

10 b. Visual inspection of a vital record shall be limited to data
11 files compiled in response to the application, or to redacted true
12 images of the vital records document on file in the Bureau of Vital
13 Statistics and Registration in the Department of Health and Senior
14 Services. The Commissioner of Health and Senior Services shall
15 determine the data items to be redacted.

16 c. The State registrar shall establish an application form that a
17 person or entity shall be required to file with the State registrar in
18 order to visually inspect or obtain a vital record pursuant to
19 subsection b. of section 3 of this act. The application form shall be
20 separate and distinct from the form used to obtain a certification or
21 certified copy of a vital record pursuant to R.S.26:8-62, and shall
22 contain a statement of the penalties to which a person or entity is
23 subject for a violation of the provisions of this act.

24 d. An applicant shall be required to:

25 (1) provide documentation, as prescribed by the State registrar,
26 to verify the applicant's identity, including, at a minimum, the
27 applicant's name and address, and the purpose for which the
28 information being sought is intended; and

29 (2) affirm in writing that the applicant will:

30 (a) use the information only for the purpose stated by the
31 applicant in the application;

32 (b) maintain the information in a secure manner; and

33 (c) not transfer, sell, share, reproduce or otherwise disclose the
34 information to another party.

35 e. An application to visually inspect or obtain a vital record for
36 the purposes of research approved by the Institutional Review
37 Board of the Department of Health and Senior Services shall
38 conform with any requirements as to the process or form for making
39 that application established by the Institutional Review Board of the
40 Department of Health and Senior Services, and shall be subject to
41 approval by the board as well as the State registrar.

42 f. The State registrar shall retain an application form approved
43 by the State registrar, or an electronic image thereof, for a period of
44 seven years from the date of its approval by the State registrar.

45 g. The State registrar may establish fees to cover the reasonable
46 costs of preparing and releasing vital records incurred by the State
47 registrar pursuant to this act.

- 1 demonstrated need to establish the death of an individual in the
2 performance of the duties of its business (i.e., a financial institution
3 as stipulated in the bill or another person or entity in the business of
4 lending money or clearing title of real or personal property of a
5 deceased person);
- 6 -- a birth record to a person or entity performing research that
7 has been approved by the Institutional Review Board (IRB) of the
8 Department of Health and Senior Services, except that the approval
9 of the IRB is not transferable to another party and is valid for a
10 period of one year following its issuance by the IRB; or
- 11 -- a death record to a person or entity performing research that
12 has been approved by the State registrar based upon a
13 demonstration of valid scientific interest as determined by the
14 Commissioner of Health and Senior Services in accordance with
15 standards approved by the federal Department of Health and Human
16 Services, except that the approval of the State registrar is not
17 transferable to another party and is valid for a period of one year
18 following its issuance by the State registrar.
- 19 • An application to visually inspect or obtain a vital record
20 pursuant to the bill is subject to the approval of the State
21 registrar.
 - 22 • Visual inspection of a vital record is to be limited to data files
23 compiled in response to the application, or to redacted true
24 images of the vital records document on file in the Bureau of
25 Vital Statistics and Registration in the Department of Health
26 and Senior Services. The Commissioner of Health and Senior
27 Services is to determine the data items to be redacted.
 - 28 • The State registrar is to establish an application form that a
29 person or entity will be required to file with the State registrar in
30 order to visually inspect or obtain a vital record pursuant to the
31 bill (and which will be separate and distinct from the form used
32 to obtain a certification or certified copy of a vital record
33 pursuant to R.S.26:8-62). The application form is to contain a
34 statement of the penalties to which a person or entity is subject
35 for a violation of the provisions of the bill.
 - 36 • An applicant is required to:
 - 37 -- provide documentation, as prescribed by the State registrar, to
38 verify the applicant's identity, including, at a minimum, the
39 applicant's name and address, and the purpose for which the
40 information being sought is intended; and
 - 41 -- affirm in writing that the applicant will: use the information
42 only for the purpose stated by the applicant in the application;
43 maintain the information in a secure manner; and not transfer, sell,
44 share, reproduce or otherwise disclose the information to another
45 party.
 - 46 • An application by a person or entity performing research to be
47 approved by the IRB of the Department of Health and Senior
48 Services is to conform with any requirements as to the process

A1390 QUIGLEY, POU

- 1 or form for making that application established by the IRB, and
2 is subject to approval by the IRB as well as the State registrar.
- 3 • The State registrar is to retain an application form approved by
4 the State registrar, or an electronic image thereof, which
5 authorizes a person or entity to visually inspect or obtain a vital
6 record pursuant to the bill, for a period of seven years from the
7 date of its approval by the State registrar.
 - 8 • The State registrar may establish fees to cover the reasonable
9 costs of preparing and releasing vital records.
 - 10 • A person or entity that uses, transfers, sells, shares or otherwise
11 discloses vital records in a manner that is not authorized under
12 the provisions of the bill or any other law is guilty of a crime of
13 the fourth degree (punishable by imprisonment for up to 18
14 months or a fine of up to \$10,000, or both) and is thereafter
15 prohibited from making application to obtain any such
16 information.