

# ASSEMBLY, No. 216

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

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**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttle and Assemblyman Diegnan**

**SYNOPSIS**

Establishes guidelines for dissemination of vital records.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

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 or an executor, executrix or legal representative of  
14 an estate or other rights of heirs to an estate.

15 "State registrar" means the State registrar of vital statistics within  
16 the Department of Health and Senior Services.

17 "Current vital records" means the birth records of a person less  
18 than 100 years old, birth records 100 or more years old of a person  
19 still living, marriage, civil union, and domestic partnership records  
20 of persons when less than 50 years have elapsed, or death or fetal  
21 death records when less than 40 years have elapsed from which  
22 vital statistics are produced, including all paper records, indices,  
23 forms, data, data systems and related documents or information  
24 collected or stored in the registration of vital statistics.

25 "Vital statistics" means statistics concerning births, deaths, fetal  
26 deaths, marriages, civil unions, and domestic partnerships.

27 "State archives" means the archives of the State of New Jersey in  
28 the Division of Archives and Records Management within the  
29 Department of State.

30 "Vital records registrars" means the State registrar and the  
31 registrars of all registration districts, including incorporated  
32 political subdivisions, including counties but not school districts  
33 pursuant to R.S.26:8-2.

34 "State Records Committee" means the committee comprised of  
35 the State Treasurer, Attorney General, the State Auditor, the  
36 Director of the Division of Local Government Services in the  
37 Department of Community Affairs, and the Director of the Division  
38 of Archives and Records Management in the Department of State as  
39 established by section 6 of P.L.1953 c.410 (C.47:3-20).

40

41 2. Current vital records shall be deemed to be confidential or  
42 restricted public or government records pursuant to section 2 of  
43 P.L.1953, c.410 (C.47:3-16) or section 1 of P.L.1995, c.23  
44 (C.47:1A-1.1).

45

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

48 a. supplying a certification or certified copy of a vital record to

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- 1 an individual pursuant to R.S.26:8-62; or
- 2 b. furnishing or disclosing vital records to a governmental law  
3 enforcement agency for use by that agency in the performance of its  
4 official duties; or
- 5 c. furnishing or disclosing vital records, upon application on a  
6 form and in a manner prescribed by the State registrar, as follows:
- 7 (1) to a local, state or federal government agency for use by that  
8 agency in the performance of its official duties; except that the  
9 agency shall not release to another party any portion of the vital  
10 records obtained from the State registrar without the latter's written  
11 consent, unless otherwise required by law;
- 12 (2) a death record to a qualified business entity with a  
13 demonstrated need to establish the death of an individual in the  
14 performance of the duties of its business;
- 15 (3) a birth or death record to a person or entity performing  
16 research that has been approved by the Institutional Review Board  
17 of the Department of Health and Senior Services, except that the  
18 approval of the board shall not be transferable to another party and  
19 shall be valid for a period of one year following its issuance by the  
20 board;
- 21 (4) certified copies, certifications or release of the data and  
22 information of vital records to anyone after 100 years have elapsed  
23 in the case of birth records and 50 years have elapsed in the case of  
24 marriage records and 40 years have elapsed in the case of death  
25 records; or
- 26 (5) information or non-certified copies of vital records to any  
27 person engaged in, connected with, or employed by news media, as  
28 defined in section 2 of P.L.1977, c.253 (C.2A:84A-21a) for the  
29 purpose of gathering, procuring, transmitting, compiling, editing, or  
30 disseminating news.
- 31
- 32 4. a. An application to visually inspect or obtain a vital record  
33 pursuant to subsection b. of section 3 of this act shall be subject to  
34 the approval of the State registrar.
- 35 b. Visual inspection of a vital record shall be limited to data  
36 files compiled in response to the application, or to redacted true  
37 images of the vital records document on file in the Bureau of Vital  
38 Statistics and Registration in the Department of Health and Senior  
39 Services. The Commissioner of Health and Senior Services shall  
40 determine the data items to be redacted.
- 41 c. The State registrar shall establish an application form that a  
42 person or entity shall be required to file with the State registrar in  
43 order to visually inspect or obtain a vital record pursuant to  
44 subsection b. of section 3 of this act. The application form shall be  
45 separate and distinct from the form used to obtain a certification or  
46 certified copy of a vital record pursuant to R.S.26:8-62, and shall  
47 contain a statement of the penalties to which a person or entity is  
48 subject for a violation of the provisions of this act.

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- 1       d. An applicant shall be required to:
- 2       (1) provide documentation, as prescribed by the State registrar,  
3 to verify the applicant's identity, including, at a minimum, the  
4 applicant's name and address, and the purpose for which the  
5 information being sought is intended; and
- 6       (2) affirm in writing that the applicant will:
- 7       (a) use the information only for the purpose stated by the  
8 applicant in the application; and
- 9       (b) maintain the information in a secure manner.
- 10      e. An application to visually inspect or obtain a vital record for  
11 the purposes of research approved by the Institutional Review  
12 Board of the Department of Health and Senior Services shall  
13 conform with any requirements as to the process or form for making  
14 that application established by the Institutional Review Board of the  
15 Department of Health and Senior Services, and shall be subject to  
16 approval by the board as well as the State registrar.
- 17      f. The State registrar shall retain an application form approved  
18 by the State registrar, or an electronic image thereof, for a period of  
19 seven years from the date of its approval by the State registrar.
- 20      g. The State registrar and the State archives may establish fees  
21 to cover the reasonable costs of preparing and releasing vital  
22 records incurred by the State registrar pursuant to this act.
- 23
- 24      5. Vital records of births that are 100 or more years old,  
25 marriages, civil unions, and domestic partnerships that are 50 or  
26 more years old, and deaths and fetal deaths that are 40 or more  
27 years old shall be transferred by the State Registrar to the State  
28 Archives or by local vital records registrars to local government  
29 archives designated as depositories by the State Records  
30 Committee, after a period mutually determined by both the  
31 transferring and receiving agencies, in accordance with statute and  
32 regulation.
- 33
- 34      6. A person or entity that uses, transfers, sells, shares or  
35 otherwise discloses any information from current vital records as  
36 defined in section 2 of this act in a manner that is not authorized  
37 under the provisions of this act or any other law other than for  
38 genealogical, biographical or statistical purposes shall be guilty of a  
39 crime of the fourth degree and shall thereafter be prohibited from  
40 making application to obtain any such information pursuant to this  
41 act.
- 42
- 43      7. The Commissioner of Health and Senior Services shall adopt  
44 rules and regulations pursuant to the "Administrative Procedure  
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the  
46 purposes of this act; except that, notwithstanding any provision of  
47 P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the  
48 commissioner may adopt, immediately upon filing with the Office

1 of Administrative Law, such regulations as the commissioner deems  
2 necessary to implement the provisions of this act, which shall be  
3 effective for a period not to exceed six months and may thereafter  
4 be amended, adopted or readopted by the commissioner in  
5 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1  
6 et seq.).

7

8 8. This act shall take effect immediately.

9

10 STATEMENT

11

12 This bill sets forth statutory guidelines governing applications by  
13 researchers, government agencies, financial institutions and other  
14 persons or entities to view or obtain vital records maintained by the  
15 State registrar of vital statistics.

16 The bill defines "current vital records" as the birth, death, fetal  
17 death records of a person less than 100 years old, birth records 100  
18 or more years old of a person still living, marriage, civil union and  
19 domestic partnership records of persons when less than 50 years  
20 have elapsed, or death or fetal death records when less than 40 years  
21 have elapsed, from which vital statistics are produced, including all  
22 paper records, indices, forms, data, data systems and related  
23 documents or information collected or stored in the registration of  
24 vital statistics.

25 The bill provides that:

- 26 • Current vital records not deemed to be confidential or restricted  
27 public or government records.
- 28 • The provisions of the bill are not to be construed to prohibit the  
29 State registrar from supplying a certification or certified copy of  
30 a vital record to an individual pursuant to N.J.S.A.26:8-62 or  
31 furnishing or disclosing vital records as follows:
  - 32 -- to a governmental law enforcement agency for use by that  
33 agency in the performance of its official duties;
  - 34 - to a local, state or federal government agency for use by that  
35 agency in the performance of its official duties;
  - 36 - a death record to a qualified business entity with a  
37 demonstrated need to establish the death of an individual in the  
38 performance of the duties of its business (i.e., a financial institution  
39 as stipulated in the bill or another person or entity in the business of  
40 lending money or clearing title of real or personal property of a  
41 deceased person);
  - 42 -- a birth or death record to a person or entity performing  
43 research that has been approved by the Institutional Review Board  
44 (IRB) of the Department of Health and Senior Services;or
  - 45 -- certified copies, certifications or release of the data and  
46 information of vital records to anyone after 100 years have elapsed  
47 in the case of birth records and 50 years have elapsed in the case of  
48 marriage records and 40 years have elapsed in the case of death

- 1 records.
- 2 • The provisions of the bill are not to be construed to prohibit the  
3 State registrar from supplying information or non-certified copies  
4 of vital records to any person engaged in, connected with or  
5 employed by news media for the purpose of gathering, procuring,  
6 transmitting, compiling, editing, or disseminating news.
  - 7 • An application to visually inspect or obtain a vital record  
8 pursuant to the bill is subject to the approval of the State  
9 registrar.
  - 10 • Visual inspection of a vital record is limited to data files  
11 compiled in response to the application, or to redacted true  
12 images of the vital records document on file in the Bureau of  
13 Vital Statistics and Registration in the Department of Health and  
14 Senior Services. The Commissioner of Health and Senior  
15 Services is to determine the data items to be redacted.
  - 16 • The State registrar is to establish an application form that a  
17 person or entity will be required to file with the State registrar in  
18 order to visually inspect or obtain a vital record pursuant to the  
19 bill. The application form is to contain a statement of the  
20 penalties to which a person or entity is subject for a violation of  
21 the provisions of the bill.
  - 22 • An applicant is required to:
    - 23 -- provide documentation, as prescribed by the State registrar,  
24 to verify the applicant's identity; and
    - 25 -- affirm in writing that the applicant will use the information  
26 only for the purpose stated by the applicant in the application and  
27 maintain the information in a secure manner.
  - 28 • An application by a person or entity performing research to be  
29 approved by the IRB of the Department of Health and Senior  
30 Services is to conform with any requirements as to the process  
31 or form for making that application established by the IRB, and  
32 is subject to approval by the IRB as well as the State registrar.
  - 33 • The State registrar is to retain an application form approved by  
34 the State registrar, or an electronic image thereof, which  
35 authorizes a person or entity to visually inspect or obtain a vital  
36 record pursuant to the bill, for a period of seven years from the  
37 date of its approval by the State registrar.
  - 38 • The State registrar and the State archives may establish fees to  
39 cover the reasonable costs of preparing and releasing vital  
40 records.
  - 41 • A person or entity that uses, transfers, sells, shares or otherwise  
42 discloses current vital records in a manner that is not authorized  
43 under the provisions of the bill or any other law other than for  
44 genealogical, biographical or statistical purposes is guilty of a  
45 crime of the fourth degree (punishable by imprisonment for up  
46 to 18 months or a fine of up to \$10,000, or both) and is

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1 thereafter prohibited from making application to obtain any such  
2 information.