

# 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       5. A person or entity that uses, transfers, sells, shares or  
2 otherwise discloses any information as described in subsection b. of  
3 section 3 of this act in a manner that is not authorized under the  
4 provisions of this act or any other law shall be guilty of a crime of  
5 the fourth degree and shall thereafter be prohibited from making  
6 application to obtain any such information pursuant to this act.

7  
8       6. The Commissioner of Health and Senior Services may adopt  
9 rules and regulations pursuant to the "Administrative Procedure  
10 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the  
11 purposes of this act; except that, notwithstanding any provision of  
12 P.L.1968, c.410 to the contrary, the commissioner may adopt,  
13 immediately upon filing with the Office of Administrative Law,  
14 such regulations as the commissioner deems necessary to  
15 implement the provisions of this act, which shall be effective for a  
16 period not to exceed six months and may thereafter be amended,  
17 adopted or readopted by the commissioner in accordance with the  
18 requirements of P.L.1968, c.410.

19  
20       7. This act shall take effect immediately.

21  
22  
23   STATEMENT

24  
25       This bill sets forth statutory guidelines governing applications by  
26 researchers, government agencies, financial institutions and other  
27 persons or entities to view or obtain vital records maintained by the  
28 State registrar of vital statistics.

29       The bill defines "vital records" as the birth, death, fetal death,  
30 marriage and domestic partnership records from which vital  
31 statistics are produced, including all paper records, indices, forms,  
32 data, data systems and related documents or information collected  
33 or stored in the registration of vital statistics.

34       The bill provides that:

- 35       • Vital records are not to be deemed to be a public or government  
36 record pursuant to N.J.S.A.47:1A-1 et seq. or 47:1A-5 et seq.  
37       • The provisions of the bill are not to be construed to prohibit the  
38 State registrar from: supplying a certification or certified copy  
39 of a vital record to an individual pursuant to N.J.S.A.26:8-62; or  
40 furnishing or disclosing vital records, upon application on a  
41 form and in a manner prescribed by the State registrar, as  
42 follows:

43       -- to a local, state or federal government agency for use by that  
44 agency in the performance of its official duties; except that the  
45 agency is prohibited from releasing to another party any portion of  
46 the vital records obtained from the State registrar without the latter's  
47 written consent, unless otherwise required by law;

48       -- a death record to a qualified business entity with a

- 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

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- 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.