

HOUSE No. 4910

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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:

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 Section 15 of chapter 46 of the General Laws is hereby repealed.

2 SECTION 2. Chapter 46 of the General Laws, as appearing in the 2008 Official Edition,
3 is hereby amended by striking out section 16 and inserting in place thereof the following
4 section:-

5 Section 16. The state registrar shall prepare and furnish forms of uniform size to the
6 clerks, boards of health, physicians, hospitals, the chief medical examiner, funeral directors,
7 probate and district courts and others involved in the preparation and registration of vital records
8 and shall provide them with any necessary instructions and explanations as to use of such forms.
9 All forms shall have security features that deter alteration, counterfeiting, duplication or
10 simulation of vital records and shall meet applicable federal and state standards established for
11 this purpose. All forms and other materials that are used for preparation of vital records but are
12 not supplied by the state registrar shall be approved by the state registrar. All forms used for
13 permanent records shall meet standards established by the state registrar, which standards shall

14 be no less stringent than the current standards of the supervisor of public records and the state
15 archivist for materials, devices and preservation.

16 SECTION 3. Said chapter 46, as so appearing, is hereby amended by striking out section
17 18 and inserting in place thereof the following section:-

18 Section 18. Records transmitted by the town clerk under section 12 and sections 17 to
19 17D, inclusive shall be written in legible hand, typewritten, printed using an electronic format
20 approved by the state registrar or printed using the centralized, automated database operated by
21 the state registrar pursuant to section 32. All forms and formats must have prior approval of the
22 state registrar and meet state standards for uniformity, security, materials, devices and
23 preservation.

24 SECTION 4. Section 19C of said chapter 46, as so appearing, is hereby amended by
25 striking out, in line 1, the words “commissioner of public health” and inserting in place thereof
26 the following words:- state registrar.

27 SECTION 5. Said section 19C of said chapter 46, as so appearing, is hereby further
28 amended by striking out, in line 3, the words “in his department”.

29 SECTION 6. Section 30 of said chapter 46, as so appearing, is hereby amended by
30 striking out, in line 5, the words “secretary of state” and inserting in place thereof the following
31 words:- state registrar.

32 SECTION 7. Said chapter 46, as so appearing, is hereby amended by adding the
33 following 3 sections:-

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

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

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

54 All certified copies issued from this database shall be identical in size and format and
55 shall have security features that deter alteration, counterfeiting, duplication or simulation of vital

56 records and shall meet applicable federal and state standards established for this purpose. When
57 issuing certified copies, the state registrar and town clerks shall comply with all applicable
58 restrictions of state and federal law. The fee for a certified copy of a vital record issued by a town
59 clerk from the database operated by the state registrar shall be uniform throughout the
60 commonwealth, irrespective of where the record was originally recorded.

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

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

76 Section 33. The state registrar may enter into agreements with state and federal agencies
77 administering public health and welfare programs, registrars of motor vehicles, passport agencies

78 or the National Association for Public Health Statistics and Information Systems to verify the
79 existence of a Massachusetts birth, marriage or death record as an alternative to issuance of a
80 certified copy of the record either to streamline administration of programs and services or to
81 minimize the potential for identity theft and fraud associated with birth and marriage records,
82 drivers licenses, state identification cards and passports.