

SENATE No. 820

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act restricting access to birth records..

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 10 of chapter 66 of the General Laws, as appearing in the 2004
2 official edition, is hereby amended by adding at the end of clause (d) the following new
3 paragraph:

4 “(e) A custodian shall not permit the inspection or copying of the birth record of a child,
5 if the child is below the age of eighteen at the time the request to inspect or copy such birth
6 record is made, except upon proper judicial order, or upon written request from one of the
7 following: (1) the child seeking his or her own birth record; (2) the child’s parent(s), legal
8 guardian, conservator, attorney, or physician; (3) a law enforcement or other investigatory
9 official whose performance of his or her legal duties entitles him or her to the information
10 contained in the birth certificate.”

11 SECTION 2. Chapter 46 of the General Laws, as appearing in the 2004 official edition,
12 is hereby amended by striking section 2A and inserting in its place the following:

13 “Examination of records and returns of birth records or of marriage records, or of copies
14 of such records in the department of public health, shall not be permitted except upon proper
15 judicial order, or upon request of a person seeking his own birth or marriage record, or his
16 attorney, physician, parent, guardian, or conservator, as the case may be, entitle him to the
17 information contained therein, nor shall certified copies thereof be furnished except upon such
18 order, or the request of such person. The provisions of this section shall not apply to such
19 records, returns or notices recorded or filed prior to January first, eighteen hundred and forty-one
20 or to such copies thereof.”