

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act restricting access to birth records.

PETITION OF:

NAME:

Ms. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01229 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and 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
5 child, if the child is below the age of eighteen at the time the request to inspect or
6 copy such birth record is made, except upon proper judicial order, or upon written
7 request from one of the following: (1) the child seeking his or her own birth
8 record; (2) the child’s parent(s), legal guardian, conservator, attorney, or
9 physician; (3) a law enforcement or other investigatory official whose
10 performance of his or her legal duties entitles him or her to the information
11 contained in the birth certificate.”

12

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

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