

Accompanying the sixteenth recommendation of the Department of Public Health (House, No. 200). Government Regulations.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Ninety.

---

AN ACT RELATING TO CERTAIN BIRTH, MARRIAGE AND DEATH 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 2A of chapter 46 of the General Laws, as amended by  
2 section 2 of chapter 334 of the acts of 1986, is hereby amended  
3 by striking out the first paragraph and inserting in place thereof  
4 the following: —

5 Examination of records and returns of children born out of  
6 wedlock, or abnormal sex births, or fetal deaths or of the notices  
7 of intention of marriage and marriage records in cases where a  
8 physician's certificate has been filed under the provisions of  
9 section twenty A of chapter two hundred and seven, or those of  
10 persons born out of wedlock, or of copies of such records in the  
11 department of public health, shall not be permitted except upon  
12 proper judicial order, or upon the request of a person seeking his  
13 own birth or marriage record, or his attorney, parent, guardian  
14 or conservator, or a person whose official duties entitle him to  
15 the information contained therein.

16 Full or short form certified copies of vital records in the office  
17 of the town clerk or of such records in the department of public  
18 health, shall be provided only upon proper written application to  
19 individuals with a direct and tangible interest or upon proper  
20 judicial order. Individuals with a direct and tangible interest shall  
21 include the registrant, a member of his immediate family including  
22 a parent listed on the record, a sibling, spouse or legal issue, his  
23 guardian, or conservator, or respective legal representative, or a  
24 governmental official whose duties entitle him to the information  
25 contained therein. A direct and tangible interest may be  
26 demonstrated when information is needed for determination or

27 protection of a personal or property right. Legal representative  
28 shall include an attorney or other authorized agent acting in behalf  
29 of the registrant or his family. Commercial firms or agencies  
30 requesting listing of names and addresses shall not be considered  
31 to have a direct and tangible interest. Only certified copies of vital  
32 records may be issued with the exception listed in the paragraph  
33 below.

34 Examination of cause of death on records and returns of deaths,  
35 or copies of such records in the department of public health, shall  
36 not be permitted except upon proper judicial order, or upon  
37 request of the spouse or heirs at law, their legal representative,  
38 or a person whose official duties entitle him to the information  
39 contained therein, nor shall certified copies of death certificates  
40 contain information relating to the cause of death except upon  
41 such order, or the request of such person until a period of twenty-  
42 four months after the date of death has passed. The information  
43 relating to the manner of death is not limited by this section.

44 Notwithstanding any other provisions of this statute, the  
45 commissioner may make further use of such records as he deems  
46 useful for administrative and research purposes connected with  
47 health programs and population studies as determined by section  
48 24A of chapter 111, of the General Laws.