



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH

**Notice of Public Hearing and Opportunity to Comment on
Proposed Amendment to Articles 205 and 207 of the New York City Health Code**

What are we proposing? The New York City Department of Health and Mental Hygiene (“Department” or “DOHMH”) is proposing that the New York City Board of Health (“Board”) amend Articles 205 and 207 of the New York City Health Code (“Health Code”) to:

- Streamline certain reporting requirements and clarify the types of vital records amendments that the Department is authorized to approve,
- Require 100% electronic death reporting,
- Align the Health Code with New York State law provisions regarding the rights of adopted individuals, and
- Provide an option for family members to request Office of City Medical Examiner death certificates without the cause of death listed.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 a.m. to 11:00 a.m. on July 2, 2026. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, enter to register at this Zoom meeting: <https://health-nyc.zoomgov.com/j/1659361103?pwd=9g2Jy3LRJiC1MRAWdvnwDZiAK2c3TR.1>
If prompted to provide meeting ID and passcode, please enter the following:
Meeting ID: **165 936 1103**, Passcode: **148665**
- **Phone:** For access, dial: (646) 828-7666 or Toll-free (833) 568-8864; (833) 435-1820, then please enter the following Meeting ID: **165 936 1103**

How do I comment on the proposed amendments? Anyone can comment on the proposed amendments by:

- **Website.** You may submit comments to the Department through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You may email comments to resolutioncomments@health.nyc.gov.
- **Mail.** You may mail comments to:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132
- **Fax.** You may fax comments to Department at 347-396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You may also sign up when join Zoom meeting online before the hearing begins on July 2, 2026. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Written comments must be received on or before July 2, 2026, at 5:00 pm.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by June 18, 2026.

Can I review the comments made on the proposed amendment? You may review the comments made on the proposed amendments by going to the website at <http://rules.cityofnewyork.us/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable period of time by the Department's Office of the General Counsel.

What authorizes the Board to make this amendment? Section 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 558(c) of the Charter authorizes the Board to include in the Health Code provisions related to maintaining a registry of births and deaths. Section 556(c)(1) of the Charter authorizes the Department to supervise and control the registration of births and deaths. Section 1043(a) of the Charter grants rulemaking powers to the Department.

Where can I find the Department's rules? The Department's rules and the Health Code are located in Title 24 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must satisfy the requirements of Section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

The proposed amendments were not included in the Department's regulatory agenda for this fiscal year because it did not contemplate this amendment at the time the regulatory agenda was published.

Statement of Basis and Purpose of Proposed Rule

To streamline vital records processes and clarify certain matters, the Department conducted a thorough review of current protocols and relevant provisions of Health Code Articles 205 and 207. Following this review, the Department determined that certain amendments would improve customer service and address public need. The Department therefore proposes the amendments described below.

1. Clarify Access to Birth Certificates by Individuals and Parents

The Health Code does not currently specify that an individual has a right to their own birth certificate. In addition, it currently specifies that a parent cannot access a child's birth certificate once the child reaches the age of 18 unless the child is deceased. Proposed amendments to Health Code

§ 207.11 would make clear that individuals have a right to access their birth certificate once they reach the age of 18 and that parents have a right to access their child's birth certificate even after the child reaches that age.

2. Specify Access to Pre-Adoption Birth Certificates for Adoptees and Their Direct Line Descendants

Since 2020, pursuant to New York State Public Health Law § 4138-e, adult adoptees and their direct line descendants and lawful representatives in New York State have had the right to access the adult adoptee's original birth certificates that had been sealed upon their adoption. The Department has been providing adult adoptees with their original sealed birth certificates and supporting documentation under the State law since 2020, but there is no provision in the Health Code that specifically addresses this requirement. The Department is therefore proposing to add a new paragraph (4) to Health Code § 207.11(a) to make clear that it is in alignment with New York State law.

3. Define "Disposition" and "Interim Disposition" and Create Time Limit for Interim Dispositions

While the final arrangement for human remains is addressed extensively in the Health Code, it includes no definition of the term "disposition." For clarity, the Department is therefore proposing to add a definition in § 205.01 that mirrors the text of New York State Public Health Law § 4201, which is in effect for the rest of New York State. In addition, the Department proposes adding a definition for "interim disposition" in § 205.01 as the non-final, temporary location of the decedent prior to disposition. Interim disposition occurs, among other places, at the medical facility where a death occurred, a funeral home, or the New York City Office of the Chief Medical Examiner ("OCME").

Health Code § 205.13(a) imposes a four-day disposition requirement, which may be extended for a period not exceeding ten days after placement in the general reception vault of a cemetery. Health Code § 205.13(b) allows extension of these time periods, without specific limit, when an interim disposition permit is issued. The Department is proposing to amend § 205.13(b) to reflect the text of New York State Public Health Law § 4200(1) and require good cause shown for issuance of an interim disposition permit and also require burial within a reasonable time not to exceed 30 days after death in such instances. In extenuating circumstances, a funeral director would be able to apply to the Commissioner or their designee for additional time for final disposition. The Department is proposing to exempt OCME from the 30-day time limit as their cases may take more time to investigate and release for final disposition.

4. Clarify Who May Request Death Certificate Amendments and the Type of Amendments the Department is Authorized to Make

Health Code § 207.01(a) describes Department authority to make corrections and amendments to death certificates and other vital records. The reasons people request changes to death certificates are many, including where the funeral home or healthcare provider made an error about a decedent's date of birth or marital status, or where a nation's rules of dual citizenship mandate matching names on all vital records. The Department received 770 applications for death certificate corrections from the public in 2024, each requiring careful review to verify that the requester is entitled to request the change and that the supporting documentation is sufficient. Another 32,917 correction requests were processed from facilities and funeral directors. The Department is proposing two amendments

described below to ensure that changes to death certificates are made upon request of or by appropriate individuals and contain accurate information.

A. The Department proposes limiting the time period that informants may request death certificate amendment and redefining the persons entitled to make requests without time limitation.

First, Health Code § 207.01(a) currently allows the “person in control of disposition,” which is defined by Health Code § 205.01(e) to include persons not closely related to the decedent, to request amendments to death certificates. The immediate duty of disposition, i.e., burial or cremation, should not confer authority to amend a death certificate, an action that could, for example, affect the decedent’s estate and the people eligible to inherit from it. This provision of § 207.01 also creates administrative issues for the Department because the person in control of disposition is not easily determined, especially long after the burial or cremation. Moreover, persons in control of disposition are not eligible to amend a death certificate in the rest of New York State.

Second, § 207.01(a) also allows death certificate amendment requests from individuals who supplied the “personal particulars,” i.e., the name, date of birth and other information about the decedent at the time of death, to either the healthcare provider, funeral director, or medical examiner reporting the death. This provision creates functional issues because the individual who supplied the personal particulars (“the informant”) may be a person without a legal relationship to the decedent, such as a neighbor or friend who may not have accurate information about the decedent. In the rest of New York State, informants are given a limited right to amend a death certificate for only six months after the death.¹

To resolve these two issues, the Department is proposing to amend Health Code §207.01(a) to align it with the current rules applicable to the rest of New York State. The proposed amendments would:

- Allow an informant to apply for death certificate amendments within six months of the date of death and also allow an application to be amended at any time by:
 - the spouse, domestic partner, parent, sibling, or child of the decedent,
 - a beneficiary of an entitlement, pension, benefits, money, or property due to decedent’s death, or
 - a duly appointed executor or fiduciary of the decedent’s estate; and
- Prohibit death certificate amendment rights to the person in charge of disposition unless they were a close family member or a representative of the estate.²

¹ In the rest of New York State, informants and funeral homes may request amendments or corrections to death certificates within six months of a death. In addition, a decedent’s spouse on record, parent, child, sibling, or legal guardian always has the right to request an amendment. See, [public instructions for death corrections.pdf](#), last accessed on 2/20/26.

² Pursuant to Health Code § 207.03(b), OCME may submit missing or updated information at any time.

- B. The Department proposes accepting applications to amend a decedent's marital status only when such status has been determined by a court of competent jurisdiction.

At times, an informant provides an incorrect marital status for the decedent at the time of death. Some informants, for example, simply did not know that the decedent was married. At other times, familial strife leads the informant to omit the marital status or name of a spouse. When this occurs, applications to amend death certificates are submitted by the putative spouse and the Department must determine whether the decedent and the applicant were married at the time of death. Because this is a legal, rather than an administrative determination, the Department is proposing to have courts adjudicate the issue of marital status and accept an application to amend marital status on a death certificate only when such application includes a corresponding court order.

The proposed change to § 207.01 would preclude an amendment of the decedent's marital status or domestic partnership except by:

- OCME at any time;
- A funeral director within one year of date of death; or
- The Department at any time, upon application that includes an order of a court of competent jurisdiction.

5. Streamline Process for "Personal Particulars" Amendments of Death Certificates

- A. The Department proposes allowing designated and trained individuals who are not healthcare professionals to both correct and add to the personal particulars section of a death report; OCME should be able to do so at any time.

Under Health Code § 207.03(b), healthcare professionals reporting a death may *add* information to the record within one year of the death; that provision does not allow *amendment or correction* by such professionals of the information provided. It also does not allow individuals who are not medical professionals to update or add to the decedent's personal particulars. Similarly, Health Code § 205.05 currently does not allow anyone, except the reporting healthcare professional or OCME, to certify the personal particulars portion of the death certificate. These limitations cause delays in funeral arrangements because a healthcare professional is often not available in a timely manner to correct errors in administrative information such as the deceased's name and sex and certify them as accurate. The Department thus proposes allowing non-healthcare professionals to both add and correct personal particulars within one year while maintaining and clarifying the provision that OCME may amend the personal particulars at any time.

- B. The Department proposes that, when an interim disposition permit is to be issued, designated and trained non-healthcare professionals be authorized to certify the personal particulars of a death report, and funeral directors be authorized to amend or add to the personal particulars of such certificate without Department permission.

The method of disposition is a required field in the personal particulars section of a death certificate in the Department's electronic reporting system (eVital) and hard copy reports. When a funeral home or director (collectively referred to as "FD") has not yet been hired before a death is reported, disposition is often categorized as "Other" or "City Cemetery" from among the options

available.³ Since this disposition is not final, this categorization is known as an “interim disposition” and allows the body to be removed from the place of death before final arrangements are made. Interim disposition permits are issued by the Department pursuant to Health Code § 205.21 and require certification by a healthcare professional of all information provided in non-OCME cases. As noted above, the healthcare professional is often not available in a timely manner, which causes delays in issuing the interim disposition permit. Delays are also caused in funeral arrangements after the interim permit is issued because Health Code § 207.01(c) does not allow FDs to amend or provide personal particulars without Department approval. The proposed amendments would rectify both of these issues by allowing trained designees of healthcare professionals to certify personal particulars of a death certificate when an interim disposition permit is to be issued and would allow FDs to amend or add to such personal particulars without Department permission when an interim disposition permit was issued.

In summary, the Department is proposing amendments to provisions regarding personal particulars and other non-medical information as follows:

- a. Amend Health Code § 207.03(b) to allow healthcare professionals to correct, as well as add, personal particulars information within one year. Also proposed is the addition of a provision allowing trained and approved designees of healthcare professionals reporting deaths to update death certificate personal particulars information within one year.
- b. Add a new subdivision (c) to Health Code § 207.03 allowing Department-trained or approved designees of the person reporting a death to amend certain non-medical fields of the Confidential Medical Report (CMR), as determined on forms prescribed by the Board.
- c. Amend Health Code § 205.05 to allow certification of personal particulars for purposes of issuing an interim disposition permit by designees of the healthcare professional reporting the death if the designee is trained or approved by the Department.
- d. Amend Health Code § 207.01(c) to allow FDs to amend or provide personal particulars without Department approval if the death was initially issued an interim disposition permit.

6. Codify right to amend death certificates to align with decedent’s gender identity

The Department currently allows amendment of death records to align a decedent’s gender identity with the sex designation on the record. The City Council recently adopted a local law, now codified in New York City Administrative Code (“Admin. Code”) § 17-166.1, to enshrine this important right into law. The Department therefore proposes to codify its current practice and the new local law into the Health Code by amending Health Code § 207.05 to allow sex designation amendments of death records, provide for issuance of a new death certificate in such cases, and fully protect the privacy of the records underlying this change.

³ The other options are burial, cremation, or entombment. See, Form VR15, available online at <https://www.nyc.gov/assets/doh/downloads/pdf/vs/2021sum.pdf>, last accessed on 2/20/26.

7. Allow Issuance of OCME Death Certificate Without Cause of Death for Family Members

Health Code § 205.09(b) requires that the “manner of death” appear on all death certificates; the notes to this subdivision indicate that “manner of death” categories are “accident, suicide, homicide or natural”. Pursuant to Health Code §§ 205.03 and 205.05, more detailed causes of death are included in the CMR rather than the death certificate to ensure confidentiality for the decedent’s family and encourage full and accurate reporting, which can be undermined by the stigma associated with certain causes of death. Pursuant to Health Code § 205.07, the CMR is not released except in limited cases and when requested by the spouse, domestic partner, parent, child, sibling, grandparent, or grandchild of the deceased or by the individual identified on the death certificate as the person in control of disposition.

Unlike other cases, cases reported by OCME include cause of death on the death certificate. As required by New York City Charter § 557(f)(1), OCME investigates and reports deaths when a person dies “from criminal violence, by accident, by suicide, suddenly when in apparent health, when unattended by a physician, in a correctional facility or in any suspicious or unusual manner.” Due to their nature, OCME cases more often involve litigation and/or administrative proceedings than other cases. New York State law provides that cause of death may be admitted as *prima facie* evidence in New York State courts when it is included on the death certificate. (New York State Public Health Law § 4103(3)). Thus, the Department proposes to continue including cause of death on the face of OCME certificates to facilitate the efficient administration of justice.

Including manner and cause of death on OCME-reported death certificates does, however, create difficult situations for family members when they need to produce the certificate for a matter not related to the cause of death. For example, a father may need the death certificate to obtain a passport for a child when the mother has died, or a young adult may need to prove her parents have died to apply for student loans. In neither of these situations is it relevant to reveal either the manner of death or a detailed cause of death. Indeed, it only serves to retraumatize the family and provide sensitive details of a traumatic death to the public, unnecessarily. To remedy this problem, the Department is proposing to amend Health Code § 205.09(b) to allow specific family members to request death certificates without manner or cause of death when the case had been reported by OCME.

8. Increase Electronic Death Reporting

In 2004, the City Council adopted a local law requiring electronic reporting of deaths to the Department, now codified in Admin. Code § 17-196. As noted in its declaration of legislative findings and intent, the Council noted that the paper-based system then in use created delays that “inflict[ed] additional pain and suffering on families who are already dealing with extreme loss. [. . .] The electronic death registration system will hasten the collection of information necessary for the registration and certification of deaths, thereby expediting the issuance of certified death certificates, the burial or cremation process and settlement of estates.” Admin. Code § 17-196 also provides that paper reporting must be allowed during emergency events or exigent circumstances. In response to the local law, the Department adopted Health Code § 205.03 to implement the new law and establish the use of its electronic reporting system. That system, now known as eVital, receives reports of deaths in real time and has greatly sped up the processing of death certificates and disposition permits. The delays of 20 years ago are now quite rare.

The delays currently encountered usually occur because the Health Code does not require all deaths to be reported electronically; specifically, physicians and facilities reporting fewer than 10 deaths per year, may still do so on paper. In addition, certain healthcare professionals are hesitant to use the system when they report a few deaths a year and are accustomed to paper reporting. To eliminate delays from non-electronic reporting, the Department is proposing to require all deaths to be reported electronically. The Department is also proposing to amend Health Code § 205.03 to allow paper reporting in times of emergency to align with the requirements of the Admin. Code.

9. Delete Certain Fees to Align with Changes in New York State Law

Earlier this year, Public Health Law § 4160-a(9) was amended to prohibit charging a fee for the issuance of a certificate of still birth or pregnancy loss. This change conflicts with Health Code § 207.13(a)(1), which currently requires a fee of \$15 for termination of pregnancy certifications; terminations of pregnancy include still births and pregnancy loss. The Department therefore proposes that the requirement for payment of this fee be deleted from the Health Code.

The proposed amendment is as follows:

New material is underlined.

[Deleted material is in brackets.]

Ellipses [. . .] indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that section 205.01 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

§ 205.01 Definitions.

When used in this title:

- (a) "Burial" means interment of human remains in the ground or in a tomb, vault, crypt, cell or mausoleum, and includes any other usual means of final disposal of human remains other than cremation.
- (b) "Cremation" means the burning of human remains in a crematory.
- (c) "Disposition" means the care, disposal, transportation, burial, cremation, natural organic reduction, or embalming of the body of a deceased person, and associated measures.
- (d) "Human remains" or "remains" means all or any part of the dead body of a human being but does not include human ashes recovered after cremation. For purposes of this Article a conceptus of any gestational age for which the issuance of a disposition permit pursuant to 24 RCNY Health Code § 205.21 has been requested shall be treated as human remains.
- [(d)] (e) "Hospice" means a program issued a certificate of approval pursuant to Article 40 of the Public Health Law and defined as such in § 4002 of said law.

(f) “Interim disposition” means the non-final, temporary location of a decedent before the final disposition is determined.

[(e)] (g) “Person in control of disposition” means[,] a person who has the right to control the disposition of the remains of a decedent in accordance with [all of] the provisions of § 4201 of the Public Health Law[, the following persons who are eighteen years of age or older in descending order of priority:

- (1) the person designated in a written instrument executed pursuant to the provisions of § 4201 of the Public Health Law;
- (2) the decedent's surviving spouse;
- (2-a) the decedent's surviving domestic partner;
- (3) any of the decedent's surviving children;
- (4) either of the decedent's surviving parents;
- (5) any of the decedent's surviving siblings;
- (6) a guardian appointed pursuant to article seventeen or seventeen-a of the Surrogate's Court Procedure Act or article eighty-one of the Mental Hygiene Law;
- (7) any person who would be entitled to share in the estate of the decedent as specified in § 4-1.1 of the Estates, Powers and Trusts Law, with the person in closest relationship having the highest priority;
- (8) a duly appointed fiduciary of the estate of the decedent;
- (9) a close friend or relative who is reasonably familiar with the decedent's wishes, including the decedent's religious or moral beliefs, when no person higher on this list is reasonably available, willing, or competent to act, provided that such person has executed a written statement pursuant to subdivision seven of § 4201 of the Public Health Law; or
- (10) a chief fiscal officer of a county or a public administrator appointed pursuant to article twelve or thirteen of the surrogate's court procedure act, or any other person acting on behalf of the decedent, provided that such person has executed a written statement pursuant to subdivision seven of § 4201 of the Public Health Law].

RESOLVED, that subdivisions (d) and (e) of section 205.03 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are amended to read as follows:

(d) All hospitals, skilled nursing facilities, healthcare professionals, [and] hospices [that report 10 or more deaths to the Department per year], and the Office of Chief Medical Examiner[,] shall electronically prepare any death certificates and confidential medical reports, and shall, within 24 hours after the death or finding of the remains, file such documents electronically with the Department by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where a person required to report a death pursuant subdivision (a) of this section files a report thereof electronically with the Department, and an authorized funeral director or undertaker has taken charge of the remains, such funeral director or undertaker shall, within 72 hours after the death or the finding of the remains, file such document with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. If the remains are to be buried in the City cemetery, the person required to report a death pursuant to subdivision (a) of this section shall complete the process of electronically filing the entire certificate of death and confidential medical

report, if any, within 72 hours after the death or finding of the remains. [All persons required or authorized to report a death or to file a death certificate with the Department that are not required to report or file electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system. Such election will be irrevocable upon commencement of electronic filing by such facilities.]

- (e) All facilities, organizations or individuals required [or electing] to report electronically pursuant to subdivision (d) of this section shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. All individuals utilizing the Department's electronic reporting system to prepare, certify, enter information onto or file death certificates or confidential medical reports, pursuant to 24 RCNY Health Code § 205.05, shall be trained or approved by the Department in the proper use of the system and completion of the electronic reporting forms. Written paper reports may be submitted during emergencies declared by the commissioner or the mayor, as well as for a limited period of time only in the case of extenuating circumstances, temporary equipment failure, or prolonged inability to access the electronic reporting system[, and only with the specific approval of the Department]. In addition, the Department may on its own initiative allow written, paper reports to be submitted if electronic reporting is not possible in a particular circumstance. The Department may, in addition, require summary, cumulative or periodic reports on such reporting schedule as it may deem necessary.

RESOLVED, that paragraph (2) of subdivision (a) of section 205.05 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (2) Certification. A certificate of death and the confidential medical report, if any, shall be certified by a physician in attendance or such physician's duly authorized medical associate, by the chief medical officer of the [hospital or hospice] facility reporting the death, or by the physician in charge of the service on which the death occurred. For the purpose of issuing an interim disposition permit pursuant to 24 RCNY Health Code § 205.21, information concerning the decedent characterized as "personal particulars" may alternatively be certified by a designee of the person in charge of the facility where the death occurred or of the physician's office reporting the death, provided that such designee is trained or approved by the Department. When a death certificate is filed by the Office of Chief Medical Examiner, the certificate shall be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, shall examine said documents for correctness of the information contained thereon and make necessary changes.

RESOLVED, that subdivision (b) of section 205.09 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (b) A certification of death shall contain only the name, sex, date of death, date that the certificate was accepted for filing by the Department, manner of death and the place of death of the person to whom it relates, as well as the death record number from which said information is derived, provided however that parties entitled to obtain a certificate of death pursuant to 24 RCNY Health Code section 207.11(b)(1) may request such certificate that does not include the manner or cause of death for deaths reported pursuant to 24 RCNY Health Code section 205.03(a)(3).

RESOLVED, that subdivision (b) of section 205.13 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (b) [Human] For good cause shown, human remains may be temporarily held for more than the time periods specified in subdivision (a) of this section without being buried, cremated or transported out of the City only if an appropriate interim disposition permit has been issued pursuant to 24 RCNY Health Code § 205.21, but human remains shall not be held for more than a reasonable time after death not to exceed 30 days except in cases where the interim disposition permit has been issued to the Office of the Chief Medical Examiner. In extenuating circumstances and upon application of a person to whom an interim disposition permit has been issued pursuant to 24 RCNY Health Code § 205.21, the Commissioner or the Commissioner's designee may grant an extension beyond 30 days to a date certain.

RESOLVED, that subdivisions (a) and (c) of section 207.01 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are amended to read as follows:

- (a) The Commissioner or the Commissioner's designee may approve the amendment of a birth, termination of pregnancy or death certificate, or of a confidential medical report of birth, spontaneous termination of pregnancy or death. Application shall be made on a form furnished by the Department.
- (1) Application for amendment of a birth certificate may be made only by the person whose birth certificate is to be corrected if such person is 18 years of age or over, or by the parents or surviving parent of a child that is deceased, by the legal guardian of the person whose birth certificate is to be corrected, or by an agency in accordance with subdivision (e) of this section if such person is under 18 years of age.
- (2) Application for amendment of a [spontaneous] certificate of termination of pregnancy [shall] may be made by the parents or surviving parent.
- (3) [Application] Subject to paragraph (4) of this subdivision, application for amendment of a death certificate, or of a confidential medical report of death shall be made in the manner specified in this section by [the person in control of disposition as defined in 24 RCNY Health Code Article 205 or by]
- (A) the person identified on the death certificate as providing the personal particulars pursuant to 24 RCNY Health Code Article 205 within six months of the date of death, or
- (B) the spouse, domestic partner, parent, sibling, or child of the decedent at any time,

(C) a duly appointed executor or fiduciary of the decedent's estate at any time, or

(D) a beneficiary of an entitlement, pension, benefits, money, or property due to decedent's death.

(4) The marital status or domestic partnership of a decedent may not be amended except (i) by the Office of Chief Medical Examiner at any time; (ii) by a funeral director within one year of date of the death certificate; or (iii) by the Department at any time, upon submission of an order of a court of competent jurisdiction defining the marital status and submission of the order as part of an application for amendment in the manner specified in this section and using forms provided by the Department.

(5) Subject to subdivision (c) of section 207.03, the confidential medical report of birth, termination of pregnancy, or death may be amended by the healthcare professional reporting the event.

(c) No application shall be approved unless the Commissioner or the Commissioner's designee is satisfied that the evidence submitted shows the true facts and that an error or omission was made at the time of preparing and filing of the certificate or confidential medical report of birth, spontaneous termination of pregnancy or death, or that the name of a person named in a birth certificate has been changed pursuant to court order. However, a funeral director, undertaker or the Office of Chief Medical Examiner who has taken control of human remains may, without approval by the Commissioner or the Commissioner's designee, use the Electronic Death Registration System to amend a certificate or confidential medical report of death if the funeral director, undertaker or the Office of Chief Medical Examiner is amending the name of the funeral establishment or the method, place, location, or date of disposition or providing "personal particulars" for issuance of an interim disposition permit for such remains.

RESOLVED, that subdivision (b) of section 207.03 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended, and a new subdivision (c) is added to such section, to read as follows:

(b) Within one year following the date of a birth, termination of pregnancy or death certificate, any missing information may be added, and any information provided may be amended, upon submission of the information on a form furnished by the Department by the person who filed the certificate[;] or by a designee of such person or of the person in charge of the facility or medical office from which such certificate is filed, provided that such designee is trained or approved by the Department for such purpose, and provided further that the Office of Chief Medical Examiner may submit missing or updated information at any time. [Except for such submissions by the Office of Chief Medical Examiner, after one year following the date of event of a certificate, however, missing information shall be added only upon approval of an application] All other parties entitled to submit an application for amendment of a certificate may submit applications for amendment in the manner specified in 24 RCNY Health Code § 207.01.

(c) Within one year following the date of a death certificate, the person who filed the certificate of such death, or a designee of the facility or medical office from which such certificate is filed may amend

non-medical fields of the confidential medical report as provided on forms provided by the Department, provided that any such designee is trained or approved by the Department.

RESOLVED, that subdivisions (b) and (c) of section 207.05 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are re-lettered and amended, and a new subdivision (b) is added, to read as follows:

§ 207.05 Correction of records; filing of new birth and death certificates.

- (b) A new death certificate shall be filed when the Department receives supporting documentation, as defined by section 17-166.1 of the Administrative Code of the City of New York, that the decedent's sex designation should be changed to conform with the decedent's gender identity.
- (c) When a new birth or death certificate is filed pursuant to this section, the original birth or death certificate, the application for a new birth or death certificate, and supporting documents shall be placed under physical or electronic seal, and such seal shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy is requested of the certificate of birth or death of the person for whom a new certificate has been filed pursuant to the provisions of this section, a copy of the new certificate of birth or death shall be issued, except when an order of a court of competent jurisdiction requires the issuance of a copy of the original certificate of birth or death.
- [(c)] (d) A new birth or death certificate may be filed when an application for amendment is submitted by a person required to file such certificate within twelve months after the date of birth or death, or when the Commissioner or the Commissioner's designee finds it desirable by reason of the nature and extent of the amendments. In such a case, the original certificate of birth or death registration may be submitted with the application for amendment.

RESOLVED, that subdivision (a) of section 207.11 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (a) Except as provided in 24 RCNY Health Code §§ 201.07, 203.07 and 205.07, and 207.21, inspection of vital records or data filed with the Department pursuant to this Title may be made and transcripts of records may be obtained pursuant to the provisions of 24 RCNY Health Code § 3.25 and § 17-169 of the Administrative Code, respectively. The request to inspect vital records may be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Inspection of any vital records or data for the collection of information for sale or release to the public, or for other speculative purposes shall not be deemed a proper purpose. The Department may impose reasonable conditions as to the use and redisclosure of information[,] and may limit access to the minimum necessary to fulfill the purpose for which information is requested.
- (1) Requests by governmental agencies, whether foreign or domestic, for certified copies of birth and spontaneous termination of pregnancy records or for certifications of birth, pursuant to § 17-169 of the Administrative Code, or for any individually identifiable information contained in

the Department's vital records maintained, pursuant to this Title, or for verifications thereof, shall specify the official use to which the requested information will be put.

- (2) A request for a certification of birth made by the following persons must be accompanied by proof that the individual named on such certification of birth is deceased: spouse, domestic partner, [parent of a child over the age of 18,] child, sibling, niece, nephew, aunt, uncle, grandchild, great grandchild, grandniece, or grandnephew. Proof of death for this purpose may include, but is not limited to, certified copies of death certificates and letters testamentary.
- (3) Upon a request, a certification of birth shall be provided to the person for whom the record of birth relates if such person is eighteen years of age or older, or to a parent named on the certification, or to a legal representative or legal guardian of the person to whom the record of birth relates, or by an attorney authorized in writing by the person to whom the record of birth relates if such person is eighteen years of age or older.
- (4) Notwithstanding § 207.01(b) of this article, upon application and proof of identity, a copy of an original long form birth certificate, including any change attached to such certificate by a birth parent or parents and any information provided to the Department for an adoption pursuant to New York State Domestic Relations Law § 114(1), shall be issued to:
 - (A) an adopted person, if eighteen years of age or older, or
 - (B) if the adopted person is deceased, the adopted person's direct line descendants, or
 - (C) the lawful representatives of such adopted person, or lawful representatives of such deceased adopted person's direct line descendants.

RESOLVED, that paragraph (1) subdivision (a) of section 207.13 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (1) For a search of two consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth[,] or death, [or spontaneous termination of pregnancy,] or a certification of birth or death, or a certification that the record cannot be found, the fee is \$15.00 for each copy in accordance with § 4179 of the New York State Public Health Law.

**NEW YORK CITY LAW DEPARTMENT
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**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Further Amendment of Rules Relating to Vital Records

REFERENCE NUMBER: 2026 RG 014

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: May 4, 2026

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Further Amendment of Rules Relating to Vital Records

REFERENCE NUMBER: DOHMH-171

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

May 7, 2026
Date