FISCAL IMPACT REPORT

SPONSOR Sharer	**ORIGINAL DATE** 03/09/11 **LAST UPDATED**		**HB**	
SHORT TITLE Death Certificates Released to Public			**SB**	469
			ANALYST	Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown	Unknown	Unknown	Recurring	GF—DOH Vital Records staff costs/copying

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION
LFC Files

Responses Received From
Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 469 (SB469) would amend the Vital Statistics Act, Section 24-14-27, to mandate that the Department of Health (DOH) create a public version of a death certificate that may be disclosed, inspected and copied. The public version of a death certificate would contain all the same information as the "confidential" version that can only be accessed by certain individuals who have a direct and tangible interest in the record except that the public version will not contain the cause and manner of death that is included in the "confidential" version.

FISCAL IMPLICATIONS

The Department of Health currently issues over 160,000 certified death certificates per year. It is unknown what the demand for the proposed certificate will be. A high volume could require the addition of at least one FTE and possible copying costs unless the department charges for copying.

OTHER SUBSTANTIVE ISSUES

The New Mexico Vital Records Act (NMSA 24-14-1 1978) follows the national model law in keeping death records closed until 50 years after the date of death of the decedent. This is to prevent the record from being used for fraudulent purposes.

A death certificate is a vital record as defined by the Act and administrative rules ("rules"). Vital records are not public records and under current law are only available to those with a direct and tangible interest in the record or to certain others at the discretion of the State Registrar. Paragraph A of this section of the statute states: it is unlawful for any person to permit inspection of or to disclose information contained in vital records or to copy or issue a copy of all or part of any record except as authorized by law.

This bill would require the creation of a new type of death records for the Bureau of Vital Records and Health Statistics (BVRHS) and would make these new records available not just to those with a direct and tangible interest or those under the Registrar's discretion, as spelled out by law, but to the public at large. SB469 denotes the list of information included in the public death certificate - the decedent's legal name, date of death, county in which died, year of birth, last four digits of S.S. #, gender, marital status and surviving spouse's name, maiden name, and death certificate state file number - as "nonconfidential information." The information gleaned from the proposed certificate contains enough information for an individual to potentially request a certified copy of the death certificate, putting the families of the deceased at risk for loss of property and privacy.

Existing law already allows the State Registrar to disclose copies or data from vital records, including a death certificate, at his/her discretion. The law states, "At the discretion of the state registrar, federal, state, local and other public or private agencies may upon request be furnished copies or data for statistical or administrative purposes upon conditions as may be prescribed by the department."

RAE/bym