



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

**Notice of Public Hearing and Opportunity to Comment on
Proposed Amendment to Article 203 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 Article 203 of the New York City Health Code (“Health Code”) to align it with portions of recent legislative changes to Article 41 of the New York State Public Health Law regarding reporting pregnancy loss and induced terminations of pregnancy.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place from 9:00 a.m. to 10:00 a.m. on December 19, 2025. 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/1603862284?pwd=zllNbXobsC6vY5PME8o0bPjb5mpgAZ.1>
If prompted to provide meeting ID and passcode, please enter the following:
Meeting ID: **160 386 2284**, Passcode: **444142**
- **Phone:** For access, dial: (646) 828-7666 or Toll-free (833) 568-8864; (833) 435-1820, then please enter the following Meeting ID: 160 386 2284.

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

- **Website:** You can submit comments to the Department through the NYC Rules website at <https://rules.cityofnewyork.us>.
- **Email:** You can email written comments to resolutioncomments@health.nyc.gov.
- **Mail:** You can mail written comments to:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 14th Floor, CN 30
Long Island City, NY 11101-4132.
- **Fax:** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing:** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing resolutioncomments@health.nyc.gov before the hearing begins at 9 a.m. on December 19, 2025. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. 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 written comments? Written comments must be received on or before 5:00 p.m. on December 19, 2025.

What if I need assistance to participate in the hearing? You must tell the Department's Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078 or 347-396-6116. Please give us advance notice to allow sufficient time to arrange the accommodation. Please tell us by 4:00 p.m. on December 5, 2025.

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

Earlier this year, New York State Public Health Law § 4160 was amended to, among other things, adopt the broader term "pregnancy loss" to replace "fetal death" to define the event described in Health Code § 203.01(a) as "termination of pregnancy". Section 4160 was further amended to require reporting of pregnancy loss by spontaneous termination of pregnancy or still birth within 72 hours. To ensure that the Health Code is clear with regards to these provisions, the Department is proposing to clarify Health Code § 203.01's definitions of "termination of pregnancy" and "spontaneous termination of pregnancy" so that it is clear how these terms relate to law in effect in the rest of New York State. In addition, to align with the rest of the State, the Department is proposing to require the reporting of induced terminations of pregnancy only in instances where a disposition is requested by the parent.

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 203.01 of Article 203 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:

§ 203.01 Definitions.

When used in this title:

- (a) "Termination of pregnancy" means the expulsion or extraction of a conceptus, regardless of the duration of pregnancy, other than a live birth as defined in 24 RCNY Health Code § 201.01(a)[,] and includes [fetal death] “pregnancy loss” as defined in New York State Public Health Law § 4160(a).
- (b) "Spontaneous termination of pregnancy" means the unplanned termination of a pregnancy, including but not limited to an ectopic pregnancy, miscarriage, still birth, or such a termination associated with a cesarean section, or an operative procedure unrelated to pregnancy resulting in an inadvertent termination.
- (c) ["Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and which does not result in a live birth.
 - (1) This definition includes “medication-induced termination of pregnancy” as defined in this article.
 - (2) This definition excludes management or prolonged retention of products of conception following a spontaneous termination of pregnancy.
- (d)] "Conceptus" means the product of any termination of pregnancy, regardless of its duration, including a hydatidiform mole, fetal tissue or other evidence of pregnancy recovered by operative or other procedure, but not including a live birth as defined in 24 RCNY Health Code § 201.01(a).
- [(e)] (d) "Licensed health care practitioner" means a physician or other person licensed or authorized pursuant to the New York State Education Law, or other applicable law, to perform terminations of pregnancy.
- [(f) "Medication-induced termination of pregnancy" means an induced termination of pregnancy using medication prescribed or ordered by a licensed health care practitioner. A medication-induced termination of pregnancy occurs in the City when a licensed health care practitioner prescribes or orders the medication for a patient.]

RESOLVED, that section 203.03 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

§ 203.03 Reporting Terminations of Pregnancy.

- (a) When a spontaneous termination of pregnancy occurs in the City it must be reported as follows:
- (1) If in a hospital or en route thereto, by the person in charge of such hospital or his or her designee; or
 - (2) If elsewhere than in a hospital or en route thereto, by the licensed health care practitioner in attendance at or after such event or by their designee; or
 - (3) If a licensed health care practitioner attends at or after [a termination of pregnancy] the event elsewhere than in a hospital or en route thereto as an associate of a hospital, by the person in charge of the hospital with which the licensed health care practitioner is associated or by the designee of such person in charge; or
 - (4) If investigated by the office of chief medical examiner, by a medical examiner within that office[; or
 - (5) If a medication-induced termination of pregnancy, by the licensed health care practitioner prescribing or ordering the medication or by their designee].
- (b) The person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section must file[:
- (1) A certificate of induced termination of pregnancy for an induced termination of pregnancy; or
 - (2) A] a certificate of spontaneous termination of pregnancy, including a confidential medical report, for a spontaneous termination of pregnancy; provided that a medical examiner, when required to report pursuant to paragraph (a)(4) of this section, shall file a certificate of spontaneous termination of pregnancy only.
- (c) A certificate of spontaneous termination of pregnancy required by this section must be filed within 24 hours after the event if a disposition permit issued pursuant to Article 205 of this Code is required or requested, and in all other cases a certificate of spontaneous termination of pregnancy must be filed with any office maintained and designated by the Department for such purposes within five business days[, including within five business days after the date the medication for a medication-induced termination of pregnancy was prescribed or ordered].
- (d) (1) In circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is requested and a person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section has not filed a report thereof electronically, the requirement of filing a certificate and confidential medical report, if any, required by this section may be fulfilled by delivery of the same immediately upon demand and within the time prescribed by subdivision (c) of this section to a funeral director or undertaker authorized to take charge of the conceptus or to the person in charge of the City mortuary if the remains are to be buried in the City cemetery. Such funeral director, undertaker or person in charge of the City mortuary, or an agent of such funeral director or undertaker registered with the Department pursuant to 24 RCNY Health Code Article 205 or a designee of the person in charge of the mortuary, must then file the certificate within 48 hours following the receipt of the certificate of spontaneous termination of pregnancy. [Funeral directors, undertakers, City

mortuary personnel, and their agents or designees, shall not divulge information in the confidential documents except to authorized personnel of the Department.]

(2) In all other circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is requested for a conceptus, a funeral director or undertaker authorized to take charge of the conceptus, or the person in charge of the City mortuary if the remains are to be buried in the City cemetery, registered with the Department pursuant to 24 RCNY Health Code Article 205 or a designee of the person in charge of the mortuary, must report within 24 hours of the termination of pregnancy to the Department only the information required on the forms prescribed by the Board and furnished by the Department.

(3) Funeral directors, undertakers, City mortuary personnel, and their agents or designees, must not divulge information in the confidential documents related to disposition of a conceptus except to authorized personnel of the Department.

(e) All spontaneous terminations of pregnancy occurring at or en route to hospitals or other facilities that report births electronically to the Department pursuant to 24 RCNY Health Code Article 201[, all induced terminations of pregnancy occurring at hospitals or other facilities reporting 100 or more induced terminations of pregnancy per year,] and all spontaneous terminations of pregnancy reported by the office of chief medical examiner, must be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is [required or] requested, and a person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section files a report thereof electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when said mortuary files an application for a disposition permit, must also file, within 72 hours following the termination of pregnancy, the application for such a permit electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All hospitals or other facilities that are not required to report spontaneous terminations of pregnancy electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system, or continue to report spontaneous terminations of pregnancy on approved paper forms. However, once a hospital or facility has commenced reporting electronically, such hospital or facility may not report on paper forms unless otherwise authorized by the Department.

[. . .]

(g) The person required to report a spontaneous termination of pregnancy or to file an application for a disposition permit must provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.

(h) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a spontaneous termination of pregnancy or to file an application for a disposition permit must provide such information to the Department within five business days of the request.

RESOLVED, that section 203.05 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

§ 203.05 Preparation and Certification of Certificates.

- (a) (1) *Preparation.* Any certificate or confidential medical report required by this Article must be prepared by the same person required to file the same pursuant to 24 RCNY Health Code § 203.03 but when a spontaneous termination of pregnancy occurs in a hospital or en route thereto, the certificate and confidential medical report, if any, must be prepared by a licensed health care practitioner in attendance, assisting or present at or after the event, by the chief medical officer of the hospital, by the physician in charge of the service on which the woman was treated, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a licensed health care practitioner attends at or after a spontaneous termination of pregnancy elsewhere than in a hospital or en route thereto, he or she, or a designee of such person who is trained or approved by the Department, must prepare the required certificate and confidential medical report, if any.
- (2) *Certification.* A certificate of spontaneous termination of pregnancy and the confidential medical report must be certified by a physician in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated, or by a designee of such person who is trained or approved by the Department. [A certificate of induced termination of pregnancy shall be certified by a licensed health care practitioner, who is licensed or authorized pursuant to the State Education Law or other applicable law to perform such a termination of pregnancy, in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated.] When a spontaneous termination of pregnancy certificate is filed by the office of chief medical examiner, the certificate must be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, must examine said documents for correctness of the information contained thereon and make necessary changes.
- (b) The certificates specified in 24 RCNY Health Code § 203.03(b), except for certificates filed electronically pursuant to 24 RCNY Health Code § 203.03(e), must be prepared on forms prescribed by the Board and furnished by the Department. Computer programs specified and provided or otherwise authorized for use by the Department for electronic filing must be reflective of the forms prescribed by the Board except to the extent that differences may be necessary or warranted in order to accommodate electronic formatting. The person preparing the certificate must enter all information required by the appropriate form. When a termination of pregnancy occurs in a hospital or en route thereto, the information must be taken from the hospital record of the case. If worksheets are used to prepare certificates of spontaneous termination of pregnancy and confidential medical reports, if any, the worksheets must be ones provided by the Department or in a form approved by the Department. If individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant use such worksheets, then such individuals must be trained or approved by the Department. The person preparing the certificate and confidential medical report, if any, or such person's employer, must

retain such worksheets for a period of three years from the date of the event, and must, upon request, make such worksheets available to the Department for inspection.

RESOLVED, that subdivision (a) of section 203.07 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (a) The certificate and confidential medical report of a spontaneous termination of pregnancy and the [certificate of induced termination of pregnancy] documents submitted pursuant to § 203.03(d)(2) of this Article shall be confidential and not subject to disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department. The Commissioner or the Commissioner's designee may, however, approve the inspection by others of such medical reports and certificates for scientific purposes or in accordance with federal, New York State, or New York City law.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Vital Records

REFERENCE NUMBER: 2025 RG 066

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: October 20, 2025

**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: Amendment of Rules Relating to Vital Records

REFERENCE NUMBER: DOHMH-165

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/ Fiona Peach
Mayor's Office of Operations

October 21, 2025
Date