



Association of Professional GENEALOGISTS

4 May 2026

The Honorable Aaron Michlewitz, Chair
House Committee on Ways and Means

The Honorable Michael J. Rodrigues, Chair
Senate Committee on Ways and Means

Re: Section 43 of H.5377 — Opposition to Proposed Changes to the Vital Records Law

Dear Representative Michlewitz and Senator Rodrigues,

On behalf of the Association of Professional Genealogists (APG), I am writing to express our serious concern regarding Section 43 of the fiscal year 2026 supplemental budget bill, H.5377. APG strongly supports removing outdated and stigmatizing language, including terms such as “out of wedlock,” from Massachusetts vital records law. That reform is appropriate and overdue. However, APG cannot support provisions that would pair this modernization with sweeping new restrictions on public access to vital records. APG urges the Legislature to continue four centuries of public records access and revise Section 43 by taking the following steps:

- Remove the proposed 90-year and 50-year embargoes and instead codify public access to informational, non-certified copies of all vital records, as the state has allowed for centuries.
- Specify in statute if certain data elements require protection, such as Social Security numbers, rather than grant the Department of Public Health (DPH) open-ended authority to determine what the public may access. At the same time, codify access to cause-of-death information, which is essential for families, journalists, researchers, and public health accountability.
- Provide that all historical vital records in the possession of the State Archives can be released to the public free of any and all restrictions.

APG is a not-for-profit 501(c)(6) professional organization dedicated to the growth and enhancement of the genealogical profession. Founded in 1979, APG is the world’s largest association for professional genealogists, representing more than 2,000 members across forty countries. We use public records to enable individuals to understand their families’ histories along with the histories of the places in which they lived.

Massachusetts has one of the oldest and most respected traditions of public vital records access in the United States. Since 1641, these records have served as a foundation for family history, historical scholarship, journalism, legal research, public health inquiry, and civic accountability. Any restrictions on records access would have immediate consequences. Professional genealogists use recent and historical vital records to identify next of kin in probate matters,

assist adoptees and descendants seeking biological family connections, support dual-citizenship and lineage applications, document hereditary medical histories, and help reconnect families with the remains of missing military personnel. A change of this magnitude should not be enacted through an outside section of a supplemental budget bill.

APG is very concerned by the broad discretionary authority that Section 43 would grant to the Department of Public Health. The language allowing DPH to regulate access to information deemed “sensitive” or to determine who has a “legitimate need” for a vital record is too expansive. Without clear statutory limits, this authority could be used to restrict access to information that serves an important public purpose, including cause-of-death data. Journalists, families, public health researchers, and advocates rely on access to such information to identify patterns, monitor institutional accountability, and understand issues such as maternal mortality, overdose deaths, elder care, and public health trends.

Section 43 would delegate authority to the DPH to do what the legislature explicitly refused to do in 2020. Merely by deeming *anything* sensitive and/or by determining that the universe of people with legitimate needs excludes researchers, historians, or even many classes of relatives, the agency could end Massachusetts’ 400-year history of open vital records through regulation. Notably, in 2025, New York Governor’s FY 2026 Executive Budget proposal had a similar provision. In that case, it explicitly called to deny access to essentially all vital records, even to close relatives. The Legislature swiftly rejected this, amid massive public outcry of hundreds, if not thousands, of genealogists.

Additionally, restricting access to non-certified, informational copies of vital records does not serve any public purpose. Closing uncertified birth and marriage records for 90 years and death records for 50 years would represent a fundamental departure from Massachusetts’ tradition. These records are essential tools for researchers, families, and journalists who rely on public records to complete their work, and forcing researchers to obtain certified copies amounts to a tax on historical, public health, and demographic research.

APG is fully committed to responsible stewardship of historical and genealogical records. We support thoughtful privacy protections, but those protections must be precise, evidence-based, and balanced against the public’s longstanding right to access government records. We respectfully urge the Legislature to preserve Massachusetts’ proud tradition of transparency and to reject the sweeping closure provisions in Sections 43 of H.5377.

Respectfully submitted,



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