

1 more, calculated from the date the last normal menstrual period
2 began to the date of delivery, which occurs in this state, shall be
3 reported within five days after delivery to the section of Vital
4 Statistics or as otherwise directed by the State Registrar.

5 (1) When a fetal death occurs, the person in charge of the
6 institution or his or her designated representative shall prepare
7 and file the report. In obtaining the information required by the
8 report, all institutions shall use information gathering
9 procedures, including worksheets, provided or approved by the State
10 Registrar.

11 (2) When a fetal death occurs, the physician in attendance at
12 or immediately after delivery shall prepare and file the report.

13 (3) When inquiry is required pursuant to article twelve,
14 chapter sixty-one, or other applicable provisions of this code, the
15 State Medical Examiner or designee or county medical examiner or
16 county coroner shall investigate the cause of fetal death and shall
17 prepare and file the report within five days. If after
18 investigation, the State Medical Examiner or designee or county
19 medical examiner or county coroner decline jurisdiction, the person
20 declining jurisdiction may direct the local health officer to
21 investigate the cause of fetal death and prepare and file the
22 report.

23 (4) When a fetal death occurs in a moving conveyance and the

1 fetus is first removed from the conveyance in this state, the place
2 where the fetus was first removed from the conveyance ~~will be~~ is
3 considered the place of fetal death.

4 (b) When a fetus is found in this state and the place of death
5 is unknown, the fetal death shall be recorded in this state, and
6 the place where the fetus was found ~~will be~~ is considered the place
7 of fetal death.

8 (c) Upon the occurrence of any spontaneous fetal death or
9 stillbirth and upon application of either parent, or their legal
10 designee, the death of a human embryo or fetus regardless of
11 gestational age or weight may be registered on a certificate of
12 birth resulting in stillbirth, except that the certificate of birth
13 resulting in stillbirth may not list the cause of death.

14 (d) For purposes of this section "spontaneous fetal death" or
15 "stillbirth" means the expulsion or extraction from its mother of
16 human embryo or fetus resulting in other than a live birth and when
17 the expulsion or extraction is not the result of an induced
18 termination of pregnancy.

19 (e) In preparing the certificate of birth resulting in
20 stillbirth, the State Registrar shall, within sixty days of a
21 request by a parent, as provided in section (c) of this section,
22 issue a fetal death certificate of birth resulting in stillbirth.

23 (f) The person who is required to file a fetal death

1 certificate shall advise the parent of a stillborn child:

2 (1) That the parent may request the preparation of a
3 certificate of birth resulting in stillbirth in addition to the
4 fetal death certificate;

5 (2) That the parent may obtain a certificate of birth
6 resulting in stillbirth by contacting the State Office of Vital
7 Records;

8 (3) How the parent may contact the State Office of Vital
9 Records to request a certificate of birth resulting in stillbirth;
10 and

11 (4) That a copy of the original certificate of birth resulting
12 in stillbirth is a document that is available as a vital record
13 when held by the State Registrar system.

14 (g) The request for a certificate of birth resulting in
15 stillbirth shall be on a form prescribed by the State Registrar.

16 (h) The certificate of birth resulting in stillbirth shall
17 contain:

18 (1) The date of the stillbirth;

19 (2) The county in which the stillbirth occurred;

20 (3) The name of the stillborn child as provided on the
21 original or amended certificate of the fetal death certificate. If
22 a name does not appear on the original or amended fetal death
23 certificate and the requesting parent, does not wish to provide a

1 name, the State Office of Vital Records shall fill in the
2 certificate of birth resulting in stillbirth with the name "baby
3 boy" or "baby girl" and the last name of the parents;

4 (4) The state file number of the corresponding fetal death
5 certificate; and

6 (5) The following statement: "This certificate is not proof of
7 live birth."

8 (I) The certificate of birth resulting in stillbirth shall
9 also contain:

10 (1) Gender;

11 (2) Place of delivery;

12 (3) Residence of mother;

13 (4) The attendant at delivery;

14 (5) Gestational age at delivery;

15 (6) Weight at delivery;

16 (7) Mother's name;

17 (8) Father's name;

18 (9) Time of delivery; and

19 (10) Type of delivery, including, but not limited, to single,
20 twin or triplet.

21 (j) A certificate of birth resulting in stillbirth is a vital
22 record when held by the State Registrar System. The State
23 Registrar shall inform any parent who requests a certificate of

1 birth resulting in stillbirth that a copy of the document is
2 available as a vital record.

3 (k) A parent may request that the State Registrar issue a
4 certificate of birth resulting in stillbirth regardless of the date
5 on which the certificate of fetal death was issued.

6 (l) The State Registrar may not use a certificate of birth
7 resulting in stillbirth to calculate live birth statistics.

8 (m) This section may not be used to establish, bring or
9 support a civil cause of action seeking damages against any person
10 or entity for bodily injury, personal injury or wrongful death for
11 a stillbirth.

12 (n) The State Registrar shall prescribe by rules the form,
13 content and process for the certificate of birth resulting in
14 stillbirth.

15 (o) When inquiry is required pursuant to article twelve, State
16 Medical Examiner or designee or county medical examiner or county
17 coroner shall investigate the cause of fetal death and shall
18 prepare and file the report within five days. If after
19 investigation, the State Medical Examiner or designee or county
20 medical examiner or county coroner decline jurisdiction, the person
21 declining jurisdiction may direct the local health officer to
22 investigate the cause of fetal death and prepare and file the
23 report.

1 (p) (1) Whenever an induced termination of pregnancy procedure
2 results in a live birth, a birth certificate shall be issued
3 certifying the birth of the born human being, even though the human
4 being may thereafter die. For the purposes of this section, a human
5 being is live born, or there is a live birth, whenever there is the
6 complete expulsion or extraction from its mother of a human embryo
7 or fetus, irrespective of the duration of pregnancy, which after
8 the separation, breathes or shows any other evidence of life, such
9 as beating of the heart, pulsation of the umbilical cord, or
10 movement of the voluntary muscles, whether or not the umbilical
11 cord has been cut or the placenta is attached. In the event death
12 does ensue after a short time, a death certificate shall be issued.
13 Both the birth and the death certificates shall be issued in
14 accordance with the provisions of this chapter, or other applicable
15 provisions of this code, or by rule promulgated by the State
16 Registrar.

17 (2) Each induced termination of pregnancy which occurs in this
18 state shall be reported to the vital records registry in accordance
19 with section twenty-two, article five, chapter sixteen of this
20 code.

NOTE: The purpose of this bill is to reform the vital statistics procedures related to fetal death, spontaneous fetal death (stillbirth), and induced termination of pregnancy resulting

in live birth. This bill may be referred to as "The Grieving Parents Act" or "Bobby's Law."

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.