

1 HB359
2 115699-1
3 By Representatives Galliher, Hill, Ward, Morrow, Ford and
4 Sherer
5 RFD: Health
6 First Read: 19-JAN-10

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8 SYNOPSIS: Under existing law, the report of a fetal
9 death is required to be filed with the Office of
10 Vital Statistics within five days after a
11 stillbirth if the fetus is beyond the 20th week of
12 uterogestation. The report is for statistical
13 purposes only and the State Registrar destroys the
14 reports after data from the reports is transferred
15 to the database of the Center for Death Statistics.

16 This bill would authorize the mother or
17 father of a stillborn child to request a
18 Certificate of Birth Resulting in Stillbirth from
19 the State Registrar.

20 This bill would specify that, if enacted, it
21 may be known and cited as the Brooklee Act.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 22-9A-13 of the Code of Alabama
2 1975, relating to reports of fetal deaths, to authorize the
3 mother or father of a stillborn child to request a Certificate
4 of Birth Resulting in Stillbirth from the State Registrar.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 22-9A-13 of the Code of Alabama
7 1975, is amended to read as follows:

8 "§22-9A-13.

9 "(a) A report of fetal death shall be filed with the
10 Office of Vital Statistics, or as otherwise directed by the
11 State Registrar, within five days after the occurrence is
12 known if the fetus has advanced to, or beyond, the twentieth
13 week of uterogestation.

14 "(1) When a fetal death occurs in an institution,
15 the person in charge of the institution or his or her
16 designated representative shall prepare and file the report.

17 "(2) When a fetal death occurs outside an
18 institution, the physician in attendance shall prepare and
19 file the report.

20 "(3) When a fetal death occurs without medical
21 attendance, the county medical examiner, the state medical
22 examiner, or the coroner shall determine the cause of fetal
23 death and shall prepare and file the report.

24 "(4) When a fetal death occurs in a moving
25 conveyance and the fetus is first removed from the conveyance
26 in this state or when a dead fetus is found in this state and
27 the place of fetal death is unknown, the fetal death shall be

1 reported in this state. The county where the fetus was first
2 removed from the conveyance or the dead fetus was found shall
3 be considered the county of fetal death.

4 "(5) For any fetal death reported pursuant to this
5 subsection, the mother or father of the stillborn child may
6 request the State Registrar to prepare a Certificate of Birth
7 Resulting in Stillbirth within 30 days of the occurrence. The
8 Certificate of Birth Resulting in Stillbirth shall meet all of
9 the filing requirements for a certificate for a live birth
10 except the certificate need not contain any reference to the
11 stillborn child's name if the parents of the stillborn child
12 do not wish to provide a name for the stillborn child. The
13 request for a certificate pursuant to this subdivision shall
14 be accompanied by the normal fee for a certified copy of a
15 birth certificate.

16 "(b) A report of induced termination of pregnancy
17 for each induced termination of pregnancy which occurs in this
18 state shall be filed with the Office of Vital Statistics, or
19 as otherwise directed by the State Registrar, no later than 10
20 days after the last day of the month during which the
21 procedure was performed.

22 "(1) When the induced termination of pregnancy is
23 performed in an institution, the person in charge of the
24 institution or his or her designated representative shall
25 prepare and file the report.

1 "(2) When the induced termination of pregnancy is
2 performed outside an institution, the physician in attendance
3 shall prepare and file the report.

4 "(3) Reports of induced termination of pregnancy
5 shall not contain the name or the address of the patient whose
6 pregnancy was terminated, nor shall the report contain any
7 other information identifying the patient.

8 "(4) Individual induced termination of pregnancy
9 reports shall be maintained in strict confidence by the Office
10 of Vital Statistics, shall not be available for public
11 inspection, shall not be available in court for any purpose,
12 and shall not be subject to discovery in any civil action
13 except as provided in subdivision (b) (5) of this section.

14 "(5) The Office of Vital Statistics shall
15 periodically make available aggregate data about the induced
16 terminations of pregnancy performed in this state, but the
17 Office of Vital Statistics shall not release the names of
18 individual physicians or other staff members employed by
19 institutions performing induced terminations of pregnancy. The
20 Office of Vital Statistics shall not release the number of
21 procedures performed by any particular institution or
22 physician, except at the request of the board or its attorney
23 pursuant to an investigation of civil or criminal legal action
24 related to licensure or the need for licensure of health
25 facilities or similar investigation or legal action for
26 failure to file reports required by this section.

1 "(6) The State Registrar may authorize the use of
2 other aggregate statistical data for official government use.

3 "(c) ~~The~~ Except for Certificates of Birth Resulting
4 in Stillbirth prepared pursuant to subdivision (5) of
5 subsection (a), the reports required under this section are
6 statistical reports only and are not to be incorporated into
7 the official records of the Office of Vital Statistics.
8 Certified copies of these records shall not be issued by the
9 Office of Vital Statistics. Except when copies of reports must
10 be maintained pursuant to subdivision (a)(5) and subdivision
11 (b)(5) of this section, the State Registrar shall dispose of
12 all individual reports received as soon as practicable after
13 data from the forms is transferred to the database of the
14 Center for Health Statistics, or after the board or its
15 attorney declares there is no further need for the forms
16 pursuant to subdivision (b)(5) of this section. ~~Such~~ The
17 disposal shall follow procedures of the State Records
18 Commission.

19 "(d) Subsection (c) shall also apply to all records
20 of fetal death and induced termination of pregnancy filed in
21 the Office of Vital Statistics prior to adoption of this
22 chapter."

23 Section 2. This act may be known and cited as the
24 Brooklee Act.

25 Section 3. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

