

CERTIFICATE OF STILLBIRTH AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends the Utah Vital Statistics Act related to stillbirths.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "dead fetus" in the Utah Vital Statistics Act; and
- ▶ directs the state registrar to issue a certificate of early term stillbirth to a parent who requests the certificate under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-2, as last amended by Laws of Utah 2013, Chapter 397

ENACTS:

26-2-14.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-2** is amended to read:

26-2-2. Definitions.

As used in this chapter:

- (1) "Advanced practice registered nurse" means a person licensed to practice as an

30 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

31 (2) "Custodial funeral service director" means a funeral service director who:

32 (a) is employed by a licensed funeral establishment; and

33 (b) has custody of a dead body.

34 (3) "Dead body" or "decedent" means a human body or parts of the human body from
35 the condition of which it reasonably may be concluded that death occurred.

36 (4) "Dead fetus" means a product of human conception, other than those circumstances
37 described in Subsection 76-7-301(1):

38 (a) of [~~16~~] 20 weeks' gestation or more, calculated from the date the last normal
39 menstrual period began to the date of delivery; and

40 (b) that was not born alive.

41 (5) "Declarant father" means a male who claims to be the genetic father of a child, and,
42 along with the biological mother, signs a voluntary declaration of paternity to establish the
43 child's paternity.

44 (6) "Dispositioner" means:

45 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
46 having the right and duty to control the disposition of the decedent, if the person voluntarily
47 acts as the dispositioner; or

48 (b) the next of kin of the decedent, if:

49 (i) (A) a person has not been designated as described in Subsection (6)(a); or

50 (B) the person described in Subsection (6)(a) is unable or unwilling to exercise the
51 right and duty described in Subsection (6)(a); and

52 (ii) the next of kin voluntarily acts as the dispositioner.

53 (7) "File" means the submission of a completed certificate or other similar document,
54 record, or report as provided under this chapter for registration by the state registrar or a local
55 registrar.

56 (8) "Funeral service director" is as defined in Section 58-9-102.

57 (9) "Health care facility" is as defined in Section 26-21-2.

- 58 (10) "Health care professional" means a physician or nurse practitioner.
- 59 (11) "Licensed funeral establishment" means a funeral service establishment, as
60 defined in Section [58-9-102](#), that is licensed under Title 58, Chapter 9, Funeral Services
61 Licensing Act.
- 62 (12) "Live birth" means the birth of a child who shows evidence of life after the child is
63 entirely outside of the mother.
- 64 (13) "Local registrar" means a person appointed under Subsection [26-2-3\(2\)\(b\)](#).
- 65 (14) "Nurse practitioner" means an advanced practice registered nurse specializing as a
66 nurse practitioner who has completed an education program regarding the completion of a
67 certificate of death developed by the department by administrative rule adopted in accordance
68 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 69 (15) "Physician" means a person licensed to practice as a physician or osteopath in this
70 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
71 Osteopathic Medical Practice Act.
- 72 (16) "Presumed father" means the father of a child conceived or born during a marriage
73 as defined in Section [30-1-17.2](#).
- 74 (17) "Registration" or "register" means acceptance by the local or state registrar of a
75 certificate and incorporation of the certificate into the permanent records of the state.
- 76 (18) "State registrar" means the state registrar of vital records appointed under
77 Subsection [26-2-3\(1\)\(e\)](#).
- 78 (19) "Vital records" means:
- 79 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
80 dissolution of marriage, or annulment;
- 81 (b) amendments to any of the registered certificates or reports described in Subsection
82 (19)(a); and
- 83 (c) other similar documents.
- 84 (20) "Vital statistics" means the data derived from registered certificates and reports of
85 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of

86 marriage, or annulment.

87 Section 2. Section **26-2-14.3** is enacted to read:

88 **26-2-14.3. Certificate of early term stillbirth.**

89 (1) As used in this section, "early term stillborn child" means a product of human
90 conception, other than in the circumstances described in Subsection [76-7-301\(1\)](#), that:

91 (a) is of at least 16 weeks' gestation but less than 20 weeks' gestation, calculated from
92 the day on which the mother's last normal menstrual period began to the day of delivery; and

93 (b) is not born alive.

94 (2) The state registrar shall issue a certificate of early term stillbirth to a parent of an
95 early term stillborn child if:

96 (a) the parent requests, on a form created by the state registrar, that the state registrar
97 register and issue a certificate of early term stillbirth for the early term stillborn child; and

98 (b) the parent files with the state registrar:

99 (i) (A) a signed statement from a physician confirming the delivery of the early term
100 stillborn child; or

101 (B) an accurate copy of the parent's medical records related to the early term stillborn
102 child; and

103 (ii) any other record the state registrar determines, by rule made in accordance with
104 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, is necessary for accurate
105 recordkeeping.

106 (3) The certificate of early term stillbirth described in Subsection (2) shall meet all of
107 the format and filing requirements of Section [26-2-4](#).

108 (4) A person who prepares a certificate of early term stillbirth under this section shall
109 leave blank any references to an early term stillborn child's name if the early term stillborn
110 child's parent does not wish to provide a name for the early term stillborn child.