
HOUSE BILL 2764

State of Washington

66th Legislature

2020 Regular Session

By Representatives Walen and Springer

1 AN ACT Relating to the local government issuance of a certificate
2 of birth resulting in stillbirth; amending RCW 70.58A.530; creating a
3 new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that a
6 principal duty of state and local governments is to promote and
7 protect the health and safety of their residents. In addition to
8 providing essential health and safety functions through fire and law
9 enforcement agencies, local governments, through county boards of
10 health, combined city and county health departments, and health
11 districts, support public health and safety through the collection
12 and maintenance of vital statistics, and through the issuance of
13 official certificates associated with births and deaths.

14 (2) The legislature further recognizes that the ability to obtain
15 a certificate of birth resulting in stillbirth may provide comfort to
16 some who have experienced the trauma of a stillbirth.

17 (3) In recognition of the forgoing, the legislature intends to
18 create a new process allowing any person who gives birth to a
19 stillborn fetus to request and receive a certificate of birth
20 resulting in stillbirth from the applicable local government.

1 (4) The legislature furthermore reaffirms a woman's rights to
2 reproductive freedom and equal protection under the law, rights which
3 are protected through Washington's statutes, judicial decisions, and
4 the state and federal Constitution. Nothing in this legislation shall
5 alter a woman's rights to reproductive freedom and equal protection
6 under the law.

7 **Sec. 2.** RCW 70.58A.530 and 2019 c 148 s 21 are each amended to
8 read as follows:

9 (1)(a) A certification issued in accordance with this section is
10 considered for all purposes the same as the original vital record and
11 is prima facie evidence of the facts stated therein.

12 (b) An informational copy is not considered the same as the
13 original vital record and does not serve as prima facie evidence of
14 the facts stated therein.

15 (2) The state and local registrar shall issue all certifications
16 registered in the vital records system from the state's central vital
17 records system database upon submission by a qualified applicant of
18 all required information and documentation required either by this
19 chapter or by rule, or both, and shall ensure that all certifications
20 include:

21 (a) The date of registration; and

22 (b) Security features that deter altering, counterfeiting, or
23 simulation without ready detection as required under this chapter.

24 (3) A person requesting a certification of birth, death, ~~((\oplus))~~
25 fetal death, or birth resulting in stillbirth must submit an
26 application, identity documentation, evidence of eligibility, and the
27 applicable fee established in RCW 70.58A.560 to the state or local
28 registrar.

29 (4) For a certification of birth, the state or local registrar
30 may release the certification only to:

31 (a) The subject of the record or the subject of the record's
32 spouse or domestic partner, child, parent, stepparent, stepchild,
33 sibling, grandparent, great grandparent, grandchild, legal guardian,
34 legal representative, or authorized representative; or

35 (b) A government agency or court, if the certification will be
36 used in the conduct of the agency's or court's official duties.

37 (5) The state registrar may issue an heirloom certification of
38 birth to a qualified applicant consistent with subsection (4) of this

1 section. The heirloom certification of birth must contain the state
2 seal and be signed by the governor.

3 (6) The state registrar may issue a certification of a birth
4 record registered as delayed under RCW 70.58A.120 or 70.58A.130 to a
5 qualified applicant consistent with subsection (4) of this section.
6 The certification must:

7 (a) Be marked as delayed; and

8 (b) Include a description of the evidence or court order number
9 used to establish the delayed record.

10 (7) The state registrar may issue a certification of a birth
11 record for a person adopted under chapter 26.33 RCW and registered
12 under RCW 70.58A.400 to a qualified applicant consistent with
13 subsection (4) of this section. The certification:

14 (a) Must not include reference to the adoption of the child; and

15 (b) For children born outside of the state, must be issued
16 consistent with the certification standards of this section, unless
17 the court orders otherwise.

18 (8) When providing a birth certification to a qualified applicant
19 under this chapter, the state or local registrar shall include
20 information prepared by the department setting forth the advisability
21 of a security freeze under RCW 19.182.230 and the process for
22 acquiring a security freeze.

23 (9) For a certification of death, the state or local registrar
24 may release the certification only to:

25 (a) The decedent's spouse or domestic partner, child, parent,
26 stepparent, stepchild, sibling, grandparent, great grandparent,
27 grandchild, legal guardian immediately prior to death, legal
28 representative, authorized representative, or next of kin as
29 specified in RCW 11.28.120;

30 (b) A funeral director, the funeral establishment licensed
31 pursuant to chapter 18.39 RCW, or the person having the right to
32 control the disposition of the human remains under RCW 68.50.160
33 named on the death record, within twelve months of the date of death;
34 or

35 (c) A government agency or court, if the certification will be
36 used in the conduct of the agency's or court's official duties.

37 (10) The state or local registrar may issue a short form
38 certification of death that does not display information relating to
39 cause and manner of death to a qualified applicant. In addition to

1 the qualified applicants listed in subsection (9) of this section, a
2 qualified applicant for a short form certification of death includes:

3 (a) A title insurer or title insurance agent handling a
4 transaction involving real property in which the decedent held some
5 right, title, or interest; or

6 (b) A person that demonstrates that the certified copy is
7 necessary for a determination related to the death or the protection
8 of a personal or property right related to the death.

9 (11) For a certification of fetal death, the state or local
10 registrar may release the certification only to:

11 (a) A parent, a parent's legal representative, an authorized
12 representative, a sibling, or a grandparent;

13 (b) The funeral director or funeral establishment licensed
14 pursuant to chapter 18.39 RCW and named on the fetal death record,
15 within twelve months of the date of fetal death; or

16 (c) A government agency or court, if the certification will be
17 used in the conduct of the agency's or court's official duties.

18 (12)(a) The state or local registrar of the county in which a
19 stillbirth occurs may issue a certificate of birth resulting in
20 stillbirth solely upon request of the person who gave birth.

21 (b) The certificate of birth resulting in stillbirth is in
22 addition to, and may not replace, a fetal death certificate.

23 (c) The issue date of the fetal death certificate may not delay
24 or otherwise affect the issuance of a certificate of birth resulting
25 in stillbirth.

26 (d) For a certification of birth resulting in stillbirth, the
27 state or local registrar may release the certification only to a
28 parent listed on the fetal death record who is also the parent who
29 gave birth.

30 (e) A certification of birth resulting in stillbirth must comply
31 with format requirements prescribed by the state registrar similar to
32 the format of a certificate of birth.

33 (f) The certification of birth resulting in stillbirth must
34 contain a title at the top of the certification that reads,
35 "certificate of birth resulting in stillbirth" and must contain a
36 statement on the certification that reads, "this certificate of birth
37 resulting in stillbirth is not proof of a live birth."

38 (i) The certification of birth resulting in stillbirth must be
39 clear that it is not an identity document.

1 (ii) The certification of birth resulting in stillbirth must
2 include:

3 (A) The date of the stillbirth;

4 (B) The county in which the stillbirth occurred;

5 (C) The name, if any, and sex of the stillborn fetus;

6 (D) The time and place of the stillbirth, including the street
7 address, and if applicable, the name of the hospital in which the
8 stillbirth occurred;

9 (E) The fetus weight and length;

10 (F) The names, dates of birth, and states of birth of the
11 parents; and

12 (G) The file number of the fetal death certificate.

13 (g) The state or local registrar may not use the information on a
14 certificate of birth resulting in stillbirth for any purpose other
15 than to respond to a request for the certificate from the person who
16 gave birth to the stillborn fetus.

17 (h) A certification of birth resulting in stillbirth shall not be
18 used by the state or any agency or subdivision thereof in calculating
19 any vital record statistics.

20 (13) The state or local registrar shall review the identity
21 documentation and evidence of eligibility to determine if the person
22 requesting the certification is a qualified applicant under this
23 section. The state or local registrar may verify the identity
24 documents and evidence of eligibility to determine the acceptability
25 and authenticity of identity documentation and evidence of
26 eligibility.

27 ~~((13))~~ (14) The state or local registrar may not issue a
28 certification of birth or fetal death, including a certification of
29 birth resulting in stillbirth, that includes information from the
30 confidential section of ((the birth or fetal death)) record, except
31 as provided in subsection ((14)) (15) of this section.

32 ~~((14))~~ (15) The state registrar may release information
33 contained in the confidential section of the birth record only to the
34 following persons:

35 (a) The individual who is the subject of the birth record, upon
36 confirmation of documentation and evidence of identity of the
37 requestor in a manner approved by the state board of health and the
38 department. The state registrar must limit the confidential
39 information provided to the individual who is the subject of the

1 birth record's information, and may not include the parent's
2 confidential information; or

3 (b) A member of the public, upon order of a court of competent
4 jurisdiction.

5 ~~((15))~~ (16) A person requesting a certification of marriage,
6 dissolution of marriage, or dissolution of domestic partnership
7 currently held by the department must submit an application and the
8 applicable fee established in RCW 70.58A.560 to the state registrar.

9 ~~((16))~~ (17) The state registrar may mark deceased on a birth
10 certification when that birth record is matched to a death record
11 under RCW 70.58A.060.

12 ~~((17))~~ (18) The state or local registrar must issue an
13 informational copy from the central vital records system to anyone.
14 Informational copies must contain only the information allowed by
15 rule. Informational copies of death records must not display
16 information related to cause and manner of death.

17 ~~((18))~~ (19) A person requesting an informational copy must
18 submit an application and the applicable fee established in RCW
19 70.58A.560 to the state or local registrar.

20 ~~((19))~~ (20) If no record is identified as matching the
21 information provided in the application, the state or local registrar
22 shall issue a document indicating that a search of the vital records
23 system was made and no matching record was identified.

24 ~~((20))~~ (21) All government agencies or courts to whom
25 certifications or informational copies are issued must pay the
26 applicable fee for certifications established in RCW 70.58A.560.

27 ~~((21))~~ (22) The state or local registrar must comply with the
28 requirements of this chapter when issuing a certification or
29 informational copy of a vital life event.

30 ~~((22))~~ (23) The department may issue, through electronic means
31 and processes determined by the department, verifications of
32 information contained on birth or death records filed with the
33 department when a verification is requested by a government agency,
34 insurance company, hospital, or any other organization in the conduct
35 of its official duties for fraud prevention and good governance
36 purposes as determined by the department. The department shall charge
37 a fee for a search under this subsection.

38 ~~((23))~~ (24) Nothing in this section:

1 (a) May be the basis for a civil cause of action seeking damages
2 or criminal charges against any person or entity for bodily injury,
3 personal injury, or wrongful death for a stillbirth;

4 (b) Shall alter a woman's rights to reproductive freedom or equal
5 protection under the law, or to alter or supersede any other
6 provision of law; and

7 (c) Except for the right to request a certificate of birth
8 resulting in stillbirth, may constitute the basis of any new right,
9 privilege, or entitlement, or abrogate any existing right, privilege,
10 or entitlement.

11 (25) For the purposes of this section(~~(7-a)~~):

12 (a) "Induced termination of pregnancy" means the purposeful
13 interruption of an intrauterine pregnancy with the intention other
14 than to produce a live born infant or to remove a dead fetus and
15 which does not result in a live birth.

16 (b) "~~(qualified)~~ Qualified applicant" means a person who is
17 eligible to receive a certification of a vital record based on the
18 standards established by this chapter and department rule.

19 (c) "Stillbirth" means any product of human conception that:

20 (i) Shows no evidence of life, such as breathing, beating of the
21 heart, pulsation of the umbilical cord, or definite movement of
22 voluntary muscles after complete expulsion or extraction from the
23 individual who gave birth;

24 (ii) Is not an induced termination of pregnancy; and

25 (iii) Has completed twenty or more weeks of gestation as
26 calculated from the date the last menstrual period of the individual
27 who gave birth began, to the date of expulsion or extraction; or
28 weighs three hundred fifty grams or more, if weeks of gestation are
29 not known.

30 NEW SECTION. Sec. 3. Section 2 of this act takes effect January
31 1, 2021.

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