

**CERTIFICATE OF STILLBIRTH AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

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**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

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*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 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.
- (2) "Custodial funeral service director" means a funeral service director who:
  - (a) is employed by a licensed funeral establishment; and
  - (b) has custody of a dead body.
- (3) "Dead body" or "decedent" means a human body or parts of the human body from

33 the condition of which it reasonably may be concluded that death occurred.

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

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

38 (b) that was not born alive.

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

42 (6) "Dispositioner" means:

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

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

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

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

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

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

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

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

56 (10) "Health care professional" means a physician or nurse practitioner.

57 (11) "Licensed funeral establishment" means a funeral service establishment, as  
58 defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services  
59 Licensing Act.

60 (12) "Live birth" means the birth of a child who shows evidence of life after the child is  
61 entirely outside of the mother.

62 (13) "Local registrar" means a person appointed under Subsection 26-2-3(2)(b).

63 (14) "Nurse practitioner" means an advanced practice registered nurse specializing as a

64 nurse practitioner who has completed an education program regarding the completion of a  
65 certificate of death developed by the department by administrative rule adopted in accordance  
66 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

67 (15) "Physician" means a person licensed to practice as a physician or osteopath in this  
68 state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic  
69 Medical Practice Act.

70 (16) "Presumed father" means the father of a child conceived or born during a marriage  
71 as defined in Section 30-1-17.2.

72 (17) "Registration" or "register" means acceptance by the local or state registrar of a  
73 certificate and incorporation of the certificate into the permanent records of the state.

74 (18) "State registrar" means the state registrar of vital records appointed under  
75 Subsection 26-2-3(1)(e).

76 (19) "Vital records" means:

77 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,  
78 dissolution of marriage, or annulment;

79 (b) amendments to any of the registered certificates or reports described in Subsection  
80 (19)(a); and

81 (c) other similar documents.

82 (20) "Vital statistics" means the data derived from registered certificates and reports of  
83 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of  
84 marriage, or annulment.

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

86 **26-2-14.3. Certificate of early term stillbirth.**

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

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

91 (b) is not born alive.

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

94 (a) the parent requests, on a form created by the state registrar, that the state registrar

95 register and issue a certificate of birth resulting in early term stillbirth for the early term  
96 stillborn child; and  
97 (b) the parent files with the state registrar:  
98 (i) (A) a signed statement from a physician confirming the delivery of the early term  
99 stillborn child; or  
100 (B) an accurate copy of the parent's medical records related to the early term stillborn  
101 child; and  
102 (ii) any other record the state registrar determines, by rule made in accordance with  
103 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, is necessary for accurate  
104 recordkeeping.  
105 (3) The certificate of birth resulting in early term stillbirth described in Subsection (2)  
106 shall meet all of the format and filing requirements of Section 26-2-4.  
107 (4) A person who prepares a certificate of early term stillbirth under this section shall  
108 leave blank any references to an early term stillborn child's name if the early term stillborn  
109 child's parent does not wish to provide a name for the early term stillborn child.