

VITAL STATISTICS ACT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions in the Utah Vital Statistics Act.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "dead fetus" in the Vital Statistics Act to mean a product of human conception of 16 weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, that was not born alive.

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 2011, Chapter 27

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



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

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

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

31 (b) has custody of a dead body.

32 (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 ~~H~~→ , **other than those**
34a **circumstances described in Subsection 76-7-301(1)** ←~~H~~ :

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

37 (b) that was not born alive.

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

41 (6) "Dispositioner" means:

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

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

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

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

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

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

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

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

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

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

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

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

62 (14) "Nurse practitioner" means an advanced practice registered nurse specializing as a
63 nurse practitioner who has completed an education program regarding the completion of a
64 certificate of death developed by the department by administrative rule adopted in accordance
65 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

75 (19) "Vital records" means:

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

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

80 (c) other similar documents.

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

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Office of Legislative Research and General Counsel