

1 **CERTIFICATE OF STILLBIRTH AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jim Nielson**

5 Senate Sponsor: Todd Weiler

6
7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **26-2-2**, as last amended by Laws of Utah 2013, Chapter 397

22 ENACTS:

23 **26-2-14.3**, Utah Code Annotated 1953

24
25 *Be it enacted by the Legislature of the state of Utah:*

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

27 **26-2-2. Definitions.**



28 As used in this chapter:

29 (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 Chapter 68, Utah Osteopathic
71 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) For purposes of 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 last normal menstrual period began to the day of delivery; and
93 (b) was 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 birth resulting in early term stillbirth for the early term
98 stillborn child; and
99 (b) the parent files with the state registrar:
100 (i) an accurate copy of the parent's medical records related to the early term stillborn
101 child, or a signed statement from a physician confirming the birth of the early term stillborn
102 child; and
103 (ii) any other record the state registrar determines is necessary for accurate
104 recordkeeping.
105 (3) The certificate of birth resulting in early term stillbirth shall meet all of the format
106 and filing requirements of Section [26-2-4](#) relating to a live birth.
107 (4) The person who prepares a certificate under this section shall leave blank any
108 references to an early term stillborn child's name if the early term stillborn child's parent does
109 not wish to provide a name for the early term stillborn child.
110 (5) The state registrar may make rules, in accordance with Title 63G, Chapter 3, Utah
111 Administrative Rulemaking Act, to determine:
112 (a) the additional records required under Subsection (2)(b)(ii); and
113 (b) the form of the certificate of birth resulting in early term stillbirth.

Legislative Review Note
as of 2-13-14 9:47 AM

Office of Legislative Research and General Counsel