

By: Bonnen

H.B. No. 4044

A BILL TO BE ENTITLED

AN ACT

relating to the creation and optional filing of a record of life for an unborn child and the use of a certificate of stillbirth; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 192, Health and Safety Code, is amended to read as follows:

CHAPTER 192. BIRTH AND LIFE RECORDS

SECTION 2. Subchapter A, Chapter 192, Health and Safety Code, is amended by adding Section 192.0023 to read as follows:

Sec. 192.0023. OPTIONAL REGISTRATION OF LIFE; LIFE CERTIFICATE. (a) In this section, "unborn child" has the meaning assigned by Section 171.061.

(b) An unborn child's parent who is a resident of this state at the parent's discretion may request the preparation of a life certificate for the unborn child before the unborn child's birth.

(c) The department shall prescribe the form and content of the life certificate and shall specify the information necessary to prepare the certificate. The form must include separate spaces for recording:

(1) the name of the unborn child;

(2) the date the unborn child's life is acknowledged;

and

(3) the date the unborn child is born.

1 (d) The parent who requests the life certificate may provide
2 a name for the unborn child to be listed on the life certificate. If
3 the parent does not wish to provide a name, the vital statistics
4 unit shall fill in the certificate with the name "baby boy" or "baby
5 girl" and the last name of the parent.

6 (e) On request of an unborn child's parent, a physician or
7 advanced practice registered nurse shall file the life certificate
8 with the local registrar of the registration district in which the
9 parent resides. The life certificate must be accompanied by an
10 affidavit signed by the physician or nurse attesting to the life of
11 the unborn child based on a sonogram or other appropriate physical
12 examination of the unborn child's mother.

13 (f) A parent may request an amendment to the life
14 certificate after the child's birth to add the child's date of birth
15 or add or amend the child's name.

16 (g) A local registrar shall collect, record, preserve,
17 search for, issue copies of, and assess copy fees for a life
18 certificate in the same manner as provided for birth certificates
19 and in accordance with department rules.

20 (h) The parents of an unborn child may use the life
21 certificate of an unborn child filed under this section in the same
22 manner and for the same purposes provided for birth certificates
23 under law and as provided by department rules.

24 (i) The executive commissioner shall adopt rules to
25 implement this section.

26 SECTION 3. Section [192.0022\(f\)](#), Health and Safety Code, is
27 repealed.

1 SECTION 4. This Act takes effect September 1, 2023.