

BILL ANALYSIS

S.B. 271
By: Zaffirini
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is no official documentation or acknowledgment that a stillbirth took place, other than a certificate of fetal death. According to many parents of stillborn children, under current law, there is no official recognition to parents that a child was actually born.

S.B. 271 provides for a certificate of birth resulting in stillbirth from the State of Texas, upon request of a grieving parent, which would provide the recognition that a child was born.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

The bill defines "stillbirth" and "certificate of birth resulting in stillbirth" and requires the person who is required to file a fetal death certificate to advise the parent or parents of a stillborn child that they may, but are not required to, request the preparation of a certificate of birth resulting in stillbirth (certificate), that a parent may obtain a certificate by contacting the bureau of vital statistics to request the certificate and paying the required fee and on ways in which a parent may contact the bureau of vital statistics.

The bill authorizes a parent to provide a name for a stillborn child on the request for a certificate and requires the person who prepares the certificate to leave blank any references to the stillborn child's name if the requesting parent does not wish to provide a name and to place the name "baby boy" and "baby girl" and the last name of the parent. The bill requires the bureau of vital statistics, if a parent at a later date requests that a stillborn child's name be added to a certificate, to amend the corresponding fetal death certificate to add the stillborn child's name to the fetal death certificate before amending the certificate and also requires a certificate to include the state file number of the corresponding fetal death certificate.

The bill requires the Department of State Health Services (DSHS) to prescribe the form and content of a certificate and to specify the information necessary to prepare the certificate. The bill prohibits the bureau of vital statistics from using a certificate to calculate live birth statistics and requires the bureau of vital statistics, on issuance of a certificate to a requesting parent, to file an exact copy of the certificate with the local registrar of the registration district in which the stillbirth occurred. The bill requires the local registrar to file the certificate with the fetal death certificate, authorizes a parent to request the bureau of vital statistics to issue a certificate without regard to the date on which the fetal death certificate was issued, and authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to administer this section.

The bill requires the bureau of vital statistics of the DSHS, not later than the 60th day following the effective date of this Act, to prescribe the form and content of a certificate and specify the information necessary to prepare the certificate as required by this Act. The bill authorizes a parent to request the bureau of vital statistics of the DSHS to prepare and issue a certificate without regard to whether the fetal death occurred on, before, or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2005.