

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 271
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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.

C.S.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

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 192.0022, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 192, Health and Safety Code, by adding Section 192.0022, as follows:

Sec. 192.0022. CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. (a) Defines "stillbirth" and "certificate of birth resulting in stillbirth."

(b) Requires the person who is required to file a fetal death certificate under Section 193.002 (persons in charge of interment or in charge of removal of a body from a registration district for disposition) to advise the parent or parents of a stillborn child of certain information regarding obtaining a certificate of birth resulting in stillbirth.

(c) Authorizes a parent to provide a name for a stillborn child on the request for a certificate of birth resulting in stillbirth. 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. 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 of birth resulting in stillbirth, to amend the corresponding fetal death certificate to add the stillborn child's name to the fetal death certificate before amending the certificate of birth resulting in stillbirth.

(d) Requires a certificate of birth resulting in stillbirth to include the state file number of the corresponding fetal death certificate.

(e) Requires the Department of State Health Services to prescribe the form and content of a certificate of birth resulting in stillbirth and to specify the information necessary to prepare the certificate.

(f) Prohibits the bureau of vital statistics from using a certificate of birth resulting in stillbirth to calculate live birth statistics.

(g) Requires the bureau of vital statistics, on issuance of a certificate of birth resulting in stillbirth 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.

Requires the local registrar to file the certificate of birth resulting in stillbirth with the fetal death certificate.

(h) Authorizes a parent to request the bureau of vital statistics to issue a certificate of birth resulting in stillbirth without regard to the date on which the fetal death certificate was issued.

(i) Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to administer this section.

SECTION 2. Requires the bureau of vital statistics of the Department of State Health Services, not later than the 60th day following the effective date of this Act, to prescribe the form and content of a certificate of birth resulting in stillbirth and specify the information necessary to prepare the certificate as required by Section 192.0022, Health and Safety Code, as added by this Act.

SECTION 3. Authorizes a parent to request the bureau of vital statistics of the Department of State Health Services to prepare and issue a certificate of birth resulting in stillbirth without regard to whether the fetal death occurred on, before, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2005.