

By: Zaffirini, et al.

S.B. No. 271

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a certificate of birth resulting in stillbirth on request of a parent.

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

SECTION 1. Subchapter A, Chapter 192, Health and Safety Code, is amended by adding Section 192.0022 to read as follows:

Sec. 192.0022. CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. (a) In this section:

(1) "Stillbirth" means an unintended, intrauterine fetal death occurring in this state after a gestational age of not less than 20 completed weeks.

(2) "Certificate of birth resulting in stillbirth" means a birth certificate issued to record the birth of a stillborn child.

(b) The person who is required to file a fetal death certificate under Section 193.002 shall advise the parent or parents of a stillborn child:

(1) that a parent may, but is not required to, request the preparation of a certificate of birth resulting in stillbirth;

(2) that a parent may obtain a certificate of birth resulting in stillbirth by contacting the bureau of vital statistics to request the certificate and paying the required fee;
and

(3) regarding the way or ways in which a parent may

1 contact the bureau of vital statistics to request the certificate.

2 (c) A parent may provide a name for a stillborn child on the
3 request for a certificate of birth resulting in stillbirth. If the
4 requesting parent does not wish to provide a name, the bureau of
5 vital statistics shall fill in the certificate with the name "baby
6 boy" or "baby girl" and the last name of the parent. The name of the
7 stillborn child provided on or later added by amendment to the
8 certificate of birth resulting in stillbirth shall be the same name
9 as placed on the original or amended fetal death certificate.

10 (d) A certificate of birth resulting in stillbirth must
11 include the state file number of the corresponding fetal death
12 certificate.

13 (e) The department shall prescribe the form and content of a
14 certificate of birth resulting in stillbirth and shall specify the
15 information necessary to prepare the certificate.

16 (f) The bureau of vital statistics may not use a certificate
17 of birth resulting in stillbirth to calculate live birth
18 statistics.

19 (g) On issuance of a certificate of birth resulting in
20 stillbirth to a parent who has requested the certificate as
21 provided by this section, the bureau of vital statistics shall file
22 an exact copy of the certificate with the local registrar of the
23 registration district in which the stillbirth occurred. The local
24 registrar shall file the certificate of birth resulting in
25 stillbirth with the fetal death certificate.

26 (h) A parent may request the bureau of vital statistics to
27 issue a certificate of birth resulting in stillbirth without regard

1 to the date on which the fetal death certificate was issued.

2 (i) The executive commissioner of the Health and Human
3 Services Commission may adopt rules necessary to administer this
4 section.

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

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

17 SECTION 4. This Act takes effect September 1, 2005.