

HOUSE BILL No. 2613

By Committee on Judiciary

2-11

1 AN ACT concerning the uniform vital statistics act; relating to issuance of
2 ~~certificate of birth resulting in~~ stillbirth *and unborn child's death*
3 *certificates*; amending K.S.A. 65-2401, 65-2412 and 65-2426a and
4 repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. The changes to law in this act shall be known as
8 Meriden's law.

9 ~~New Sec. 2.—(a) A certificate of birth resulting in stillbirth which~~
10 ~~occurs in this state shall be filed with the state registrar within three days~~
11 ~~after such stillbirth and prior to removal of the stillborn child from the~~
12 ~~state and shall be registered by the state registrar if such certificate of birth~~
13 ~~resulting in stillbirth has been completed and filed in accordance with this~~
14 ~~section. The funeral director or person acting as such who first assumes~~
15 ~~custody of a stillborn child shall file the certificate of birth resulting in~~
16 ~~stillbirth prior to interment or disposition of the stillborn child.~~

17 (b) The certificate of birth resulting in stillbirth shall contain:

18 (1) The date of the stillbirth;

19 (2) the place in which the stillbirth occurred. If the place of stillbirth
20 is unknown, a certificate of birth resulting in stillbirth shall be filed
21 indicating the location where such stillborn child was found as the place of
22 stillbirth. If stillbirth occurs in a moving conveyance, the certificate of
23 birth resulting in stillbirth shall record the location where the stillborn
24 child was first removed from such conveyance as the place of stillbirth;
25 and

26 (3) a first name, middle name, last name, no name, or combination of
27 these as requested by one of the parents. The certificate of birth resulting
28 in stillbirth shall not contain any information relating to fetal death, except
29 that such information may be collected by the department of health and
30 environment for statistical or reporting purposes.

31 (c) Any stillbirth certificate filed with the state registrar before July 1,
32 2014, shall be reissued as a certificate of birth resulting in stillbirth upon
33 request and payment of a fee by the parent or parents of the stillborn child,
34 or any other individual with a direct interest in such record pursuant to

1 K.S.A. 65-2422d, and amendments thereto.

2 (d) The secretary of health and environment shall fix and collect a fee
3 for each form provided under this section. The fee shall be collected at the
4 time the form is provided and shall be in the same amount as the fee for a
5 certified copy of a death certificate.

6 (e) This section shall be part of and supplemental to the uniform vital
7 statistics act, K.S.A. 65-2401 et seq., and amendments thereto.

8 **New Sec. 2. (a) A certificate of birth resulting in stillbirth shall be**
9 **established by the state registrar.**

10 **(b) The certificate of birth resulting in stillbirth shall contain**
11 **personal and demographic information describing the stillbirth event**
12 **and shall not contain any information relating to the child's death.**

13 **(c) The certificate of birth resulting in stillbirth is not proof of a**
14 **live birth.**

15 *(d) This section shall be part of and supplemental to the uniform*
16 *vital statistics act, K.S.A. 65-2401 et seq., and amendments thereto.*

17 Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-
18 2401. As used in this act: (1)(a) "Vital statistics" includes the registration,
19 preparation, transcription, collection, compilation, and preservation of data
20 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,
21 divorce, annulment of marriage, induced termination of pregnancy, and
22 data incidental thereto.

23 (2)(b) "Live birth" means the complete expulsion or extraction from
24 its mother of a product of human conception **human child**, irrespective of
25 the duration of pregnancy, which, after such expulsion or extraction,
26 breathes or shows any other evidence of life such as beating of the heart,
27 pulsation of the umbilical cord, or definite movement of voluntary
28 muscles, whether or not the umbilical cord has been cut or the placenta is
29 attached.

30 **(c) "Gestational age" means the age of the human child as**
31 **measured in weeks as determined by either the last date of the**
32 **mother's menstrual period, a sonogram conducted prior to the 20th**
33 **week of pregnancy or the confirmed known date of conception.**

34 ~~(3)(c) (d) "Stillbirth" means any complete expulsion or extraction~~
35 ~~from its mother of a product of human conception the weight of which is~~
36 ~~in excess of 350 grams, irrespective of the duration of pregnancy **complete**~~
37 ~~**expulsion or extraction from its mother of a human child the**~~
38 ~~*gestational age of which is not less than 20 completed weeks, resulting in*~~
39 ~~*other than a live birth, as defined in this act, and which is not an induced*~~
40 ~~*termination of pregnancy.*~~

41 *(d) "Unborn child" means a living individual organism of the*
42 *species homo sapiens, in utero, irrespective of the duration of the*
43 *pregnancy.*

1 (e) *"Stillbirth" means the death of a child in utero after the 20th*
 2 *week of gestation, and which is not an induced termination of*
 3 *pregnancy.*

4 (f) *"Unborn child's death" means an unborn child who dies in*
 5 *utero, whether by stillbirth or by miscarriage.*

6 (g) *"Miscarriage" means the death of an unborn child in utero*
 7 *before the 20th week of gestation, and which is not an induced*
 8 *termination of pregnancy.*

9 ~~(4)(d)-(e)~~ (h) "Induced termination of pregnancy" means ~~the~~
 10 ~~purposeful interruption of pregnancy with the intention other than to~~
 11 ~~produce a live-born infant or to remove a dead fetus and which does not~~
 12 ~~result in a live birth~~ **abortion, as defined in K.S.A. 65-6701, and**
 13 **amendments thereto.**

14 ~~(5)(e)-(f)~~ (i) "Dead body" means a lifeless human body, *including a*
 15 *lifeless unborn child*, or such parts of a human body or the bones thereof
 16 from the state of which it reasonably may be concluded that death recently
 17 occurred.

18 ~~(6)(f)-(g)~~ (j) "Person in charge of interment" means any person who
 19 places or causes to be placed a ~~stillborn child or~~ dead body or the ashes,
 20 after cremation, in a grave, vault, urn or other receptacle, or otherwise
 21 disposes thereof.

22 ~~(7)(g)-(h)~~ (k) "Secretary" means the secretary of health and
 23 environment.

24 Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-
 25 2412. (a) A death certificate ~~or stillbirth certificate~~, ***including an unborn***
 26 ***child's death certificate or stillbirth certificate*** for each death or stillbirth
 27 which occurs in this state shall be filed with the state registrar within three
 28 days after such death and prior to removal of the *dead* body from the state
 29 and shall be registered by the state registrar if such death certificate ~~or~~
 30 ~~stillbirth certificate~~, ***including an unborn child's death certificate or***
 31 ***stillbirth certificate*** has been completed and filed in accordance with this
 32 section. If the place of death is unknown, a death certificate shall be filed
 33 indicating the location where the body was found as the place of death. A
 34 certificate shall be filed within three days after such occurrence; if death
 35 occurs in a moving conveyance, the death certificate shall record the
 36 location where the dead body was first removed from such conveyance as
 37 the place of death.

38 (b) *A stillbirth certificate or unborn child's death certificate shall*
 39 *not be filed for induced terminations of pregnancy required to be*
 40 *reported by K.S.A. 65-445, and amendments thereto.*

41 (c) *When an unborn child's death or stillbirth occurs in an*
 42 *institution, the person in charge of the institution or the person's*
 43 *designated representative shall obtain the personal data, prepare the*

1 *unborn child's death certificate or stillbirth certificate, secure the*
2 *signatures required by such certificate and file the certificate with the*
3 *state registrar. The physician in attendance or, in the absence of the*
4 *physician, the person in charge of the institution or that person's*
5 *designated representative shall certify to the facts of the unborn child's*
6 *death prior to removal of such unborn child from the state.*

7 *(d) When an unborn child's death or stillbirth occurs outside an*
8 *institution, the unborn child's death certificate or stillbirth certificate*
9 *shall be prepared by the physician in attendance at or immediately after*
10 *the unborn child's death or stillbirth.*

11 *(e) The funeral director or person acting as such who first assumes*
12 *custody of a dead body or fetus shall file the death certificate. Such person*
13 *shall obtain the personal data from the next of kin or the best qualified*
14 *person or source available and shall obtain the medical certification of*
15 *cause of death from the physician last in attendance prior to burial. The*
16 *death certificate filed with the state registrar shall be the official death*
17 *record, except that a funeral director licensed pursuant to K.S.A. 65-1714,*
18 *and amendments thereto, may verify as true and accurate information*
19 *pertaining to a death on a form provided by the state registrar, and any*
20 *such form, verified within 21 days of date of death, shall be prima facie*
21 *evidence of the facts therein stated for purposes of establishing death. The*
22 *secretary of health and environment shall fix and collect a fee for each*
23 *form provided a funeral director pursuant to this subsection. The fee shall*
24 *be collected at the time the form is provided the funeral director and shall*
25 *be in the same amount as the fee for a certified copy of a death certificate.*

26 ~~(e)~~ *(f) When death occurred without medical attendance or when*
27 *inquiry is required by the laws relating to postmortem examinations, the*
28 *coroner shall investigate the cause of death and shall complete and sign the*
29 *medical certification within 24 hours after receipt of the death certificate*
30 *or as provided in K.S.A. 65-2414, and amendments thereto.*

31 ~~(d)~~ *(g) In every instance a certificate shall be filed prior to interment*
32 *or disposal of the body.*

33 *(h) For purposes of public health reporting and tracking, an*
34 *unborn child's death or stillbirth at any gestational age, where the*
35 *confirmation of the pregnancy was determined by a licensed health care*
36 *provider, shall be reported to the secretary of health and environment.*

37 Sec. 5. K.S.A. 65-2426a is hereby amended to read as follows: 65-
38 2426a. No dead body, as such term is defined in subsection ~~(4)(d)-(f)~~ *(i)* of
39 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
40 coroner's permit to cremate has been furnished to authorize such
41 cremation. A telefacsimile signed copy of the coroner's permit to cremate
42 which authorizes the cremation shall constitute legal authorization for such
43 cremation under this section. The provisions of this section shall be

1 construed as supplemental to and as a part of the uniform vital statistics
2 act. Any person who knowingly violates this section, upon conviction,
3 shall be fined not more than \$500.

4 Sec. 6. K.S.A. 65-2401, 65-2412 and 65-2426a are hereby repealed.

5 Sec. 7. This act shall take effect and be in force from and after its
6 publication in the statute book.