

## HOUSE BILL No. 2242

By Committee on Health and Human Services

2-9

1 AN ACT concerning use of vital statistics; relating to death and stillbirth  
2 certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the  
3 existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-2401 is hereby amended to read as follows: 65-  
7 2401. As used in this act:

8 (1) "Vital statistics" includes the registration, preparation,  
9 transcription, collection, compilation, and preservation of data pertaining  
10 to birth, adoption, legitimation, death, stillbirth, marriage, divorce,  
11 annulment of marriage, induced termination of pregnancy, and data  
12 incidental thereto.

13 (2) "Live birth" means ~~the complete expulsion or extraction from its~~  
14 ~~mother of a product of human conception~~ *a living individual organism of*  
15 *the species homo sapiens*, irrespective of the duration of pregnancy,  
16 which, after ~~such~~ expulsion or extraction, breathes or shows any other  
17 evidence of life such as beating of the heart, pulsation of the umbilical  
18 cord, or definite movement of voluntary muscles, whether or not the  
19 umbilical cord has been cut or the placenta is attached.

20 (3) "Stillbirth" means ~~any complete expulsion or extraction from its~~  
21 ~~mother of a product of human conception the weight of which is in excess~~  
22 ~~of 350 grams~~ *a living individual organism of the species homo sapiens,*  
23 *who dies in utero*, irrespective of the duration of pregnancy, resulting in  
24 other than a live birth, as defined in this act, and which is not an induced  
25 termination of pregnancy.

26 (4) "Induced termination of pregnancy" means the purposeful  
27 interruption of pregnancy with the intention other than to produce a ~~live-~~  
28 ~~born~~ *live birth* infant or to remove a ~~dead fetus~~ *stillbirth* and which does  
29 not result in a live birth.

30 (5) "Dead body" means a lifeless human body or such parts of a  
31 human body or the bones thereof from the state of which it reasonably  
32 may be concluded that death recently occurred.

33 (6) "Person in charge of interment" means any person who places or  
34 causes to be placed a stillborn child or dead body or the ashes, after  
35 cremation, in a grave, vault, urn or other receptacle, or otherwise disposes  
36 thereof.

1 (7) "Secretary" means the secretary of health and environment.

2 Sec. 2. K.S.A. 65-2412 is hereby amended to read as follows: 65-  
3 2412. (a) A death certificate or stillbirth certificate for each death or  
4 stillbirth *where the fetus weighs more than 250 grams* which occurs in  
5 this state shall be filed with the state registrar within three days after such  
6 death and prior to removal of the body from the state and shall be  
7 registered by the state registrar if such death certificate or stillbirth  
8 certificate has been completed and filed in accordance with this section.  
9 *If the fetus is less than or equal to 250 grams, the mother shall have the*  
10 *option of choosing whether or not a stillbirth certificate shall be filed.* If  
11 the place of death is unknown, a death certificate shall be filed indicating  
12 the location where the body was found as the place of death. A certificate  
13 shall be filed within three days after such occurrence; if death occurs in a  
14 moving conveyance, the death certificate shall record the location where  
15 the dead body was first removed from such conveyance as the place of  
16 death.

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

33 (c) When death occurred without medical attendance or when  
34 inquiry is required by the laws relating to postmortem examinations, the  
35 coroner shall investigate the cause of death and shall complete and sign  
36 the medical certification within 24 hours after receipt of the death  
37 certificate or as provided in K.S.A. 65-2414, and amendments thereto.

38 (d) In every instance a certificate shall be filed prior to interment or  
39 disposal of the body.

40 Sec. 3. K.S.A. 65-2401 and 65-2412 are hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its  
42 publication in the statute book.