

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2613

As Amended by Senate Committee on Judiciary

Brief*

HB 2613, as amended, would enact Meriden's Law, which would be part of and supplemental to the Uniform Vital Statistics Act. The bill would require the State Registrar to establish a certificate of birth resulting in stillbirth, which would be required to contain personal and demographic information describing the stillbirth event and shall not contain any information relating to the child's death. The bill would state the certificate would not be proof of a live birth.

Additionally, the bill would require an unborn child's death certificate to be filed and registered with the State Registrar. "Unborn child's death" would be defined as the death of an unborn child in utero, whether by stillbirth or by miscarriage. The bill would amend the definition of "stillbirth" to mean the death of a child in utero after the twentieth week of gestation, and which is not an induced termination of pregnancy. "Miscarriage" would be defined as the death of an unborn child in utero before the twentieth week of gestation, and which is not an induced termination of pregnancy. A stillbirth certificate or unborn child's death certificate would not be required for induced terminations of pregnancy, which are reported pursuant to other statutory provisions.

When an unborn child's death or stillbirth occurs in an institution, the bill would require the person in charge of the institution or the person's designated representative to obtain the personal data, prepare the unborn child's death certificate or still birth certificate, secure the required signatures, and file the certificate with the State Registrar. Further, the bill would

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

require the physician in attendance or, in the absence of the physician, the person in charge of the institution or the person's designated representative to certify the facts of the unborn child's death prior to the removal of such unborn child from the state. When an unborn child's death or stillbirth occurs outside of an institution, the unborn child's death certificate or stillbirth certificate would be required to be prepared by the physician in attendance at or immediately after the unborn child's death or stillbirth. Where the confirmation of the pregnancy was determined by a licensed health care provider, the bill also would require reporting of an unborn child's death or stillbirth at any gestational age to the Secretary of Health and Environment for the purposes of public health reporting and tracking.

In existing law, the bill would replace "product of human conception" with "human child" in the definition of "live birth" and would clarify in the definition of "dead body" that a lifeless human body includes a lifeless unborn child. "Gestational age" would be defined as the age of the human child as measured in weeks as determined by either the last date of the mother's menstrual period, or a sonogram conducted prior to the twentieth week of pregnancy or the confirmed known date of conception. Additionally, the bill would strike the definition of "induced termination of pregnancy." Instead, "induced termination of pregnancy" would mean "abortion" as defined elsewhere in statute.

Finally, the bill would strike "fetus" in a section requiring a funeral director or person acting as such who first assumes custody of a dead body file the death certificate.

Background

In the House Judiciary Committee, Representative Doll and several concerned citizens offered testimony in support of the bill. The State Registrar, Kansas Department of Health and Environment (KDHE), appeared as a neutral conferee. No opponents offered testimony.

The House Committee amended the bill by adopting a balloon amendment supported by both the proponents and KDHE, to strike much of the new language that would have been added, but maintain the requirement that the State Registrar establish a certificate of birth resulting in stillbirth. Additionally, the amendment revises requirements for information that must be included in the certificate. In existing law, the balloon replaces “product of human conception” with “human child”; revises the definitions of “stillbirth” and “induced termination of pregnancy;” adds a definition for “gestational age”; and restores language allowing the State Registrar to issue a stillbirth certificate.

In the Senate Judiciary Committee, Representative Doll and several concerned citizens offered testimony in support of the bill.

The Senate Committee amended the bill to provide the bill would be part of and supplemental to the Uniform Vital Statistics Act. The bill also adopted an amendment concerning death certificates for unborn children, which also would amend the definitions for “stillbirth” and “dead body” and add definitions for “unborn child,” “unborn child’s death,” and “miscarriage.”

The fiscal note prepared by the Division of the Budget indicates passage of the bill, as introduced, would create a one-time expenditure for KDHE of \$40,000 from agency fee funds in FY 2015 to modify the Vital Statistics Integrated Information System.