

House Research Act Summary

CHAPTER: 60

SESSION: 2005 Regular Session

TOPIC: Optional Record of Birth Resulting in Stillbirth

Date: May 24, 2005

Analyst: Janelle Taylor, 651-296-5808

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Overview

This act establishes provisions for an optional record of birth resulting in stillbirth and codifies the current fetal death reporting rules.

Section

1 Record of stillbirth. Adds § 145.2151. Establishes provisions for an optional record of stillbirth.

Subd. 1. Filing. Requires a record of birth resulting in stillbirth to be filed for births that require a fetal death report when the parent or parents wish to have one prepared.

Subd. 2. Information to parents. Requires those responsible for filing a fetal death report to advise parents: (1) that they may request a record of birth resulting in stillbirth; (2) that the record is optional; and (3) how to obtain a certified copy of the record if one is requested.

Subd. 3. Preparation. Requires the parent or parents of the stillbirth to file a record of stillbirth with the state registrar within five days if they wish to have a record of stillbirth prepared. Requires a parent or parents to fill in a last name for the stillbirth if they do not wish to provide a name for the stillbirth. Requires that either parent or a person with knowledge of the facts of the stillbirth attest to the accuracy of the information entered on the record.

Subd. 4. Retroactive application. Allows a parent, beginning August 1, 2005, to submit a written request for a record of birth resulting in stillbirth for any stillbirth that occurred in the state for which a fetal death report was required. Requires the state registrar to prepare and file, within 30 days, a record of birth resulting in stillbirth for any fetal death for which a fetal death report was prepared if one is requested and satisfactory evidence of the birth is received.

Subd. 5. Responsibilities of the state registrar. Requires the state registrar to: (1) prescribe the form of a record of birth resulting in stillbirth that is as similar as possible to the form of a record of birth; (2) prescribe a form for parents requesting a record of birth resulting in stillbirth record under subdivisions 3 and 4 and make it available on the Department of Health's website; (3) issue a certified copy of the record to parents if the record has been prepared and filed and the request is in writing; and (4) create a process for entering, preparing, and handling stillbirth records identical or as close as possible to the process for birth and fetal death records when feasible, but no later than the date of the next reprogramming of the Department of Health's database for vital records is complete.

- 2 **Vital record.** Amends § 144.212, subd. 8. Adds a record of stillbirth to the list of records defining "vital record."
- 3 **Fetal death report required.** Amends § 144.222, subd. 1. Removes a reference to rules on the reporting of fetal deaths and codifies the existing rules (Minnesota Rules, part 4601.2200). Requires a fetal death report to be filed within five days of the death of a fetus for whom 20 or more weeks of gestation have elapsed (except for abortions as defined in § 145.4241). The fetal death report must be filed by: (1) a person in charge of an institution (or their designee) if the fetus is delivered at or en route to the institution; (2) a physician, certified nurse midwife, or other licensed medical personnel if the fetus is delivered outside of an institution; or (3) a parent or other person in charge of the disposition of the remains if the fetal death occurred without medical attendance at or immediately after the delivery.
- 4 **Which services are for fee.** Amends § 144.226, subd. 1. Adds stillbirth records to the list of records for which a fee may not be charged for issuing a certified vital record or certification that the record cannot be found if reissued within one year of the original issue. Adds stillbirth records to the list of records subject to a \$20 filing fee for delayed registration.
- 5 **Birth record surcharge.** Amends § 144.226, subd. 3. Adds stillbirth records to the list of records subject to a \$3 nonrefundable surcharge used to fund the children's trust fund under section 119A.12.
- 6 **Vital records surcharge.** Amends § 144.226, subd. 4. Adds stillbirth records to the list of records subject to a \$2 nonrefundable surcharge forwarded to the state government special revenue fund.
- 7 **Repealer.** Repeals Minnesota Rules, part 4601.2200, subpart 1. The rules were codified in section 3 of this act.