

House File 2368 - Introduced

HOUSE FILE 2368
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2195)

A BILL FOR

1 An Act providing for the issuance of a certificate of birth
2 resulting in stillbirth, providing for a fee, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 144.31A Certificate of birth
2 resulting in stillbirth.

3 1. As used in this section:

4 a. "*Certificate of birth resulting in stillbirth*" means a
5 certificate issued to record the birth of a stillborn fetus.

6 b. "*Stillbirth*" means stillbirth as defined in section
7 136A.2.

8 2. After each fetal death that occurs in the state which
9 is also a stillbirth, the person required to file the fetal
10 death certificate pursuant to section 144.30 shall advise any
11 parent named on the fetal death certificate that the parent may
12 request the preparation of a certificate of birth resulting in
13 stillbirth in addition to the fetal death certificate. The
14 department shall, within thirty days of receiving a request,
15 issue a certificate of birth resulting in stillbirth.

16 3. The department shall prescribe by rules adopted pursuant
17 to chapter 17A the form and content of a request and the
18 process for requesting a certificate of birth resulting in
19 stillbirth.

20 4. The department shall prescribe by rules adopted pursuant
21 to chapter 17A the form and content of and the fee for the
22 preparation of a certificate of birth resulting in stillbirth.

23 a. At a minimum, the rules shall require that the
24 certificate of birth resulting in stillbirth contain all of the
25 following:

26 (1) The date of the stillbirth.

27 (2) The county in which the stillbirth occurred.

28 (3) A first name, middle name, last name, no name, or
29 combination of these as requested by the parent.

30 (4) The state file number of the corresponding fetal death
31 certificate.

32 (5) The statement: "This certificate is not proof of live
33 birth."

34 b. The fees collected shall be remitted to the treasurer of
35 state for deposit in the general fund of the state or the vital

1 records fund in accordance with section 144.46.

2 5. The state registrar and county registrar shall make a
3 notation on the corresponding fetal death certificate when a
4 certificate of birth resulting in stillbirth is issued.

5 6. Only a parent named on the fetal death certificate may
6 request a certificate of birth resulting in stillbirth. A
7 certificate of birth resulting in stillbirth may be requested
8 and issued at any time regardless of the date on which the
9 fetal death certificate was issued.

10 7. A certificate of birth resulting in stillbirth is not
11 required to be filed or registered.

12 8. A certificate of birth resulting in stillbirth shall not
13 be used to establish, bring, or support a civil cause of action
14 seeking damages against any person for bodily injury, personal
15 injury, or wrongful death for a stillbirth.

16 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill provides for the requesting and issuance of a
20 certificate of birth resulting in stillbirth. The bill defines
21 "stillbirth" as an unintended fetal death occurring after a
22 gestation period of 20 completed weeks, or an unintended fetal
23 death of a fetus with a weight of 350 or more grams. The bill
24 provides that after a fetal death occurs which is a stillbirth,
25 the person required to file a fetal death certificate as
26 prescribed by law shall advise any parent named on the fetal
27 death certificate that the parent may request the preparation
28 of a certificate of birth resulting in stillbirth in addition
29 to the fetal death certificate. The department is to issue the
30 certificate within 30 days of receiving a request.

31 The bill directs the department of public health to adopt
32 rules regarding a request for a certificate of birth resulting
33 in stillbirth and for the form, content, and fee related to the
34 preparation of a certificate of birth resulting in stillbirth.
35 The bill directs that the rules adopted require certain

1 information on the certificate. Under the bill, a parent named
2 on the fetal death certificate may request a certificate of
3 birth resulting in stillbirth at any time regardless of the
4 date on which the fetal death certificate was issued.

5 The bill provides that a certificate of birth resulting
6 in stillbirth is not required to be filed or registered. A
7 certificate of birth resulting in stillbirth also is not to be
8 used to establish, bring, or support a civil cause of action
9 seeking damages against any person for bodily injury, personal
10 injury, or wrongful death for a stillbirth.

11 The bill takes effect upon enactment.