

AMENDED IN SENATE MAY 21, 2007

AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 23, 2007

SENATE BILL

No. 850

Introduced by Senators Maldonado and Correa
(~~Coauthor: Assembly Member Adams~~)

February 23, 2007

An act to amend Section 102950 of, and to add Article 4.5 (commencing with Section 103040) to Chapter 7 of Part 1 of Division 102 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as amended, Maldonado. Vital statistics: certificate of still birth.

Existing law requires the State Registrar of Vital Statistics, to administer the registration of births, deaths, fetal deaths, and marriages. Existing law requires that each fetal death in which the fetus has advanced to or beyond the 20th week of uterogestation to be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within 8 calendar days following the event and prior to any disposition of the fetus.

This bill would specify that those provisions shall not apply to the termination of a pregnancy performed in compliance with a prescribed law governing reproductive privacy. The bill would further enact the Missing Angels Act, which would require the local registrar of births and deaths of the county in which a fetal death, in which the fetus has advanced to or beyond the 20th week of uterogestation is registered, to issue, upon request, to the father or mother, a Certificate of Still Birth

on a form approved by the State Registrar of Vital Statistics. The bill would define still birth for this purpose to be delivery of a fetus where there was a naturally occurring intrauterine fetal death that occurred after a gestational age of not less than 20 weeks. The bill would prescribe information to be contained in a Certificate of Still Birth. The bill would also require the state registrar to determine the appropriate cost to be charged for the processing and printing of a Certificate of Still Birth, and would authorize a local registrar of births and deaths to charge an appropriate fee for the processing and issuance of a certificate. By imposing a new requirement on local registrars of births and deaths, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102950 of the Health and Safety Code
 2 is amended to read:

3 102950. (a) Each fetal death in which the fetus has advanced
 4 to or beyond the 20th week of uterogestation shall be registered
 5 with the local registrar of births and deaths of the district in which
 6 the fetal death was officially pronounced within eight calendar
 7 days following the event and prior to any disposition of the fetus.

8 (b) Subdivision (a) shall not apply to the termination of a
 9 pregnancy performed in compliance with Article 2.5 (commencing
 10 with Section 123460) of Chapter 2 of Part 2 of Division 106.

11 SEC. 2. Article 4.5 (commencing with Section 103040) is
 12 added to Chapter 7 of Part 1 of Division 102 of the Health and
 13 Safety Code, to read:

14
 15 Article 4.5. Missing Angels Act

16
 17 103040. This act shall be known, and may be cited, as the
 18 Missing Angels Act.

1 103040.1. (a) The local registrar of births and deaths of the
2 county in which a fetal death, in which the fetus has advanced
3 beyond the 20th week of uterogestation, is registered, shall issue,
4 upon *the* request of the mother or father of the fetus, a Certificate
5 of Still Birth, on a form approved by the State Registrar of Vital
6 Statistics for each naturally occurring intrauterine fetal death after
7 a gestational age of not less than 20 completed weeks.

8 (b) A Certificate of Still Birth issued pursuant to subdivision
9 (a) shall, except as otherwise set forth in this section, comply with
10 all of the format and filing requirements governing a certificate
11 for a live birth contained in Article 2 (commencing with Section
12 102425).

13 (c) The request for a Certificate of Still Birth shall be on a form
14 prescribed by the State Registrar of Vital Statistics.

15 (d) The Certificate of Still Birth shall only contain the following
16 information taken from the fetal death certificate:

17 (1) The date of the stillbirth.

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

19 (3) The name of and sex of the stillborn fetus, as provided on
20 the original or amended fetal death certificate.

21 (4) The time and place of still birth, including the street address
22 and city, and, if applicable, the name of the hospital.

23 (5) The names, date of birth, and state of birth of the mother
24 and father.

25 (6) The corresponding file number of the final fetal death
26 certificate.

27 (7) A title at the top of the Certificate of Still Birth that reads:
28 Certificate of Still Birth.

29 (8) A statement at the bottom of the Certificate of Still Birth
30 that states: This Certificate of Still Birth is not proof of a live birth.

31 (e) The State Registrar of Vital Statistics shall not use the
32 information included on a Certificate of Still Birth for any
33 governmental purpose other than to respond to the request for the
34 certificate from the persons identified in subdivision (a).

35 (f) The State Registrar of Vital Statistics shall determine the
36 appropriate cost for the processing and printing of a Certificate of
37 Still Birth. The local registrar of births and deaths may charge an
38 appropriate fee for the processing and issuance of a Certificate of
39 Still Birth.

1 (g) The State Registrar of Vital Statistics shall issue a Certificate
2 of Still Birth upon request regardless of the date on which the
3 certificate of fetal death was issued.

4 (h) This section shall not be used to establish, bring, or support
5 a civil cause of action seeking damages against any person or entity
6 for bodily injury, personal injury, or wrongful death for a stillbirth.

7 (i) For the purposes of this section, “still birth” as recorded in
8 the Certificate of Still Birth means the delivery of a fetus where
9 there was a naturally occurring intrauterine fetal death after a
10 gestational age of not less than 20 completed weeks.

11 (j) This section shall not supercede any other provision of law.
12 The terms and conditions contained in this section shall only apply
13 to this section, and shall not affect the definition, use, meaning, or
14 intent of those terms as they may appear in any other statute,
15 California case law, or the California Constitution. Other than
16 prescribing the right to request a Certificate of Still Birth, nothing
17 in this section shall be construed to create any new right, privilege,
18 or entitlement, or to abrogate any existing right, privilege, or
19 entitlement.

20 (k) Through its courts, statutes, and under its Constitution,
21 California law protects a woman’s right to reproductive privacy,
22 and it is the intent of the Legislature to reaffirm these protections
23 in accordance with the California Supreme Court’s decision in
24 *People v. Belous* (1969) 71 Cal.2d 954, 966-968.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 a local agency or school district has the authority to levy service
28 charges, fees, or assessments sufficient to pay for the program or
29 level of service mandated by this act, within the meaning of Section
30 17556 of the Government Code.

O