

AMENDED IN ASSEMBLY AUGUST 30, 2007

AMENDED IN ASSEMBLY JUNE 13, 2007

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

February 23, 2007

An act to amend ~~Section~~ *Sections 100430 and 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~~ *prescribed* 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~~ *authorize* the state registrar to ~~determine the appropriate cost to be charged~~ *charge a fee* for the processing and ~~printing of~~ *issuing* a Certificate of Still Birth, ~~and not to exceed the agency's costs, and not to exceed \$20 adjusted annually as prescribed.~~ *The bill* would authorize a local registrar of births and deaths to charge an appropriate fee for the processing and issuance of a certificate *not to exceed that agency's cost of processing and issuing 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 100430 of the Health and Safety Code,*
2 *as amended by Section 39 of Chapter 816 of the Statutes of 2006,*
3 *is amended to read:*
4 100430. (a) (1) The fees or charges for a record search or for
5 the issuance of any license, permit, registration, or any other
6 document pursuant to Section 26832 or 26840 of the Government
7 Code, or Section 102525, 102625, 102670, 102725, 102750,
8 103040.1, 103050, 103065, 103225, 103325, 103400, 103425,
9 103450, 103525, 103590, 103625, 103650, 103675, 103690,
10 103695, 103700, 103705, 103710, 103715, 103720, 103725, or
11 103735 of this code, may be adjusted annually by the percentage
12 change determined pursuant to Section 100425.
13 The

1 (2) *The* base amount to be adjusted shall be the statutory base
2 amount of the fee or charge plus the sum of the prior adjustments
3 to the statutory base amount. Whenever the statutory base amount
4 is amended, the base amount shall be the new statutory base amount
5 plus the sum of adjustments to the new statutory base amount
6 calculated subsequent to the statutory base amendment. The actual
7 dollar fee or charge shall be rounded to the next highest whole
8 dollar.

9 (b) Beginning January 1, 1983, the department shall annually
10 publish a list of the actual numerical fee charges as adjusted
11 pursuant to this section. This adjustment of fees and the publication
12 of the fee list shall not be subject to the requirements of Chapter
13 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
14 Title 2 of the Government Code.

15 ~~SECTION 1.~~

16 *SEC. 2.* Section 102950 of the Health and Safety Code is
17 amended to read:

18 102950. (a) Each fetal death in which the fetus has advanced
19 to or beyond the 20th week of uterogestation shall be registered
20 with the local registrar of births and deaths of the district in which
21 the fetal death was officially pronounced within eight calendar
22 days following the event and prior to any disposition of the fetus.

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

26 ~~SEC. 2.~~

27 *SEC. 3.* Article 4.5 (commencing with Section 103040) is added
28 to Chapter 7 of Part 1 of Division 102 of the Health and Safety
29 Code, to read:

30

31 Article 4.5. Missing Angels Act

32

33 103040. This act shall be known, and may be cited, as the
34 Missing Angels Act.

35 103040.1. (a) The local registrar of births and deaths of the
36 county in which a fetal death, in which the fetus has advanced
37 beyond the 20th week of uterogestation, is registered, shall issue,
38 upon the request of the mother or father of the fetus, a Certificate
39 of Still Birth, on a form approved by the State Registrar of Vital

1 Statistics for each naturally occurring intrauterine fetal death after
2 a gestational age of not less than 20 completed weeks.

3 (b) A Certificate of Still Birth issued pursuant to subdivision
4 (a) shall, except as otherwise set forth in this section, comply with
5 all of the format requirements governing a certificate for a live
6 birth contained in Article 2 (commencing with Section 102425).
7 *The Certificate of Still Birth shall be in addition to and shall not*
8 *replace the fetal death certificate issued pursuant to Article 1*
9 *(commencing with Section 102950).*

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

12 (d) The Certificate of Still Birth shall *be on a form prescribed*
13 *by the State Registrar of Vital Statistics and shall* only contain the
14 following information taken from the fetal death certificate:

15 (1) The date of the stillbirth.

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

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

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

21 (5) The names, date of birth, and state of birth of the mother
22 and father.

23 (6) The corresponding file number of the final fetal death
24 certificate.

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

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

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

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

38 *(f) The State Registrar of Vital Statistics may charge an*
39 *appropriate fee for processing and issuing a Certificate of Still*
40 *Birth. The fee shall cover, but shall not exceed, the entity's full*

1 *cost of providing the certificate. During the 2007–08 fiscal year,*
2 *the fee shall not exceed twenty dollars (\$20), thereafter, the fee*
3 *may be adjusted annually pursuant to Section 100430. The local*
4 *registrar of births and deaths may charge an appropriate fee for*
5 *the processing and issuing of a Certificate of Live Birth, not to*
6 *exceed the entity’s full cost of providing the certificate.*

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

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

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

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

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

31 ~~SEC. 3.~~

32 *SEC. 4.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 a local agency or school district has the authority to levy service
35 charges, fees, or assessments sufficient to pay for the program or
36 level of service mandated by this act, within the meaning of Section
37 17556 of the Government Code.

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