

## Senate Bill No. 850

### CHAPTER 661

An act to amend 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.

[Approved by Governor October 13, 2007. Filed with  
Secretary of State October 13, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 850, 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 prescribed by the State Registrar of Vital Statistics. The bill would define stillbirth 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 authorize the state registrar to charge a fee for processing and issuing a Certificate of Still Birth, 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.

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

SECTION 1. Section 100430 of the Health and Safety Code, as amended by Section 39 of Chapter 816 of the Statutes of 2006, is amended to read:

100430. (a) (1) The fees or charges for a record search or for the issuance of any license, permit, registration, or any other document pursuant to Section 26832 or 26840 of the Government Code, or Section 102525, 102625, 102670, 102725, 102750, 103040.1, 103050, 103065, 103225, 103325, 103400, 103425, 103450, 103525, 103590, 103625, 103650, 103675, 103690, 103695, 103700, 103705, 103710, 103715, 103720, 103725, or 103735 of this code, may be adjusted annually by the percentage change determined pursuant to Section 100425.

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

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

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

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

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

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

#### Article 4.5. Missing Angels Act

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

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

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

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

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

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

- (1) The date of the stillbirth.
- (2) The county in which the stillbirth occurred.
- (3) The name of and sex of the stillborn fetus, as provided on the original or amended fetal death certificate.
- (4) The time and place of stillbirth, including the street address and city, and, if applicable, the name of the hospital.
- (5) The names, date of birth, and state of birth of the mother and father.
- (6) The corresponding file number of the final fetal death certificate.
- (7) A title at the top of the Certificate of Still Birth that reads: Certificate of Still Birth.

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

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

(f) The State Registrar of Vital Statistics may charge an appropriate fee for processing and issuing a Certificate of Still Birth. The fee shall cover, but shall not exceed, the entity's full cost of providing the certificate. During the 2007–08 fiscal year, the fee shall not exceed twenty dollars (\$20), thereafter, the fee may be adjusted annually pursuant to Section 100430. The local registrar of births and deaths may charge an appropriate fee for the processing and issuing of a Certificate of Live Birth, not to exceed the entity's full cost of providing the certificate.

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

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

(i) For the purposes of this section, "stillbirth" as recorded in the Certificate of Still Birth means the delivery of a fetus where there was a naturally occurring intrauterine fetal death after a gestational age of not less than 20 completed weeks.

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

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

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