

Regular Session, 2003

HOUSE BILL NO. 918

BY REPRESENTATIVE SCHNEIDER

VITAL STATS/BIRTH CERT: Provides for a certificate of stillbirth

1 AN ACT

2 To enact Part VI of Chapter 2 of Title 40 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 40:91 through 94, relative to birth
4 certificates; to provide for the issuance of certificates of stillbirth; to
5 provide for delayed certificates of stillbirth; to provide for certified
6 copies and fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VI of Chapter 2 of Title 40 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 40:91 through 94, is hereby enacted to
10 read as follows:

11 PART VI. CERTIFICATE OF STILLBIRTH

12 §91. Title

13 This Part may be known and referred to as the "Missing Angels
14 Act".

15 §92. Certificate of stillbirth; requirements

16 A. In addition to the requirements in R.S. 40:47 and 49, the state
17 registrar shall establish a certificate of stillbirth on a form approved by
18 the state registrar for each spontaneous fetal death which occurs in this

1 state after twenty complete weeks of gestation or more, calculated from
2 the date the last normal menstrual period began to the date of delivery,
3 or a weight of three hundred fifty grams or more. This certificate may
4 be requested by the parent or parents of a stillborn child.

5 B. The certificate of stillbirth shall meet all of the requirements
6 of R.S. 40:34 and 45 relating to the contents and preparation of a birth
7 certificate. However, the certificate of stillbirth shall be identified as a
8 certificate of birth resulting in stillbirth and shall contain the following
9 information:

10 (1) The name of the child who shall be identified as deceased,
11 or if the child is not named, the preparer shall include the sex of the
12 child who shall be identified as deceased.

13 (2) The date and location of the stillbirth.

14 (3) The name of the mother and the father if the father's name
15 is available.

16 (4) The certificate of stillbirth shall clearly indicate that it is not
17 proof of a live birth.

18 C. The certificate of stillbirth shall be filed with the designated
19 registrar in compliance with the requirements of R.S. 40:44.

20 D. One copy of the certificate of birth resulting in stillbirth shall
21 be provided at no cost. Additional copies shall be subject to the same
22 fees as a certificate of live birth as provided in R.S. 40:40.

23 §93. Delayed certificate of stillbirth

24 When a birth resulting in a stillbirth occurs in this state and a
25 certificate has not been filed within one year after the date of delivery,
26 a certificate of stillbirth distinctly marked "delayed" may be filed and

1 registered in accordance with regulations of the secretary of the
2 Department of Health and Hospitals relating to evidentiary and other
3 requirements sufficient to substantiate the alleged facts of birth
4 resulting in stillbirth.

5 §94. Issuance of certification cards; certified copies; fees; disclosure
6 of records; evidentiary character

7 The provisions of R.S. 40:39 through 42 relative to birth
8 certification cards, certified copies of birth certificates, fees for
9 certified copies, the disclosure of records, and the evidentiary character
10 of certificates shall apply to certificates of stillbirth in the same manner
11 they apply to certificates of live birth.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Schneider

HB No. 918

Abstract: Enacts the "Missing Angels Act".

Present law provides for the preparation and filing of spontaneous fetal death certificates for stillborn babies.

Proposed law maintains present law and additionally allows the parent or parents of a stillborn baby to request the issuance of a certificate of stillbirth.

Proposed law requires the certificate of stillbirth to meet all the requirements of form, preparation, disclosure, evidence, issuance, copies, and fees for birth certificates.

Proposed law authorizes the filing of delayed certificates of stillbirth in accordance with DHH regulations.

(Adds R.S. 40:91-94)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Provides that the birth certificate of a stillborn child shall be designated a certificate of birth resulting in stillbirth.
2. Enumerates the information that shall be recorded on the certificate, including the name, or at least the sex of the deceased child, the date and location of the birth, the name of the mother, and the name of the father, if available.
3. Specifies that the certificate shall clearly indicate that it is not proof of a live birth.
4. Stipulates that the procedure for filing the certificate shall meet the requirements of R.S. 40:44 and that fees for additional copies after the first free copy shall be subject to the requirements of R.S. 40:40.