

SENATE BILL NO. 518  
INTRODUCED BY G. PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CERTIFICATE OF BIRTH ~~WHEN THE BIRTH RESULTS RESULTING~~ IN A STILLBIRTH; AMENDING SECTION 50-15-101, MCA; AND PROVIDING AN A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Birth registration for stillbirth -- requirements -- definition. (1) The department shall establish a certificate of birth RESULTING IN A STILLBIRTH on a form adopted by the department when the birth results in a stillbirth. ~~The certificate must contain the information required under 50-15-221(4).~~ ~~The~~ UPON REQUEST BY A PARENT, A certificate of BIRTH RESULTING IN A stillbirth ~~is~~ MUST BE FILED in addition to the fetal death certificate provided for in 50-15-403. Upon request, a certificate of BIRTH RESULTING IN A stillbirth must be provided to a parent.

~~(2) As used in this section, "stillbirth" means the delivery of a fetus that did not show any signs of life.~~

(2) A CERTIFICATE OF BIRTH RESULTING IN A STILLBIRTH MAY BE FILED BY:

(A) THE PHYSICIAN, THE PHYSICIAN'S DESIGNEE, OR THE DIRECT-ENTRY MIDWIFE LICENSED PURSUANT TO TITLE 37, CHAPTER 27, IN ATTENDANCE AT A STILLBIRTH;

(B) THE PERSON IN ATTENDANCE AT A STILLBIRTH;

(C) THE FATHER OR THE MOTHER;

(D) IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE MOTHER, THE PERSON IN CHARGE OF THE PREMISES WHERE THE STILLBIRTH OCCURRED; OR

(E) THE LOCAL REGISTRAR IF 50-15-202 APPLIES.

(3) THE DEPARTMENT SHALL ADOPT RULES PROVIDING FOR:

(A) THE TIME BY WHICH THE CERTIFICATE OF BIRTH RESULTING IN A STILLBIRTH MUST BE FILED AFTER THE STILLBIRTH;

(B) THE EVIDENCE REQUIRED TO ESTABLISH THE FACTS OF A STILLBIRTH; AND

(C) THE INFORMATION REQUIRED ON A CERTIFICATE OF BIRTH RESULTING IN A STILLBIRTH.

SECTION 2. SECTION 50-15-101, MCA, IS AMENDED TO READ:

**"50-15-101. Definitions.** Unless the context requires otherwise, in parts 1 through 4, the following definitions apply:

(1) "Advanced practice registered nurse" means an individual who has been certified as an advanced practice registered nurse as provided in 37-8-202.

(2) "Authorized representative" means a person:

(a) designated by an individual, in a notarized written document, to have access to the individual's vital records;

(b) who has a general power of attorney for an individual; or

(c) appointed by a court to manage the personal or financial affairs of an individual.

(3) "Dead body" means a human body or parts of a human body from which it reasonably may be concluded that death occurred.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Dissolution of marriage" means a marriage terminated pursuant to Title 40, chapter 4, part 1.

(6) "Fetal death" means death of the fetus prior to the complete expulsion or extraction from its mother as a product of conception, notwithstanding the duration of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(7) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

(8) "Invalid marriage" means a marriage decreed by a district court to be invalid for the reasons contained in 40-1-402.

(9) "Live birth" means the complete expulsion or extraction from the mother as a product of conception, notwithstanding the duration of pregnancy. The birth is indicated by the fact that after expulsion or extraction, the child breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(10) "Local registrar" means a person appointed by the department to act as its agent in administering this chapter in the area set forth in the letter of appointment.

(11) "Person in charge of disposition of a dead body" means a person who places or causes a dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise disposes of the

body or fetus and who is a funeral director licensed under Title 37, chapter 19, an employee acting for a funeral director, or a person who first assumes custody of a dead body or fetus.

(12) "Physician" means a person legally authorized to practice medicine in this state.

(13) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the department.

(14) "Research" means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

(15) (A) "Stillbirth" means a fetal death occurring after a minimum of 20 weeks of gestation.

(B) THE TERM DOES NOT INCLUDE AN ABORTION, AS DEFINED IN 50-20-104.

~~(15)~~(16) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records. The term includes the collection of reports required by this chapter and related activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

~~(16)~~(17) "Vital records" means certificates or reports of birth, death, fetal death, marriage, and dissolution of marriage and related reports.

~~(17)~~(18) "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death, induced termination of pregnancy, marriage, and dissolution of marriage and related reports."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 15, part 2, and the provisions of Title 50, chapter 15, part 2, apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective ~~July 1, 2007~~ JANUARY 1, 2008.

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