

SENATE BILL 1238

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 3, Part 3, relative to stillborn births.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-3-301, is amended in subsection (a) by deleting the language “for each live birth” and by substituting instead the language “for each live birth and for each fetal death occurrence”.

SECTION 2. Tennessee Code Annotated, Section 68-3-301, is further amended by adding a new subsection thereto, as follows:

(c) For the purposes of this part, “fetal death” means death prior to the complete expulsion or extraction from its mother of a product of human conception of five hundred (500) grams or more, or, in the absence of weight, of twenty-two (22) completed weeks of gestation or more. Fetal death shall be indicated after such expulsion or extraction if the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of the voluntary muscles. “Fetal death” does not include the induced termination of a pregnancy.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 3, Part 3, is amended by adding a new section thereto, as follows:

Section 68-3-314. The person who prepares a certificate for a fetal death occurrence shall leave blank any references to the stillborn child’s name if the stillborn child’s parent or parents do not wish to provide a name for the stillborn child.

SECTION 4. Tennessee Code Annotated, Section 68-3-305, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) If the mother was married at the time of conception, birth or fetal death, or anytime between conception, birth or fetal death, to the natural father of the child, the name of the child shall be entered on the certificate as that of the natural father, except that where the mother though married has retained the mother's maiden surname, then on sworn application of both parents, the child's surname to be entered on the birth certificate may be the maiden surname of the child's mother, or both surnames as the parents mutually agree.

SECTION 5. Tennessee Code Annotated, Section 68-3-305(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) If the mother was not married at the time of conception, birth or fetal death, or between conception and birth or fetal death, the name of the father shall not be entered on the certificate of birth, and the surname of the child shall be that of the legal surname of the mother. All information pertaining to the father shall be omitted.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.