

SENATE BILL 2842

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 10
and Title 68, relative to stillborn births.

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

SECTION 1. Tennessee Code Annotated, Section 68-3-102, is amended by adding the following as new subdivisions:

() "Certificate of birth resulting in stillbirth" means a certificate issued to record the birth of a stillborn child.

() "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks.

SECTION 2. Tennessee Code Annotated, Section 68-3-504(a)(1), is amended by deleting the language "five hundred (500) grams or more, or, in the absence of weight, of twenty-two (22)" and by substituting instead the language "twenty (20)".

SECTION 3. Tennessee Code Annotated, Section 68-3-504, is amended by adding the following as a new subsection:

(e) A parent of a stillborn child under Section 4 may request the office of vital records to issue a certificate of fetal death for a stillbirth that occurred prior to the effective date of this act if it meets the requirements established by this chapter. The office shall issue the certificate if the death is reported to the office in a manner satisfactory to the office.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 3, Part 5, is amended by adding the following as a new section:

68-3-514.

(a) For any stillborn child in this state, the department shall issue a certificate of birth resulting in stillbirth within sixty (60) days after a parent named on a fetal death certificate submits a request for a certificate of birth resulting in stillbirth.

(b) The person who is required to file a fetal death certificate under this chapter shall advise the parent of a stillborn child:

(1) That the parent may request the preparation of a certificate of birth resulting in stillbirth in addition to the fetal death certificate;

(2) That the parent may obtain a certificate of birth resulting in stillbirth by contacting the office of vital records;

(3) How the parent may contact the office of vital records to request a certificate of birth resulting in stillbirth; and

(4) That a copy of the original certificate of birth resulting in stillbirth is a document that is available as a public record under § 10-7-503.

(c) The request for a certificate of birth resulting in stillbirth shall be on a form prescribed by the department by rule and must include the date of the stillbirth and the county in which the stillbirth occurred. The request form shall include a space for the parent requesting the certificate of birth resulting in stillbirth to fill in the state file number of the corresponding certificate of fetal death pursuant to § 68-3-504, if known.

(d) The certificate of birth resulting in stillbirth shall contain:

(1) The date of the stillbirth;

(2) The county in which the stillbirth occurred;

(3) If a name does not appear on the original or amended certificate of fetal death and the requesting parent does not wish to provide a name, the office of vital records shall fill in the certificate of birth resulting in stillbirth with the name "baby boy" or "baby girl" and the last name of the parents as provided in part 3 of this chapter;

(4) The state file number of the corresponding certificate of fetal death; and

(5) The following statement: "This certificate is not proof of live birth."

(e) A certificate of birth resulting in stillbirth shall be a public record. The office of vital records must inform any parent who requests a certificate of birth resulting in stillbirth that a copy of the document is available as a public record under § 10-7-503.

(f) A parent may request that the office of vital records issue a certificate of birth resulting in stillbirth regardless of the date on which the certificate of fetal death was issued.

(g) It is final agency action, not subject to review under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the office of vital records to refuse to issue a certificate to a person who is not a parent named on the fetal death certificate and who is not entitled to a certificate of birth resulting in stillbirth.

(h) The office of vital records may not use a certificate of birth resulting in stillbirth to calculate live birth statistics.

(i) The department shall prescribe by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the

fees, the form and content of and process for issuing the certificate of birth resulting in stillbirth.

(j) Nothing in this section may 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.

(k) The commissioner is authorized to set fees which shall not exceed the reasonable cost incurred by the department for processing and filing a new certificate of birth resulting in stillbirth or fetal death certificate pursuant to this section or § 68-3-504.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.