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HOUSE BILL NO. 213

INTRODUCED BY B. MITCHELL, S. GUNDERSON, J. WINDY BOY, F. ANDERSON, S. KERNS, J. SCHILLINGER, C. KNUDSEN, S. GIST, G. NIKOLAKAKOS, K. ZOLNIKOV, D. FERN, S. ESSMANN, P. FIELDER, L. REKSTEN, T. MOORE, M. BERTOGLIO, L. BREWSTER, . KNUDSEN, G. FRAZER, J. HINKLE, N. NICOL, M. BINKLEY, B. LER, A. REGIER, K. SEEKINS-CROWE, F. NAVE, R. MARSHALL, E. BUTTREY, L. JONES, D. LOGE, C. HINKLE, J. READ, R. FITZGERALD, M. HOPKINS, J. BERGSTROM, G. PARRY, M. YAKAWICH, B. BROWN, J. FULLER, M. CUFFE, M. LANG, P. GREEN, G. KMETZ, T. FALK, J. FITZPATRICK, C. SPRUNGER, J. ETCHART, R. MINER, W. RUSK, J. TREBAS, J. KASSMIER, B. PHALEN, B. BEARD, L. DEMING, L. HELLEGAARD, T. SMITH, F. MANDEVILLE, Z. WIRTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CERTIFICATE OF NONVIABLE BIRTH; ESTABLISHING REQUIREMENTS FOR REQUESTING AND ISSUING A CERTIFICATE; PROVIDING RULEMAKING AUTHORITY; PROVIDING A DEFINITION; AND AMENDING SECTIONS 50-15-101 AND 50-15-403, MCA."

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

NEW SECTION. Section 1. Certificate of nonviable birth -- requirements.

(1) The department shall establish a certificate of nonviable birth on a form adopted by the department and meeting the requirements of subsection (4). On request by a parent, a certificate of nonviable birth must be filed in addition to the fetal death certificate provided for in 50-15-403 and must be provided to the parent.

(2) In the instance of a nonviable birth, the person authorized to register a fetal death shall advise a parent:

- (a) of the manner in which a request for a certificate of nonviable birth may be made;
- (b) that the parent must request the certificate within 2 weeks of the nonviable birth; and
- (c) (i) that the original certificate of nonviable birth is available as a public record; and (ii) that the parentage, marital status of the parent, cause of death of the fetus, and any medical

information will not be included as a public record.

1 (11) "Nonviable birth" means an unintentional, spontaneous fetal demise occurring after a heartbeat
2 is detected but prior to the 20th week of gestation of a pregnancy that has been verified by a health care
3 provider.

4 (14)(12) "Person in charge of disposition of a dead body" means a person who places or causes a
5 dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise
6 disposes of the body or fetus and who is a funeral director, an employee acting for a funeral director, or a
7 person who first assumes custody of a dead body or fetus.

8 (12)(13) "Physician" means a person legally authorized to practice medicine in this state.

9 (13)(14) "Registration" means the process by which vital records are completed, filed, and incorporated
10 into the official records of the department.

11 (14)(15) "Research" means a systematic investigation designed primarily to develop or contribute to
12 generalizable knowledge.

13 (15)(16) (a) "Stillbirth" means a fetal death occurring after a minimum of 20 weeks of gestation.

14 (b) The term does not include an abortion, as defined in 50-20-104.

15 (16)(17) "System of vital statistics" means the registration, collection, preservation, amendment, and
16 certification of vital records. The term includes the collection of reports required by this chapter and related
17 activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

18 (17)(18) "Vital records" means certificates or reports of birth, death, fetal death, marriage, and
19 dissolution of marriage and related reports.

20 (18)(19) "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death,
21 induced termination of pregnancy, marriage, and dissolution of marriage and related reports."

22

23 **Section 3.** Section 50-15-403, MCA, is amended to read:

24 **"50-15-403. Preparation and filing of death or fetal death certificate.** (1) A person in charge of
25 disposition of a dead body or fetus ~~that weighs at least 350 grams at death or, if the weight is unknown, has~~
26 ~~reached 20 completed weeks of gestation at death~~ when the fetal death resulted from an unintentional,
27 spontaneous occurrence after a heartbeat was detected shall obtain, from the persons best qualified to supply
28 it, personal data on the deceased, including the deceased's social security number, if any, or, in the case of a

1 fetal death, information on the parents that is required by the department ~~from persons best qualified to supply~~
2 ~~the data and enter it.~~ The information must be entered on the death or fetal death certificate.

3 (2) The person in charge of disposition of the dead body or fetus shall present the death certificate
4 to the certifying physician, the certifying advanced practice registered nurse, or the coroner having jurisdiction
5 for medical certification of the cause of death. The medical certification must be completed by the physician, the
6 advanced practice registered nurse, or the coroner within the timeframe established by the department by rule.

7 The person in charge of disposition shall obtain the completed certification of the cause of death from the
8 physician, the advanced practice registered nurse, or the coroner and shall, within the time that the department
9 may prescribe by rule, file the death or fetal death certificate with the local registrar in the registration area
10 where the death occurred or, if the place of death is unknown, where the dead body was discovered.

11 (3) If a dead body is found in this state but the place of death is unknown, the place where the
12 body is found must be shown as the place of death on the death certificate. If the date of death is unknown,
13 then the approximate date must be entered on the certificate. If the date cannot be approximated, the date that
14 the body was found must be entered as the date of death, and the certificate must indicate that fact.

15 (4) When a death occurs in a moving vehicle, as defined in 45-2-101, in the United States and the
16 body is first removed from the vehicle in this state, the death must be registered in this state and the place
17 where the body is first removed is considered the place of death. When a death occurs in a moving vehicle
18 while in international air space or in a foreign country or its air space and the body is first removed from the
19 vehicle in this state, the death must be registered in this state, but the actual place of death, insofar as it can be
20 determined, must be entered on the death certificate."

21
22 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 50, chapter 15, part 2, and the provisions of Title 50, chapter 15, part 2, apply to [section 1].

24 - END -