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HOUSE BILL 196

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO VITAL STATISTICS; REQUIRING REGISTRATION OF FETAL DEATH FOR CERTAIN SPONTANEOUS FETAL DEATHS; PROVIDING FOR CERTIFICATES OF BIRTH RESULTING IN STILLBIRTH; IMPOSING A FEE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-14-22 NMSA 1978 (being Laws 1961, Chapter 44, Section 20, as amended) is amended to read:

"24-14-22. REPORTS OF SPONTANEOUS FETAL DEATH.--

~~[A. Each spontaneous fetal death, where the fetus has a weight of five hundred grams or more, which occurs in this state shall be reported to the state registrar.~~

~~B. When a dead fetus is delivered in an institution, the person in charge of the institution or his designated representative shall prepare and file the report.]~~

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1           A. Each spontaneous fetal death that occurs in this  
2 state after the fetus has attained a gestational age of at  
3 least twenty weeks, or if gestational age is unknown when the  
4 fetus weighs not less than three hundred fifty grams, shall be  
5 reported to the state registrar by registration of fetal death  
6 with the vital statistics bureau of the department or as the  
7 state registrar directs. A fetal death shall be registered  
8 within ten days following the spontaneous fetal death.

9           B. The state registrar shall incorporate  
10 registrations of fetal death into the vital records of the  
11 vital statistics bureau of the department.

12           C. When a spontaneous fetal death required to be  
13 reported by this section occurs in an institution, the person  
14 in charge of the institution or the designated representative  
15 of that person shall prepare and register the fetal death on a  
16 report of spontaneous fetal death and shall advise the woman  
17 who delivered under circumstances where spontaneous fetal death  
18 occurred, or her family member, of the option to request a  
19 report of spontaneous fetal death and a certificate of birth  
20 resulting in stillbirth.

21           [~~C.~~] D. When [~~the~~] a spontaneous fetal death ~~for~~  
22 which registration of fetal death is required occurs on a  
23 moving conveyance and the fetus is first removed from the  
24 conveyance in this state [~~or when a dead fetus is found in this~~  
25 ~~state and the place of fetal death is unknown~~], the fetal death

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1 shall be reported in this state. The place where the fetus was  
2 first removed from the conveyance [~~or the dead fetus was found~~]  
3 shall be considered the place of fetal death.

4 E. When a spontaneous fetal death required to be  
5 reported by this section occurs and the place of the  
6 spontaneous fetal death is unknown, the place where the dead  
7 fetus was found shall be considered the place of spontaneous  
8 fetal death.

9 [~~D.~~] F. When a spontaneous fetal death required to  
10 be reported by this section occurs without medical attendance  
11 at or immediately after the delivery or when inquiry is  
12 required by law, the state medical investigator shall  
13 investigate the cause of fetal death and shall prepare and file  
14 the report.

15 [~~E.~~] G. The [~~names~~] name of the [~~parents~~] woman who  
16 delivered under circumstances where a fetal death occurred and,  
17 if the woman requests it, the name of a family member whom she  
18 designates shall be entered on the spontaneous fetal death  
19 report in accordance with the provisions of Section 24-14-13  
20 NMSA 1978.

21 [~~F. Except as otherwise provided in this section,~~  
22 ~~all spontaneous fetal death reports shall be completed and~~  
23 ~~filed with the state registrar within ten days following the~~  
24 ~~spontaneous fetal death.]~~

25 H. When a spontaneous fetal death occurs, the state

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1 registrar shall record the name of the fetus upon the  
2 registration of fetal death when requested by the woman who  
3 delivered under circumstances where the fetal death occurred or  
4 when requested by her family member.

5 I. A delayed registration of fetal death may be  
6 filed in accordance with Section 24-14-21 NMSA 1978; provided  
7 that the woman who delivered under circumstances where a fetal  
8 death occurred, or her family member, may present a copy of the  
9 report of spontaneous fetal death, other medical records or an  
10 affidavit by the woman's health care provider, who attended the  
11 delivery or who has received the woman's medical records as  
12 they pertain to the delivery, to substantiate the alleged facts  
13 of the spontaneous fetal death as the state registrar  
14 establishes by rule.

15 J. Where the vital statistics bureau of the health  
16 services division of the department has in its files a  
17 registration of fetal death or receives evidence of a  
18 spontaneous fetal death, the state registrar shall produce a  
19 copy of a report of spontaneous fetal death upon the request of  
20 the woman who delivered under circumstances where a fetal death  
21 occurred, or to her family member, without regard to the date  
22 on which a report of spontaneous fetal death was filed or when  
23 the fetal death was registered.

24 K. For purposes of this section, "family member"  
25 means a spouse, life partner, sibling, grandparent or

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1 descendent of a woman who delivered under circumstances where  
2 spontaneous fetal death occurred."

3 Section 2. Section 24-14-29 NMSA 1978 (being Laws 1961,  
4 Chapter 44, Section 27, as amended) is amended to read:

5 "24-14-29. FEES FOR COPIES AND SEARCHES.--

6 A. The fee for each search of a vital record to  
7 produce a certified copy of a birth certificate shall be ten  
8 dollars (\$10.00) and shall include one certified copy of the  
9 record, if available.

10 B. The fee for the establishment of a delayed  
11 record or for the revision or amendment of a vital record, as a  
12 result of an adoption, a legitimation, a correction or other  
13 court-ordered change to a vital record, shall be ten dollars  
14 (\$10.00). The fee shall include one certified copy of the  
15 delayed record.

16 C. The fee for each search of a vital record to  
17 produce a copy of a report of spontaneous fetal death or a  
18 certificate of birth resulting in stillbirth shall be five  
19 dollars (\$5.00) and shall include one certified copy of the  
20 record of fetal death, if available.

21 [~~C.~~] D. The fee for each search of a vital record  
22 to produce a certified copy of a death certificate shall be  
23 five dollars (\$5.00) and shall include one certified copy of  
24 the record, if available.

25 [~~D.~~] E. Revenue from the fees imposed in this

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1 section shall be distributed as follows:

2 (1) an amount equal to three-fifths of the  
3 revenue from the fee imposed by Subsection A of this section,  
4 an amount equal to one-half of the revenue from the fee imposed  
5 by Subsection B of this section and an amount equal to one-  
6 fifth of the revenue from the fee imposed by Subsection [€] D  
7 of this section shall be distributed to the day-care fund; and

8 (2) the remainder of the revenue from the fees  
9 imposed by Subsections A, B and [€] D of this section shall be  
10 deposited in the state general fund."

11 Section 3. A new section of the Vital Statistics Act is  
12 enacted to read:

13 "[NEW MATERIAL] CERTIFICATES OF BIRTH RESULTING IN  
14 STILLBIRTH.--

15 A. The state registrar shall establish a  
16 certificate of birth resulting in stillbirth. A person  
17 required to report and register a spontaneous fetal death shall  
18 inform a woman who has delivered under circumstances where  
19 fetal death has occurred, or her family member, that the report  
20 of spontaneous fetal death and a certificate of birth resulting  
21 in stillbirth are available from the vital statistics bureau of  
22 the department upon request. Upon the request of a woman who  
23 delivered under circumstances where fetal death occurred, or  
24 her family member, a certificate of birth resulting in  
25 stillbirth shall be completed and filed in accordance with

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1 Section 24-14-13 NMSA 1978.

2 B. Notwithstanding the provisions of Subsection A  
3 of this section and upon the request of a woman who delivered  
4 under circumstances where spontaneous fetal death occurred, or  
5 her family member, whose name has been entered on a report of  
6 spontaneous fetal death or a registration of fetal death, the  
7 state registrar shall issue a certificate of birth resulting in  
8 stillbirth without regard to the date on which a report of  
9 spontaneous fetal death was filed, when the fetal death was  
10 registered or when a report of spontaneous fetal death was  
11 issued.

12 C. A certificate of birth resulting in stillbirth  
13 shall include the following information:

- 14 (1) the sex of the stillborn fetus;
- 15 (2) the vital statistics record number;
- 16 (3) the date and time of delivery;
- 17 (4) the location of the delivery, including  
18 the county, municipality and the hospital's or other location's  
19 street address;
- 20 (5) the name of the medical doctor or midwife  
21 who attended the delivery, if any;
- 22 (6) the full name, birth date and birthplace  
23 of the woman who delivered under circumstances where a fetal  
24 death occurred;
- 25 (7) the current residential address and, if

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1 different, mailing address of the woman who delivered under  
2 circumstances where a fetal death occurred; and

3 (8) the sentence: "THIS CERTIFICATE OF BIRTH  
4 RESULTING IN STILLBIRTH IS NOT EVIDENCE OF A LIVE BIRTH."

5 D. Upon the request of the woman who delivered  
6 under circumstances where a fetal death occurred, the  
7 certificate of birth resulting in stillbirth shall include the  
8 following information:

9 (1) a name for the fetus delivered under  
10 circumstances where the fetal death occurred; or

11 (2) the name of the spouse or life partner of  
12 the woman who delivered under circumstances where the fetal  
13 death occurred.

14 E. A certificate of birth resulting in stillbirth  
15 shall not be used to calculate live birth statistics.

16 F. For purposes of this section, "family member"  
17 means a spouse, life partner, sibling, grandparent or  
18 descendent of a woman who delivered under circumstances where  
19 spontaneous fetal death occurred."