

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1227

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO VITAL STATISTICS; REQUIRING REGISTRATIONS 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~~]
REGISTRATIONS OF FETAL DEATH.--

A. Each spontaneous fetal death that occurs in this
state, where the fetus has a weight of five hundred grams or
more [~~which occurs in this state~~] or that occurs after twenty
complete weeks of gestation shall be reported to the state
registrar by registration of fetal death with the vital

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underscoring material = new
[bracketed material] = delete

1 statistics bureau of the public health division of the
2 department or as directed by the state registrar. A fetal
3 death shall be registered within ten days following the
4 spontaneous fetal death.

5 B. When a ~~[dead fetus is delivered]~~ spontaneous
6 fetal death for which registration of fetal death is required
7 occurs in an institution, the person in charge of the
8 institution or ~~[his]~~ the designated representative of that
9 person shall prepare and [file] register the [report] fetal
10 death and shall advise a parent of the stillborn fetus of the
11 option to request a certificate of birth resulting in
12 stillbirth.

13 C. When ~~[the]~~ a spontaneous fetal death for which
14 registration of fetal death is required occurs on a moving
15 conveyance and the fetus is first removed from the conveyance
16 in this state ~~[or when a dead fetus is found in this state and~~
17 ~~the place of fetal death is unknown, the fetal death shall be~~
18 ~~reported in this state]~~, the fetal death shall be registered
19 with the state registrar. The place where the fetus was first
20 removed from the conveyance ~~[or the dead fetus was found]~~ shall
21 be considered the place of fetal death.

22 D. When a spontaneous fetal death for which
23 registration of fetal death is required occurs and the place of
24 spontaneous fetal death is unknown, the place where the dead
25 fetus was found shall be considered the place of spontaneous

1 fetal death.

2 ~~[D.]~~ E. When a spontaneous fetal death ~~[required to~~
3 ~~be reported by this section]~~ for which registration of fetal
4 death is required occurs without medical attendance at or
5 immediately after the delivery or when inquiry is required by
6 law, the state medical investigator shall investigate the cause
7 of fetal death and shall prepare and file ~~[the report]~~ a
8 registration of fetal death.

9 ~~[E.]~~ F. The names of the parents, if known, shall
10 be entered on the ~~[spontaneous fetal death report]~~ registration
11 of fetal death in accordance with the provisions of Section
12 24-14-13 NMSA 1978.

13 ~~[F. Except as otherwise provided in this section,~~
14 ~~all spontaneous fetal death reports shall be completed and~~
15 ~~filed with the state registrar within ten days following the~~
16 ~~spontaneous fetal death.]~~

17 G. The name of the stillborn fetus may be entered
18 on the registration of fetal death upon the request of a
19 parent.

20 H. A delayed registration of fetal death may be
21 filed in accordance with Section 24-14-21 NMSA 1978; provided
22 that the parent may present a copy of the report of spontaneous
23 fetal death or other medical records as established by rule of
24 the state registrar to substantiate the alleged facts of the
25 spontaneous fetal death.

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1 I. Upon the request of a parent of a stillborn
2 fetus, the state registrar shall issue a certificate of fetal
3 death without regard to the date on which a report of
4 spontaneous fetal death was filed or when the fetal death was
5 registered.

6 J. Registrations of fetal death pursuant to this
7 section shall be kept on file as permanent records."

8 Section 2. A new section of Chapter 24, Article 14 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] CERTIFICATES OF BIRTH RESULTING IN
11 STILLBIRTH.--

12 A. The state registrar shall establish a
13 certificate of birth resulting in stillbirth. A person
14 required to prepare and register a fetal death shall offer the
15 certificate of birth resulting in stillbirth to the parent or
16 parents of a stillborn child. Upon the request of a parent of
17 a stillborn child, a certificate of birth resulting in
18 stillbirth shall be completed and filed in accordance with
19 Section 24-14-13 NMSA 1978.

20 B. A delayed registration of a certificate of birth
21 resulting in stillbirth may be filed in accordance with Section
22 24-14-15 NMSA 1978; provided that a parent of a stillborn child
23 may present a copy of the report of spontaneous fetal death,
24 the registration of fetal death, the certificate of fetal death
25 or other medical records as established by rule of the state

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1 registrar to substantiate the alleged facts of the stillbirth.

2 C. Notwithstanding the provisions of Subsection A
3 of this section and upon the request of a parent whose name is
4 entered on a report of a spontaneous fetal death, a
5 registration of fetal death or a certificate of fetal death,
6 the state registrar shall issue a certificate of birth
7 resulting in stillbirth without regard to the date on which a
8 report of a spontaneous fetal death was filed, when the fetal
9 death was registered or when a certificate of fetal death was
10 issued.

11 D. The name of the stillborn child may be entered
12 on the certificate of birth resulting in stillbirth upon the
13 request of a parent.

14 E. The state registrar shall not use a certificate
15 of birth resulting in stillbirth to calculate live birth
16 statistics."

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

19 "24-14-29. FEES FOR COPIES AND SEARCHES.--

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

24 B. The fee for the establishment of a delayed
25 record or for the revision or amendment of a vital record, as a
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1 result of an adoption, a legitimation, a correction or other
2 court-ordered change to a vital record, shall be ten dollars
3 (\$10.00). The fee shall include one certified copy of the
4 delayed record.

5 C. The fee for each search of a vital record to
6 produce a certified copy of a certificate of fetal death or a
7 certificate of birth resulting in stillbirth shall be five
8 dollars (\$5.00) and shall include one certified copy of the
9 record, if available.

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

14 [~~D.~~] E. Revenue from the fees imposed in this
15 section shall be distributed as follows:

16 (1) an amount equal to three-fifths of the
17 revenue from the fee imposed by Subsection A of this section,
18 an amount equal to one-half of the revenue from the fee imposed
19 by Subsection B of this section and an amount equal to one-
20 fifth of the revenue from the fee imposed by Subsection [~~C.~~] D
21 of this section shall be distributed to the day-care fund; and

22 (2) the remainder of the revenue from the fees
23 imposed by Subsections A, B [~~and~~], C and D of this section
24 shall be deposited in the state general fund."