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## FISCAL IMPACT REPORT

**SPONSOR** Ryan **ORIGINAL DATE** 01/19/11 **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_  
**SHORT TITLE** Regulations for Fetal Deaths and Stillbirths **SB** 70  
**ANALYST** Hanika-Ortiz

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
\$450	\$450	\$450	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

Senate Bill 70 seeks to amend the Vital Statistics Act, Section 24-14-22 NMSA 1978, to reduce the fetus weight threshold for which registration of a fetal death is required from 500 grams to 20 weeks or 350 grams; creates a “certificate of birth resulting in stillbirth”; allows the name of a “person with direct and tangible interest” to be included on reports and certificates; establishes fees; and provides for delayed registration of certificates of birth resulting in stillbirth.

### FISCAL IMPLICATIONS

The bill allows a \$5.00 fee to create, search and issue a “report of spontaneous fetal death” or a “certificate of birth resulting in stillbirth”. Revenue from the collection of these fees would continue to go to the General Fund. There may be a small positive impact on revenues, as it is expected that only a limited number of searches of vital records will occur each year.

According to DOH, between 80 and 180 reports of spontaneous fetal death are provided each year. Assuming that 50% of these requests result in a request for a certificate of birth resulting in stillbirth or a copy of a report of spontaneous fetal death, this would result in \$450 of revenue per year.

## **SIGNIFICANT ISSUES**

The bill reduces the fetus weight threshold to 350 grams that must be reported as a spontaneous fetal death to the State Registrar. Current law requires that a fetus weight of 500 grams or more be reported to the State Registrar.

DOH reports that it worked with the sponsor of HB 196 (2009 session) in the fall of 2010 in modifying DOH regulations (NMAC 7.2.2). This revised regulation allows for:

- a “certificate of still birth” from reports of spontaneous fetal death;
- the name of the fetus on the certificate;
- the name of the parents on the certificate;
- no charge to the parent for the certificate; and
- a certificate of still birth for still birth events that occurred from January 1980 forward if a report of spontaneous fetal death was filed.

## **ADMINISTRATIVE IMPLICATIONS**

DOH further reports that The Bureau of Vital Records plans to implement a fetal death module in the E-Vitals system to begin with fetal deaths occurring on or after January 1, 2011. The report of Fetal Death will be modified to be consistent with the United States Standard Report of Fetal Death.

## **TECHNICAL ISSUES**

The bill may give persons other than the woman who delivered under circumstances where the fetal death occurred, access to certain information held private under state and federal law.

## **OTHER SUBSTANTIVE ISSUES**

The CDC states that fetal death refers to the spontaneous intrauterine death of a fetus at any time during pregnancy. Fetal deaths later in pregnancy, at 20 weeks of gestation or more are also sometimes referred to as stillbirths. In the United States, State laws require the reporting of fetal deaths, and Federal law mandates national collection and publication of fetal death data. Most states report fetal deaths of 20 weeks of gestation or more and/or 350 grams birth weight.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Vital Statistics Act would not be amended to change the reporting requirements from 500 grams to 20 weeks or 350 grams.

AHO/mew