

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 658

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
REQUIRING REGISTRATION OF FETAL DEATH FOR CERTAIN SPONTANEOUS  
FETAL DEATHS; PROVIDING FOR CERTIFICATES OF STILLBIRTH;  
IMPOSING A FEE; MAKING AN APPROPRIATION.

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

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

"24-14-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 14  
NMSA 1978 may be cited as the "Vital Statistics Act"."

**SECTION 2.** 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~~

.193216.2

underscored material = new  
[bracketed material] = delete

1 ~~this state shall be reported to the state registrar.~~

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

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

11 B. The state registrar shall incorporate  
12 registrations of fetal death into the vital records of the  
13 bureau.

14 C. When a spontaneous fetal death required to be  
15 reported by this section occurs in an institution, the person  
16 in charge of the institution or the designated representative  
17 of that person shall report the spontaneous fetal death and  
18 shall advise the woman who delivered under circumstances in  
19 which spontaneous fetal death occurred of the option to request  
20 a report of spontaneous fetal death and a certificate of  
21 stillbirth.

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

.193216.2

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

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

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

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

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

.193216.2

1           H. When a spontaneous fetal death occurs, the state  
2 registrar shall record the name of the fetus upon the  
3 registration of spontaneous fetal death when requested by the  
4 woman who delivered under circumstances in which the  
5 spontaneous fetal death occurred.

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

16           J. When the bureau has in its files a registration  
17 of spontaneous 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 in which a  
21 spontaneous fetal death occurred without regard to the date on  
22 which a report of spontaneous fetal death was filed or when the  
23 spontaneous fetal death was registered.

24           K. For purposes of this section, "stillbirth" means  
25 an unintended, intrauterine spontaneous fetal death that

1 occurs:

2 (1) after the twentieth week of gestation; or

3 (2) when the fetus has attained a weight of at  
4 least three hundred fifty grams, if gestational age is  
5 unknown."

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

8 "24-14-29. FEES FOR COPIES AND SEARCHES.--

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

13 B. The fee for the establishment of a delayed  
14 record or for the revision or amendment of a vital record, as a  
15 result of an adoption, a legitimation, a correction or other  
16 court-ordered change to a vital record, shall be ten dollars  
17 (\$10.00). The fee shall include one certified copy of the  
18 delayed record.

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

24 [~~C.~~] D. The fee for each search of a vital record  
25 to produce a certified copy of a death certificate shall be

.193216.2

1 five dollars (\$5.00) and shall include one certified copy of  
2 the record, if available.

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

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

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

14 **SECTION 4.** A new section of the Vital Statistics Act is  
15 enacted to read:

16 "[NEW MATERIAL] CERTIFICATES OF STILLBIRTH.--

17 A. The state registrar shall establish a  
18 certificate of stillbirth. A person required to report a  
19 spontaneous fetal death shall inform a woman who has delivered  
20 under circumstances in which a spontaneous fetal death has  
21 occurred that the report of spontaneous fetal death and a  
22 certificate of stillbirth are available from the bureau upon  
23 request. Upon the request of a woman who delivered under  
24 circumstances in which a spontaneous fetal death occurred, a  
25 certificate of stillbirth shall be completed and filed in

.193216.2

1 accordance with 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 in which a spontaneous fetal death  
5 occurred, the state registrar shall issue a certificate of  
6 stillbirth without regard to the date on which a report of  
7 spontaneous fetal death was filed, when the spontaneous fetal  
8 death was registered or when a report of spontaneous fetal  
9 death was issued.

10 C. A certificate of stillbirth shall include:

11 (1) the following sentence: "THIS CERTIFICATE  
12 OF STILLBIRTH IS NOT EVIDENCE OF A LIVE BIRTH AND CANNOT BE  
13 USED AS PROOF OF A LIVE BIRTH, FOR IDENTIFICATION OR FOR ANY  
14 OTHER PURPOSE."; and

15 (2) only those of the following that are  
16 requested by the woman who delivered under circumstances in  
17 which a spontaneous fetal death occurred:

- 18 (a) the sex of the stillborn fetus;  
19 (b) the record number of the report of  
20 spontaneous fetal death;  
21 (c) the date and time of delivery;  
22 (d) the county of delivery; or  
23 (e) the full name, birth date and  
24 birthplace of the woman who delivered under circumstances in  
25 which a spontaneous fetal death occurred.

.193216.2

1           D. Upon the request of the woman who delivered  
2 under circumstances in which a spontaneous fetal death  
3 occurred, the certificate of stillbirth shall include a name  
4 for the fetus delivered under circumstances in which the  
5 spontaneous fetal death occurred.

6           E. A certificate of stillbirth shall not be used to  
7 calculate live birth statistics.

8           F. This section provides for a person's right to  
9 request a certificate of stillbirth and the procedures pursuant  
10 to which a person may obtain a certificate of stillbirth. The  
11 provisions of this section shall not be construed to create any  
12 other right, privilege or entitlement or to abrogate any  
13 existing right, privilege or entitlement.

14           G. For purposes of this section, "stillbirth" means  
15 an unintended, intrauterine spontaneous fetal death that  
16 occurs:

- 17                   (1) after the twentieth week of gestation; or  
18                   (2) when the fetus has attained a weight of at  
19 least three hundred fifty grams, if gestational age is  
20 unknown."

21           **SECTION 5. EFFECTIVE DATE.**--The effective date of the  
22 provisions of this act is January 1, 2014.