

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
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 STILL BIRTH;  
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~~

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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, or a family member whom  
20 the woman designates, of the option to request a report of  
21 spontaneous fetal death and a certificate of still birth.

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

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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 the  
 19 father or second parent shall be entered on the spontaneous  
 20 fetal death report in accordance with the provisions of Section  
 21 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.]~~

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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, or when requested by a family  
6 member whom the woman designates.

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

17           J. When the bureau has in its files a registration  
18 of spontaneous fetal death or receives evidence of a  
19 spontaneous fetal death, the state registrar shall produce a  
20 copy of a report of spontaneous fetal death upon the request of  
21 the woman who delivered under circumstances in which a  
22 spontaneous fetal death occurred, or upon the request of a  
23 family member whom the woman designates, without regard to the  
24 date on which a report of spontaneous fetal death was filed or  
25 when the spontaneous fetal death was registered.

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1                   K. For purposes of this section, "still birth"  
2 means an unintended, intrauterine spontaneous fetal death that  
3 occurs:

4                   (1) after the fetus has attained a gestational  
5 age of at least twenty weeks; or

6                   (2) when the fetus has attained a weight of  
7 not less than three hundred fifty grams, if gestational age is  
8 unknown."

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

11                   "24-14-29. FEES FOR COPIES AND SEARCHES.--

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

16                   B. The fee for the establishment of a delayed  
17 record or for the revision or amendment of a vital record, as a  
18 result of an adoption, a legitimation, a correction or other  
19 court-ordered change to a vital record, shall be ten dollars  
20 (\$10.00). The fee shall include one certified copy of the  
21 delayed record.

22                   C. The fee for each search of a vital record to  
23 produce a copy of a report of spontaneous fetal death or a  
24 certificate of still birth shall be five dollars (\$5.00) and  
25 shall include one certified copy of the record of fetal death,

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1 if available.

2 ~~[G-]~~ D. The fee for each search of a vital record  
3 to produce a certified copy of a death certificate shall be  
4 five dollars (\$5.00) and shall include one certified copy of  
5 the record, if available.

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

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

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

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

19 "[NEW MATERIAL] CERTIFICATES OF STILL BIRTH.--

20 A. The state registrar shall establish a  
21 certificate of still birth. A person required to report a  
22 spontaneous fetal death shall inform a woman who has delivered  
23 under circumstances in which a spontaneous fetal death has  
24 occurred, or a family member whom the woman designates, that  
25 the report of spontaneous fetal death and a certificate of

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1 still birth are available from the bureau upon request. Upon  
2 the request of a woman who delivered under circumstances in  
3 which a spontaneous fetal death occurred, or the request of a  
4 family member whom the woman designates, a certificate of still  
5 birth shall be completed and filed in accordance with Section  
6 24-14-13 NMSA 1978.

7 B. Notwithstanding the provisions of Subsection A  
8 of this section, and upon the request of a woman who delivered  
9 under circumstances in which a spontaneous fetal death  
10 occurred, or the request of a family member whom the woman  
11 designates, the state registrar shall issue a certificate of  
12 still birth without regard to the date on which a report of  
13 spontaneous fetal death was filed, when the spontaneous fetal  
14 death was registered or when a report of spontaneous fetal  
15 death was issued.

16 C. A certificate of still birth shall include:

17 (1) the following sentence: "THIS CERTIFICATE  
18 OF STILL BIRTH CANNOT BE USED AS PROOF OF A LIVE BIRTH, FOR  
19 IDENTIFICATION OR FOR ANY OTHER PURPOSE."; and

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

23 (a) the sex of the still-born fetus;  
24 (b) the record number of the report of  
25 spontaneous fetal death;

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1 (c) the date and time of delivery;  
2 (d) the county of delivery; or  
3 (e) the full name, birth date and  
4 birthplace of the woman who delivered under circumstances in  
5 which a spontaneous fetal death occurred.

6 D. Upon the request of the woman who delivered  
7 under circumstances in which a spontaneous fetal death  
8 occurred, the certificate of still birth shall include a name  
9 for the fetus delivered under circumstances in which the  
10 spontaneous fetal death occurred.

11 E. A certificate of still birth shall not be used  
12 to calculate live birth statistics.

13 F. This section provides for a person's right to  
14 request a certificate of still birth and the procedures  
15 pursuant to which a person may obtain a certificate of still  
16 birth. The provisions of this section shall not be construed  
17 to create any other right, privilege or entitlement or to  
18 abrogate any existing right, privilege or entitlement.

19 G. For purposes of this section, "still birth"  
20 means an unintended, intrauterine spontaneous fetal death that  
21 occurs:

22 (1) after the fetus has attained a gestational  
23 age of at least twenty weeks; or

24 (2) when the fetus has attained a weight of  
25 not less than three hundred fifty grams, if gestational age is



1 unknown."

2 SECTION 5. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is January 1, 2014.

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