

1 SENATE BILL 305

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

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

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "24-14-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 14
20 NMSA 1978 may be cited as the "Vital Statistics Act"."

21 SECTION 2. Section 24-14-22 NMSA 1978 (being Laws 1961,
22 Chapter 44, Section 20, as amended) is amended to read:

23 "24-14-22. REPORTS OF SPONTANEOUS FETAL DEATH.--

24 ~~[A. Each spontaneous fetal death, where the fetus~~
25 ~~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 person with direct
20 and tangible interest, of the option to request a report of
21 spontaneous fetal death and a certificate of birth resulting in
22 stillbirth.

23 ~~[G.]~~ D. When [the] a spontaneous fetal death for
24 which a report of spontaneous fetal death is required occurs on
25 a moving conveyance and the fetus is first removed from the

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

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

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

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

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

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1 ~~spontaneous fetal death.]~~

2 H. When a spontaneous fetal death occurs, the state
3 registrar shall record the name of the fetus upon the
4 registration of spontaneous fetal death when requested by the
5 woman who delivered under circumstances in which the
6 spontaneous fetal death occurred or when requested by a person
7 with direct and tangible interest.

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

19 J. When the bureau has in its files a registration
20 of spontaneous fetal death or receives evidence of a
21 spontaneous fetal death, the state registrar shall produce a
22 copy of a report of spontaneous fetal death upon the request of
23 the woman who delivered under circumstances in which a
24 spontaneous fetal death occurred, or to a person with direct
25 and tangible interest, without regard to the date on which a

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1 report of spontaneous fetal death was filed or when the
2 spontaneous fetal death was registered.

3 K. For purposes of this section:

4 (1) "person with direct and tangible interest"
5 means an immediate family member, a guardian or a legal
6 representative of an immediate family member or a guardian of a
7 woman who delivered under circumstances in which a spontaneous
8 fetal death occurred; and

9 (2) "stillbirth" means an unintended,
10 intrauterine spontaneous fetal death that occurs:

11 (a) after the twentieth week of
12 gestation; or

13 (b) when the fetus has attained a weight
14 of at least three hundred fifty grams, if gestational age is
15 unknown."

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

18 "24-14-29. FEES FOR COPIES AND SEARCHES.--

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

23 B. The fee for the establishment of a delayed
24 record or for the revision or amendment of a vital record, as a
25 result of an adoption, a legitimation, a correction or other

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1 court-ordered change to a vital record, shall be ten dollars
2 (\$10.00). The fee shall include one certified copy of the
3 delayed record.

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

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

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

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

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

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

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1 "[NEW MATERIAL] CERTIFICATES OF BIRTH RESULTING IN

2 STILLBIRTH.--

3 A. The state registrar shall establish a
4 certificate of birth resulting in stillbirth. A person
5 required to report a spontaneous fetal death shall inform a
6 woman who has delivered under circumstances in which a
7 spontaneous fetal death has occurred, or a person with direct
8 and tangible interest, that the report of spontaneous fetal
9 death and a certificate of birth resulting in stillbirth are
10 available from the bureau upon request. Upon the request of a
11 woman who delivered under circumstances in which a spontaneous
12 fetal death occurred, or a person with direct and tangible
13 interest, a certificate of birth resulting in stillbirth shall
14 be completed and filed in accordance with Section 24-14-13 NMSA
15 1978.

16 B. Notwithstanding the provisions of Subsection A
17 of this section, and upon the request of a woman who delivered
18 under circumstances in which a spontaneous fetal death
19 occurred, or a person with direct and tangible interest, the
20 state registrar shall issue a certificate of birth resulting in
21 stillbirth without regard to the date on which a report of
22 spontaneous fetal death was filed, when the spontaneous fetal
23 death was registered or when a report of spontaneous fetal
24 death was issued.

25 C. A certificate of birth resulting in stillbirth
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1 shall include the following information:
2 (1) the sex of the stillborn fetus;
3 (2) the record number of the report of
4 spontaneous fetal death;
5 (3) the date and time of delivery;
6 (4) the county of delivery;
7 (5) the full name, birth date and birthplace
8 of the woman who delivered under circumstances in which a
9 spontaneous fetal death occurred; and
10 (6) the following sentence: "THIS CERTIFICATE
11 OF BIRTH RESULTING IN STILLBIRTH IS NOT EVIDENCE OF A LIVE
12 BIRTH."

13 D. Upon the request of the woman who delivered
14 under circumstances in which a spontaneous fetal death
15 occurred, the certificate of birth resulting in stillbirth
16 shall include the following information:

17 (1) a name for the fetus delivered under
18 circumstances in which the spontaneous fetal death occurred;
19 and
20 (2) the name of the father or second parent of
21 the fetus delivered under circumstances in which the
22 spontaneous fetal death occurred.

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

25 F. This section provides for a person's right to

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1 request a certificate of birth resulting in stillbirth and the
2 procedures pursuant to which a person may obtain a certificate
3 of birth resulting in stillbirth. The provisions of this
4 section shall not be construed to create any other right,
5 privilege or entitlement or to abrogate any existing right,
6 privilege or entitlement.

7 G. For purposes of this section:

8 (1) "person with direct and tangible interest"
9 means an immediate family member, a guardian or a legal
10 representative of an immediate family member or a guardian of a
11 woman who delivered under circumstances in which a spontaneous
12 fetal death occurred; and

13 (2) "stillbirth means an unintended,
14 intrauterine spontaneous fetal death that occurs:

15 (a) after the twentieth week of
16 gestation; or

17 (b) when the fetus has attained a weight
18 of at least three hundred fifty grams, if gestational age is
19 unknown."

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