

PUBLIC CHAPTER NO. 778

SENATE BILL NO. 3189

By Kelsey, Ford, Overbey, Gresham, Johnson, Tracy, Yager

Substituted for: House Bill No. 3286

By Casada, Ty Cobb, Curtiss, McManus, White, Shipley, Todd, Faulkner, Bass, Floyd, Rich, Hensley, Campfield, Evans, Carr, Maggart, Lynn, Sargent, Montgomery, Hawk, Haynes, Bell, Williams, Jim Cobb, Eldridge, Lollar, Weaver, Phillip Johnson, Halford, Dean, Coley, McCormick, Hill

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 3, relative to issuance of certificate of birth resulting in stillbirth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-3-102, is amended by adding the following as new subdivisions:

() "Certificate of birth resulting in stillbirth" means a certificate issued to record the birth of a stillborn child;

() "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks or with a weight of three hundred fifty (350) grams or more.

SECTION 2. Tennessee Code Annotated, Section 68-3-504(a)(1), is amended by deleting the language "five hundred (500) grams or more, or, in the absence of weight, of twenty-two (22)" and by substituting instead the language "three hundred fifty (350) grams or more or of twenty (20)".

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 3, Part 5, is amended by adding the following as a new section:

§ 68-3-514.

(a) For any stillborn child in this state, the department shall issue a certificate of birth resulting in stillbirth within sixty (60) days after a parent named on a report of fetal death submits a request for a certificate of birth resulting in stillbirth.

(b) The department shall inform applicable persons or entities licensed by the department of the requirements of this section at time of licensure.

(c) The request for a certificate of birth resulting in stillbirth shall be on a form prescribed by the department by rule and must include the

date of the stillbirth and the county in which the stillbirth occurred. The request form shall include a space for the parent requesting the certificate of birth resulting in stillbirth to fill in the state file number of the corresponding report of fetal death pursuant to § 68-3-504, if known or applicable.

(d) The certificate of birth resulting in stillbirth shall contain:

(1) The date of the stillbirth;

(2) The county in which the stillbirth occurred;

(3) If a name does not appear on the original or amended report of fetal death and the requesting parent does not wish to provide a name, the office of vital records shall fill in the certificate of birth resulting in stillbirth with the first name left blank and the last name of the parent or parents as provided in Part 3 of this chapter;

(4) The state file number of the corresponding report of fetal death; and

(5) The following statement: "This certificate is not proof of live birth."

(e) A certificate of birth resulting in stillbirth shall not be a public record.

(f)(1) A parent may request that the office of vital records issue a certificate of birth resulting in stillbirth regardless of the date on which the report of fetal death was issued. The requesting party shall be responsible for providing any records necessary for issuing the certificate.

(2) When no report of fetal death is available, then a parent of a stillborn child under this section may request the office of vital records to issue a certificate of birth resulting in stillbirth for a stillbirth that occurred prior to the effective date of this act if it meets the requirements established by this act. The requesting party shall be responsible for providing any records necessary for issuing the certificate. The office shall issue the certificate if the stillbirth is reported to the office in a manner satisfactory to the office.

(g) It is final agency action, not subject to review under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, for the office of vital records to refuse to issue a certificate to a person who is not a parent named on the report of fetal death or who is not otherwise entitled to a certificate of birth resulting in stillbirth by this section.

(h) The office of vital records may not use a certificate of birth resulting in stillbirth to calculate live birth statistics.

(i) The registrar shall prescribe by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, the fees, the form and content of and process for issuing the certificate of birth resulting in stillbirth.

(j) The registrar of vital records is authorized to set fees which shall not exceed the reasonable cost incurred by the department for processing and filing a new certificate of birth resulting in stillbirth or report of fetal death pursuant to this section or § 68-3-504.

SECTION 4. Tennessee Code Annotated, Section 68-3-504(d), is amended by deleting the subsection in its entirety.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: April 5, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of April 2010



PHIL BREDESEN, GOVERNOR