HOUSE BILL No. 2613

By Committee on Judiciary

AN ACT concerning the uniform vital statistics act; relating to issuance of certificate of birth resulting in stillbirth; amending K.S.A. 65-2401, 65-2412 and 65-2426a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The changes to law in this act shall be known as Meriden's law.

New Sec. 2. (a) A certificate of birth resulting in stillbirth which occurs in this state shall be filed with the state registrar within three days after such stillbirth and prior to removal of the stillborn child from the state and shall be registered by the state registrar if such certificate of birth resulting in stillbirth has been completed and filed in accordance with this section. The funeral director or person acting as such who first assumes custody of a stillborn child shall file the certificate of birth resulting in stillbirth prior to interment or disposition of the stillborn child.

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

(1) The date of the stillbirth;

(2) the place in which the stillbirth occurred. If the place of stillbirth is unknown, a certificate of birth resulting in stillbirth shall be filed indicating the location where such stillborn child was found as the place of stillbirth. If stillbirth occurs in a moving conveyance, the certificate of birth resulting in stillbirth shall record the location where the stillborn child was first removed from such conveyance as the place of stillbirth;

(3) a first name, middle name, last name, no name, or combination of these as requested by one of the parents. The certificate of birth resulting in stillbirth shall not contain any information relating to fetal death, except that such information may be collected by the department of health and environment for statistical or reporting purposes.

(c) Any stillbirth certificate filed with the state registrar before July 1, 2014, shall be reissued as a certificate of birth resulting in stillbirth upon request and payment of a fee by the parent or parents of the stillborn child, or any other individual with a direct interest in such record pursuant to K.S.A. 65-2422d, and amendments thereto.

(d) The secretary of health and environment shall fix and collect a fee for each form provided under this section. The fee shall be collected at the
time the form is provided and shall be in the same amount as the fee for a
certified copy of a death certificate.

(e) This section shall be part of and supplemental to the uniform vital
statistics act, K.S.A. 65-2401 et seq., and amendments thereto.

New Sec. 2. (a) A certificate of birth resulting in stillbirth shall be
established by the state registrar.

(b) The certificate of birth resulting in stillbirth shall contain
personal and demographic information describing the stillbirth event
and shall not contain any information relating to the child's death.

(c) The certificate of birth resulting in stillbirth is not proof of a
live birth.

Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-
2401. As used in this act: (1)(a) "Vital statistics" includes the registration,
preparation, transcription, collection, compilation, and preservation of data
pertaining to birth, adoption, legitimation, death, stillbirth, marriage,
divorce, annulment of marriage, induced termination of pregnancy, and
data incidental thereto.

(2)(b) "Live birth" means the complete expulsion or extraction from
its mother of a product of human conception human child, irrespective of
the duration of pregnancy, which, after such expulsion or extraction,
breathes or shows any other evidence of life such as beating of the heart,
pulsation of the umbilical cord, or definite movement of voluntary
muscles, whether or not the umbilical cord has been cut or the placenta is
attached.

(c) "Gestational age" means the age of the human child as
measured in weeks as determined by either the last date of the
mother's menstrual period, a sonogram conducted prior to the 20th
week of pregnancy or the confirmed known date of conception.

(3)(c) (d) "Stillbirth" means any complete expulsion or extraction
from its mother of a product of human conception the weight of which is
in excess of 350 grams, irrespective of the duration of pregnancy complete
expulsion or extraction from its mother of a human child the
gestational age of which is not less than 20 completed weeks, resulting in
other than a live birth, as defined in this act, and which is not an induced
termination of pregnancy.

(4)(d) (e) "Induced termination of pregnancy" means the purposeful
interruption of pregnancy with the intention other than to produce a live-
born infant or to remove a dead fetus and which does not result in a live
birth abortion, as defined in K.S.A. 65-6701, and amendments thereto.

(5)(e) (f) "Dead body" means a lifeless human body or such parts of a
human body or the bones thereof from the state of which it reasonably may
be concluded that death recently occurred.

(6)(f) (g) "Person in charge of interment" means any person who
places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise
disposes thereof.

(7)(h) "Secretary" means the secretary of health and environment.

Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-
2412. (a) A death certificate or stillbirth certificate or stillbirth certificate
for each death or stillbirth which occurs in this state shall be filed with the
state registrar within three days after such death and prior to removal of
the body from the state and shall be registered by the state registrar if such
dead certificate or stillbirth certificate or stillbirth certificate has been
completed and filed in accordance with this section. If the place of death is
unknown, a death certificate shall be filed indicating the location where
the body was found as the place of death. A certificate shall be filed
within three days after such occurrence; if death occurs in a moving
conveyance, the death certificate shall record the location where the dead
body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes
custody of a dead body or fetus shall file the death certificate. Such person
shall obtain the personal data from the next of kin or the best qualified
person or source available and shall obtain the medical certification of
cause of death from the physician last in attendance prior to burial. The
death certificate filed with the state registrar shall be the official death
record, except that a funeral director licensed pursuant to K.S.A. 65-1714,
and amendments thereto, may verify as true and accurate information
pertaining to a death on a form provided by the state registrar, and any
such form, verified within 21 days of date of death, shall be prima facie
evidence of the facts therein stated for purposes of establishing death. The
secretary of health and environment shall fix and collect a fee for each
form provided a funeral director pursuant to this subsection. The fee shall
be collected at the time the form is provided the funeral director and shall
be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry
is required by the laws relating to postmortem examinations, the coroner
shall investigate the cause of death and shall complete and sign the
medical certification within 24 hours after receipt of the death certificate
or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or
disposal of the body.

Sec. 5. K.S.A. 65-2426a is hereby amended to read as follows: 65-
2426a. No dead body, as such term is defined in subsection (4)(4)(f) of
K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
coronor's permit to cremate has been furnished to authorize such
cremation. A telefacsimile signed copy of the coroner's permit to cremate
which authorizes the cremation shall constitute legal authorization for such
cremation under this section. The provisions of this section shall be
construed as supplemental to and as a part of the uniform vital statistics
act. Any person who knowingly violates this section, upon conviction,
shall be fined not more than $500.

Sec. 6. K.S.A. 65-2401, 65-2412 and 65-2426a are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its
publication in the statute book.