

S T A T E   O F   N E W   Y O R K

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4375--A

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 3, 2009

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Introduced by M. of A. HYER-SPENCER, CALHOUN, CHRISTENSEN, MARKEY, SCHROEDER, SPANO, COOK, GOTTFRIED, BALL, P. LOPEZ, TOWNS, MAYERSOHN, CARROZZA, CUSICK, DeLMONTE, FINCH, GALEF, GIGLIO, GORDON, GUNTHER, McDONOUGH, McKEVITT, MOLINARO, POWELL, BARRON, ROBINSON, GABRYSZAK, FIELDS, CAMARA, MENG, CRESPO, ZEBROWSKI, ORTIZ, CASTRO, SCARBOROUGH, ESPAILLAT, KAVANAGH -- Multi-Sponsored by -- M. of A. ABBATE, AMEDORE, BACALLES, BARCLAY, BOYLAND, BOYLE, BRODSKY, BROOK-KRASNY, BURLING, BUTLER, CASTELLI, COLTON, CONTE, CORWIN, CROUCH, CYMBROWITZ, DINOWITZ, DUPREY, ERRIGO, FITZPATRICK, GIBSON, HAYES, JEFFRIES, JORDAN, KOLB, LATIMER, LAVINE, LENTOL, MAGEE, McENENY, MILLMAN, MONTESANO, OAKS, O'MARA, PERRY, PHEFFER, QUINN, RABBITT, RAIA, RAMOS, REILICH, REILLY, SALADINO, SAYWARD, SCHIMEL, SCOZZAFAVA, SKARTADOS, STIRPE, SWEENEY, TEDISCO, THIELE, TITONE, TOBACCO, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing a certificate of recognition of stillbirth

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 4160 of the public health law, as  
2 amended by chapter 436 of the laws of 1967, is amended to read as  
3 follows:

4     3. For the purposes of this article, a fetal death shall be considered  
5 as a birth and as a death except that, for a fetal death, separate birth  
6 and death certificates shall not be required to be prepared and  
7 recorded, EXCEPT AS PROVIDED IN SECTION FORTY-ONE HUNDRED SIXTY-A OF  
8 THIS TITLE.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02228-06-0

1 S 2. The public health law is amended by adding a new section 4160-a  
2 to read as follows:

3 S 4160-A. CERTIFICATE OF RECOGNITION OF STILLBIRTH. 1. THE DEPARTMENT  
4 SHALL ESTABLISH A CERTIFICATE OF RECOGNITION OF STILLBIRTH. THE REGIST-  
5 RAR WITH WHOM A FETAL DEATH CERTIFICATE IS FILED SHALL ISSUE A CERTIF-  
6 ICATE OF RECOGNITION OF STILLBIRTH TO THE PARENT OR PARENTS NAMED ON A  
7 FETAL DEATH CERTIFICATE ISSUED IN THE CASE OF A STILLBIRTH, UPON THE  
8 REQUEST OF SUCH PARENT OR PARENTS. IF BOTH PARENTS ARE DECEASED AT THE  
9 TIME OF THE STILLBIRTH, THE REGISTRAR SHALL ISSUE THE CERTIFICATE TO,  
10 AND UPON THE REQUEST OF, THE SIBLING, PARENT, OR PARENTS OF THE BIRTH  
11 PARENTS.

12 2. A CERTIFICATE ISSUED PURSUANT TO THIS SECTION SHALL INCLUDE SUCH  
13 APPROPRIATE INFORMATION AS SHALL BE DETERMINED BY THE DEPARTMENT AND  
14 SHALL BE ON A FORM ESTABLISHED BY THE DEPARTMENT WHICH IS SIMILAR, AS  
15 APPLICABLE, TO THE FORM OF A CERTIFICATE PRESCRIBED BY SECTION FORTY-ONE  
16 HUNDRED THIRTY OF THIS ARTICLE RELATING TO A LIVE BIRTH.

17 3. A PERSON WHO PREPARES A FETAL DEATH CERTIFICATE PURSUANT TO SECTION  
18 FORTY-ONE HUNDRED SIXTY OF THIS TITLE, OR THEIR DESIGNEE, SHALL INFORM,  
19 IN WRITING, THE PARENT OR PARENTS OF A STILLBORN FETUS OF THE RIGHT TO  
20 RECEIVE A CERTIFICATE OF RECOGNITION OF STILLBIRTH. PROVIDED, HOWEVER  
21 THAT IF BOTH PARENTS ARE DECEASED AT THE TIME OF SUCH STILLBIRTH, THEN  
22 THE PERSON SHALL SO INFORM THE SIBLING, PARENT OR PARENTS OF THE BIRTH  
23 PARENT OR PARENTS.

24 4. THE PERSON WHO PREPARES A CERTIFICATE PURSUANT TO THIS SECTION  
25 SHALL INCLUDE THEREON THE NAME GIVEN TO THE STILLBORN FETUS BY THE  
26 PARENTS, IF THE PARENT OR PARENTS WISH TO INCLUDE SUCH NAME ON SUCH  
27 CERTIFICATE.

28 5. A CERTIFICATE ISSUED PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE  
29 PROOF OF A LIVE BIRTH. FURTHERMORE, SUCH CERTIFICATE SHALL NOT BE USED  
30 TO CALCULATE LIVE BIRTH STATISTICS.

31 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE PARENT OR  
32 PARENTS MAY ELECT TO HAVE THE DISCLOSURE OF AND ACCESS TO THE INFORMA-  
33 TION INCLUDED ON SUCH CERTIFICATE LIMITED TO THE PARENTS NAMED ON THE  
34 CERTIFICATE, THEIR LAWFUL REPRESENTATIVES, TO AUTHORIZED PERSONNEL OF  
35 THE DEPARTMENT, AND TO THE REGISTRAR.

36 7. FOR THE PURPOSES OF THIS SECTION, THE TERM "STILLBIRTH" SHALL MEAN  
37 THE UNINTENDED INTRAUTERINE DEATH OF A FETUS THAT OCCURS AFTER THE CLIN-  
38 ICAL ESTIMATE OF THE TWENTIETH WEEK OF GESTATION.

39 8. A CERTIFICATE OF RECOGNITION OF STILLBIRTH MAY BE REQUESTED AND  
40 ISSUED REGARDLESS OF THE DATE ON WHICH THE FETAL DEATH CERTIFICATE WAS  
41 ISSUED.

42 9. THE REGISTRAR MAY CHARGE A FEE FOR THE ISSUANCE OF A CERTIFICATE  
43 UNDER THIS SECTION EQUAL TO THE FEE AUTHORIZED BY LAW FOR THE CERTIF-  
44 ICATION OF A BIRTH OR DEATH.

45 10. THIS SECTION SHALL APPLY TO THE CITY OF NEW YORK, NOTWITHSTANDING  
46 SECTION FORTY-ONE HUNDRED FOUR OF THIS ARTICLE. FOR THE PURPOSES OF THIS  
47 SECTION, IN RELATION TO THE CITY OF NEW YORK, THE TERM "REGISTRAR" SHALL  
48 MEAN THE OFFICIAL OF THE CITY OF NEW YORK WITH WHOM FETAL DEATH CERTIF-  
49 ICATES ARE FILED.

50 S 3. This act shall take effect on the one hundred eightieth day after  
51 it shall have become a law, and shall apply to instances of stillbirth  
52 regardless of whether they occurred before or after the effective date  
53 of this act.