

S T A T E O F N E W Y O R K

3453--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. GABRYSZAK, CALHOUN, MARKEY, SCHROEDER, SPANO, COOK, GOTTFRIED, P. LOPEZ, CUSICK, FINCH, GALEF, GIGLIO, GUNTHER, McDONOUGH, McKEVITT, MOLINARO, BARRON, ROBINSON, CAMARA, MENG, CRESPO, ZEBROWSKI, ORTIZ, CASTRO, SCARBOROUGH, KAVANAGH -- Multi-Sponsored by -- M. of A. ABBATE, AMEDORE, BARCLAY, BOYLAND, BOYLE, BROOK-KRASNY, BURLING, BUTLER, CASTELLI, COLTON, CONTE, CORWIN, CROUCH, CYMBROWITZ, DINOWITZ, DUPREY, FITZPATRICK, GIBSON, HAYES, JEFFRIES, JORDAN, KOLB, LATIMER, LAVINE, LENTOL, MAGEE, McENENY, MILLMAN, MONTESANO, OAKS, PERRY, PHEFFER, RABBITT, RAI, RAMOS, REILICH, REILLY, SALADINO, SAYWARD, SWEENEY, TEDISCO, THIELE, TITONE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Health -- 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 birth resulting in 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.
9 S 2. The public health law is amended by adding a new section 4160-a
10 to read as follows:
11 S 4160-A. CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. 1. THE DEPART-
12 MENT SHALL ESTABLISH A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. THE
13 REGISTRAR WITH WHOM A FETAL DEATH CERTIFICATE IS FILED SHALL ISSUE A
14 CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH TO THE PARENT OR PARENTS

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

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1 NAMED ON A FETAL DEATH CERTIFICATE ISSUED IN THE CASE OF A STILLBIRTH,
2 UPON THE REQUEST OF SUCH PARENT OR PARENTS. IF BOTH PARENTS ARE DECEASED
3 AT THE TIME OF THE STILLBIRTH, THE REGISTRAR SHALL ISSUE THE CERTIFICATE
4 TO, AND UPON THE REQUEST OF, THE SIBLING, PARENT, OR PARENTS OF THE
5 BIRTH PARENTS.

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

11 3. A PERSON WHO PREPARES A FETAL DEATH CERTIFICATE PURSUANT TO SECTION
12 FORTY-ONE HUNDRED SIXTY OF THIS TITLE, OR THEIR DESIGNEE, SHALL INFORM,
13 IN WRITING, THE PARENT OR PARENTS OF A STILLBORN FETUS OF THE RIGHT TO
14 RECEIVE A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH. PROVIDED, HOWEV-
15 ER THAT IF BOTH PARENTS ARE DECEASED AT THE TIME OF SUCH STILLBIRTH,
16 THEN THE PERSON SHALL SO INFORM THE SIBLING, PARENT OR PARENTS OF THE
17 BIRTH PARENT OR PARENTS.

18 4. THE PERSON WHO PREPARES A CERTIFICATE PURSUANT TO THIS SECTION
19 SHALL INCLUDE THEREON THE NAME GIVEN TO THE STILLBORN FETUS BY THE
20 PARENTS, IF THE PARENT OR PARENTS WISH TO INCLUDE SUCH NAME ON SUCH
21 CERTIFICATE.

22 5. A CERTIFICATE ISSUED PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE
23 PROOF OF A LIVE BIRTH. FURTHERMORE, SUCH CERTIFICATE SHALL NOT BE USED
24 TO CALCULATE LIVE BIRTH STATISTICS.

25 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE PARENT OR
26 PARENTS MAY ELECT TO HAVE THE DISCLOSURE OF AND ACCESS TO THE INFORMA-
27 TION INCLUDED ON SUCH CERTIFICATE LIMITED TO THE PARENTS NAMED ON THE
28 CERTIFICATE, THEIR LAWFUL REPRESENTATIVES, TO AUTHORIZED PERSONNEL OF
29 THE DEPARTMENT, AND TO THE REGISTRAR.

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

33 8. A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH MAY BE REQUESTED AND
34 ISSUED REGARDLESS OF THE DATE ON WHICH THE FETAL DEATH CERTIFICATE WAS
35 ISSUED.

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

39 10. THIS SECTION SHALL APPLY TO THE CITY OF NEW YORK, NOTWITHSTANDING
40 SECTION FORTY-ONE HUNDRED FOUR OF THIS ARTICLE. FOR THE PURPOSES OF THIS
41 SECTION, IN RELATION TO THE CITY OF NEW YORK, THE TERM "REGISTRAR" SHALL
42 MEAN THE OFFICIAL OF THE CITY OF NEW YORK WITH WHOM FETAL DEATH CERTIF-
43 ICATES ARE FILED.

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