

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

8178--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 3, 2011

Introduced by M. of A. GALEF, GABRYSZAK, CALHOUN, MARKEY, SCHIMEL, SCHROEDER, SPANO, COOK, GOTTFRIED, P. LOPEZ, CUSICK, FINCH, GIGLIO, GUNTHER, McDONOUGH, McKEVITT, MOLINARO, BARRON, ROBINSON, CAMARA, MENG, CRESPO, ZEBROWSKI, ORTIZ, CASTRO, SCARBOROUGH, KAVANAGH, ARROYO, WEPRIN, BENEDETTO, M. MILLER, LANCMAN, DINOWITZ, PAULIN, TITONE -- Multi-Sponsored by -- M. of A. ABBATE, AMEDORE, AUBRY, BARCLAY, BLANKENBUSH, BOYLAND, BOYLE, BROOK-KRASNY, BURLING, BUTLER, CASTELLI, CLARK, COLTON, CONTE, CORWIN, CROUCH, CYMBROWITZ, DUPREY, FITZPATRICK, FRIEND, GIBSON, GOODELL, HAYES, HEVESI, JEFFRIES, JOHNS, JORDAN, KATZ, KOLB, LATIMER, LAVINE, LENTOL, LOSQUADRO, MAGEE, MALLIOTAKIS, McENENY, McLAUGHLIN, D. MILLER, J. MILLER, MILLMAN, MONTESANO, MURRAY, OAKS, PERRY, RABBITT, RAIA, RAMOS, REILICH, REILLY, SALADINO, SAYWARD, SCHIMMINGER, SWEENEY, TEDISCO, TENNEY, THIELE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Health -- 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 still birth

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:

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

LBD11936-06-1

1 S 4160-A. CERTIFICATE OF STILL BIRTH. 1. THE DEPARTMENT, OR IN THE
2 CITY OF NEW YORK, THE BOARD OF HEALTH, SHALL ESTABLISH A CERTIFICATE OF
3 STILL BIRTH. THE REGISTRAR WITH WHOM A FETAL DEATH CERTIFICATE IS FILED
4 SHALL ISSUE A CERTIFICATE OF STILL BIRTH TO THE PARENT OR PARENTS NAMED
5 ON A FETAL DEATH CERTIFICATE ISSUED IN THE CASE OF A STILLBIRTH, UPON
6 THE REQUEST OF SUCH PARENT OR PARENTS. IF BOTH PARENTS ARE DECEASED AT
7 THE TIME OF THE STILLBIRTH, THE REGISTRAR SHALL ISSUE THE CERTIFICATE
8 TO, AND UPON THE REQUEST OF, THE SIBLING, PARENT, OR PARENTS OF THE
9 BIRTH PARENTS.

10 2. A CERTIFICATE ISSUED PURSUANT TO THIS SECTION SHALL INCLUDE SUCH
11 APPROPRIATE INFORMATION AS SHALL BE DETERMINED BY THE DEPARTMENT OR IF
12 THE STILLBIRTH OCCURRED IN THE CITY OF NEW YORK, BY THE BOARD OF HEALTH,
13 AND SHALL BE ON A FORM ESTABLISHED BY THE DEPARTMENT OR CITY OF NEW YORK
14 BOARD OF HEALTH WHICH IS SIMILAR, AS APPLICABLE, TO THE FORM OF A
15 CERTIFICATE PRESCRIBED BY SECTION FORTY-ONE HUNDRED THIRTY OF THIS ARTI-
16 CLE 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, IF THE STILLBIRTH OCCURRED IN
19 THE CITY OF NEW YORK, PURSUANT TO THE NEW YORK CITY HEALTH CODE, OR
20 THEIR DESIGNEE, SHALL INFORM, IN WRITING, THE PARENT OR PARENTS OF A
21 STILLBORN FETUS OF THE RIGHT TO RECEIVE A CERTIFICATE OF STILL BIRTH.
22 PROVIDED, HOWEVER THAT IF BOTH PARENTS ARE DECEASED AT THE TIME OF SUCH
23 STILLBIRTH, THEN THE PERSON SHALL SO INFORM THE SIBLING, PARENT OR
24 PARENTS OF THE BIRTH PARENT OR PARENTS.

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

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

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

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

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