

STATE OF NEW YORK

5222

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sens. RIVERA, CLEARE, MYRIE, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to certification of fetal death certificates by a midwife or physician assistant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4161 of the public health law, as amended by chap-
2 ter 436 of the laws of 1967, the section heading and subdivisions 2 and
3 3 as amended by chapter 153 of the laws of 2011, subdivisions 1 and 4 as
4 amended by chapter 352 of the laws of 2013, is amended to read as
5 follows:

6 § 4161. Fetal death certificates; form and content[~~, physicians, nurse~~
7 ~~practitioners, midwives, and hospital administrators~~]. 1. The certif-
8 icate of fetal death and the report of fetal death shall contain such
9 information and be in such form as the commissioner may prescribe;
10 provided however that commencing on or after the implementation date
11 under section forty-one hundred forty-eight of this article, information
12 and signatures required by this subdivision shall be obtained and made
13 in accordance with section forty-one hundred forty-eight of this arti-
14 cle, except that unless requested by the [~~woman~~] birthing parent neither
15 the certificate nor the report of fetal death shall contain the name of
16 the [~~woman~~] birthing parent, [~~her~~] the birthing parent's social security
17 number or any other information which would permit [~~her~~] the birthing
18 parent to be identified except as provided in this subdivision. The
19 report shall state that a certificate of fetal death was filed with the
20 commissioner and the date of such filing. The commissioner shall develop
21 a unique, confidential identifier to be used on the certificate of fetal
22 death to be used in connection with the exercise of the commissioner's
23 authority to monitor the quality of care provided by any individual or
24 entity licensed to perform an abortion in this state and to permit coor-

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

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1 dination of data concerning the medical history of the [~~woman~~] the
2 birthing parent for purposes of conducting surveillance scientific
3 studies and research pursuant to the provisions of paragraph (j) of
4 subdivision one of section two hundred six of this chapter.

5 2. In each case where a physician [~~or~~], nurse practitioner, midwife,
6 or physician assistant was in attendance at or after a fetal death, it
7 is the duty of such [~~physician or nurse~~] practitioner to certify to the
8 birth and to the cause of death on the fetal death certificate. [~~Where a~~
9 ~~nurse-midwife was in attendance at a fetal death it is the duty of such~~
10 ~~nurse-midwife to certify to the birth but, he or she shall not certify~~
11 ~~to the cause of death on the fetal death certificate.~~]

12 3. Fetal deaths occurring without the attendance of a [~~physician or~~
13 ~~nurse~~] practitioner as provided in subdivision two of this section shall
14 be treated as deaths without medical attendance, as provided in this
15 article.

16 4. When a fetal death occurs in a hospital, except in those cases
17 where certificates are issued by coroners or medical examiners, the
18 person in charge of such hospital or [~~his or her~~] such person's desig-
19 nated representative shall promptly present the certificate to the
20 physician [~~or~~], nurse practitioner, midwife, or physician assistant in
21 attendance, or a physician [~~or~~], nurse practitioner, midwife, or physi-
22 cian assistant acting [~~in his or her~~] on such practitioner's behalf, who
23 shall promptly certify to the facts of birth and of fetal death, provide
24 the medical information required by the certificate, sign the medical
25 certificate of birth and death, and thereupon return such certificate to
26 such person, so that the seventy-two hour registration time limit
27 prescribed in section four thousand one hundred sixty of this title can
28 be met; provided, however that commencing on or after the implementation
29 date under section forty-one hundred forty-eight of this article, infor-
30 mation and signatures required by this subdivision shall be obtained and
31 made in accordance with section forty-one hundred forty-eight of this
32 article.

33 § 2. This act shall take effect immediately.