

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2613

By Committee on Judiciary

2-11

1 AN ACT concerning the uniform vital statistics act; relating to issuance of
2 certificate of birth resulting in stillbirth; amending K.S.A. 65-2401, 65-
3 2412 and 65-2426a and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

17 (1) ~~The date of the stillbirth;~~

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

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

30 (c) ~~Any stillbirth certificate filed with the state registrar before July 1,~~
31 ~~2014, shall be reissued as a certificate of birth resulting in stillbirth upon~~
32 ~~request and payment of a fee by the parent or parents of the stillborn child,~~
33 ~~or any other individual with a direct interest in such record pursuant to~~
34 ~~K.S.A. 65-2422d, and amendments thereto.~~

35 (d) ~~The secretary of health and environment shall fix and collect a fee~~
36 ~~for each form provided under this section. The fee shall be collected at the~~

1 time the form is provided and shall be in the same amount as the fee for a
2 certified copy of a death certificate.

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

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

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

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

12 Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-
13 2401. As used in this act: ~~(1)(a)~~ "Vital statistics" includes the registration,
14 preparation, transcription, collection, compilation, and preservation of data
15 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,
16 divorce, annulment of marriage, induced termination of pregnancy, and
17 data incidental thereto.

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

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

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

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

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

43 ~~(6)(f)~~ **(g) "Person in charge of interment" means any person who**

1 places or causes to be placed a stillborn child or dead body or the ashes,
2 after cremation, in a grave, vault, urn or other receptacle, or otherwise
3 disposes thereof.

4 ~~(7)(g)~~ **(h)** "Secretary" means the secretary of health and environment.

5 Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-
6 2412. (a) A death certificate ~~or stillbirth certificate~~ **or stillbirth certificate**
7 for each death or stillbirth which occurs in this state shall be filed with the
8 state registrar within three days after such death and prior to removal of
9 the body from the state and shall be registered by the state registrar if such
10 death certificate ~~or stillbirth certificate~~ **or stillbirth certificate** has been
11 completed and filed in accordance with this section. If the place of death is
12 unknown, a death certificate shall be filed indicating the location where
13 the body was found as the place of death. A certificate shall be filed
14 within three days after such occurrence; if death occurs in a moving
15 conveyance, the death certificate shall record the location where the dead
16 body was first removed from such conveyance as the place of death.

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

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

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

39 Sec. 5. K.S.A. 65-2426a is hereby amended to read as follows: 65-
40 2426a. No dead body, as such term is defined in subsection ~~(4)(d)~~ **(f)** of
41 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
42 coroner's permit to cremate has been furnished to authorize such
43 cremation. A telefacsimile signed copy of the coroner's permit to cremate

1 which authorizes the cremation shall constitute legal authorization for such
2 cremation under this section. The provisions of this section shall be
3 construed as supplemental to and as a part of the uniform vital statistics
4 act. Any person who knowingly violates this section, upon conviction,
5 shall be fined not more than \$500.

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

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