

AN ACT

ENTITLED, An Act to permit and provide for the issuance of certificates of birth resulting in stillbirth.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this Act mean:

- (1) "Stillbirth," any intrauterine fetal death occurring in this state after a gestational age of not less than twenty completed weeks; and
- (2) "Certificate of birth resulting in stillbirth," a certificate issued to record the birth of a stillborn child.

Section 2. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any person who is required to file a fetal death report pursuant to § 34-25-32.2 shall advise the parent or parents of a stillborn child:

- (1) That a parent may, but is not required to, request a certificate of birth resulting in stillbirth by contacting the Department of Health to request the certificate and paying the required fee; and
- (2) The means by which a parent may contact the Department of Health to request the certificate.

Section 3. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any parent may provide a name for a stillborn child on the request for a certificate of birth resulting in stillbirth. If the requesting parent does not wish to provide a name, the Department of

Health shall fill in the certificate with the name "baby boy" or "baby girl" and the last name of the parent.

Section 4. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any certificate of birth resulting in stillbirth shall include information referencing the corresponding fetal death report.

Section 5. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Health shall prescribe the form and content of a certificate of birth resulting in stillbirth and shall specify the information necessary to prepare the certificate.

Section 6. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Health may not use a certificate of birth resulting in stillbirth to calculate live birth statistics.

Section 7. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Each applicant for a certificate of birth resulting in stillbirth shall submit a ten dollar fee to the Department of Health for the preparation and filing of the record.

Section 8. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any parent may request the Department of Health to issue a certificate of birth resulting in stillbirth without regard to the date on which the fetal death report was filed.

Section 9. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any parent may request the Department of Health to prepare and issue a certificate of birth resulting in stillbirth without regard to whether the fetal death occurred on, before, or after the effective date of this Act.

Section 10. That § 34-25-25 be amended to read as follows:

34-25-24. No body of any person whose death occurs in this state or which is found in this state or of a fetus after a gestational age of not less than twenty completed weeks may be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from the state unless, prior to the disposition, a permit for disposition is obtained electronically from the department or on paper from the registrar of the registration district in which the death, or fetal death occurred or the body was found.

Section 11. That § 34-25-32.1 be amended to read as follows:

34-25-32.1. A fetal death report for the death of each fetus which has attained a gestational age of not less than twenty completed weeks and which is not an abortion and reportable as such under chapter 34-23A which occurs in this state shall be filed with the Department of Health, in accordance with rules of the secretary of health promulgated pursuant to chapter 1-26. However, the gestational age specified by this section may not be considered a factor in determining when life begins.

An Act to permit and provide for the issuance of certificates of birth resulting in stillbirth.

I certify that the attached Act
originated in the

SENATE as Bill No. 206

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 206

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State