

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

583N0508

SENATE BILL NO. 206

Introduced by: Senators Hunhoff, Apa, Bartling, Gant, Greenfield, Hoerth, Jerstad, Maher, McNenny, and Two Bulls and Representatives Olson (Betty), Davis, Dykstra, Faehn, Koistinen, Krebs, Miles, Noem, Putnam, Rausch, Rhoden, Rounds, Vanneman, and Weems

1 FOR AN ACT ENTITLED, An Act to permit and provide for the issuance of certificates of
2 birth resulting in stillbirth.

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

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

6 Terms used in this Act mean:

7 (1) "Stillbirth," any intrauterine fetal death occurring in this state after a gestational age
8 of not less than twenty completed weeks; and

9 (2) "Certificate of birth resulting in stillbirth," a certificate issued to record the birth of
10 a stillborn child.

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

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



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

4 (2) The means by which a parent may contact the Department of Health to request the
5 certificate.

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

8 Any parent may provide a name for a stillborn child on the request for a certificate of birth
9 resulting in stillbirth. If the requesting parent does not wish to provide a name, the Department
10 of Health shall fill in the certificate with the name "baby boy" or "baby girl" and the last name
11 of the parent.

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

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

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

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

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

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

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

1 follows:

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

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

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

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

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

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

14 34-25-24. No body of any person whose death occurs in this state or which is found in this
15 state or of a fetus ~~weighing five hundred grams or more~~ after a gestational age of not less than
16 twenty completed weeks may be interred, deposited in a vault or tomb, cremated, or otherwise
17 disposed of, or removed from the state unless, prior to the disposition, a permit for disposition
18 is obtained electronically from the department or on paper from the registrar of the registration
19 district in which the death, or fetal death occurred or the body was found.

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

21 34-25-32.1. A fetal death report for the death of each fetus which ~~weighs five hundred grams~~
22 ~~or more~~ has attained a gestational age of not less than twenty completed weeks and which is not
23 an abortion and reportable as such under chapter 34-23A which occurs in this state shall be filed
24 with the Department of Health, in accordance with rules of the secretary of health promulgated

- 1 pursuant to chapter 1-26. However, the ~~five hundred grams weight~~ gestational age specified by
- 2 this section may not be considered a factor in determining when life begins.