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SENATE FILE

78

BY LUNDBY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the birth certificate of a fetus which is  
 2 designated a fetal death.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 78  
 HUMAN RESOURCES

1 Section 1. NEW SECTION. 144.13B BIRTH CERTIFICATES --  
2 FETAL DEATHS.

3 1. Certificates of birth shall be filed as follows for a  
4 fetus which is designated as a fetal death:

5 a. A certificate of birth for each fetus which is  
6 designated as a fetal death shall be filed as directed by the  
7 state registrar within seven days after the delivery and shall  
8 be registered by the county registrar if the certificate has  
9 been completed and filed in accordance with this chapter.

10 b. When the delivery of a fetus which is designated as a  
11 fetal death occurs in an institution or en route to an  
12 institution, the person in charge of the institution or the  
13 person's designated representative shall obtain the personal  
14 data, prepare the certificate, and file the certificate as  
15 directed by the state registrar. The physician in attendance  
16 or the person in charge of the institution or the person's  
17 designee shall certify to the facts of the delivery whether by  
18 signature or as otherwise authorized by rule and provide the  
19 medical information required by the certificate within seven  
20 days after the delivery.

21 c. When the delivery of a fetus which is designated as a  
22 fetal death occurs outside an institution and not en route to  
23 an institution, the certificate shall be prepared and filed by  
24 one of the following in the indicated order of priority:

25 (1) The physician in attendance at or immediately after  
26 the delivery.

27 (2) Any other person in attendance at or immediately after  
28 the delivery.

29 (3) The father or mother.

30 (4) The person in charge of the premises where the  
31 delivery occurred.

32 d. Notwithstanding other provisions of this chapter  
33 relating to a delayed registration of birth, if the delivery  
34 of a fetus which is designated as a fetal death occurred prior  
35 to July 1, 2001, the mother or father may file a delayed

1 certificate of birth as directed by the state registrar,  
2 subject to evidentiary requirements to substantiate the facts  
3 of the delivery.

4 2. If the mother was married at the time of conception,  
5 delivery, or at any time during the period between conception  
6 and delivery, the name of the husband shall be entered on the  
7 certificate as the father of the child unless paternity has  
8 been determined otherwise by a court of competent  
9 jurisdiction, in which case the name of the father as  
10 determined by the court shall be entered by the department.

11 3. If the mother was not married at the time of  
12 conception, delivery, and at any time during the period  
13 between conception and delivery, the name of the father shall  
14 not be entered on the certificate of birth, unless paternity  
15 is otherwise legally established, in which case the name of  
16 the father as established shall be entered by the department.  
17 If the father is not named on the certificate of birth, no  
18 other information about the father shall be entered on the  
19 certificate.

20 4. The provisions relating to the fee for registration of  
21 a certificate of birth and the fee for a certified copy of a  
22 certificate of birth established pursuant to section 144.13A  
23 apply to a certificate of birth under this section.

24 5. The department may adopt rules relating to the form to  
25 be used for a certificate of birth and the procedure to be  
26 used under this section.

27 6. For the purposes of this section, "fetal death" means a  
28 fetal death which occurs in this state after a gestation  
29 period of twenty completed weeks or greater, or a fetus with a  
30 weight of three hundred fifty grams or more.

31 Sec. 2. Section 135G.18, subsection 1, Code 2001, is  
32 amended to read as follows:

33 1. A completed certificate of birth shall be filed  
34 pursuant to section 144.13 or section 144.13B, and the  
35 registration fee pursuant to section 144.13A shall be charged

1 and remitted.

2 EXPLANATION

3 This bill provides for the filing of a certificate of birth  
4 for a fetus which is designated as a fetal death. Under the  
5 bill, fees associated with registration of a certificate of  
6 birth and with obtaining a certified copy of a certificate of  
7 birth also apply to these certificates of birth.

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