

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 387 Session of
2007

INTRODUCED BY CORMAN, PIPPY, RAFFERTY, FONTANA, O'PAKE, GORDNER,
BROWNE, TOMLINSON, REGOLA, ORIE, COSTA AND BRUBAKER,
MARCH 13, 2007

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 3, 2008

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
2 act providing for the administration of a statewide system of
3 vital statistics; prescribing the functions of the State
4 Department of Health, the State Advisory Health Board and
5 local registrars; imposing duties upon coroners,
6 prothonotaries, clerks of orphans' court, physicians,
7 midwives and other persons; requiring reports and
8 certificates for the registration of vital statistics;
9 regulating the disposition of dead bodies; limiting the
10 disclosure of records; prescribing the sufficiency of vital
11 statistics records as evidence; prescribing fees and
12 penalties; and revising and consolidating the laws relating
13 thereto," providing for certificate of birth resulting in
14 stillbirth.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The act of June 29, 1953 (P.L.304, No.66), known
18 as the Vital Statistics Law of 1953, is amended by adding a
19 section to read:

20 ~~Section 207. Department: Certificate of Birth Resulting in~~ <—
21 ~~Stillbirth. Upon request from the mother or father, a~~
22 ~~certificate of birth resulting in stillbirth shall be issued by~~

~~1 the department for any fetal death previously filed with the
2 department. The fee for issuance shall be the same as the fee
3 for a death certificate. The certificate shall include, but not
4 be limited to, the following:~~

~~5 (1) Name of the stillborn child.~~

~~6 (2) Date of delivery.~~

~~7 (3) County of delivery.~~

~~8 (4) Mother's name and birthplace.~~

~~9 (5) Father's name and birthplace.~~

~~10 (6) The statement: "This certificate is not proof of live
11 birth."~~

~~12 Such certificate shall not affect the registration, filing or
13 record requirements of this act, nor shall the issuance of such
14 certificate impose upon a coroner or medical examiner any
15 additional duties to conduct an investigation.~~

16 SECTION 404. BIRTH REGISTRATION: CERTIFICATE OF BIRTH <—
17 RESULTING IN STILLBIRTH.--(A) THE DEPARTMENT SHALL, UPON
18 REQUEST FROM THE MOTHER OR FATHER OF THE FETUS, ISSUE A
19 CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH FOR ANY FETAL DEATH
20 PREVIOUSLY FILED WITH THE DEPARTMENT.

21 (B) THE FEE FOR ISSUANCE SHALL BE THE SAME AS THE FEE FOR A
22 DEATH CERTIFICATE.

23 (C) THE CERTIFICATE SHALL INCLUDE, BUT NOT BE LIMITED TO,
24 THE FOLLOWING:

25 (1) THE DATE OF THE STILLBIRTH.

26 (2) THE COUNTY IN WHICH THE STILLBIRTH OCCURRED.

27 (3) THE NAME AND SEX OF THE STILLBORN FETUS, AS PROVIDED ON
28 THE ORIGINAL OR AMENDED FETAL DEATH CERTIFICATE.

29 (4) THE TIME AND PLACE OF STILLBIRTH, INCLUDING THE STREET
30 ADDRESS AND CITY, AND IF APPLICABLE, THE NAME OF THE HOSPITAL.

1 (5) THE NAMES, DATE OF BIRTH, AND STATE OF BIRTH OF THE
2 MOTHER AND FATHER.

3 (6) THE CORRESPONDING FILE NUMBER OF THE FINAL FETAL DEATH
4 CERTIFICATE.

5 (7) A TITLE AT THE TOP OF THE CERTIFICATE THAT READS:
6 CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

7 (8) A STATEMENT AT THE BOTTOM OF THE CERTIFICATE THAT
8 STATES: THIS CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH IS NOT
9 PROOF OF A LIVE BIRTH.

10 (D) SUCH CERTIFICATE SHALL NOT AFFECT THE REGISTRATION,
11 FILING OR RECORD REQUIREMENTS OF THIS ACT, NOR SHALL THE
12 ISSUANCE OF SUCH CERTIFICATE IMPOSE UPON A CORONER OR MEDICAL
13 EXAMINER ANY ADDITIONAL DUTIES TO CONDUCT AN INVESTIGATION. THE
14 CERTIFICATE SHALL NOT BE USED FOR ANY GOVERNMENTAL PURPOSE. THE
15 CERTIFICATE SHALL BE IN ADDITION TO, AND NOT REPLACE, THE FETAL
16 DEATH CERTIFICATE.

17 (E) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF BIRTH
18 RESULTING IN STILLBIRTH UPON REQUEST REGARDLESS OF THE DATE ON
19 WHICH THE CERTIFICATE OF FETAL DEATH WAS ISSUED.

20 (F) THIS SECTION SHALL NOT APPLY TO THE TERMINATION OF A
21 PREGNANCY PERFORMED IN COMPLIANCE WITH ANY PRESCRIBED LAW
22 GOVERNING REPRODUCTIVE PRIVACY. THIS SECTION SHALL NOT SUPERSEDE
23 ANY OTHER PROVISION OF LAW. THE TERMS AND CONDITIONS CONTAINED
24 IN THIS SECTION SHALL ONLY APPLY TO THIS SECTION, AND SHALL NOT
25 AFFECT THE DEFINITION, USE, MEANING OR INTENT OF THOSE TERMS AS
26 THEY APPEAR IN ANY OTHER STATUTE, PENNSYLVANIA CASE LAW OR THE
27 CONSTITUTION OF PENNSYLVANIA. OTHER THAN PRESCRIBING THE RIGHT
28 TO REQUEST A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH,
29 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE ANY NEW
30 RIGHT, PRIVILEGE OR ENTITLEMENT, OR TO ABROGATE ANY EXISTING

1 RIGHT, PRIVILEGE OR ENTITLEMENT.

2 (G) FOR THE PURPOSES OF THIS SECTION, THE TERM, "STILLBIRTH"
3 MEANS THE DELIVERY OF A FETUS WHERE THERE WAS AN UNINTENDED
4 INTRAUTERINE FETAL DEATH AFTER A GESTATIONAL AGE OF NOT LESS
5 THAN 16 WEEKS.

6 Section 2. This act shall take effect in 60 days.