

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Vital Records Modernization Amendment Act of 2018 to require the Department of Health to establish a commemorative certificate of stillbirth to be made available at the request of the parent named on a fetal death report registered with the Department of Health, to require the certificate to include appropriate information as determined by the Department, to require a person required to report a fetal death to inform the parent of the availability of a certificate of stillbirth, to prohibit a certificate of stillbirth from being used to constitute a live birth or calculate live birth statistics, to prohibit the creation of liability based on the issuance of a certificate of stillbirth, to limit disclosure and access of the information contained on a certificate of stillbirth, and to allow the Department of Health to charge a fee for a certificate of stillbirth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Certificate of Stillbirth Amendment Act of 2020”.

Sec. 2. Title I of the Vital Records Modernization Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-231.01 *et seq.*), is amended as follows:

(a) A new section 115a to read as follows:

“Sec. 115a. Certificate of stillbirth.

“(a)(1) Within 180 days of the effective date of the Certificate of Stillbirth Amendment Act of 2020, passed on 2nd reading on November 10, 2020 (Enrolled version of Bill 23-529), the Department shall establish a certificate of stillbirth.

“(2) The certificate shall include such appropriate information as determined by the Department and be on a form established by the Department that is similar, as applicable, to a certificate issued for a record of live birth pursuant to section 108; provided, that the inclusion of a name given to a stillborn fetus by a parent shall be included only at the election of the parent.

“(b)(1) A parent named on a fetal death report registered with the Department pursuant to section 114 may request a certificate of stillbirth for the fetus that is the subject of the report. A certificate of stillbirth may be requested and issued regardless of the date on which the fetal death was reported or registered. Commemorative stillbirth certificates will not be available for events that do not meet the statutory definition for fetal death.

“(2) Following the receipt of the report and registration as a fetal death, and upon the request of a parent named on the report, the Registrar shall issue a certificate of stillbirth within 30 days.

“(3) A person required to report a fetal death pursuant to section 114 shall inform the parents in writing of the availability of a certificate of stillbirth.

“(c)(1) A certificate of stillbirth issued pursuant to this section shall be a commemorative certificate and in addition to, and not in lieu of, the report or registration of the fetal death required pursuant to section 114, as the certificate of stillbirth is meant to serve as an heirloom for the family, while a fetal death certificate is required for official business purposes, including, but not limited to, disposition of remains.

“(2) A certificate of stillbirth shall not constitute proof of a live birth and shall not be used to calculate live birth statistics.

“(d) This section shall not be used to establish, bring, or support a civil cause of action seeking damages against a person or entity for bodily injury, personal injury, or wrongful death for a stillbirth.

“(e) Notwithstanding any other provision of law, the parents who are issued a certificate of stillbirth may elect to have the disclosure of, and access to, the information included on the certificate of stillbirth limited to themselves, their lawful representatives, authorized personnel of the department, and the Registrar.

“(f) For the purpose of this section, the term:

“(1) “Fetal death” means when, after the expulsion or extraction, a fetus does not breathe or show any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. The term “fetal death” does not include an induced termination of pregnancy.

“(2) “Stillbirth” means the delivery of a fetus where there was death before the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy.”.

(b) Section 127(a) (D.C. Official Code § 7-231.27(a)) is amended as follows:

(1) Paragraph (10) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) A new paragraph (10A) is added to read as follows:

“(10A) Issuing a certificate of stillbirth; and”.

Sec. 3. Fiscal impact statement.

ENROLLED ORIGINAL

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia