


215-FH

Councilmember Brandon T. Todd



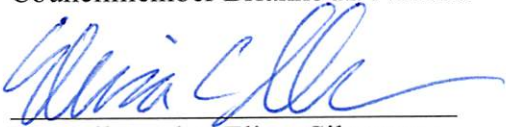
Councilmember Mary M. Cheh



Councilmember Brianne K. Nadeau



Councilmember Robert C. White, Jr.



Councilmember Elissa Silverman



Councilmember Jack Evans



Councilmember Anita Bonds

A BILL

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 certificate of stillbirth to be made available at the request of the parent or parents 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 or parents 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 2019".

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 2019, introduced on November 5, 2019, the Department shall establish a certificate of stillbirth.

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

“(b)(1) The named parent or parents on a fetal death report registered with the Department pursuant to section 114 of this act may request a certificate of stillbirth for the fetus that is the subject of the report.

“(2) Following the receipt of the report and registration as a fetal death, and upon the request of the parent or parents named on the report, the Registrar shall issue a certificate of stillbirth within 30 days. A certificate of stillbirth may be requested and issued regardless of the date on which the fetal death was reported or registered.

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

“(c) A certificate of stillbirth issued pursuant to this section shall be in addition to and shall not replace a report or registration of the fetal death pursuant to section 114 of this act. It shall not constitute proof of a live birth and shall not be used to calculate live birth statistics.

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

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

72 “(f) For the purpose of this section, “stillbirth” as recorded in the certificate of stillbirth
73 means the delivery of a fetus where there was a naturally occurring intrauterine fetal death that
74 occurs after the clinical estimate of a gestational age of not less than 20 completed weeks.”.

75 (b) Section 127(a) is amended as follows:

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

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

79 “(10A) Issuing a certificate of stillbirth; and”.

80 Sec. 3. Fiscal impact statement.

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

84 Sec. 4. Effective date.

85 This act shall take effect following approval by the Mayor (or in the event of veto by the
86 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
87 provided in section 602(c)(l) of the District of Columbia Home Rule Act, approved December

88 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
89 Columbia Register.