

A BILL

23-529

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.

30           “(a)(1) Within 180 days of the effective date of the Certificate of Stillbirth Amendment  
31 Act of 2020, as approved by the Committee on Health on October 7, 2020 (Committee print of  
32 Bill 23-529), the Department shall establish a certificate of stillbirth.

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

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

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

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

47           “(c)(1) A certificate of stillbirth issued pursuant to this section shall be a commemorative  
48 certificate and in addition to and not in lieu of the report or registration of the fetal death required  
49 pursuant to section 114. The certificate of stillbirth is meant to serve as an heirloom for the

50 family, while a fetal death certificate is required for official business purposes, including but not  
51 limited to disposition of remains.

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

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

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

61           “(f) For the purpose of this section, the term “stillbirth” means the delivery of a fetus  
62 where there was death before the complete expulsion or extraction from its mother of a product  
63 of human conception, regardless of the duration of pregnancy. Fetal death is indicated when,  
64 after the expulsion or extraction, a fetus does not breathe or show any other evidence of life,  
65 including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary  
66 muscles. The term "fetal death" shall not include an induced termination of pregnancy.

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

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

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

71 “(10A) Issuing a certificate of stillbirth; and”.

72 Sec. 3. Applicability.

73 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
74 budget and financial plan.

75 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
76 an approved budget and financial plan, and provide notice to the Budget Director of the Council  
77 of the certification.

78 (c)(1) The Budget Director shall cause the notice of the certification to be published in  
79 the District of Columbia Register.

80 (2) The date of publication of the notice of the certification shall not affect the  
81 applicability of this act.

82 Sec. 4. Fiscal impact statement.

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

86 Sec. 5. Effective date.

87 This act shall take effect following approval by the Mayor (or in the event of veto by the  
88 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
89 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENGROSSED ORIGINAL**

90 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
91 Columbia Register.