



2003 SENATE BILL 399

January 16, 2004 - Introduced by Senators ROESSLER, DARLING, COWLES, LAZICH, SCHULTZ and STEPP, cosponsored by Representatives HONADEL, LEMAHIEU, MONTGOMERY, NISCHKE, HUEBSCH, GIELOW, GRONEMUS, ALBERS, SUDER, GUNDRUM, JENSEN, GOTTLIEB, VUKMIR, KRAWCZYK, MUSSER, OWENS, RHOADES, HINES, KREIBICH, JESKEWITZ, SINICKI, ZIEGELBAUER, STONE, NASS, MCCORMICK, GUNDERSON, WARD and WEBER. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to create* 69.145 and 69.22 (1) (cm) of the statutes; **relating to:** a
2 certificate of birth resulting in stillbirth.

Analysis by the Legislative Reference Bureau

Under current law, if a pregnancy results in a live birth, a certificate of birth is prepared and filed with the state registrar. A person with a direct and tangible interest in a particular birth certificate may obtain a certified copy of the birth certificate by submitting a written request to the state registrar and paying the applicable fee.

If, instead of a live birth, a pregnancy results in a miscarriage, a fetal death report is prepared and submitted to the state registrar, but only if the delivery occurs 20 weeks or more after the mother's last normal menstrual period or if the stillbirth weighs 350 grams or more. The state registrar may record information on a fetal death report for use in medical research and may use the information to compile statistics. After the information from a fetal death report is recorded, however, the report is destroyed.

This bill creates a new, optional certificate called a certificate of birth resulting in stillbirth. Under the bill, if a birth results in a stillbirth for which a fetal death report is required, the person who is responsible for preparing and filing the fetal death report must inform the parent or parents of the option to have a certificate of birth resulting in stillbirth prepared and of how to obtain a certified copy of the certificate. If the parent or parents wish to have a certificate prepared, the person responsible for preparing and filing the fetal death report must, within five days after the delivery of the stillbirth, prepare a certificate of birth resulting in stillbirth

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and file it with the state registrar. Only a parent of the stillbirth may obtain a certified copy of the certificate of birth resulting in stillbirth by requesting a copy from the state registrar in writing and paying a fee of \$10.

Although the notice requirements under the bill apply to stillbirths occurring on or after August 1, 2004, the bill also sets out a special procedure by which a certificate of birth resulting in stillbirth may be prepared for stillbirths occurring before that date or if the parent or parents of a stillbirth occurring on or after that date do not request a certificate at the time of delivery but later decide that they would like to have one prepared. Under the special procedure, the state registrar must prepare and file a certificate of birth resulting in stillbirth if a parent of a stillbirth for which a certificate was not prepared requests the preparation in writing and presents satisfactory evidence of the facts of the stillbirth.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 69.145 of the statutes is created to read:

2 **69.145 Certificate of birth resulting in stillbirth.** (1) INFORMATION ABOUT
3 PREPARATION. If a birth that occurs in this state on or after August 1, 2004, results
4 in a stillbirth for which a fetal death report is required under s. 69.18 (1) (e) 1., the
5 party responsible for filing the fetal death report under s. 69.18 (1) (e) 1. shall advise
6 the parent or parents of the stillbirth of all of the following:

7 (a) That they may request preparation of a certificate of birth resulting in
8 stillbirth.

9 (b) That preparation of the certificate is optional.

10 (c) How to obtain a certified copy of the certificate if one is requested and
11 prepared.

12 **(2) TIMELY PREPARATION AND FILING.** (a) If the parent or parents of the stillbirth,
13 after being advised as provided in sub. (1), wish to have a certificate of birth resulting
14 in stillbirth prepared, the party responsible for filing the fetal death report under s.

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1 69.18 (1) (e) 1. shall, within 5 days after delivery of the stillbirth, prepare and file the
2 certificate with the state registrar.

3 (b) If the parent or parents of the stillbirth do not wish to provide a name for
4 the stillbirth, the person who prepares the certificate of birth resulting in stillbirth
5 shall leave blank any reference to the name of the stillbirth.

6 (c) Either parent of the stillbirth or, if neither parent is available, another
7 person with knowledge of the facts of the stillbirth shall attest to the accuracy of the
8 personal data entered on the certificate in time to permit the filing of the certificate
9 within 5 days after delivery.

10 **(3) SPECIAL PREPARATION UNDER CERTAIN CIRCUMSTANCES.** Notwithstanding subs.
11 (1) and (2), if a birth that occurred in this state at any time resulted in a stillbirth
12 for which a fetal death report was required under s. 69.18 (1) (e) 1. but a certificate
13 of birth resulting in stillbirth was not prepared under sub. (2), a parent of the
14 stillbirth may, on or after August 1, 2004, submit to the state registrar a written
15 request for preparation of a certificate of birth resulting in stillbirth and evidence of
16 the facts of the stillbirth that is satisfactory to the state registrar. The state registrar
17 shall prepare and file the certificate of birth resulting in stillbirth within 30 days
18 after receiving satisfactory evidence of the facts of the stillbirth.

19 **(4) GENERAL RESPONSIBILITIES OF STATE REGISTRAR.** The state registrar shall do
20 all of the following:

21 (a) Prescribe the form of, and information to be included on, a certificate of birth
22 resulting in stillbirth, which shall be as similar as possible to the form of and
23 information included on a certificate of birth.

