

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/06/2004**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Chris Reader**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Health - vital statistics**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Certificate of birth resulting in stillbirth

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/06/2004	kgilfoy 01/06/2004		_____			State
/1			pgreensl 01/06/2004	_____	lemery 01/06/2004	lemery 01/06/2004	

**LRB-3974**

01/06/2004 02:55:42 PM  
Page 2

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 01/06/2004

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Mark Honadel (608) 266-0610

By/Representing: Chris Reader

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Health - vital statistics

Extra Copies:

Submit via email: YES

Requester's email: Rep.Honadel@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Certificate of birth resulting in stillbirth

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	pkahler	11-1/6/04 Kmg	1/6 PS	1/6 self			

FE Sent For:

<END>

Please jacket  
 in Senate but  
~~send to Rep. Honadel's~~  
 office.  
 PJK

DAK  
2

**Barman, Mike**

---

**From:** Reader, Chris  
**Sent:** Tuesday, January 06, 2004 10:29 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3641/1 Topic: Certificate of birth resulting in stillbirth

Jacketed  
for  
Assm

It has been requested by <Reader, Chris> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3641/1 Topic: Certificate of birth resulting in stillbirth

Needs A  
Companion  
Bill Drafted

## Kahler, Pam

---

**From:** Reader, Chris  
**Sent:** Tuesday, January 06, 2004 11:23 AM  
**To:** Kahler, Pam  
**Subject:** RE:

thanks!

-----Original Message-----

**From:** Kahler, Pam  
**Sent:** Tuesday, January 06, 2004 11:23 AM  
**To:** Reader, Chris  
**Subject:** RE:

Yes, I will have a companion bill jacketed for the Senate and sent to your office. It will have to be introduced by a senator, however (I assume you know that).

Pam

-----Original Message-----

**From:** Reader, Chris  
**Sent:** Tuesday, January 06, 2004 11:20 AM  
**To:** Kahler, Pam  
**Subject:**

Pam,

Could you please draft LRB3641 (the stillbirth certificate bill) so that I can jacket a companion bill in the Senate? I'm having 3641 jacketed for the Assembly.

Thanks.

Chris

**Chris Reader**

*Office of Representative Mark Honadel  
Wisconsin State Assembly, 21st. District  
Room 6 North, State Capitol  
P.O. Box 8952  
Madison, WI 53708  
(888) 534-0021 toll free  
(608) 266-0610*

4/03

Require hosp. to ~~provide~~ <sup>provide info to parents about availability</sup> certif. of birth resulting  
in stillbirth to parents + <sup>if fill out info</sup> \$10 fee to st. registrar <sup>hosp. to obtain cert if</sup>  
Require St. Registrar to establish form ~~to provide~~  
~~to hospitals~~ Require hosp. to file  
\$10 fee for issuance

NY: If parents wait over 1 year to <sup>register birth,</sup> obtain certif., is  
marked "delayed"

## Reader, Chris

---

**From:** Heavenly Angels [heavenheart1@netscape.net]  
**Sent:** Wednesday, October 29, 2003 9:42 PM  
**To:** rep.honadel@legis.state.wi.us  
**Subject:** Grieving Parents need your help



Untitled Attachment

October 29, 2003

Dear Representative Mark Honadel,

My name is Rebecca Lomis-Stephan and I am a resident here in Milwaukee, WI. I am writing you to share a tragic story that occurred on July 4th, 2003. I was told that you might be able to help my husband and I.

On February 8th, 2003, my husband and I conceived identical twin girls. With much neglect from doctors and misdiagnosis after another we were able to enjoy much of the pregnancy. It was exactly 14 weeks when we actually found out that we were indeed carrying twins. We were ecstatic that we would add 2 beautiful girls to our family of five.

Soon after we found out that we were carrying twins, Olivia Lynn and Abrianna Patrice, we were told by our Doctor (OB) to find ourselves a high-risk doctor. We were not consulted about having twins or anything but all were well and we started our search for a high-risk doctor.

It took us 5 weeks before we got to see a high-risk doctor at St. Joseph's Hospital. Two days after my first visit I noticed that the girls were not moving so I called my doctor and he told me that it was normal for being at 21 weeks gestation and not to worry about it. So the next day came and I insisted that something was wrong, since they were so very active. I went into the hospital and the doctor proceeded to do an ultrasound. I will never forget that moment! The doctor turned to me and said, "I'm sorry Becky, there are no heartbeats."

This moment was the longest moment in my life. I wailed so loud that the entire hospital heard my pain. My husband and our three other children were with us when the doctor was checking our sweet girls. My five-year-old looked at me and said, "Mama, they are with Jesus now!" My eight-year-old was in complete shock, and my two-year-old just cried because he could feel his Mama's pain. My husband tried to help me but he broke down in tears and held all of us.

I gave birth naturally to Olivia Lynn and Abrianna Patrice four days after we found out that they had died. After giving birth, we buried our children. Over 100 relatives and friends came to our girl's funeral.

As time went on, I wondered why I did not receive any Birth or Death Certificate. I e-mailed vital records and they stated that babies born still after 20 weeks are recorded for statistical purposes but then the records are destroyed and no certificates, birth or death, are given to the parents.

Needless to say, my husband and I were absolutely stunned and hurt that the same state that said we had to bury our children, would not give us a birth certificate, death certificate or even a stillborn certificate!

Six months of a beautiful pregnancy, feeling my girls move and have the hiccups, giving birth to them, and then burying them, and no certificate. Something was seriously wrong here!

I did much research and found the following and these are the reasons why the State of Wisconsin should pass a law that allows babies that are between 20 weeks and 40 weeks that are born still have a Stillborn Certificate,

- \* 26,800 babies born each year in the United states are born still
- \* Most hospitals only deliver babies vaginally after 20 weeks gestation, which means that a stillborn baby would have to travel down the same birth canal as an alive baby would travel through.
- \* Currently there are 6 states that issue stillborn certificates to grieving parents, Arizona, Indiana, Iowa, Kentucky, Massachusetts, and Utah. This certificate is called 'Certificate of Birth Resulting in Stillbirth or Certificate of Stillbirth'. This leaves our state one of the many that do not offer such a thing.
- \* Finally, the term stillborn pertains to being born or birthed. It only seems quite logical that a certificate should be issued from the state of Wisconsin.

I am asking you to help us pass a bill that will allow babies who are born still receive a Stillborn Certificate. Mind you that this is not a 'Pro-Life or Pro-Choice' issue but rather a logical decision. Families need closure and this will definitely help the grieving process.

I thank you for your time and I am sure you will do all you can as our representative to do what is right by us grieving parents of stillborn babies.

Sincerely,

Rebecca Lomis-Stephan

4615 S. Kansas Ave.

St. Francis, WI 53235



414-294-3074



SOON (in 1-6)  
(no changes)

## 2003 BILL

- 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

**BILL**

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.

**BILL**

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.

**BILL**

1 (b) Issue a certified copy of a certificate of birth resulting in stillbirth to a parent  
2 of the stillbirth that is the subject of the certificate if all of the following conditions  
3 are satisfied:

4 1. A certificate of birth resulting in stillbirth has been prepared and filed under  
5 sub. (2) or (3).

6 2. The parent requesting a certified copy of the certificate submits the request  
7 in writing.

8 3. The request is accompanied by the fee required under s. 69.22 (1) (cm).

9 **SECTION 2.** 69.22 (1) (cm) of the statutes is created to read:

10 69.22 (1) (cm) Ten dollars for issuing one certified copy of a certificate of birth  
11 resulting in stillbirth and \$3 for any additional certified copy of the same certificate  
12 issued at the same time.

13 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 264-6948

STEPHEN R. MILLER  
CHIEF

LRB

February 11, 2004

## MEMORANDUM

**To:** Senator Roessler

**From:** Pamela J. Kahler, Sr. Legislative Attorney, (608) 266-2682

**Subject:** Technical Memorandum to **SB-399** (LRB 03-3974/1)

---

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

LRB

SB 399 Technical Memo  
February 11, 2004  
Dept. of Health and Family Services  
Preparer: Ellen Hadidian

Approximately 40% of current fetal deaths are to unmarried mothers. SB 399 provides that a certificate of stillbirth can be issued only to a parent of the stillbirth but does not address the definition of a parent in cases in which the mother is not married. Current law provides for the establishment of paternity for parents in regard to a birth certificate. No such establishment procedure is provided in SB 399. There is the potential for legal repercussions if the Department were to issue a certificate to an individual whose paternity has not been established.