

## HOUSE BILL No. 2613

By Committee on Judiciary

2-11

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1 AN ACT concerning the uniform vital statistics act; relating to issuance of  
2 certificate of birth resulting in stillbirth; amending K.S.A. 65-2401, 65-  
3 2412 and 65-2426a and repealing the existing sections.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. The changes to law in this act shall be known as  
7 Meriden's law.

8 New Sec. 2. (a) A certificate of birth resulting in stillbirth which  
9 occurs in this state shall be filed with the state registrar within three days  
10 after such stillbirth and prior to removal of the stillborn child from the  
11 state and shall be registered by the state registrar if such certificate of birth  
12 resulting in stillbirth has been completed and filed in accordance with this  
13 section. The funeral director or person acting as such who first assumes  
14 custody of a stillborn child shall file the certificate of birth resulting in  
15 stillbirth prior to interment or disposition of the stillborn child.

16 (b) The certificate of birth resulting in stillbirth shall contain:

17 (1) The date of the stillbirth;

18 (2) the place in which the stillbirth occurred. If the place of stillbirth  
19 is unknown, a certificate of birth resulting in stillbirth shall be filed  
20 indicating the location where such stillborn child was found as the place of  
21 stillbirth. If stillbirth occurs in a moving conveyance, the certificate of  
22 birth resulting in stillbirth shall record the location where the stillborn  
23 child was first removed from such conveyance as the place of stillbirth;  
24 and

25 (3) a first name, middle name, last name, no name, or combination of  
26 these as requested by one of the parents. The certificate of birth resulting  
27 in stillbirth shall not contain any information relating to fetal death, except  
28 that such information may be collected by the department of health and  
29 environment for statistical or reporting purposes.

30 (c) Any stillbirth certificate filed with the state registrar before July 1,  
31 2014, shall be reissued as a certificate of birth resulting in stillbirth upon  
32 request and payment of a fee by the parent or parents of the stillborn child,  
33 or any other individual with a direct interest in such record pursuant to  
34 K.S.A. 65-2422d, and amendments thereto.

35 (d) The secretary of health and environment shall fix and collect a fee  
36 for each form provided under this section. The fee shall be collected at the

1 time the form is provided and shall be in the same amount as the fee for a  
2 certified copy of a death certificate.

3 (e) This section shall be part of and supplemental to the uniform vital  
4 statistics act, K.S.A. 65-2401 et seq., and amendments thereto.

5 Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-  
6 2401. As used in this act: ~~(1)~~(a) "Vital statistics" includes the registration,  
7 preparation, transcription, collection, compilation, and preservation of data  
8 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,  
9 divorce, annulment of marriage, induced termination of pregnancy, and  
10 data incidental thereto.

11 ~~(2)~~(b) "Live birth" means the complete expulsion or extraction from  
12 its mother of a product of human conception, irrespective of the duration  
13 of pregnancy, which, after such expulsion or extraction, breathes or shows  
14 any other evidence of life such as beating of the heart, pulsation of the  
15 umbilical cord, or definite movement of voluntary muscles, whether or not  
16 the umbilical cord has been cut or the placenta is attached.

17 ~~(3)~~(c) "Stillbirth" means any ~~complete expulsion or extraction from~~  
18 ~~its mother of a~~ product of human conception ~~the weight of which is in~~  
19 ~~excess of 350 grams, irrespective of the duration of pregnancy~~ *gestational*  
20 *age of which is not less than 20 completed weeks*, resulting in other than a  
21 live birth, as defined in this act, and which is not an induced termination of  
22 pregnancy.

23 ~~(4)~~(d) "Induced termination of pregnancy" means the purposeful  
24 interruption of pregnancy with the intention other than to produce a live-  
25 born infant or to remove a dead fetus and which does not result in a live  
26 birth.

27 ~~(5)~~(e) "Dead body" means a lifeless human body or such parts of a  
28 human body or the bones thereof from the state of which it reasonably may  
29 be concluded that death recently occurred.

30 ~~(6)~~(f) "Person in charge of interment" means any person who places  
31 or causes to be placed a stillborn child or dead body or the ashes, after  
32 cremation, in a grave, vault, urn or other receptacle, or otherwise disposes  
33 thereof.

34 ~~(7)~~(g) "Secretary" means the secretary of health and environment.

35 Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-  
36 2412. (a) A death certificate ~~or stillbirth certificate~~ for each death or  
37 stillbirth which occurs in this state shall be filed with the state registrar  
38 within three days after such death and prior to removal of the body from  
39 the state and shall be registered by the state registrar if such death  
40 certificate ~~or stillbirth certificate~~ has been completed and filed in  
41 accordance with this section. If the place of death is unknown, a death  
42 certificate shall be filed indicating the location where the body was found  
43 as the place of death. A certificate shall be filed within three days after

1 such occurrence; if death occurs in a moving conveyance, the death  
2 certificate shall record the location where the dead body was first removed  
3 from such conveyance as the place of death.

4 (b) The funeral director or person acting as such who first assumes  
5 custody of a dead body ~~or fetus~~ shall file the death certificate. Such person  
6 shall obtain the personal data from the next of kin or the best qualified  
7 person or source available and shall obtain the medical certification of  
8 cause of death from the physician last in attendance prior to burial. The  
9 death certificate filed with the state registrar shall be the official death  
10 record, except that a funeral director licensed pursuant to K.S.A. 65-1714,  
11 and amendments thereto, may verify as true and accurate information  
12 pertaining to a death on a form provided by the state registrar, and any  
13 such form, verified within 21 days of date of death, shall be prima facie  
14 evidence of the facts therein stated for purposes of establishing death. The  
15 secretary of health and environment shall fix and collect a fee for each  
16 form provided a funeral director pursuant to this subsection. The fee shall  
17 be collected at the time the form is provided the funeral director and shall  
18 be in the same amount as the fee for a certified copy of a death certificate.

19 (c) When death occurred without medical attendance or when inquiry  
20 is required by the laws relating to postmortem examinations, the coroner  
21 shall investigate the cause of death and shall complete and sign the  
22 medical certification within 24 hours after receipt of the death certificate  
23 or as provided in K.S.A. 65-2414, and amendments thereto.

24 (d) In every instance a certificate shall be filed prior to interment or  
25 disposal of the body.

26 Sec. 5. K.S.A. 65-2426a is hereby amended to read as follows: 65-  
27 2426a. No dead body, as such term is defined in subsection ~~(4)~~(d) of  
28 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a  
29 coroner's permit to cremate has been furnished to authorize such  
30 cremation. A telefacsimile signed copy of the coroner's permit to cremate  
31 which authorizes the cremation shall constitute legal authorization for such  
32 cremation under this section. The provisions of this section shall be  
33 construed as supplemental to and as a part of the uniform vital statistics  
34 act. Any person who knowingly violates this section, upon conviction,  
35 shall be fined not more than \$500.

36 Sec. 6. K.S.A. 65-2401, 65-2412 and 65-2426a are hereby repealed.

37 Sec. 7. This act shall take effect and be in force from and after its  
38 publication in the statute book.