

SENATE BILL No. 185

By Committee on Federal and State Affairs

2-12

1 AN ACT concerning use of vital statistics; relating to death and unborn
2 child death certificates; amending K.S.A. 65-2401 and 65-2412 and
3 repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-2401 is hereby amended to read as follows: 65-
7 2401. As used in this act:

8 (1) "Vital statistics" includes the registration, preparation,
9 transcription, collection, compilation, and preservation of data pertaining
10 to birth, adoption, legitimation, death, ~~stillbirth~~ *unborn child death*,
11 marriage, divorce, annulment of marriage, induced termination of
12 pregnancy, and data incidental thereto.

13 (2) *"Unborn child" means a living individual organism of the species*
14 *homo sapiens, in utero, irrespective of the duration of pregnancy.*

15 (3) ~~"Live birth" means the complete expulsion or extraction from its~~
16 ~~mother of a product of human conception, irrespective of the duration of~~
17 ~~pregnancy, an unborn child which, after such expulsion or extraction,~~
18 ~~breathes or shows any other evidence of life such as beating of the heart,~~
19 ~~pulsation of the umbilical cord, or definite movement of voluntary~~
20 ~~muscles, whether or not the umbilical cord has been cut or the placenta is~~
21 ~~attached.~~

22 ~~(3) (4) "Stillbirth" "Unborn child death" means any complete~~
23 ~~expulsion or extraction from its mother of a product of human conception~~
24 ~~the weight of which is in excess of 350 grams, irrespective of the duration~~
25 ~~of pregnancy, resulting in other than a live birth, as defined in this act, and~~
26 ~~which is not an induced termination of pregnancy an unborn child who~~
27 ~~dies in utero.~~

28 ~~(4) (5) "Induced termination of pregnancy" means the purposeful~~
29 ~~interruption of pregnancy with the intention other than to produce a live-~~
30 ~~born infant or to remove a dead fetus and which does not result in a live~~
31 ~~birth.~~

32 ~~(5) (6) "Dead body" means a lifeless human body or such parts of a~~
33 ~~human body or the bones thereof from the state of which it reasonably may~~
34 ~~be concluded that death recently occurred.~~

35 (7) *"Miscarriage" means the death of an unborn child in utero before*
36 *the 20th week of gestation, and which is not an induced termination of*

1 *pregnancy.*

2 (6) (8) "Person in charge of interment" means any person who places
3 or causes to be placed a ~~stillborn~~ *dead unborn* child or dead body or the
4 ashes, after cremation, in a grave, vault, urn or other receptacle, or
5 otherwise disposes thereof.

6 (7) (9) "Secretary" means the secretary of health and environment.

7 (10) *"Stillbirth" means the death of a child in utero after the 20th*
8 *week of gestation, and which is not an induced termination of pregnancy.*

9 Sec. 2. K.S.A. 65-2412 is hereby amended to read as follows: 65-
10 2412. (a) A death certificate or ~~stillbirth~~ *unborn child death certificate* for
11 each death or ~~stillbirth~~ *unborn child death* which occurs in this state shall
12 be filed with the state registrar within three days after such death and prior
13 to removal of the body from the state and shall be registered by the state
14 registrar if such death certificate or ~~stillbirth~~ *unborn child death certificate*
15 has been completed and filed in accordance with this section. If the place
16 of death is unknown, a death certificate shall be filed indicating the
17 location where the body was found as the place of death. A certificate shall
18 be filed within three days after such occurrence; if death occurs in a
19 moving conveyance, the death certificate shall record the location where
20 the dead body was first removed from such conveyance as the place of
21 death.

22 (b) *An unborn child death certificate shall not be filed for induced*
23 *terminations of pregnancy required to be reported by K.S.A. 65-445, and*
24 *amendments thereto.*

25 (c) *When an unborn child death occurs in an institution, the person*
26 *in charge of the institution or the person's designated representative shall*
27 *obtain the personal data, prepare the certificate, secure the signatures*
28 *required by the certificate and file such certificate with the state registrar.*
29 *The physician in attendance or, in the absence of the physician, the person*
30 *in charge of the institution or that person's designated representative shall*
31 *certify to the facts of the unborn child death and provide the medical*
32 *information required by the certificate within three days after the unborn*
33 *child death and prior to removal of such unborn child from the state.*

34 (d) *When an unborn child death occurs outside an institution, the*
35 *certificate shall be prepared by the physician in attendance at or*
36 *immediately after the unborn child death.*

37 (e) The funeral director or person acting as such who first assumes
38 custody of a dead body or ~~fetus~~ shall file the death certificate. Such person
39 shall obtain the personal data from the next of kin or the best qualified
40 person or source available and shall obtain the medical certification of
41 cause of death from the physician last in attendance prior to burial. The
42 death certificate filed with the state registrar shall be the official death
43 record, except that a funeral director licensed pursuant to K.S.A. 65-1714,

1 and amendments thereto, may verify as true and accurate information
2 pertaining to a death on a form provided by the state registrar, and any
3 such form, verified within 21 days of date of death, shall be prima facie
4 evidence of the facts therein stated for purposes of establishing death. The
5 secretary of health and environment shall fix and collect a fee for each
6 form provided a funeral director pursuant to this subsection. The fee shall
7 be collected at the time the form is provided the funeral director and shall
8 be in the same amount as the fee for a certified copy of a death certificate.

9 ~~(e)~~ (f) When death occurred without medical attendance or when
10 inquiry is required by the laws relating to postmortem examinations, the
11 coroner shall investigate the cause of death and shall complete and sign the
12 medical certification within 24 hours after receipt of the death certificate
13 or as provided in K.S.A. 65-2414, and amendments thereto.

14 ~~(d)~~ (g) In every instance a certificate shall be filed prior to interment
15 or disposal of the body.

16 (h) *For purposes of public health reporting and tracking, the death of*
17 *an unborn child at any gestational age, where the confirmation of the*
18 *pregnancy was determined by a licensed health care provider, shall be*
19 *reported to the secretary of health and environment.*

20 Sec. 3. K.S.A. 65-2401 and 65-2412 are hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.