

ASSEMBLY BILL NO. 3—ASSEMBLYMAN STEWART

PREFILED DECEMBER 13, 2010

Referred to Committee on Health and Human Services

SUMMARY—Provides for the issuance of a certificate of birth resulting in stillbirth. (BDR 40-349)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vital statistics; providing for the issuance of a certificate of birth resulting in stillbirth upon the request of a parent of a stillborn child; prohibiting the use of a certificate of birth resulting in stillbirth for certain purposes; authorizing the State Board of Health to adopt regulations concerning a certificate of birth resulting in stillbirth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to existing law, a certificate of stillbirth must be filed with the local health officer with respect to a birth which occurs after at least 20 weeks of gestation and where the child shows no evidence of life after complete birth. (NRS 440.340) This bill authorizes a parent of a stillborn child to request that the State Registrar of Vital Statistics issue a certificate of birth resulting in stillbirth for a stillborn child, in addition to the certificate of stillbirth required by existing law, regardless of the date on which the certificate of stillbirth is filed. This bill requires a funeral director or other person who files a certificate of stillbirth to advise a parent of the stillborn child that the parent may request the issuance of a certificate of birth resulting in stillbirth. This bill also sets forth the requirements for such a request as well as the requirements concerning the contents of a certificate of birth resulting in stillbirth.

In addition, this bill prohibits the use of a certificate of birth resulting in stillbirth for any statistical purpose or to secure any right, benefit or privilege in this State. This bill also prohibits using the issuance of a certificate of birth resulting in stillbirth to establish, bring or support a civil action seeking damages for bodily injury, personal injury or wrongful death for a stillbirth.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon the request of a parent named on a certificate of stillbirth filed pursuant to NRS 440.340, the State Registrar shall, within 60 days after receiving the request, issue a certificate of birth resulting in stillbirth.

2. A funeral director or other person who files a certificate of stillbirth pursuant to NRS 440.340 shall advise a parent of the stillborn child:

(a) That the parent may request the preparation of a certificate of birth resulting in stillbirth in addition to the certificate of stillbirth.

(b) That the parent may obtain a certificate of birth resulting in stillbirth by contacting the State Registrar; and

(c) Of the procedure by which the parent may contact the State Registrar to request a certificate of birth resulting in stillbirth.

3. The request for a certificate of birth resulting in stillbirth must be made on a form prescribed by the Board and must include the date of the stillbirth, the county in which the stillbirth occurred and the state file number of the certificate of stillbirth, if known.

4. The certificate of birth resulting in stillbirth must contain:

(a) The date of the stillbirth;

(b) The county in which the stillbirth occurred;

(c) The name of the stillborn child as provided by the parent of the stillborn child or, if the parent does not wish to provide a name, the name "Baby Boy" or "Baby Girl," as appropriate, and the last name of the parent of the stillborn child;

(d) The state file number of the corresponding certificate of stillbirth; and

(e) A statement that the certificate of birth resulting in stillbirth is not proof of a live birth.

5. A parent of a stillborn child may request that the State Registrar issue a certificate of birth resulting in stillbirth at any time regardless of the date on which the certificate of stillbirth was filed pursuant to NRS 440.340.

6. A certificate of birth resulting in stillbirth may not be used as evidence of a live birth for any statistical purpose or to secure any right, privilege or benefit in this State.

7. This section may not be used to establish, bring or support a civil action seeking damages for bodily injury, personal injury or wrongful death for a stillbirth.



- 1 **8. *The Board may adopt such regulations as it determines***
- 2 ***necessary to carry out the provisions of this section.***
- 3 **Sec. 2.** This act becomes effective on July 1, 2011.

