

By: Representatives Holland, Howell,  
Peranich

To: Public Health and Human  
Services

## HOUSE BILL NO. 566

1 AN ACT TO CODIFY NEW SECTION 41-57-31, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE FOR THE ISSUANCE OF A "CERTIFICATE OF BIRTH  
3 RESULTING IN STILLBIRTH" BY THE BUREAU OF VITAL STATISTICS OF THE  
4 STATE DEPARTMENT OF HEALTH UPON THE REQUEST OF A PARENT OF A  
5 STILLBORN CHILD; TO PROVIDE THAT A PARENT MAY REQUEST THE ISSUANCE  
6 OF THIS CERTIFICATE WITHOUT REGARD TO WHETHER THE DEATH OCCURRED  
7 BEFORE OR AFTER THE EFFECTIVE DATE OF THIS ACT; TO PROVIDE THAT  
8 THE PERSON WHO IS REQUIRED TO FILE A DEATH CERTIFICATE SHALL  
9 ADVISE THE PARENT OR PARENTS OF A STILLBORN CHILD ABOUT THE  
10 AVAILABILITY OF THIS CERTIFICATE AND HOW TO REQUEST THE ISSUANCE  
11 OF THE CERTIFICATE; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH  
12 SHALL PRESCRIBE THE FORM AND CONTENT OF THE CERTIFICATE AND  
13 SPECIFY THE INFORMATION NECESSARY TO PREPARE THE CERTIFICATE; TO  
14 AUTHORIZE THE STATE BOARD OF HEALTH TO ADOPT ANY RULES OR  
15 REGULATIONS NECESSARY TO ADMINISTER THIS SECTION; AND FOR RELATED  
16 PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** The following shall be codified as Section  
19 41-57-31, Mississippi Code of 1972:

20 41-57-31. (1) As used in this section, the following terms  
21 shall be defined as provided in this section, unless the context  
22 otherwise requires:

23 (a) "Certificate of birth resulting in stillbirth"  
24 means a birth certificate issued to record and memorialize the  
25 birth of a stillborn child.

26 (b) "Stillbirth" or "stillborn" means an unintended,  
27 intrauterine fetal death occurring in this state after a  
28 gestational age of not less than twenty (20) completed weeks.

29 (2) For any stillborn child in this state, the Bureau of  
30 Vital Statistics shall issue a certificate of birth resulting in  
31 stillbirth upon the request of a parent named on the death  
32 certificate, within sixty (60) days of the date of the request. A  
33 parent may request the Bureau of Vital Statistics to issue a  
34 certificate of birth resulting in stillbirth without regard to

35 whether the death occurred on, before, or after July 1, 2007, and  
36 without regard to the date on which the death certificate was  
37 issued.

38 (3) The person who is required to file a death certificate  
39 under this chapter shall advise the parent or parents of a  
40 stillborn child:

41 (a) That a parent may, but is not required to, request  
42 the preparation of a certificate of birth resulting in stillbirth;

43 (b) That a parent may obtain a certificate of birth  
44 resulting in stillbirth by contacting the Bureau of Vital  
45 Statistics to request the certificate and paying the required fee;  
46 and

47 (c) How a parent may contact the Bureau of Vital  
48 Statistics to request a certificate of birth resulting in  
49 stillbirth.

50 (4) A parent may provide a name for a stillborn child on the  
51 request for a certificate of birth resulting in stillbirth. The  
52 name of the stillborn child provided on or later added by  
53 amendment to the certificate shall be the same name as placed on  
54 the original or amended death certificate. If the requesting  
55 parent does not wish to provide a name, the Bureau of Vital  
56 Statistics shall fill in the certificate with the name "baby boy"  
57 or "baby girl" and the last name of the parent.

58 (5) Not later than September 1, 2007, the State Department  
59 of Health shall prescribe the form and content of a certificate of  
60 birth resulting in stillbirth and shall specify the information  
61 necessary to prepare the certificate. In addition to any other  
62 information required to be on the certificate, the certificate  
63 shall include:

64 (a) The date of the stillbirth;

65 (b) The county in which the stillbirth occurred;

66 (c) The state file number of the corresponding death  
67 certificate; and

68                   (d) The following statement: "This certificate is not  
69 proof of live birth."

70           (6) Upon issuance of a certificate of birth resulting in  
71 stillbirth to a parent, the Bureau of Vital Statistics shall file  
72 an exact copy of the certificate with the local registrar of the  
73 registration district in which the stillbirth occurred. The local  
74 registrar shall file the certificate of birth resulting in  
75 stillbirth with the death certificate.

76           (7) The Bureau of Vital Statistics may not use a certificate  
77 of birth resulting in stillbirth to calculate live birth  
78 statistics.

79           (8) The State Board of Health may adopt any rules or  
80 regulations necessary to administer this section.

81           (9) This section may not be used to establish, bring, or  
82 support a civil cause of action seeking damages against any person  
83 or entity for bodily injury, personal injury, or wrongful death  
84 for a stillbirth.

85           **SECTION 2.** This act shall take effect and be in force from  
86 and after July 1, 2007.