

By: Representative Williams-Barnes

To: Public Health and Human Services

HOUSE BILL NO. 1038

1 AN ACT TO AMEND SECTION 41-57-31, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THAT A DEATH CERTIFICATE BE PREPARED FOR EACH STILLBORN
 3 CHILD IN THIS STATE IN THE SAME MANNER AND BY THE SAME PERSONS AS
 4 REQUIRED FOR OTHER DEATH CERTIFICATES; TO REQUIRE THE PERSON WHO
 5 WOULD HAVE PREPARED A BIRTH CERTIFICATE FOR A STILLBORN CHILD IF
 6 THE CHILD HAD BEEN BORN ALIVE TO NOTIFY AND ADVISE THE PARENT OR
 7 PARENTS OF THE STILLBORN CHILD THAT A PARENT MAY REQUEST AND
 8 OBTAIN THE PREPARATION OF A CERTIFICATE OF BIRTH RESULTING IN
 9 STILLBIRTH FROM THE BUREAU OF VITAL STATISTICS; TO REQUIRE THAT
 10 SAME PERSON TO PROVIDE TO THE PARENT OR PARENTS OF THE STILLBORN
 11 CHILD THE FORM NEEDED TO OBTAIN THE CERTIFICATE, IF THE PARENT OR
 12 PARENTS INDICATE THAT THEY WISH TO REQUEST THE PREPARATION OF A
 13 CERTIFICATE; TO PROVIDE THAT THE BUREAU OF VITAL STATISTICS WILL
 14 PROVIDE COPIES OF THE FORMS TO HOSPITALS, PHYSICIANS AND MIDWIVES
 15 AS NEEDED FOR THEM TO COMPLY WITH THE PROVISIONS OF THIS SECTION;
 16 AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 41-57-31, Mississippi Code of 1972, is
 19 amended as follows:

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) A death certificate shall be prepared for each stillborn
30 child in this state in the same manner and by the same persons as
31 required for other death certificates. The death certificate
32 shall be of the same form and appearance as other death
33 certificates, except that it will state on its face that the death
34 was of a stillborn. A fetal death report is not sufficient
35 compliance with the requirement of this subsection.

36 (* * * 3) For any stillborn child in this state, the Bureau
37 of Vital Statistics shall issue a certificate of birth resulting
38 in stillbirth upon the request of a parent named on the death
39 certificate, within sixty (60) days of the date of the request. A
40 parent may request the Bureau of Vital Statistics to issue a
41 certificate of birth resulting in stillbirth without regard
42 to * * * when the death occurred * * *, and without regard to the
43 date on which the death certificate was issued.

44 (* * * 4) The person who * * * would have prepared a birth
45 certificate under this chapter for a stillborn child if the child
46 had been born alive shall notify and advise the parent or parents
47 of * * * the stillborn child:

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



50 (b) That a parent may obtain a certificate of birth
51 resulting in stillbirth by contacting the Bureau of Vital
52 Statistics to request the certificate and paying the required fee;
53 and

54 (c) How a parent may contact the Bureau of Vital
55 Statistics to request a certificate of birth resulting in
56 stillbirth.

57 The person who is required to provide the notice under this
58 subsection shall provide to the parent or parents of the stillborn
59 child the form needed to obtain the certificate of birth resulting
60 in stillbirth, if the parent or parents indicate that they wish to
61 request the preparation of a certificate. The Bureau of Vital
62 Statistics shall provide copies of the forms to hospitals,
63 physicians and midwives as needed for them to comply with the
64 provisions of this subsection.

65 (* * *5) A parent may provide a name for a stillborn child
66 on the request for a certificate of birth resulting in stillbirth.
67 The name of the stillborn child provided on or later added by
68 amendment to the certificate shall be the same name as placed on
69 the original or amended death certificate. If the requesting
70 parent does not wish to provide a name, the Bureau of Vital
71 Statistics shall fill in the certificate with the name "baby boy"
72 or "baby girl" and the last name of the parent.

73 (* * *6) * * * The State Department of Health shall
74 prescribe the form and content of a certificate of birth resulting



75 in stillbirth and shall specify the information necessary to
76 prepare the certificate. In addition to any other information
77 required to be on the certificate, the certificate shall include:

78 (a) The date of the stillbirth;

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

80 (c) The state file number of the corresponding death
81 certificate; and

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

84 (* * *7) Upon issuance of a certificate of birth resulting
85 in stillbirth to a parent, the Bureau of Vital Statistics shall
86 file an exact copy of the certificate with the local registrar of
87 the registration district in which the stillbirth occurred. The
88 local registrar shall file the certificate of birth resulting in
89 stillbirth with the death certificate.

90 (* * *8) The Bureau of Vital Statistics may not use a
91 certificate of birth resulting in stillbirth to calculate live
92 birth statistics.

93 (* * *9) The State Board of Health may adopt any rules or
94 regulations necessary to administer this section.

95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2022.

