

CHAPTER 158

HEALTH AND ENVIRONMENT

SENATE BILL 04-095

BY SENATOR(S) Veiga, Anderson, Andrews, Groff, Grossman, Hagedorn, Johnson S., Keller, and Sandoval;
also REPRESENTATIVE(S) Mitchell, Borodkin, Boyd, Carroll, Cloer, Coleman, Fairbank, Frangas, Hefley, Hodge, Hoppe, King,
McFadyen, Merrifield, Miller, Paccione, Ragsdale, Rhodes, Spradley, Stafford, Tochtrop, Weissmann, Welker, and Williams S.

AN ACT**CONCERNING CERTIFICATES OF STILLBIRTH.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-2-102 (4.5) and (5), Colorado Revised Statutes, are amended to read:

25-2-102. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "Stillborn death" OR "STILLBIRTH" means death prior to the complete expulsion or extraction from its mother of a product of human conception, occurring after the twentieth week of pregnancy, and does not include "induced termination of pregnancy", as defined by subsection (2.7) of this section. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(5) "Vital statistics certificate" means any certificate required by section 25-2-110, ~~or~~ 25-2-112, OR 25-2-112.3.

SECTION 2. Article 2 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-2-112.3. Certificates of stillbirth - filing - delayed registration - rules.

(1) THE STATE REGISTRAR SHALL CREATE A CERTIFICATE OF STILLBIRTH AND SHALL FURNISH AND DISTRIBUTE SUCH FORM AS NECESSARY. THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) (a) A CERTIFICATE OF STILLBIRTH SHALL BE OFFERED TO A MOTHER AFTER THE OCCURRENCE OF ANY STILLBIRTH. IF THE MOTHER DECIDES TO HAVE A CERTIFICATE OF STILLBIRTH FILED, IT SHALL BE FILED WITH THE STATE REGISTRAR WITHIN THREE DAYS AFTER THE STILLBIRTH OCCURS AND SHALL BE REGISTERED BY THE STATE REGISTRAR IF IT HAS BEEN COMPLETED AND FILED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND SECTION 25-2-112.

(b) IF THE MOTHER DECIDES NOT TO PLACE A NAME ON THE CERTIFICATE OF STILLBIRTH, THE PERSON PREPARING THE CERTIFICATE OF STILLBIRTH SHALL LEAVE THIS OPTION ON THE CERTIFICATE BLANK.

(3) NOTWITHSTANDING THE PROVISIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION, IF A CERTIFICATE OF STILLBIRTH IS NOT REGISTERED AFTER ONE YEAR FROM THE DATE THE STILLBIRTH OCCURS, A CERTIFICATE MARKED "DELAYED" MAY BE FILED AND REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25-2-114.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to stillbirths occurring prior to, on, or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 2004