

HOUSE BILL NO. 1292

Introduced by

Representatives Toman, Nathe, Porter, Rohr, Seibel

Senator Cook

1 A BILL ~~for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota~~
2 ~~Century Code, relating to memorial birth certificates.~~ for an Act to create and enact a new
3 section to chapter 23-02.1 of the North Dakota Century Code, relating to issuance of a certified
4 copy of a fetal loss; and to amend and reenact section 23-02.1-01 of the North Dakota Century
5 Code, relating to definitions in the Heath Statistics Act.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~SECTION 1. A new section to chapter 23-02.1 of the North Dakota Century Code is created~~
8 ~~and enacted as follows:~~

9 ~~Memorial birth certificates.~~

10 ~~A person, including the state department of health office of statistical services, may issue a~~
11 ~~memorial birth certificate, regardless of whether the birth is a live birth.~~

12 **SECTION 1. AMENDMENT.** Section 23-02.1-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23-02.1-01. Definitions.**

15 As used in this chapter:

- 16 1. "Authorized representative" means a person that has the legal authority to act on
17 behalf of the person named on a record, including a personal representative or
18 guardian.
- 19 2. "Certified" means a copy of the original record on file with the state department of
20 health which is signed and sealed by the state registrar or deputy state registrar.
- 21 3. "Dead body" means a lifeless human body or parts of such body or bones thereof from
22 the state of which it may reasonably be concluded that death recently occurred.
- 23 4. "Electronic birth registration system" means the electronic birth registration system
24 maintained by the state department of health.

- 1 5. "Electronic death registration system" means the electronic death registration system
2 maintained by the state department of health.
- 3 6. "Facts of death" means the demographic and personal information pertaining to an
4 individual's death.
- 5 7. "Fetal death" or "birth resulting in stillbirth" means death occurring before the complete
6 expulsion or extraction from its mother of a product of human conception. The death is
7 indicated by the fact that after such expulsion or extraction the fetus does not breathe
8 or show any evidence of life such as beating of the heart, pulsation of the umbilical
9 cord, or definite movement of voluntary muscles.
- 10 8. "Filing" means the presentation of a record, report, or other information provided for in
11 this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event
12 as specified by the state health officer for registration by the state registrar.
- 13 9. "Final disposition" means the burial, interment, cremation, removal from the state, or
14 other disposition of a dead body or fetus.
- 15 10. "Health statistics" means data derived from records of birth, death, fetal death,
16 marriage, divorce, or other records relating to the health of the populace or the state of
17 the environment.
- 18 11. "Institution" means any establishment, public or private, which provides inpatient
19 medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary
20 care to two or more individuals unrelated by blood, or to which individuals are
21 committed by law.
- 22 12. "Live birth" means the complete expulsion or extraction from its mother of a product of
23 human conception, irrespective of the duration of pregnancy, which after such
24 expulsion or extraction, breathes or shows any other evidence of life such as beating
25 of the heart, pulsation of the umbilical cord, or definite movement of voluntary
26 muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- 27 13. "Medical certification" means the medical information pertaining to an individual's
28 death, including the cause and manner of death.
- 29 14. "Miscarriage of birth" means the expulsion of a fetus from the womb, spontaneously or
30 as a result of an accident, before twenty weeks gestation.

1 15. "Personal or real property interests" means ownership or other legal rights or duties
2 concerning personal or real property.

3 ~~15.16.~~ "Physician" means an individual authorized or licensed to practice medicine or
4 osteopathy under chapter 43-17.

5 ~~16.17.~~ "Registration" means the acceptance by the state registrar and incorporation into
6 official records, reports, or other records provided for in this chapter, of birth, death,
7 fetal death, marriage, divorce, or other records as may be determined by the state
8 health officer.

9 ~~17.18.~~ "Relative" means an individual's current or surviving spouse, a parent or legal
10 guardian, a child, a grandparent, or a grandchild. The state registrar may require proof
11 of the relationship.

12 ~~18.19.~~ "Subregistrar" means a funeral director or other suitable individual from a licensed
13 funeral home who is appointed by the state registrar for the purpose of issuing
14 burial-transit permits.

15 ~~19.20.~~ "System of health statistics tabulation and analysis" includes the tabulation, analysis,
16 and presentation or publication of statistical data derived from health statistics.

17 ~~20.21.~~ "System of vital records registration" includes the registration, collection, preservation,
18 amendment, and certification of birth, death, fetal death, marriage, divorce, or other
19 records as may be determined necessary by the state health officer or the state health
20 officer's designee.

21 **SECTION 2.** A new section to chapter 23-02.1 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Fetal loss.**

24 The state registrar may issue a certified copy of a fetal loss to an individual who
25 experiences a documented miscarriage of birth, if the individual provides to the state registrar a
26 completed fetal loss request form established by the state department of health which is signed
27 by the mother or the father and a letter signed by a hospital, physician, or other medical
28 attendant documenting proof of pregnancy and fetal loss.