

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1077  
Committee Substitute Favorable 4/13/05

Short Title: Birth Certificate/Stillborn Infants.

(Public)

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Sponsors:

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Referred to:

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March 31, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF  
3 BIRTH RESULTING IN STILLBIRTH.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 130A-114 reads as rewritten:

6 "**§ 130A-114. Fetal death ~~registration~~registration; certificate of birth resulting in**  
7 **stillbirth.**

8 (a) Each spontaneous fetal death occurring in the State of 20 completed weeks  
9 gestation or more, as calculated from the first day of the last normal menstrual period  
10 until the day of delivery, shall be reported within 10 days after delivery to the local  
11 registrar of the county in which the delivery occurred. The report shall be made on a  
12 form prescribed and furnished by the State Registrar.

13 (b) When fetal death occurs in a hospital or other medical facility, the person in  
14 charge of the facility shall obtain the cause of fetal death and other required medical  
15 information over the signature of the attending physician, and shall prepare and file the  
16 report with the local registrar.

17 (c) When a fetal death occurs outside of a hospital or other medical facility, the  
18 physician in attendance at or immediately after the delivery shall prepare and file the  
19 report. When a fetal death is attended by a person authorized to attend childbirth, the  
20 supervising physician shall prepare and file the report. Fetal deaths attended by lay  
21 midwives and all other persons shall be treated as deaths without medical attendance as  
22 provided for in G.S. 130A-115 and the medical examiner shall prepare and file the  
23 report.

24 (d) In the event of a spontaneous fetal death occurring in the State, either parent  
25 of the stillborn child may file an application with the State Registrar and other custodian  
26 of vital records requesting a certificate of birth resulting in stillbirth. The application  
27 may be made for stillbirths occurring on and after July 1, 2002. For stillbirths occurring  
28 before July 1, 2002, the application must be accompanied by a certified copy of the fetal  
29 death report. The certificate of birth resulting in stillbirth shall be based upon the

1 information available from the spontaneous fetal death report filed pursuant to this  
2 section. The person who prepares a certificate of birth resulting in stillbirth shall leave  
3 blank any references to the stillborn child's name if the stillborn child's parent or parents  
4 do not wish to provide a name for the stillborn child. The certificate of birth resulting in  
5 stillbirth shall clearly indicate that it is not proof of a live birth. Issuance of a certificate  
6 of birth resulting in stillbirth does not replace the requirement to file a report of fetal  
7 death under this section."

8           **SECTION 2.** The Department of Health and Human Services shall use funds  
9 available to the Department to implement the provisions of this act.

10           **SECTION 3.** This act is effective when it becomes law.