
HOUSE BILL 1137

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Green, Takko, Springer, Moscoso, Walsh, Ryu, and Hudgins

Read first time 01/16/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the local government issuance of a certificate
2 of stillbirth; adding a new section to chapter 70.58 RCW; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that a
6 principal duty of local governments is to promote and protect the
7 health and safety of their residents. In addition to providing
8 essential health and safety functions through fire and law enforcement
9 agencies, local governments, through county boards of health, combined
10 city and county health departments, and health districts, support
11 public health and safety through the collection and maintenance of
12 vital statistics, and through the issuance of official certificates
13 associated with births and deaths.

14 (2) In recognition of these local government actions, and the
15 important benefits derived from them, the legislature intends to create
16 a new process allowing the mother or father of a stillborn fetus to
17 request and receive a certificate of stillbirth from the applicable
18 local government.

1 (3) The legislature furthermore reaffirms a woman's right to
2 reproductive privacy and freedom, a right which is protected through
3 Washington's statutes, judicial decisions, and Constitution. The
4 legislature does not intend for this act to alter a woman's right to
5 reproductive privacy and freedom.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.58 RCW
7 to read as follows:

8 (1) The local registrar of the county in which a stillbirth occurs
9 must issue, solely upon request of the mother or father, a certificate
10 of stillbirth. The local registrar must transmit a copy of any issued
11 certificate of stillbirth to the state registrar no later than sixty
12 days after its issuance.

13 (2) Except as otherwise provided in this section, a certificate of
14 stillbirth must comply with the format requirements governing a birth
15 certificate. The certificate of stillbirth also must contain a title
16 at the top of the certificate that reads, "certificate of stillbirth,"
17 and must contain a statement at the bottom of the certificate that
18 reads, "this certificate of stillbirth is not proof of a live birth."

19 (3) The certificate of stillbirth is in addition to, and may not
20 replace, a fetal death certificate. The issue date of the fetal death
21 certificate may not delay or otherwise affect the issuance of a
22 certificate of stillbirth to a requesting mother or father.

23 (4) A certificate of stillbirth must contain the following
24 information taken, when possible, from the fetal death certificate:

- 25 (a) The date of the stillbirth;
- 26 (b) The county in which the stillbirth occurred;
- 27 (c) The name, if any, and sex of the stillborn fetus;
- 28 (d) The time and place of the stillbirth, including the street
29 address, and, if applicable, the name of the hospital in which the
30 stillbirth occurred;
- 31 (e) The names, dates of birth, and states of birth of the mother
32 and father; and
- 33 (f) The file number of the fetal death certificate.

34 (5) The state or local registrar may not use the information on a
35 certificate of stillbirth for any purpose other than to respond to a
36 request for the certificate from the mother or father.

1 (6) The local and state registrars may charge a fee for processing
2 and issuing a certificate of stillbirth. The amount of the fee may not
3 exceed the full cost of providing the certificate.

4 (7)(a) For purposes of this section, the following definitions
5 apply:

6 (i) "Mother or father" means mother or father of the fetus; and

7 (ii) "Stillbirth" means the delivery of a fetus where there was a
8 naturally occurring intrauterine fetal death after a gestational age of
9 at least twenty completed weeks.

10 (b) The terms used in this section do not apply to or affect the
11 definition, use, meaning, or intent of the terms as they may appear in
12 other statutes, judicial decisions, or in the state Constitution.

13 (8) Nothing in this section:

14 (a) May be the basis for a civil cause of action seeking damages
15 against any person or entity for bodily injury, personal injury, or
16 wrongful death for a stillbirth;

17 (b) Is intended to alter a woman's right to reproductive privacy
18 and freedom or to alter or supersede any other provision of law; and

19 (c) Except for the right to request a certificate of stillbirth,
20 constitutes the basis of any new right, privilege, or entitlement or
21 abrogates any existing right, privilege, or entitlement.

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