

SENATE FILE NO. SF0085

Certificate of nonviable birth.

Sponsored by: Senator(s) Boner, Baldwin and Driskill and
Representative(s) Dayton, Hallinan and
Sweeney

A BILL

for

1 AN ACT relating to vital records; permitting requests for
2 the filing and registration of certificates of nonviable
3 birth; providing duties and requirements related to the
4 filing and registration of certificates; including records
5 of nonviable births as vital records; prescribing contents
6 of certificates; providing recordkeeping requirements
7 regarding nonviable births; requiring rulemaking; requiring
8 the development of forms and certificates; and providing
9 for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 35-1-432 is created to read:

14

1 **35-1-432. Nonviable births; certificates; filing and**
2 **registration.**

3
4 (a) A physician, physician assistant or advanced
5 practice registered nurse who, on or after July 1, 2018,
6 attends or diagnoses a nonviable birth, or learns from a
7 patient that the patient suffered a nonviable birth, shall
8 advise the patient that the patient may request:

9
10 (i) The filing and registration of a certificate
11 of nonviable birth as provided in subsection (b) of this
12 section;

13
14 (ii) A certified copy of a certificate of
15 nonviable birth from vital records services as provided in
16 W.S. 35-1-427(e).

17
18 (b) Upon the request of a parent of a nonviable
19 birth, a physician, physician assistant or advanced
20 practice registered nurse who attended or diagnosed the
21 nonviable birth shall, within thirty (30) days, file a
22 certificate of nonviable birth with the local registrar of
23 the district in which the nonviable birth occurred, if

1 known, or was diagnosed. The certificate shall be filed on
2 a form prescribed by vital records services and shall
3 include the items specified in W.S. 35-1-409. The local
4 registrar shall register the certificate if it has been
5 filed in accordance with this subsection.

6
7 **Section 2.** W.S. 35-1-401(a)(i), (iii), (iv) and by
8 creating a new paragraph (xiv), 35-1-404(a)(ii),
9 35-1-407(a)(i), (iv) and (v), 35-1-408(a), 35-1-409 by
10 creating a new subsection (c), 35-1-421(a), 35-1-427(d) and
11 by creating a new subsection (e), 35-1-429(a) and 35-1-430
12 are amended to read:

13
14 **35-1-401. Definitions.**

15
16 (a) As used in this act:

17
18 (i) "Vital records" means records of birth,
19 death, stillbirth, nonviable birth, marriage, divorce and
20 data relating thereto;

21
22 (iii) "Filing" means the presentation of a
23 certificate, report, or other record of a birth, death,

1 stillbirth, nonviable birth, adoption, marriage, or
2 divorce, for registration by vital records services;

3
4 (iv) "Registration" means the acceptance by
5 vital records services and the incorporation in its
6 official records of certificates, reports or other records
7 of births, deaths, stillbirths, nonviable births, adoption,
8 marriages, and divorces;

9
10 (xiv) "Nonviable birth" means an unintentional,
11 spontaneous demise of an unborn child that occurs any time
12 after nine (9) completed weeks gestation through twenty
13 (20) completed weeks gestation.

14
15 **35-1-404. Duties of state registrar.**

16
17 (a) The state registrar shall:

18
19 (ii) Receive, index and statistically compile
20 the returns of births, deaths, stillbirths, nonviable
21 births, marriages and divorces from the entire state;

22
23 **35-1-407. Duties of local registrars.**

1

2 (a) Each local registration official shall serve as
3 an agent of the state registrar in his district and shall:

4

5 (i) Register only births, stillbirths and deaths
6 that occur, and nonviable births filed under W.S.
7 35-1-432(b) that occur or are diagnosed, in his district;

8

9 (iv) Make prompt returns on or before the fifth
10 day of each month to the state registrar or report that no
11 births, stillbirths or deaths occurred, or nonviable births
12 filed under W.S. 35-1-432(b) occurred or were diagnosed, in
13 his district;

14

15 (v) See that the provisions of this act are
16 enforced in his district and that all births, stillbirths,
17 ~~and~~ deaths, ~~that occur~~ and nonviable births filed under
18 W.S. 35-1-432(b) are fully registered and make prompt
19 report to the state registrar of any case of failure or
20 neglect to file certificates;

21

22 **35-1-408. Compensation of local registrars.**

23

1 (a) Each local registrar shall be paid 50 cents
2 (\$.50) for each certificate of birth, death, nonviable
3 birth or stillbirth registered by him and promptly
4 transmitted to the state registrar. If no birth, death,
5 nonviable birth or stillbirth is registered by him during
6 any calendar month, the local registrar shall report that
7 fact to the state registrar and be paid the sum of 50 cents
8 (\$.50).

9
10 **35-1-409. Form of certificates.**

11
12 (c) A certificate of nonviable birth shall include
13 the following items:

14
15 (i) The date on which the nonviable birth
16 occurred, if known, or was diagnosed;

17
18 (ii) The county in which the nonviable birth
19 occurred, if known, or was diagnosed;

20
21 (iii) The name of the miscarried child, if
22 provided by a parent of the nonviable birth. If no name is
23 provided, the first name "Baby Boy" or "Baby Girl", or

1 "Baby" if the sex of the miscarried child is unknown, and
2 the last name of the requesting parent shall appear on the
3 certificate;

4
5 (iv) Any other items prescribed by vital records
6 services.

7
8 **35-1-421. Extension of time.**

9
10 (a) The department of health may, by regulation and
11 upon such conditions as it may prescribe to assure
12 compliance with the purposes of this act, provide for the
13 extension of the periods prescribed in this act, for the
14 filing of death certificates, stillbirth certificates and
15 certificates for nonviable births, and for the obtaining of
16 burial-transit permits in cases in which compliance with
17 the applicable prescribed period would result in undue
18 hardship.

19
20 **35-1-427. Copies of data from vital records.**

21
22 (d) No person shall prepare or issue any certificate
23 which purports to be an original, certified copy or copy of

1 a certificate of birth, death, nonviable birth or
2 stillbirth, except as authorized by this act or regulations
3 adopted hereunder.

4
5 (e) Vital records services shall issue a certified
6 copy of a certificate of nonviable birth to a parent named
7 on the registration of a nonviable birth not later than
8 sixty (60) days after receiving the parent's request for
9 the certified copy. The parent shall submit the request on
10 a form prescribed by vital records services.

11
12 **35-1-429. Persons required to keep records.**

13
14 (a) Every person in charge of an institution ~~as~~
15 ~~defined in this act~~ shall keep a record of personal
16 particulars and data concerning each person admitted or
17 confined to the institution. The record shall be limited to
18 information required by the standard ~~certificate~~ forms for
19 certificates of birth, nonviable birth, death and
20 stillbirth ~~forms~~ issued under the provisions of this act.
21 Except for records of nonviable births, the record shall be
22 made at the time of admission from information provided by
23 the person, but when it cannot be so obtained, the same

1 shall be obtained from relatives or other persons
2 acquainted with the facts. The record of a nonviable birth
3 shall be made upon a request for the filing of a
4 certificate of nonviable birth under W.S. 35-1-432(b). The
5 name and address of the person providing the information
6 shall be a part of the record.

7
8 **35-1-430. Duties to furnish information relative to**
9 **vital events.**

10
11 Any person having actual knowledge of the facts shall
12 furnish such information as he may possess regarding any
13 birth, death, stillbirth, nonviable birth filed under W.S.
14 35-1-432(b), marriage or divorce upon demand of the state
15 registrar of vital records.

16
17 **Section 3.** The department of health shall promulgate
18 rules and regulations and vital records services shall
19 develop forms and certificates necessary to implement this
20 act by July 1, 2018.

21
22 **Section 4.**

1 (a) Except as otherwise provided in subsection (b) of
2 this section, this act is effective July 1, 2018.

3

(b) Section 3 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

8

9 (END)