

26:8-37

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2003 **CHAPTER:** 312

NJSA: 26:8-37 (Certificate of birth—still-birth)

BILL NO: S1771 (Substituted for A2335)

SPONSOR(S): Caffiero and others

DATE INTRODUCED: September 12, 2002

COMMITTEE: **ASSEMBLY:** Health and Human Services

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 12, 2004

SENATE: January 12, 2004

DATE OF APPROVAL: January 20, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint)
(Amendments during passage denoted by asterisks)

S1771

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2335

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S1771

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Parents of stillborn can now request birth certificate," 1-21-2004 The Record, pA11

P.L. 2003, CHAPTER 312, *approved January 20, 2004*
Senate, No. 1771 (*Second Reprint*)

1 AN ACT concerning stillbirths and amending R.S.26:8-37.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. R.S.26:8-37 is amended to read as follows:

7 26:8-37. a. A stillborn child shall be registered as a fetal death as
8 required by **[section]** R.S.26:6-11 **[of the Revised Statutes]**.

9 b. (1) The State registrar shall establish a certificate of birth
10 resulting in stillbirth,¹ subject to the provisions of paragraph (2) of this
11 subsection,¹ which shall contain such items as shall be listed on a form
12 provided or approved by the State registrar pursuant to subsection c.
13 of R.S.26:8-24, for² **[a]** an unintended, intrauterine² fetal death
14 occurring in this State after a gestational period of 20 or more weeks.
15 This certificate shall be offered to the parent of a stillborn child.

16 ²(2) The certificate shall be provided by the State Registrar upon
17 the parent's written request that is transmitted to the State registrar by
18 a licensed health care professional on the parent's behalf.

19 (3)² The person who prepares a certificate pursuant to this
20 subsection shall leave blank any references to the stillborn child's name
21 if the stillborn child's parent does not wish to provide a name for the
22 stillborn child.

23 ²(4)² The certificate of birth resulting in stillbirth shall be filed with
24 the local registrar of the district in which the birth resulting in stillbirth
25 occurred within three days following² **[the delivery and prior to**
26 **cremation or removal of the fetus from the district]** receipt by the
27 State registrar of the parent's request for the certificate².

28 ²**[(2)] (5)**² When a birth resulting in stillbirth occurring in this State
29 has not been registered within one year after the date of delivery, a
30 certificate marked "delayed" may be filed and registered.

31 (cf: P.L.1951, c.85, s.2)

32

33 2. The Commissioner of Health and Senior Services shall adopt
34 rules and regulations pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
36 act.

37

38 3. This act shall take effect on the 60th day following enactment
39 ¹and shall apply to stillbirths that occurred before, on or after the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted May 19, 2003.

² Assembly AHH committee amendments adopted December 11, 2003.

1 effective date¹.

2

3

4

5

6 Establishes certificate of birth resulting in stillbirth.

SENATE, No. 1771

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Establishes certificate of birth resulting in stillbirth.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/5/2003)

1 AN ACT concerning stillbirths and amending R.S.26:8-37.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. R.S.26:8-37 is amended to read as follows:

7 26:8-37. a. A stillborn child shall be registered as a fetal death as
8 required by [section]R.S.26:6-11 [of the Revised Statutes].

9 b. (1) The State registrar shall establish a certificate of birth
10 resulting in stillbirth, which shall contain such items as shall be listed
11 on a form provided or approved by the State registrar pursuant to
12 subsection c. of R.S.26:8-24, for a fetal death occurring in this State
13 after a gestational period of 20 or more weeks. This certificate shall
14 be offered to the parent of a stillborn child.

15 The person who prepares a certificate pursuant to this subsection
16 shall leave blank any references to the stillborn child's name if the
17 stillborn child's parent does not wish to provide a name for the
18 stillborn child.

19 The certificate of birth resulting in stillbirth shall be filed with the
20 local registrar of the district in which the birth resulting in stillbirth
21 occurred within three days following the delivery and prior to
22 cremation or removal of the fetus from the district.

23 (2) When a birth resulting in stillbirth occurring in this State has
24 not been registered within one year after the date of delivery, a
25 certificate marked "delayed" may be filed and registered.

26 (cf: P.L.1951, c.85, s.2)

27

28 2. The Commissioner of Health and Senior Services shall adopt
29 rules and regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
31 act.

32

33 3. This act shall take effect on the 60th day following enactment.

34

35

36

STATEMENT

37

38 This bill establishes a certificate of birth resulting in stillbirth for a
39 fetal death occurring in this State after a gestational period of 20 or
40 more weeks. This certificate shall be offered to the parent of a
41 stillborn child. In many cases, a stillborn child is carried to term, yet
42 the parent is only provided with a certificate of fetal death. This bill
43 will allow parents and families to receive a certificate of birth resulting

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 in stillbirth in addition to the certificate of fetal death.

2 Current New Jersey law requires a certificate of fetal death for
3 every stillbirth in the State, which includes any death prior to the
4 complete expulsion or extraction from its mother of a product of
5 conception, provided that 20 or more weeks of gestation have elapsed
6 prior to the delivery. The stillbirth is indicated by the fact that after
7 delivery the fetus does not breathe or show any other evidence of life
8 such as beating of the heart, pulsation of the umbilical cord or definite
9 movement of voluntary muscles.

10 In 1998, the most recent year for which statistics are available,
11 there were 764 stillbirths in the State. The number and rate of
12 stillbirths in 1998 is slightly higher than the number and rate of
13 stillbirths in 1997; however, the numbers and rates of stillbirths has
14 significantly decreased during the past 10 years.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1771

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Health and Human Services Committee reports favorably and with committee amendments Senate Bill No. 1771 (1R).

As amended by the committee, this bill establishes a certificate of birth resulting in stillbirth for an unintended, intrauterine fetal death occurring in this State after a gestational period of 20 or more weeks, which is to be offered to the parent of a stillborn child. In many cases, a stillborn child is carried to term, yet the parent is only provided with a certificate of fetal death. This bill would allow parents and families to receive a certificate of birth resulting in stillbirth in addition to the certificate of fetal death. The bill provides that when a birth resulting in stillbirth is not registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered.

The bill stipulates that the certificate of birth resulting in stillbirth is to be provided by the State Registrar upon the parent's written request that is transmitted to the State registrar by a licensed health care professional on the parent's behalf.

The bill also provides that the certificate of birth resulting in stillbirth is to be filed with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State registrar of the parent's request for the certificate.

The bill takes effect on the 60th day following enactment, but applies to stillbirths that occurred before, on or after its effective date.

Current New Jersey law requires a certificate of fetal death for every stillbirth in the State, which includes any death prior to the complete expulsion or extraction from its mother of a product of conception, provided that 20 or more weeks of gestation have elapsed prior to the delivery. The stillbirth is indicated by the fact that after delivery 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.

As reported by the committee, this bill is identical to Assembly Bill No. 2335 Aca (Asselta), which the committee also reported on this date.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) provide for a certificate of birth resulting in stillbirth for an "unintended, intrauterine" fetal death;

(2) stipulate that the certificate is to be provided by the State Registrar upon the parent's written request that is transmitted to the State registrar by a licensed health care professional on the parent's behalf; and

(3) require that the certificate of birth resulting in stillbirth be filed with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State registrar of the parent's request for the certificate.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1771

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1771.

As amended by committee, this bill establishes a certificate of birth resulting in stillbirth for a fetal death occurring in this State after a gestational period of 20 or more weeks. This certificate shall be offered to the parent of a stillborn child. In many cases, a stillborn child is carried to term, yet the parent is only provided with a certificate of fetal death. This bill will allow parents and families to receive a certificate of birth resulting in stillbirth in addition to the certificate of fetal death. The bill provides that when a birth resulting in stillbirth is not registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered.

The bill takes effect on the 60th day following enactment, but shall apply to stillbirths that occurred before, on or after the effective date.

Current New Jersey law requires a certificate of fetal death for every stillbirth in the State, which includes any death prior to the complete expulsion or extraction from its mother of a product of conception, provided that 20 or more weeks of gestation have elapsed prior to the delivery. The stillbirth is indicated by the fact that after delivery 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.

The committee amended the bill to provide that the provisions of the bill shall apply to stillbirths that occurred before, on or after the effective date of the bill.

This bill is similar to Assembly Bill No.2335 (Kean/Asselta), which is pending before the Assembly Health and Human Services Committee.

ASSEMBLY, No. 2335

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 9, 2002

Sponsored by:

Assemblyman THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblyman Bramnick

SYNOPSIS

Establishes certificate of birth resulting in stillbirth.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning stillbirths and amending R.S.26:8-37.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. R.S.26:8-37 is amended to read as follows:

7 26:8-37. a. A stillborn child shall be registered as a fetal death as
8 required by [section]R.S.26:6-11 [of the Revised Statutes].

9 b. (1) The State registrar shall establish a certificate of birth
10 resulting in stillbirth, which shall contain such items as shall be listed
11 on a form provided or approved by the State registrar pursuant to
12 subsection c. of R.S.26:8-24, for a fetal death occurring in this State
13 after a gestational period of 20 or more weeks. This certificate shall
14 be offered to the parent of a stillborn child.

15 The person who prepares a certificate pursuant to this subsection
16 shall leave blank any references to the stillborn child's name if the
17 stillborn child's parent does not wish to provide a name for the
18 stillborn child.

19 The certificate of birth resulting in stillbirth shall be filed with the
20 local registrar of the district in which the birth resulting in stillbirth
21 occurred within three days following the delivery and prior to
22 cremation or removal of the fetus from the district.

23 (2) When a birth resulting in stillbirth occurring in this State has
24 not been registered within one year after the date of delivery, a
25 certificate marked "delayed" may be filed and registered.

26 (cf: P.L.1951, c.85, s.2)

27

28 2. The Commissioner of Health and Senior Services shall adopt
29 rules and regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
31 act.

32

33 3. This act shall take effect on the 60th day following enactment.

34

35

36

STATEMENT

37

38 This bill establishes a certificate of birth resulting in stillbirth for a
39 fetal death occurring in this State after a gestational period of 20 or
40 more weeks. This certificate shall be offered to the parent of a
41 stillborn child. In many cases, a stillborn child is carried to term, yet
42 the parent is only provided with a certificate of fetal death. This bill
43 will allow parents and families to receive a certificate of birth resulting

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in stillbirth in addition to the certificate of fetal death.

2 Current New Jersey law requires a certificate of fetal death for
3 every stillbirth in the State, which includes any death prior to the
4 complete expulsion or extraction from its mother of a product of
5 conception, provided that 20 or more weeks of gestation have elapsed
6 prior to the delivery. The stillbirth is indicated by the fact that after
7 delivery the fetus does not breathe or show any other evidence of life
8 such as beating of the heart, pulsation of the umbilical cord or definite
9 movement of voluntary muscles.

10 In 1998, the most recent year for which statistics are available,
11 there were 764 stillbirths in the State. The number and rate of
12 stillbirths in 1998 is slightly higher than the number and rate of
13 stillbirths in 1997; however, the numbers and rates of stillbirths has
14 significantly decreased during the past 10 years.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2335

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2335.

As amended by the committee, this bill establishes a certificate of birth resulting in stillbirth for an unintended, intrauterine fetal death occurring in this State after a gestational period of 20 or more weeks, which is to be offered to the parent of a stillborn child. In many cases, a stillborn child is carried to term, yet the parent is only provided with a certificate of fetal death. This bill would allow parents and families to receive a certificate of birth resulting in stillbirth in addition to the certificate of fetal death. The bill provides that when a birth resulting in stillbirth is not registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered.

The bill stipulates that the certificate of birth resulting in stillbirth is to be provided by the State Registrar upon the parent's written request that is transmitted to the State registrar by a licensed health care professional on the parent's behalf.

The bill also provides that the certificate of birth resulting in stillbirth is to be filed with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State registrar of the parent's request for the certificate.

The bill takes effect on the 60th day following enactment, but applies to stillbirths that occurred before, on or after its effective date.

Current New Jersey law requires a certificate of fetal death for every stillbirth in the State, which includes any death prior to the complete expulsion or extraction from its mother of a product of conception, provided that 20 or more weeks of gestation have elapsed prior to the delivery. The stillbirth is indicated by the fact that after delivery 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.

As reported by the committee, this bill is identical to Senate Bill No. 1771 (1R) Aca (Cafiero/T.Kean), which the committee also reported on this date.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) provide for a certificate of birth resulting in stillbirth for an "unintended, intrauterine" fetal death;

(2) stipulate that the certificate is to be provided by the State Registrar upon the parent's written request that is transmitted to the State registrar by a licensed health care professional on the parent's behalf;

(3) require that the certificate of birth resulting in stillbirth be filed with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State registrar of the parent's request for the certificate; and

(4) apply the provisions of the bill to stillbirths occurring before, on or after the effective date of the bill.