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2001



HOUSE BILL 01-1325

BY REPRESENTATIVE(S) Mitchell, Cadman, Cloer, Dean, Fairbank, Hefley, Jahn, Lee, Nuñez, Paschall, Rhodes, Schultheis, Scott, Snook, and Stafford;
also SENATOR(S) Anderson, Arnold, Cairns, Lamborn, May, Nichol, and Teck.

CONCERNING REQUIREMENTS FOR A STILLBORN FETUS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-2-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-2-102. Definitions. As used in this article, unless the context otherwise requires:

(3.7) "STILLBORN DEATH" MEANS DEATH PRIOR TO THE COMPLETE EXPULSION OR EXTRACTION FROM ITS MOTHER OF A PRODUCT OF HUMAN CONCEPTION, OCCURRING AFTER THE TWENTIETH WEEK OF PREGNANCY, AND DOES NOT INCLUDE "INDUCED TERMINATION OF PREGNANCY", AS DEFINED BY SUBSECTION (2.7) OF THIS SECTION. THE DEATH IS INDICATED BY THE FACT THAT AFTER SUCH EXPULSION OR EXTRACTION THE FETUS DOES NOT BREATHE OR SHOW ANY OTHER EVIDENCE OF LIFE SUCH AS BEATING OF THE HEART,

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

PULSATION OF THE UMBILICAL CORD, OR DEFINITE MOVEMENT OF VOLUNTARY MUSCLES.

SECTION 2. 25-2-110 (1) and (3), Colorado Revised Statutes, are amended to read:

25-2-110. Certificates of death. (1) A certificate of death for each death, INCLUDING A STILLBORN DEATH, which occurs in Colorado shall be filed with the state registrar or as otherwise directed by the state registrar, within five days after such death occurs and prior to final disposition, and shall be registered if it has been completed in accordance with this section. Every certificate of death shall identify the decedent's social security number, if available. If the place of death is unknown but the dead body is found in Colorado, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

(3) (a) The funeral director or person acting as such who first assumes custody of a dead body, STILLBORN FETUS, or dead fetus shall be responsible for the filing of the death certificate required by subsection (1) of this section. He OR SHE shall obtain the personal data required by the certificate from the next of kin or the best qualified person or source available. He OR SHE shall obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from the best qualified person or source available, pursuant to subsection (4) of this section.

(b) IN THE CASE OF A STILLBORN FETUS, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE PHYSICIAN, NURSE, OR OTHER MEDICAL PERSONNEL ATTENDING TO THE STILLBORN DEATH MAY ASSUME RESPONSIBILITY FOR FILING THE DEATH CERTIFICATE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3). THE PERSON FILING THE DEATH CERTIFICATE IN THE CASE OF A STILLBORN FETUS SHALL OBTAIN THE PERSONAL DATA REQUIRED BY THE CERTIFICATE FROM A PARENT, AND SHALL INCLUDE A NAME ON THE DEATH CERTIFICATE, IF A PARENT DESIRES TO IDENTIFY A NAME.

(c) IF A DEATH CERTIFICATE IS NOT FILED IN THE CASE OF A STILLBORN DEATH AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3), A PARENT MAY INFORM THE STATE REGISTRAR OF THE INFORMATION

NECESSARY TO COMPLETE THE DEATH CERTIFICATE. THE STATE REGISTRAR SHALL CONFIRM SUCH INFORMATION AND COMPLETE THE DEATH CERTIFICATE ACCORDINGLY.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of

the official declaration of the vote thereon by proclamation of the governor.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO