

BILL ANALYSIS

C.S.H.B. 869
By: Leach
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns regarding the issuance of a certificate of birth resulting in stillbirth and the relationship under the law between such a certificate and a certificate of fetal death. Additionally, interested parties contend that the law needs to be revised in order to alleviate the burdens on a family that loses a child before the child's birth. C.S.H.B. 869 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 869 amends the Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to remove the condition that an unintended, intrauterine fetal death occur after a certain gestational age for the death to be considered a stillbirth for purposes relating to the issuance of a certificate of birth resulting in stillbirth. The bill clarifies that the person who is required to advise the parent or parents of a stillborn child of certain information about obtaining a certificate of birth resulting in stillbirth is a person who is required to file a fetal death certificate or is otherwise involved in the disposition of the stillborn child's remains. The bill removes a requirement that the name of the stillborn child provided on or later added by amendment to the certificate of birth resulting in stillbirth be the same name as placed on the original or amended fetal death certificate. The bill requires the Department of State Health Services (DSHS) to issue a certificate of birth resulting in stillbirth at the request of a parent of the stillborn child.

C.S.H.B. 869 removes a requirement for the local registrar of the registration district in which a stillbirth occurred to file the certificate of birth resulting in stillbirth with the fetal death certificate. The bill authorizes a parent to request the DSHS vital statistics unit to issue a certificate of birth resulting in stillbirth without regard to the date on which the birth resulting in stillbirth occurred and removes the specification that such authorization applies without regard to the date on which the fetal death certificate was issued. The bill specifies that a certificate of birth resulting in stillbirth is not a certificate of fetal death and the issuance of a certificate of birth resulting in stillbirth does not affect the issuance of a certificate of fetal death.

C.S.H.B. 869 repeals Section 192.0022(d), Health and Safety Code, requiring a certificate of birth resulting in stillbirth to include the state file number of the corresponding fetal death certificate.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 869 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.