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SENATE BILL NO. 962

Offered January 14, 2009

Prefiled January 12, 2009

A BILL to amend and reenact § 32.1-264 of the Code of Virginia, relating to reporting of fetal deaths; penalty.

Patron—Obenshain

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-264 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-264. Reports of fetal deaths; medical certification; investigation by medical examiner; confidentiality of information concerning abortions.

A. A fetal death report for each fetal death which occurs in this Commonwealth shall be filed, on a form furnished by the State Registrar, with the registrar of the district in which the delivery occurred or the abortion was performed within three days after such delivery or abortion and shall be registered with such registrar if it has been completed and filed in accordance with this section; provided that:

1. If the place of fetal death is unknown, a fetal death report shall be filed in the registration district in which a dead fetus was found within three days after discovery of such fetus; and

2. If a fetal death occurs in a moving conveyance, a fetal death report shall be filed in the registration district in which the fetus was first removed from such conveyance.

B. The funeral director or person who first assumes custody of a dead fetus or, in the absence of a funeral director or such person, the hospital representative who first assumes custody of a fetus shall file the fetal death report; in the absence of such a person, the physician or other person in attendance at or after the delivery or abortion shall file the report of fetal death. The person completing the forms shall obtain the personal data from the next of kin or the best qualified person or source available, and he shall obtain the medical certification of cause of death from the person responsible for preparing the same as provided in this section. In the case of induced abortion, such forms shall not identify the patient by name.

C. The medical certification portion of the fetal death report shall be completed and signed within ~~twenty-four~~ 24 hours after delivery or abortion by the physician in attendance at or after delivery or abortion except when inquiry or investigation by a medical examiner is required.

D. When a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion or when inquiry or investigation by a medical examiner is required, the medical examiner shall investigate the cause of fetal death and shall complete and sign the medical certification portion of the fetal death report within twenty-four hours after being notified of a fetal death.

E. When a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion, the mother or someone acting on her behalf shall, within 24 hours, report the fetal death, location of the remains, and identity of the mother to the local or state police or sheriff's department of the city or county where the fetal death occurred. No one shall remove, destroy, or otherwise dispose of any remains without the express authorization of law-enforcement officials or the medical examiner. Any person violating the provisions of this subsection shall be guilty of a Class 1 misdemeanor.

F. The reports required pursuant to this section are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital records. A schedule for the disposition of these reports may be provided by regulation.

FG. The physician or facility attending an individual who has delivered a dead fetus shall maintain a copy of the fetal death report for one year and, upon written request by the individual and payment of an appropriate fee, shall furnish the individual a copy of such report.

INTRODUCED

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