

Substitute for HOUSE BILL No. 2242

By Committee on Federal and State Affairs

3-17

1 AN ACT concerning use of vital statistics; relating to death and unborn  
2 child death certificates; amending K.S.A. 65-2401 and 65-2412 and  
3 repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-2401 is hereby amended to read as follows: 65-  
7 2401. As used in this act:

8 (1) "Vital statistics" includes the registration, preparation,  
9 transcription, collection, compilation, and preservation of data pertaining  
10 to birth, adoption, legitimation, death, ~~stillbirth~~ *unborn child death*,  
11 marriage, divorce, annulment of marriage, induced termination of  
12 pregnancy, and data incidental thereto.

13 (2) "*Unborn child*" means a living individual organism of the species  
14 *homo sapiens, in utero, irrespective of the duration of pregnancy.*"

15 (3) "Live birth" means ~~the complete expulsion or extraction from its~~  
16 ~~mother of a product of human conception irrespective of the duration of~~  
17 ~~pregnancy, an unborn child~~ which, after ~~such~~ expulsion or extraction,  
18 breathes or shows any other evidence of life such as beating of the heart,  
19 pulsation of the umbilical cord, or definite movement of voluntary  
20 muscles, whether or not the umbilical cord has been cut or the placenta is  
21 attached.

22 ~~(3) (4) "Stillbirth" means any complete expulsion or extraction from~~  
23 ~~its mother of a product of human conception the weight of which is in~~  
24 ~~excess of 350 grams, irrespective of the duration of pregnancy, resulting~~  
25 ~~in other than a live birth, as defined in this act, an unborn child, in excess~~  
26 ~~of 350 grams, who dies in utero, and which is not an induced termination~~  
27 ~~of pregnancy.~~

28 ~~(4) (5) "Induced termination of pregnancy" means the purposeful~~  
29 ~~interruption of pregnancy with the intention other than to produce a live-~~  
30 ~~born infant or to remove a dead fetus and which does not result in a live~~  
31 ~~birth.~~

32 ~~(5) (6) "Dead body" means a lifeless human body or such parts of a~~  
33 ~~human body or the bones thereof from the state of which it reasonably may~~  
34 ~~be concluded that death recently occurred.~~

35 ~~(6) (7) "Person in charge of interment" means any person who places~~  
36 ~~or causes to be placed a stillborn dead unborn child or dead body or the~~

1 ashes, after cremation, in a grave, vault, urn or other receptacle, or  
2 otherwise disposes thereof.

3 (7) (8) "Secretary" means the secretary of health and environment.

4 Sec. 2: K.S.A. 65-2412 is hereby amended to read as follows: 65-  
5 2412. (a) A death certificate or ~~stillbirth~~ *unborn child death* certificate for  
6 each death or ~~stillbirth~~ *unborn child death* which occurs in this state shall  
7 be filed with the state registrar within three days after such death and prior  
8 to removal of the body from the state and shall be registered by the state  
9 registrar if such death certificate or ~~stillbirth~~ *unborn child death* certificate  
10 has been completed and filed in accordance with this section. If the place  
11 of death is unknown, a death certificate shall be filed indicating the  
12 location where the body was found as the place of death. A certificate  
13 shall be filed within three days after such occurrence; if death occurs in a  
14 moving conveyance, the death certificate shall record the location where  
15 the dead body was first removed from such conveyance as the place of  
16 death.

17 (b) *An unborn child death certificate shall not be filed for induced*  
18 *terminations of pregnancy required to be reported by KSA 65-445 and*  
19 *amendments thereto.*

20 (c) *When an unborn child death occurs in an institution, the person*  
21 *in charge of the institution or the person's designated representative shall*  
22 *obtain the personal data, prepare the certificate, secure the signatures*  
23 *required by the certificate and file such certificate with the state registrar.*  
24 *The physician in attendance or, in the absence of the physician, the person*  
25 *in charge of the institution or that person's designated representative shall*  
26 *certify to the facts of the unborn child death and provide the medical*  
27 *information required by the certificate within three days after the unborn*  
28 *child death and prior to removal of such unborn child from the state.*

29 (d) *When an unborn child death occurs outside an institution, the*  
30 *certificate shall be prepared by the physician in attendance at or*  
31 *immediately after the unborn child death.*

32 (b) (e) The funeral director or person acting as such who first assumes  
33 custody of a dead body or fetus shall file the death certificate. Such person  
34 shall obtain the personal data from the next of kin or the best qualified  
35 person or source available and shall obtain the medical certification of  
36 cause of death from the physician last in attendance prior to burial. The  
37 death certificate filed with the state registrar shall be the official death  
38 record, except that a funeral director licensed pursuant to K.S.A. 65-1714,  
39 and amendments thereto, may verify as true and accurate information  
40 pertaining to a death on a form provided by the state registrar, and any  
41 such form, verified within 21 days of date of death, shall be prima facie  
42 evidence of the facts therein stated for purposes of establishing death. The  
43 secretary of health and environment shall fix and collect a fee for each

1 form provided a funeral director pursuant to this subsection. The fee shall  
2 be collected at the time the form is provided the funeral director and shall  
3 be in the same amount as the fee for a certified copy of a death certificate.

4 ~~(e)~~ (f) When death occurred without medical attendance or when  
5 inquiry is required by the laws relating to postmortem examinations, the  
6 coroner shall investigate the cause of death and shall complete and sign the  
7 medical certification within 24 hours after receipt of the death certificate  
8 or as provided in K.S.A. 65-2414, and amendments thereto.

9 ~~(d)~~ (g) In every instance a certificate shall be filed prior to interment  
10 or disposal of the body.

11 Sec. 3. K.S.A. 65-2401 and 65-2412 are hereby repealed.

12 Sec. 4. This act shall take effect and be in force from and after its  
13 publication in the statute book.

