

SENATE FILE NO. SF0085

Certificate of nonviable birth.

Sponsored by: Senator(s) Boner, Baldwin and Driskill and  
Representative(s) Dayton, Hallinan and  
Sweeney

A BILL

for

1 AN ACT relating to vital records; permitting requests for  
2 the filing and registration of certificates of nonviable  
3 birth; providing duties and requirements related to the  
4 filing and registration of certificates; including records  
5 of nonviable births as vital records; prescribing contents  
6 of certificates; providing recordkeeping requirements  
7 regarding nonviable births; requiring rulemaking; requiring  
8 the development of forms and certificates; and providing  
9 for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 35-1-432 is created to read:

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1           **35-1-432. Nonviable births; certificates; filing and**  
2 **registration.**

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4           (a) A physician, physician assistant or advanced  
5 practice registered nurse who, on or after July 1, 2018,  
6 attends or diagnoses a nonviable birth, or learns from a  
7 patient that the patient suffered a nonviable birth, shall  
8 advise the patient that the patient may request:

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10           (i) The filing and registration of a certificate  
11 of nonviable birth as provided in subsection (b) of this  
12 section;

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14           (ii) A certified copy of a certificate of  
15 nonviable birth from vital records services as provided in  
16 W.S. 35-1-427(e).

17  
18           (b) Upon the request of a parent of a nonviable  
19 birth, a physician, physician assistant or advanced  
20 practice registered nurse who attended or diagnosed the  
21 nonviable birth shall, within thirty (30) days, file a  
22 certificate of nonviable birth with the local registrar of  
23 the district in which the nonviable birth occurred, if

1 known, or was diagnosed. The certificate shall be filed on  
2 a form prescribed by vital records services and shall  
3 include the items specified in W.S. 35-1-409. The local  
4 registrar shall register the certificate if it has been  
5 filed in accordance with this subsection.

6

7 **Section 2.** W.S. 35-1-401(a)(i), (iii), (iv) and by  
8 creating a new paragraph (xiv), 35-1-404(a)(ii),  
9 35-1-407(a)(i), (iv) and (v), 35-1-408(a), 35-1-409 by  
10 creating a new subsection (c), 35-1-421(a), 35-1-427(d) and  
11 by creating a new subsection (e), 35-1-429(a) and 35-1-430  
12 are amended to read:

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14 **35-1-401. Definitions.**

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16 (a) As used in this act:

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18 (i) "Vital records" means records of birth,  
19 death, stillbirth, nonviable birth, marriage, divorce and  
20 data relating thereto;

21

22 (iii) "Filing" means the presentation of a  
23 certificate, report, or other record of a birth, death,

1 stillbirth, nonviable birth, adoption, marriage, or  
2 divorce, for registration by vital records services;

3

4 (iv) "Registration" means the acceptance by  
5 vital records services and the incorporation in its  
6 official records of certificates, reports or other records  
7 of births, deaths, stillbirths, nonviable births, adoption,  
8 marriages, and divorces;

9

10 (xiv) "Nonviable birth" means an unintentional,  
11 spontaneous demise of an unborn child that occurs any time  
12 after nine (9) completed weeks gestation through twenty  
13 (20) completed weeks gestation.

14

15 **35-1-404. Duties of state registrar.**

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17 (a) The state registrar shall:

18

19 (ii) Receive, index and statistically compile  
20 the returns of births, deaths, stillbirths, nonviable  
21 births, marriages and divorces from the entire state;

22

23 **35-1-407. Duties of local registrars.**

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2 (a) Each local registration official shall serve as  
3 an agent of the state registrar in his district and shall:

4

5 (i) Register only births, stillbirths and deaths  
6 that occur, and nonviable births filed under W.S.  
7 35-1-432(b) that occur or are diagnosed, in his district;

8

9 (iv) Make prompt returns on or before the fifth  
10 day of each month to the state registrar or report that no  
11 births, stillbirths or deaths occurred, or nonviable births  
12 filed under W.S. 35-1-432(b) occurred or were diagnosed, in  
13 his district;

14

15 (v) See that the provisions of this act are  
16 enforced in his district and that all births, stillbirths,  
17 ~~and~~ deaths, ~~that occur~~ and nonviable births filed under  
18 W.S. 35-1-432(b) are fully registered and make prompt  
19 report to the state registrar of any case of failure or  
20 neglect to file certificates;

21

22 **35-1-408. Compensation of local registrars.**

23

1 (a) Each local registrar shall be paid 50 cents  
2 (\$.50) for each certificate of birth, death, nonviable  
3 birth or stillbirth registered by him and promptly  
4 transmitted to the state registrar. If no birth, death,  
5 nonviable birth or stillbirth is registered by him during  
6 any calendar month, the local registrar shall report that  
7 fact to the state registrar and be paid the sum of 50 cents  
8 (\$.50).

9

10 **35-1-409. Form of certificates.**

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12 (c) A certificate of nonviable birth shall include  
13 the following items:

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15 (i) The date on which the nonviable birth  
16 occurred, if known, or was diagnosed;

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18 (ii) The county in which the nonviable birth  
19 occurred, if known, or was diagnosed;

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21 (iii) The name of the miscarried child, if  
22 provided by a parent of the nonviable birth. If no name is  
23 provided, the first name "Baby Boy" or "Baby Girl", or

1 "Baby" if the sex of the miscarried child is unknown, and  
2 the last name of the requesting parent shall appear on the  
3 certificate;

4  
5 (iv) Any other items prescribed by vital records  
6 services.

7  
8 **35-1-421. Extension of time.**

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10 (a) The department of health may, by regulation and  
11 upon such conditions as it may prescribe to assure  
12 compliance with the purposes of this act, provide for the  
13 extension of the periods prescribed in this act, for the  
14 filing of death certificates, stillbirth certificates and  
15 certificates for nonviable births, and for the obtaining of  
16 burial-transit permits in cases in which compliance with  
17 the applicable prescribed period would result in undue  
18 hardship.

19  
20 **35-1-427. Copies of data from vital records.**

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22 (d) No person shall prepare or issue any certificate  
23 which purports to be an original, certified copy or copy of

1 a certificate of birth, death, nonviable birth or  
2 stillbirth, except as authorized by this act or regulations  
3 adopted hereunder.

4  
5 (e) Vital records services shall issue a certified  
6 copy of a certificate of nonviable birth to a parent named  
7 on the registration of a nonviable birth not later than  
8 sixty (60) days after receiving the parent's request for  
9 the certified copy. The parent shall submit the request on  
10 a form prescribed by vital records services.

11

12 **35-1-429. Persons required to keep records.**

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14 (a) Every person in charge of an institution ~~as~~  
15 ~~defined in this act~~ shall keep a record of personal  
16 particulars and data concerning each person admitted or  
17 confined to the institution. The record shall be limited to  
18 information required by the standard ~~certificate~~ forms for  
19 certificates of birth, nonviable birth, death and  
20 stillbirth ~~forms~~ issued under the provisions of this act.  
21 Except for records of nonviable births, the record shall be  
22 made at the time of admission from information provided by  
23 the person, but when it cannot be so obtained, the same



1 shall be obtained from relatives or other persons  
2 acquainted with the facts. The record of a nonviable birth  
3 shall be made upon a request for the filing of a  
4 certificate of nonviable birth under W.S. 35-1-432(b). The  
5 name and address of the person providing the information  
6 shall be a part of the record.

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8 **35-1-430. Duties to furnish information relative to**  
9 **vital events.**

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11 Any person having actual knowledge of the facts shall  
12 furnish such information as he may possess regarding any  
13 birth, death, stillbirth, nonviable birth filed under W.S.  
14 35-1-432(b), marriage or divorce upon demand of the state  
15 registrar of vital records.

16

17 **Section 3.** The department of health shall promulgate  
18 rules and regulations and vital records services shall  
19 develop forms and certificates necessary to implement this  
20 act by July 1, 2018.

21

22 **Section 4.**

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1           (a) Except as otherwise provided in subsection (b) of  
2 this section, this act is effective July 1, 2018.

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4           (b) Section 3 of this act is effective immediately  
5 upon completion of all acts necessary for a bill to become  
6 law as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

8

9

(END)