

ASSEMBLY, No. 3230

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Clarifies that, while fetal death certificate and burial or removal permit are generally not required when fetal death occurs before 20 weeks of gestation, such documentation is to be prepared upon parent's request.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning fetal deaths and fetal death certification, and
2 amending R.S.26:6-11.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. R.S.26:6-11 is amended to read as follows:

8 26:6-11. a. A certificate of fetal death containing such items as
9 shall be listed on fetal death certificate forms provided or approved
10 by the department under the authority of subsection c. of R.S.26:8-
11 24, and a burial or removal permit, shall be required for every fetal
12 death; provided that 20 or more weeks of gestation have elapsed
13 before the delivery.

14 b. A certificate of fetal death, as described in subsection a. of
15 this section, and a burial or removal permit shall not be required for
16 a fetal death that occurs before 20 weeks of gestation have elapsed,
17 unless a parent of the fetus expressly requests such documentation,
18 in which case, a certificate of fetal death and a burial or removal
19 permit shall be prepared and issued as requested.

20 c. No midwife shall sign a certificate for a fetal death **【**; but
21 any**】**. Any fetal death occurring without attendance of a physician
22 or an advanced practice nurse shall be treated as a death without
23 medical attendance, as provided in R.S.26:6-9.

24 d. The department shall take appropriate action to ensure that
25 any certificate of fetal death required by this section is prepared in
26 accordance with, and contains information that satisfies, the
27 provisions of P.L.2013, c.217 (C.26:8-40.27 et seq.), designated as
28 the "Autumn Joy Stillbirth Research and Dignity Act," and the
29 current federal standards for fetal death certification and fetal death
30 reporting, as adopted, amended, and supplemented by the federal
31 Centers for Disease Control and Prevention.

32 (cf: P.L.2017, c.104, s.1)

33

34 2. In accordance with the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.,) the State Board of Medical
36 Examiners, the State Board of Mortuary Science, and the
37 Department of Health shall each adopt rules and regulations, with
38 respect to the practitioners and facilities under each entity's
39 respective jurisdiction, as may be necessary to implement the
40 provisions of this act.

41

42 3. This act shall take effect immediately.

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45 STATEMENT

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47 This bill would amend the State's fetal death certification and
48 burial permitting law, in order to clarify the law as it pertains to

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 fetal deaths that occur before the 20th week of gestation.
2 Specifically, the bill would clarify that a fetal death certificate and a
3 burial or removal permit are to be issued in such a case if requested
4 by the parent.

5 While the law expressly exempts fetuses under 20 weeks old
6 from the general requirements applicable to fetal death certification
7 and burial permitting, it does not expressly prohibit a fetal death
8 certificate or burial or removal permit from being issued cases of
9 fetal death occurring before the 20th week of gestation.

10 The spontaneous loss of a fetus, regardless of the date on which
11 it occurs, is often a highly traumatic experience for the parents
12 involved. Both the death certification and burial processes can
13 provide solace to grieving parents and assist them in processing and
14 accepting the loss of a fetus, even if that loss has occurred before
15 the 20th week of gestation. This bill, therefore, would clarify the
16 existing law on this issue by specifying that, while a fetal death
17 certificate and a burial or removal permit are generally not required
18 in cases where a fetus dies before 20 weeks of gestation, these
19 documents are, nonetheless, to be prepared and issued, in such a
20 case, upon the parent's request.

21 The State Board of Medical Examiners, the State Board of
22 Mortuary Science, and the Department of Health, would each be
23 required to adopt rules and regulations, pertaining to the
24 practitioners and facilities under their respective jurisdictions, as
25 may be necessary to implement the bill's provisions.