26-LS0003\R Mischel 1/29/09

CS FOR HOUSE BILL NO. 2()

IN THE LEGISLATURE OF THE STATE OF ALASKA TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered: Referred:

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg, Dahlstrom, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act relating to the issuance of a certificate of birth resulting in a stillbirth."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.50 is amended by adding a new section to read:

Sec. 18.50.235. Certificate of birth resulting in stillbirth. (a) The person required to file a fetal death registration under AS 18.50.240(b) shall advise the mother and, if the father is present, the father of a stillborn child

- (1) that the parent may request the preparation of a certificate of birth resulting in stillbirth;
- (2) that the parent may obtain a certificate of birth resulting in stillbirth by contacting the bureau; and
 - (3) of the contact information for the bureau.
- (b) The parent of a stillborn child who requests a certificate of birth resulting in stillbirth may provide a name of a stillborn child for placement on the certificate. If a name is not provided, the bureau shall cause the certificate to show either "baby boy" or "baby girl," as appropriate, and the last name of the parent who requested the

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certificate. The name of the stillborn child provided on the certificate of birth resulting in stillbirth must be the same name as the name on the fetal death certificate.

- (c) A certificate of birth resulting in stillbirth must include the state file number of the corresponding fetal death certificate.
- (d) The department shall prescribe the form and content of a certificate of birth resulting in stillbirth to record the birth of a stillborn child and specify the information required to prepare the certificate.
- (e) A certificate issued under this section is not proof of a live birth, and the certificate must contain the phrase "not proof of live birth." The bureau may not use a certificate of birth resulting in stillbirth to calculate live birth statistics.
- (f) A parent may request that the bureau issue a certificate of birth resulting in still birth regardless of the date on which the certificate of fetal death was issued.
 - (g) The department may adopt regulations needed to implement this section.
- (h) In this section, "stillbirth" or "stillborn" refers to an unintended, intrauterine fetal death occurring in the state after a gestational age of 20 completed weeks.

Alaska State Legislature

Interim: 600 E. Railroad Ave Wasılla, AK 99654

Phone: (907) 376-3725 Fax: (907) 376-4768



Session:

Alaska State Capitol, Rm 108 Juneau, AK 99801-1182

Phone: (907) 465-3743 Fax: (907) 465-2381 Toll Free: (800) 565-3743 Rep. Carl, Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

SPONSOR STATEMENT HB 2

"An Act relating to the issuance of a certificate of birth resulting in stillbirth."

HB 2 brings closure to parents who have suffered the loss of a stillborn child by giving them a Birth Certificate reflecting that they had a child who was stillborn. To paraphrase one parent of a stillborn child: being able to receive a Birth Certificate for my daughter would make me feel complete in that it would acknowledge that my daughter existed, even if it was only for a short while. This is true not only for her but also heard from other parents that have suffered this loss.

Under current law parents of stillborn children receive a fetal death certificate. HB 2 allows parents the option of requesting a certificate of birth for their stillborn child. This birth certificate is optional, and if the parents choose to receive a Birth Certificate they have the option of naming their child.

There are twenty-five states that now offer parents of stillborns the option of obtaining a Birth Certificate for their child. I urge your support for HB 2.

HOUSE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GATTO

Introduced: 1/9/09 Referred: Prefiled

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8	resulting in stillbirth;
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HB0002a -1-

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2	in stillbirth must be the same name as the name on the fetal death certificate.
3	(c) A certificate of birth resulting in stillbirth must include the state file
4	number of the corresponding fetal death certificate.
5	(d) The department shall prescribe the form and content of a certificate of
6	birth resulting in stillbirth to record the birth of a stillborn child and specify the
7	information required to prepare the certificate.
8	(e) A certificate issued under this section is not proof of a live birth, and the
9	certificate must contain the phrase "not proof of live birth." The bureau may not use a
10	certificate of birth resulting in stillbirth to calculate live birth statistics.
11	(f) A certificate of birth resulting in stillbirth that is issued by the bureau shall
12	be filed with the local registrar of the registration district in which the delivery
13	occurred within five days after issuance. The local registrar shall file the certificate of
14	birth resulting in stillbirth with the fetal death certificate.
15	(g) A parent may request that the bureau issue a certificate of birth resulting in
16	still birth regardless of the date on which the certificate of fetal death was issued.
17	(h) The department may adopt regulations needed to implement this section.
18	(i) In this section, "stillbirth" or "stillborn" refers to an unintended, intrauterine

fetal death occurring in the state after a gestational age of 20 completed weeks.

certificate. The name of the stillborn child provided on the certificate of birth resulting

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FISCAL NOTE

STATE OF ALASKA 2009 LEGISLATIVE SESSION					Fiscal Note Number: Bill Version: () Publish Date:		HB 002	
Identifier (file	name):	HB002-D	HSS-BVS-0	2-18-09	_Dept. Affecte RDU	e <u>d:</u>	Health & Soc	
Title	-	Birth Certificate fo	r Stillbirth	Stillbirth		D	Public Health	
Cananar		Gatto			_Component	Bureau of V	ital Statistics	
Sponsor Requester		House HS	S		Component Number		961	
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Travel								
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	ency Receipts							
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ANALYSIS:	(Attach a separate pa	ge if necessary)						
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FISCAL NOTE

STAT	TE OF ALASKA	
2009	LEGISLATIVE	SESSION

BILL	NO.	HB00
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ANALYSIS CONTINUATION

Minimal programming and administrative time will be neccessary to issue such certificates - amounting to an estimated \$1,000 annually. Assuming 50 certificates are issued each year at \$20 each, costs will be covered by the fee. The BVS budget is funded primarily by receipt supported services; all certificates issued - birth, death, fetal death - require a \$20 fee.

Alaska State Legislature

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> Phone: (907) 465-3743 Fax: (907) 465-2381 Toll Free: (800) 565-3743 Rep.Carl Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

Witness list:

- Michelle Hoyt (Palmer)
- Rhonda Crawford (Soldotna)
- Joanne Cacciatore (Arizona) Will be calling in from off net.
- Mayme Ohnemus (Cooper Landing) Will be in the room to testify
- Deedra Hollowell (Palmer)
- Mitchell Phillips (Vital Statistics)

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450 FAX (907) 465-2029 Mail Stop 3101

State Capitol Juneau, Alaska 99801-1182 Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 22, 2009

SUBJECT: Sectional Summary (HB 2 (Work Order No. 26-LS0003\A)

TO: Representative Carl Gatto

Attn: Sandra Wilson

FROM: Jean M. Mischel

Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

<u>Section 1.</u> Establishes a process for the bureau of vital statistics to issue a certificate of birth resulting in a stillbirth at the request of a parent of the stillborn child. Requires the bureau to transmit the certificate to the local registrar for filing with the fetal death certificate.

JMM:lmb 09-002.lmb January 20, 2009

To the Alaska Legislature

In Support of HB 2
This is the Story of Daniel Gavin Sheppard,

My name is Chauna and in 2002, I became pregnant for the first time in my life at the age of 32. We were overjoyed and considered this a miracle baby after being diagnosed with Fertility problems.

I walked on air with happiness, eating healthier, drinking extra water and taking every breath with my precious baby in mind. That summer we purchased a larger car, a crib and swing, stocked up on diapers of various sizes, and dozens of outfits, We went to child birth classes and even did relaxation exercises at home to prepare for labor. I never missed a doctor appointment and even switched doctors so I could get higher quality care. We got ultrasound videos and pictures. I really enjoyed feeling his regular kicking, rolling and occasional hic ups.

Daniel was due on November 26th · 2002. It was that morning that after a bit of poking and juice drinking that I couldn't seem to wake my son. My doctor sent me to the maternity ward where using a Doppler speaker they couldn't hear a heartbeat. At that point we had an ultrasound where we could not see any heart movement in those tiny, clearly visible, ribs on the tv screen. It was the most painful reality of my life to know my baby had died.

I was induced at apx 2:30pm that day. We went through 17 hours of labor that including an epidural, pain and nausea medication, IV's and 2 hours of pushing. Daniel Gavin was born weighing 7lb 14oz and 19 inches long at 7:30am on November 27, 2002. His warm, soft, beautiful body was placed on my chest where my husband and I cuddled and kissed and loved him even more than the day before. The nurse bathed him. We dressed him and friends and family came to hold him as well. I distinctly remember one dear friend rocking him just like he was any other baby. The hospital took foot prints and cut a lock of hair for us to keep. They also gave us two camera's to take pictures of our beautiful boy. We were so lucky to be able to keep him with us for 12 hours. We sang to him and prayed before we had to let him go and begin the long painful journey of grief.

The next day the hospital gave us a generic card with his name and birthday on it written in marker and told us that we won't get a birth certificate because he never took a breath. This was a harsh blow after all we had been through. After all, I had given birth to Daniel and he was certainly born.

We drove home from the hospital on Thanksgiving Day with an empty car seat, empty arms and broken hearts.

As sad as this was, we still love Daniel so much, he will always be a part of our family. We do things on his birthday and other times of the year to show him our love. Though we never saw his eyes or heard him cry, my son Daniel is such a gift and we are so thankful for him. There never has been a day when I thought I wasted 9 months carrying him or a time when I wish he never existed. Never, ever... I wish the State of Alaska would not treat him as such.

In 1892 American Author Mark Twin said, "Favored above Kings and Emporers is the stillborn child." I wish stillbirth and the experience of having to deliver a dead baby was respected in this manner today.

This tragedy strikes everywhere. According to the Center for Positive Outcomes in Pregnancy in Washington DC, there are more than 39,000 stillbirths in the U.S. every year.

Historically, we share this horrific experience with John Quincy Adams, Rutherford Hayes, Ernest and Pauline Hemingway, and John and Jackie Kennedy, whose stillborn daughter is buried with her parents and siblings.

Ask any woman why she would endure the pain and agony of giving birth and she will tell you because of the 'reward' at the end...it is 'all worth it' we frequently hear. But what about the silent births- the women who get no reward for all their hard work...

I am writing this today asking you for your support...Please pass HB 2.

Sincerely,

Chauna Sheppard 4032 Reka Drive #K-1 Anchorage, AK 99508 (907) 333-7650 chauna18@hotmail.com

Sandra Wilson

From: Hoyt Family [mehoyt@mtaonline.net]

Sent: Tuesday, January 20, 2009 7:30 PM

To: Sandra Wilson

Subject: RE: Hello

Sandra.

HB 2, to create a 'Birth Certificate resulting in a Still Birth' would make me and a lot of people feel complete. My daughter was still born at 36 weeks and we had a large funeral for her. The idea that the state will only accept the fact that she died is so heart breaking. How can a person die with out being born? Having that piece of paper in my hand would bring closure to the entire grieving process. This would validate that my little girl was once here and apart of our lives.

Thanks so much for bringing this bill forward.

Michelle Hoyt Project Linus - Alaska Chapter Providing Security thru Blankets

----Original Message----

From: Sandra Wilson [mailto:Sandra_Wilson@legis.state.ak.us]

Sent: Tuesday, January 20, 2009 4:44 PM

To: Carletta Gemmell; Chauna Sheppard; Colleen; Dayna Murphy; Dina Banez; Gretchen Mangrobang;

Kaylene Johnson; Lynnette Haas; Michelle Hoyt; Rhonda Crawford; Sandy Thomas; WesCin Yuill

Subject: Hello

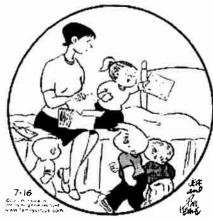
Hello everyone. Today was the first day of session and I am preparing the packet that will accompany our request for hearing. I need updated letters of support. You can either write new ones or use the same ones as last year but I need them to reflect the new bill number for this bill which is HB 2. The sooner you can get these to me the sooner I will get a request in. Again I thank everyone for being willing to take the time and send me these letters.

Sincerely,

Sandra Wilson Staff to Rep. Carl Gatto 907-465-3163 Sandra_wilson@legis.state.ak.us

Why We Need a Certificate of Still Birth

Haven't we all at one time been in a movie theater when the film broke? One moment we're caught up in the action and suddenly, there is no story on the screen. Time out while the projectionist rethreads the rest of the reel. If only life were like that, If only sudden interruptions in life could pick up where they left off.



"Mammy has birth certificates for all of us. They prove that we were borned."

The birth of a dead baby is a break in the action. The story is over. We get to say hello and goodbye in the same breath. Instead of a bright future, all we're left with is the shattered dreams of what might have been. When a movie breaks we get our money back. In real life when the "film" breaks we're given a fetal death certificate. No baby to take home. No reward for the months of waiting. No technowledgement for having given birth

When we discover that what once lived within us is dead we want to run away. But we can't. First we must deliver our baby, just like mothers of live babies do. We must endure the pain. Just like mothers of live babies. And when it's over we hold our baby, just like mothers of live babies do. But then we have to give our baby back, and go home to an empty nursery.

Contrary to what the pundits say, it is possible to fool Mother Nature. She doesn't know our baby died, and so she dutifully produces milk to nourish and protect that, which is no longer. She knows we gave birth. We know we gave birth. But the state says not. Stillbirth mothers are not yet acknowledged as mothers by most states, but we're working to change that.

"We will recognize your baby's death, but not its birth" is the message.

But how can that die which has not been born? How did it come into being? Did it ride a space ship to earth? Or did it arrive the way every other baby arrived, from the womb of a mother who conceived and delivered it?

Birth is a process that all mothers endure; live or "still" is the outcome of that process. If we recognize a live birth, why would the state not recognize a stillbirth? Is it to punish the mother whose baby is born dead? Is she somehow not worthy? Did she fail? That's what she thinks. If we give a the mother of a live birth a "Certificate of Live Birth" why would we not give the mother of a stillborn baby a Certificate of Still Birth? That's the reality of what happened.

All mothers give birth; only the outcomes of those births differ.

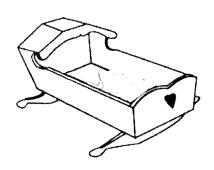
To deny a woman a "Certificate of Still Birth", when she fails to produce a living child, is to say that she did not give birth, which is not true. To deny a woman recognition for this seminal event in her life is to deny the event occurred. To deny a woman recognition is to tell her she is a failure. It is an open wound upon her soul that will never heal unless and until her sacrifice is recognized; just as live birth mothers are recognized.

On August 9, 2001 in Phoenix, Arizona, Sharon Arnold, wife of NSS Founder Richard K. Ofsen, along with Joanne Cacciatore-Garard, NSS National Director and founder of the MISS Foundation, were given the first Certificates of Birth Resulting in Still Birth to be issued in the United States. Arizona has led the way by acknowledging that these brave women gave birth and that their daughters, Camille and Cheyenne, though born still, did for one brief and glorious moment pass through this world. Your state should recognize you and your babies too, because all our children matter.

The National Stillbirth Society

When Your Baby Is Stillborn





When your baby is stillborn, expectations, hopes and dreams are cruelly shattered and lives are changed. Many parents have initial feelings of shock and confusion when told that their baby has died. What happened? Why you? Babies are not supposed to die. When they do, it can be devastating, overwhelming, and painful. We are very sorry that your baby died. No one can take away the pain, but we hope the following information will answer some questions. provide reassurance, and help you.

What Is Stillbirth?

You may not have heard of stillbirth until you experienced it. When a baby dies before delivery, many people commonly think of miscarriage. Both stillbirth and miscarriage are types of pregnancy loss, but they differ by when the loss occurs. A miscarriage (sometimes called a spontaneous abortion) is when a baby dies before the 20th week of pregnancy. Stillbirth is the death of a baby after the 20th week of pregnancy but before delivery. Whenever parents deal with the death of their baby, whether it be early in pregnancy, late in pregnancy, or sometime after birth, there can be a great sense of disappointment, loss, and suffering. Stillbirth and miscarriage are separately defined not because one or the other is an easier or more difficult loss with which to deal, but because they differ in many ways. Stillbirth and miscarriage have different causes, need different evaluations, and differ medically and in the ways that parents and families can best be helped.

Stillbirth is common. It may affect anyone. There is no way to predict when stillbirth will happen or who will experience it. Stillbirth occurs in families of all races, religions, and income levels. Each year in the United States

Article

about 25,000 babies, or 68 babies every day, are born still. This is about 1 stillbirth in every 115 births. Most often a stillbirth is detected while the baby is in the mother's uterus, sometimes not until labor is underway.

Why Was Your Baby Stillborn? Following a stillbirth, parents frequently ask, "Why did this happen?" Sometimes a reason is found; other times a specific cause remains unknown. Extensive and careful evaluation of the baby and placenta following delivery may help identify a reason in about 40%-50% of stillbirths. When a specific cause is not identified, evaluation may still be helpful by at least ruling out potential high risks for recurrence.

Identifiable causes of stillbirth generally fall into one of three different categories: birth defects in the baby, problems with the placenta or umbilical cord, or maternal illnesses or conditions which may sometimes affect pregnancy.

- *Birth defects* are common but often overlooked causes for stillbirth. About one-fourth of babies who are stillborn have one or more birth defects that are responsible for their death.
- The placenta and umbilical cord are the baby's "lifeline" for oxygen and nutrients. Problems in either one may completely cut off or severely interfere with the needed flow of blood, oxygen, and nutrients to the baby. Although commonly pointed to as the likely cause for death of a baby, problems with the placenta or umbilical cord actually account for only a moderate number of stillbirths.
- Although uncommon, *maternal conditions* may be responsible for stillbirth. Certain illnesses in the mother, such as diabetes or hypertension, and their treatments, sometimes cause stillbirths. An increased risk for stillbirth is also associated with the use of certain recreational drugs, particularly cocaine.

In addition, there are many other rare causes of

stillbirth. Whether or not a specific cause for your baby's death is identified, it is most important to remember that *stillbirths most often are not caused by something you did or did not do.*

What Is Involved In An Extensive Evaluation Of The Baby?

Following delivery of a stillborn, parents may be asked to provide consent for extensive evaluation of their baby. This evaluation involves many different studies, including an internal post-mortem examination (autopsy), a physical examination, photographs of the baby's face, body, and any unusual features, X-rays, and genetic testing of some of the baby's tissues. If permission is given, evaluations are started soon after the baby's delivery. Detailed results are usually available and communicated to parents in a few weeks to a few months.

These studies can be helpful for many reasons. They may provide answers or insight to some of your questions including the frequently asked. "Why did it happen?" and "Will it happen again?", as well as those about management and care in future pregnancies. Even if some questions remain unanswered, there may be comfort in knowing that as much as possible was learned about the baby and that important information may be added to medical knowledge which could help other babies in the future. The baby is treated respectfully at all times. Agreeing to a comprehensive evaluation does not prevent a family from spending time with their baby or choosing to have a funeral, memorial service, cremation, or burial.

Such evaluation is valuable to most parents as they try to deal with the full impact of their loss. In fact, very few parents express regret for having the suggested evaluations done. Nevertheless, some may think that such assessment violates their baby and intrudes upon their grief. Parents must choose what is best for them. Whatever the decision, it is respected.

Phase Could have

Generally one stillbirth does not predict

Pregnancies? Will Stillbirth Happen Again?

another. On average, there is approximately a 3% chance for stillbirth to happen again in the next pregnancy—or approximately a 97% chance that a future pregnancy would not end in stillbirth. Extensive evaluation of the baby may provide information that allows a geneticist, genetics counselor, or your doctor to determine more accurately what the chances are that stillbirth could happen again. Finding a specific cause may imply a much higher or lower risk than this average one. Specific causes, when discovered, more often result in a decrease in the estimated risk that stillbirth may happen again and less often in an increase in that estimated risk. In almost all circumstances, subsequent healthy pregnancies are possible.

Making Sense Of What Happened In the natural course of life events, babies are least of all expected to die. The loss of a baby through stillbirth can be overwhelming and devastating. Although surprising to some, the stillbirth of a baby is a great loss, as great as that of an older child or any loved one.

When stillbirth occurs, parents who were anxiously awaiting a baby suddenly are not. It is natural for you to grieve deeply for your baby who has died and for the hopes, dreams, and wishes that will never be; hopes, dreams, and wishes that, for you, were real long before the anticipated birth of your baby. You may feel a strong sense of sadness, anger, or maybe bitterness at the unfairness of this tragedy. You may experience feelings of loneliness and longing, helplessness, or, because of the intensity of your emotions, confusion. Many parents also feel guilt. They often wonder if they did something to cause their baby's death; this is rarely true.

These intense emotions are real and a normal part of grieving. Grieving is a process of making meaning out of your loss and of life without your baby. Grieving is not easy. It is long, unpredictable, and requires a lot of energy. But you *need* time to grieve since grieving is necessary to work through pain toward healing.

Coping With Your Less

Dealing with the death of your baby may be one of the most painful experiences in your life. Everyone copes and mourns differently. Perhaps a few of the following suggestions can help you survive some of the difficult times.

- *Take care of yourself.* Eat well. Get plenty of rest. Stay well physically so that you can continue to heal emotionally.
- Express yourself. Talk about your baby, your feelings, your fears, your grief. Or keep a diary, write a journal, create, start a flower garden. This may help you to see things more clearly.
- Read written resources. There are many books, articles, poems, and videos that can provide information, guidance, and support.
- Find a support network. Such a network may be your family, your friends, or your faith community. You may want to contact a support group for parents who have experienced the death of a baby, to share your story and feelings and to learn from others who have also "been there".

Above all, give yourself *time*. Be patient. You will never forget your baby, but you will heal. Healing is an ongoing process; it does not happen overnight. But it *will* happen.

For More Help:

Support:

Share. National Office, St. Joseph Health Center, 300 First Capitol Dr., St. Charles, MO 63301-2893; 800-821-6819.

Pen Parents, Inc. P.O. Box 8738. Reno. NV 89507-8738; 702-826-7332

Suggested Reading Material:

Empty Cradle, Broken Heart, by Deborah L. Davis, Ph.D., Fulcrum Press, 1996 (second edition).

Department of Health and Social Services Alaska Bureau of Vital Statistics

Certificate of Birth Resulting in Stillbirth

According to Alaska State Records

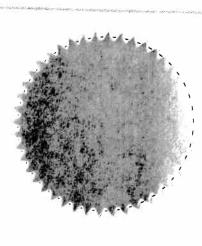
Bump Nevels Was Delivered on August 1, 2002

In Cicely, Alaska

To Carolyn Anne Puckett and John Earl Nevels

Date Issued: 11/29/2005

FD Number: 2002999999



This certificate is not proof of live birth

Fetal Deaths Alaska 2000-2004

	deaths	rate*
2000	45	4.5
2001	41	4.1
2002	50	5.0
2003	5 9	5.8
2004	57	5.5

Note: Fetal deaths are calculated if gestation is at least 20 weeks * rates are per 1,000 live births.

Source: Alaska Bureau of Vital Statistics, March 2007

Fetal deaths

From: Walden, Stephanie [Stephanie_Walden@health.state.ak.us]
Sent: Thursday, March 01, 2007 5:14 PM
To: Sandra Wilson
Subject: Fetal deaths

National Fetal Death rates:

2000 6.6 2001 6.5 2002 6.4 6.2 2003

Rates are per 1,000 live births in the U.S. for pregnancies lasting at least 20 I couldn't find data for 2004.

Sorry about the delay in responding. I just received your email at 4:20, and it looks like you sent it this morning. Must be having problems with our system again.

Let me know if you need anything else.

Stephanie

Alaska State Legislature

Interim: 600 E. Railroad Ave Wasilla, AK 99654

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Session:

Alaska State Capitol, Rm 108 Juneau, AK 99801-1182

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Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

Departments affected by HB 2:

Vital statistics is the only department affected by HB 2

Witness list:

I am unable to provide a witness list until the hearing date is schedule due to the schedules of those who may or may not be able to testify.