

1 HB344
2 183131-1
3 By Representative Weaver
4 RFD: Health
5 First Read: 02-MAR-17

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8 SYNOPSIS: Under existing law, nurse midwives who are
9 licensed by the State Board of Nursing and the
10 Board of Medical Examiners may practice nurse
11 midwifery.

12 This bill would create the Safe Birth
13 Options Act.

14 This bill would create a State Board of
15 Registration for Lay Midwifery and provide for its
16 powers and duties.

17 This bill would authorize lay midwives who
18 are registered with the State Board of Registration
19 for Lay Midwifery to assist with deliveries at
20 birthing centers in certain circumstances.

21 This bill would provide training,
22 examination, and other qualifications necessary to
23 register as a lay midwife.

24 This bill would provide criminal penalties
25 for violations.

26 This bill would provide civil immunity to a
27 physician, health care practitioner, or hospital

1 that receives or treats a mother, unborn child, or
2 child after the use of services of a lay midwife.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to lay midwives; to create the Safe Birth
2 Options Act; to designate as Article 1 Sections 34-19-1 to
3 34-19-10, inclusive, Code of Alabama 1975; to add a new
4 Article 2, consisting of Sections 19-34-30 to 19-34-40,
5 inclusive, to Title 34, Chapter 19 of the Code of Alabama
6 1975; to create a State Board of Registration for Lay
7 Midwifery and provide for its powers and duties; to authorize
8 lay midwives who are registered with the State Board of
9 Registration for Lay Midwifery to assist with deliveries at
10 birthing centers in certain circumstances; to provide
11 training, examination, and other qualifications necessary to
12 register as a lay midwife; to provide criminal penalties for
13 violations; to provide civil immunity to a physician, health
14 care practitioner, or hospital that receives or treats a
15 mother, unborn child, or child after the use of services of a
16 lay midwife; to amend Section 22-9A-7, Code of Alabama 1975;
17 and in connection therewith would have as its purpose or
18 effect the requirement of a new or increased expenditure of
19 local funds within the meaning of Amendment 621 of the
20 Constitution of Alabama of 1901, now appearing as Section
21 111.05 of the Official Recompilation of the Constitution of
22 Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 3 of this act shall be known and
25 may be cited as the Safe Birth Options Act.

1 Section 2. An article heading is added before
2 Section 34-19-1 of the Code of Alabama 1975, to read as
3 follows:

4 ARTICLE 1. Nurse Midwives

5 Section 3. A new Article 2, consisting of Sections
6 34-19-30 to 34-19-40, inclusive, is added to Title 34, Chapter
7 19 of the Code of Alabama 1975, to read as follows:

8 ARTICLE 2. Lay Midwives

9 §34-19-30.

10 As used in this article, the following words shall
11 have the following meanings:

12 (1) BIRTHING CENTER. A health facility where
13 childbirth is planned to occur away from the client's
14 residence and that meets all of the following criteria:

15 a. Is not a hospital.

16 b. Is not a health care facility as defined under
17 Section 22-21-260.

18 c. Is licensed or otherwise approved to provide
19 prenatal labor and delivery or postpartum care and other
20 ambulatory services that are included in the health benefit
21 plan.

22 d. Is located in close proximity to a hospital that
23 is equipped to handle maternity care emergencies so that rapid
24 transport is possible in an emergency situation.

25 e. Complies with such other requirements relating to
26 the health and safety of individuals as required by the
27 facility.

1 (2) BOARD. The State Board of Registration for Lay
2 Midwifery.

3 (3) CLIENT. A woman who has secured the service of a
4 registered lay midwife.

5 (4) HOSPITAL. The term as defined in Section
6 22-21-20.

7 (5) LOW RISK PREGNANCY. A pregnancy, labor, and
8 delivery and postpartum, newborn, and interconceptional care
9 that does not include a condition that requires a mandatory
10 transfer pursuant to Section 34-19-35.

11 (6) LAY MIDWIFERY. The provision of services that is
12 consistent with a lay midwife's training, education, and
13 experience to women and their newborn children throughout the
14 childbearing cycle.

15 (7) MIDWIFERY EDUCATION ACCREDITATION COUNCIL
16 (MEAC). The commission recognized by the U.S. Department of
17 Education that provides accreditation for programs and
18 institutions that meet the national midwives alliance core
19 competencies, the international confederation of midwives
20 competencies, and the national registry of midwives skills and
21 standards for basic midwifery practice.

22 (8) REGISTERED LAY MIDWIFE. An independent
23 practitioner who is registered with the board to provide lay
24 midwifery services. The term does not include a licensed nurse
25 licensed under Sections 34-21-80 to 34-21-93, inclusive.

26 §34-19-31.

1 (a) There is created and established a State Board
2 of Registration for Lay Midwifery to implement and administer
3 this article.

4 (b) The board shall consist of five members
5 appointed by the Governor. The composition of the board shall
6 be as follows: Three registered lay midwives, one physician,
7 and one certified nurse midwife. Notwithstanding the
8 foregoing, the lay midwives initially appointed to the board
9 need not be registered.

10 (c) The Governor shall strive to assure membership
11 is inclusive and reflects the racial, gender, geographic,
12 urban, rural, and economic diversity of the state.

13 (d) Members of the board shall be appointed for
14 staggered initial terms and subsequent terms shall be for a
15 minimum of three years or until his or her successor has been
16 appointed and qualified.

17 (e) The board shall meet at least twice each year,
18 conducting its business in person or by electronic methods,
19 including proxy voting.

20 (f) The board shall elect one of its members to
21 serve as chair for a one-year term. The chair may not serve
22 consecutive terms.

23 (g) All members of the board shall be immune from
24 individual civil liability while acting within the scope of
25 their duties as board members.

26 (h) Vacancies shall be filled by the Governor in the
27 same manner as other appointments are made. In the case of a

1 vacancy, the new appointee shall serve for the remainder of
2 the unexpired term.

3 (i) Members of the board shall serve without
4 compensation but shall be allowed travel and per diem expenses
5 at the same rate paid to state employees, to be paid from the
6 funds collected for the administration of this article, as
7 funds are available.

8 (j) The board may employ, subject to the state Merit
9 System, investigators, inspectors, attorneys, and any other
10 agents, employees, and assistants as may from time to time be
11 necessary, and may use any other means necessary to enforce
12 this article.

13 (k) The board shall be subject to the Alabama Sunset
14 Law, Chapter 20, Title 41, as an enumerated agency as provided
15 in Section 41-20-3, and shall have a termination date of
16 October 1, 2021, and every four years thereafter, unless
17 continued pursuant to the Alabama Sunset Law.

18 §34-19-32.

19 All funds received by the board under this article
20 shall be deposited in the State Treasury to the credit of the
21 State Board of Registration for Lay Midwifery and all such
22 funds are to be appropriated to the board to defray the
23 expenses incurred in carrying out this article. The expenses
24 shall include printing, stamps, stationery, clerical help,
25 travel, and other necessary expenditures. In all cases, any
26 fee that is received by the board shall not be refunded, and
27 no applicant may recover any part of a fee accompanying his or

1 her application for registration or otherwise paid to the
2 board except on the death, disability, or retirement from
3 providing services of any applicant or registrant between
4 payment of any fee and the expiration of his or her current
5 renewal or the issuance of the initial registration. The books
6 and records of the board shall be subject to audit by the
7 Department of Examiners of Public Accounts in the same manner
8 and to the same extent as any other state agency. The board
9 shall keep a true and accurate account of all funds received
10 by the board and all expenditures made by the board.

11 §34-19-33.

12 (a) The board may do all of the following consistent
13 with this article:

14 (1) Approve, renew, suspend, or revoke registrations
15 to provide lay midwifery services.

16 (2) Investigate and conduct hearings regarding
17 complaints against a registered lay midwife in order to
18 determine if disciplinary action is warranted.

19 (3) Establish reasonable registration fees,
20 including, but not limited to, initial application, renewal,
21 and reinstatement fees.

22 (4) Impose, adopt, levy, and collect administrative
23 fines not to exceed one thousand dollars (\$1,000) for each
24 violation of this article, a board rule, or condition of
25 registration and may institute any legal proceedings necessary
26 to effect compliance with this article against a registered
27 lay midwife.

1 (b) The board shall adopt rules pursuant to the
2 Alabama Administrative Procedure Act to carry out this article
3 in a manner consistent with this article. The rules shall
4 include all of the following:

5 (1) Registration procedures and requirements.

6 (2) Initial and continuing education requirements.

7 Initial education requirements shall include common, minimum
8 education and training requirements that all lay midwives must
9 meet regardless of their title, professional designation, or
10 where they provide services. Continuing education requirements
11 for registration renewal shall include 20 accredited
12 continuing education units every two years, four hours of peer
13 review every two years, and submission of required annual
14 outcomes reports.

15 (3) Requirements for clinical internships for
16 individuals seeking lay midwifery training.

17 (4) Standards regarding professional liability
18 insurance of no less than one million dollars (\$1,000,000) and
19 aggregate policy period limits of no less than three million
20 dollars (\$3,000,000).

21 (5) A requirement that the applicant pass the nurse
22 midwifery certification examination from the American
23 Midwifery Certification Board.

24 (c) The rules shall ensure independent provision of
25 services and shall not require any agreement, written or
26 otherwise, with any other health care professional or health
27 care facility.

1 §34-19-34.

2 (a) An individual desiring to be registered as a lay
3 midwife shall apply to the board on forms provided by the
4 board. Applicants for registration shall submit evidence
5 satisfactory to the board that he or she has met all of the
6 following requirements:

7 (1) Is at least 21 years of age.

8 (2) Submits to a criminal history background check,
9 to be paid by the applicant.

10 (3) Is a citizen of the United States or, if not a
11 citizen of the United States, is legally present in the United
12 States with appropriate documentation from the federal
13 government.

14 (4) Has obtained a certified professional lay
15 midwife credential through an education program accredited by
16 the Accreditation Commission for Midwifery Education.

17 (5) Has proof of current professional liability
18 insurance coverage with the occurrence limits of no less than
19 one million dollars (\$1,000,000) and aggregate policy period
20 limits of no less than three million dollars (\$3,000,000).

21 (6) Meets the International Confederation of
22 Midwives baseline midwifery standards, including all of the
23 following:

24 a. A curriculum with a minimum of 40 percent theory
25 and 50 percent practice.

26 b. A minimum length of direct-entry education of
27 three years.

1 c. A minimum length of post-nursing education of 18
2 months.

3 d. A certification with a limited duration.

4 e. The certifying body does not simultaneously
5 define or validate education and develop or administer the
6 exam.

7 f. Has defined continuing education requirements.

8 g. Has periodic external review of education program
9 effectiveness.

10 (b) A lay midwife certified before January 1, 2020,
11 whose education was accredited by the Midwifery Education
12 Accreditation Council may obtain the U.S. Midwifery Education,
13 Regulation, and Association midwifery bridge certification to
14 be eligible for registration.

15 (c) A lay midwife who has maintained licensure or
16 registration in another state that does not require accredited
17 education must obtain the midwifery bridge certificate as
18 provided in subsection (b), regardless of the date of his or
19 her certification, to be eligible for registration.

20 (d) Registration shall be valid for a period of one
21 year.

22 (e) Following the contested case provisions of the
23 Alabama Administrative Procedure Act, the board may suspend or
24 revoke a registration or may refuse to grant registration to
25 an applicant if the registrant or applicant does any of the
26 following:

1 (1) Has obtained a registration by means of fraud,
2 misrepresentation, or concealment of material facts, including
3 making a false statement on an application or any other
4 document required by the board for registration.

5 (2) Has engaged in unprofessional conduct that
6 endangered or was likely to endanger the health, safety, and
7 welfare of a client.

8 (3) Has been convicted of a felony or any crime
9 arising out of or connected with the provision of lay
10 midwifery services.

11 (4) Has performed an act that exceeds the
12 registration granted to the lay midwife.

13 (5) Has had his or her registration revoked,
14 suspended, or denied in any other territory or jurisdiction of
15 the United States for any act described in this subsection.

16 (f) The board shall maintain an up-to-date list of
17 every individual registered to provide lay midwifery services
18 pursuant to this article and individuals whose registrations
19 have been suspended, revoked, or denied. The information on
20 the list shall be available for public inspection during
21 reasonable business hours and the information may be shared
22 with others as deemed necessary and acceptable by the board.
23 The list shall include the name of the individual, the date
24 and the cause of action, the penalty incurred, and the length
25 of the penalty.

26 (g) The board shall grant continuing education
27 credit for available educational opportunities, or make

1 available quality continuing education programs, seminars, and
2 workshops to acquaint and educate registered lay midwives in
3 the most current evidence-based practices with respect to lay
4 midwifery, women's health, or the evaluation and care of the
5 newborn.

6 §34-19-35.

7 (a) A registered lay midwife may not provide any of
8 the following services:

9 (1) Pharmacological induction or augmentation of
10 labor or artificial rupture of membranes prior to the onset of
11 labor.

12 (2) Surgical delivery or any surgery except an
13 emergency episiotomy.

14 (3) Use of forceps or vacuum extractor.

15 (4) Except for the administration of a local
16 anesthetic, administration of an anesthetic.

17 (5) Administration of any kind of narcotic
18 analgesic.

19 (6) Administration of any prescription medication in
20 a manner that violates the Alabama Uniform Controlled
21 Substances Act.

22 (7) Any delivery that is not planned to be performed
23 at a birthing center.

24 (b) A registered lay midwife may not assume or
25 continue to take responsibility for a client's pregnancy and
26 birth care and shall arrange for the orderly transfer and care
27 to a health care practitioner for a client who is already

1 under the care of the registered lay midwife, if a history of
2 any of the following disorders or situations is found to be
3 present at the initial interview or if any of the following
4 disorders or situations becomes apparent through a client
5 history, an examination, or in a laboratory report as prenatal
6 care proceeds:

7 (1) Any previous caesarean section or previous
8 uterine surgery such as myomectomy or uterine reconstruction.

9 (2) Hyperthyroidism treated with medication.

10 (3) Uncontrolled hypothyroidism.

11 (4) Epilepsy with seizures or antiepileptic drug use
12 during the previous 12 months.

13 (5) Coagulation disorders.

14 (6) Chronic pulmonary disease.

15 (7) Heart disease in which there are arrhythmias or
16 murmurs.

17 (8) Hypertension, including pregnancy induced
18 hypertension.

19 (9) Renal disease.

20 (10) Sensitization with positive antibody titer.

21 (11) Diabetes mellitus, including gestational
22 diabetes.

23 (12) Indications that the fetus has died in utero.

24 (13) Premature labor, defined as less than 37 weeks.

25 (14) Multiple gestation.

26 (15) Noncephalic presentation at or after 37 weeks.

27 (16) Placenta previa or abruption.

- 1 (17) Preeclampsia.
- 2 (18) Anemia, defined as hemoglobin less than 10
3 G/DL.
- 4 (19) Uncommon diseases and disorders, including
5 Addison's Disease, Cushing's Disease, Systemic Lupus
6 Erythematosus, Antiphospholipid Syndrome, Scleroderma,
7 Rheumatoid Arthritis, Periarteritis Nodosa, Marfan's Syndrome,
8 and other systemic and rare diseases and disorders.
- 9 (20) Aids/HIV.
- 10 (21) Hepatitis A through G and non-A through G.
- 11 (22) Acute toxoplasmosis infection if the client is
12 symptomatic.
- 13 (23) Acute rubella infection during pregnancy.
- 14 (24) Acute cytomegalovirus infection if the client
15 is symptomatic.
- 16 (25) Acute parvovirus infection if the client is
17 symptomatic.
- 18 (26) Alcohol abuse, substance abuse, or prescription
19 abuse during pregnancy.
- 20 (27) Continued daily tobacco use into the second
21 trimester.
- 22 (28) Thrombosis.
- 23 (29) Inflammatory bowel disease.
- 24 (30) Herpes simplex virus, primary infection or
25 active infection at time of delivery.
- 26 (31) Significant fetal congenital anomaly.

1 (32) Ectopic pregnancy, or possible ectopic
2 pregnancy.

3 (33) Prepregnancy body mass index (BMI) of less than
4 18.5 or 35 or more.

5 (34) Significant mental disease, including
6 depression, bipolar disorder, schizophrenia, and other
7 conditions that impair the ability of the client to
8 participate effectively in the client's care or that require
9 the use of psychotropic drugs to control the condition.

10 (35) Second or third trimester bleeding.

11 (36) Asthma.

12 (37) History of genetic problems, intrauterine death
13 after 20 weeks gestation, or stillbirth.

14 (38) Tuberculosis.

15 (39) RH sensitization with positive antibody titer.

16 (40) Premature rupture of membranes at 37 weeks or
17 less.

18 (41) Small for gestational age or large for
19 gestational age fetus.

20 (42) Polyhydramnios or oligohydramnios.

21 (43) Previous LEEP procedure or cone biopsy.

22 (44) Previous obstetrical problems, including
23 uterine abnormalities, placental abruption, placenta accreta,
24 obstetric hemorrhage, incompetent cervix, or preterm delivery
25 for any reason.

26 (45) Postterm maturity, defined as 41 0/7 weeks or
27 beyond.

1 (c) A registered lay midwife may provide lay
2 midwifery care only in a birthing center and may not attend
3 home births.

4 (d) A registered lay midwife shall ensure that the
5 client has signed an informed consent to care form. The
6 consent form shall include information to inform the client of
7 the qualifications of the registered lay midwife. In a format
8 accepted by the board, a registered lay midwife attending a
9 birth at a birthing center shall provide each client with and
10 maintain a record of a signed informed consent form that
11 describes the lay midwife's education and credentials, written
12 practice guidelines, services provided, a statement of the lay
13 midwife's professional liability insurance coverage,
14 procedures and risks of birth in the client's chosen
15 environment, components of the emergency plan, and the address
16 and telephone number of the board where complaints may be
17 filed. The board, by rule, shall establish a form for this
18 purpose.

19 (e) For screening purposes only, a registered lay
20 midwife may order routine antepartum and postpartum laboratory
21 analyses to be performed by a licensed laboratory.

22 (f) A registered lay midwife may not perform or
23 interpret ultrasounds and may only order and use an ultrasound
24 report provided by qualified providers managing clients.

25 (g) After a client has secured the services of a
26 registered lay midwife, a lay midwife shall document an
27 emergency care plan particular to each client, which shall

1 include referral and transfer plans in the event of an
2 emergency.

3 (h) A registered lay midwife shall determine the
4 progress of labor and document dilation, effacement, and
5 station at timely intervals, and when delivery is imminent
6 shall be present until delivery is accomplished and the client
7 is stable postpartum.

8 (i) A registered lay midwife shall remain with the
9 client during the postpartum period until the conditions of
10 the client and newborn are stabilized.

11 (j) A registered lay midwife shall instruct the
12 client regarding the requirements of the administration of eye
13 ointment required by the Department of Public Health pursuant
14 to Section 22-20-2.

15 (k) A registered lay midwife shall instruct the
16 client regarding the requirements of administration of newborn
17 health screening ordered by the Department of Public Health
18 pursuant to Section 22-20-3.

19 (l) A registered lay midwife shall file a birth
20 certificate for each birth in accordance with the requirements
21 of Section 22-9A-7.

22 (m) A registered lay midwife shall have the same
23 authority and responsibility as other licensed health care
24 providers regarding reporting and ordering tests, but not
25 reading or interpreting tests, concerning public health laws,
26 reportable disease and conditions, communicable disease
27 control and prevention, and recording of vital statistics,

1 except that this authority is limited to activity consistent
2 with the registration authorized in this article.

3 §34-19-36.

4 (a) Except as provided in this section, it shall be
5 unlawful for an individual other than a registered lay midwife
6 to provide lay midwifery services in this state for economic
7 remuneration or to hold himself or herself out to be a
8 registered lay midwife unless he or she is a registered lay
9 midwife. An individual violating this section shall be guilty
10 of a Class C felony.

11 (b) An individual does not violate subsection (a) in
12 any of the following circumstances:

13 (1) The individual is a certified nurse midwife
14 acting in accordance with Sections 34-21-80 to 34-21-93,
15 inclusive.

16 (2) The individual is a licensed health care
17 practitioner, including a licensed physician, acting within
18 the scope of his or her practice. Nothing in this article
19 shall be construed as expanding the scope of practice of any
20 other health care practitioner.

21 (c) Nothing in this section shall be construed to
22 repeal, abridge, or modify Section 6-5-332, or any other good
23 samaritan law.

24 §34-19-37.

25 Nothing in this article shall be construed to
26 establish a standard of care for physicians or otherwise
27 modify, amend, or supersede any provision of the Alabama

1 Medical Liability Act of 1987, or the Alabama Medical
2 Liability Act of 1996, commencing with Section 6-5-540, Code
3 of Alabama 1975, or any amendment thereto, or any judicial
4 interpretation thereof.

5 §34-19-38.

6 Individuals registered as midwives pursuant to this
7 article shall be designated registered Lay Midwives (LM).

8 §34-19-39.

9 (a) Except as required under federal law, a
10 physician, health care practitioner, or hospital, including
11 agents and employees of a physician, health care practitioner,
12 or hospital, that receives or treats a client, a client's
13 unborn child, or a client's child after the use of services of
14 a registered lay midwife, shall be immune from any civil or
15 criminal liability for any subsequent examination, treatment,
16 or care provided to a client, a client's unborn child, or a
17 client's child, associated with the care of someone holding
18 himself or herself out as a registered lay midwife. No
19 physician, health care practitioner, or hospital, including
20 agents and employees of a physician, health care practitioner,
21 or hospital shall be liable for any act or omission resulting
22 from a woman's decision to have a physiologic childbirth
23 outside of a hospital or medical facility. Any physician,
24 health care practitioner, or hospital, including agents and
25 employees of a physician, health care practitioner, or
26 hospital who attends to the client or the client's child in
27 circumstances arising out of or related in to the client's

1 pregnancy or delivery, following the creation of the lay
2 registered lay midwife-client relationship, is immune from
3 civil or criminal liability for any act or omission occurring
4 in connection therewith. Furthermore, no physician, health
5 care practitioner, or hospital, including agents and employees
6 of a physician, health care practitioner, or hospital shall be
7 liable for civil damages for any act or omission resulting
8 from the administration of services or advice given to a
9 client by a registered lay midwife.

10 (b) In any civil action against a registered lay
11 midwife based upon any negligent act or omission of the lay
12 midwife, proof of such act or omission shall not create or
13 establish the responsibility of any health care provider,
14 under the doctrine of respondeat superior.

15 (c) It is the express intent of this section that no
16 physician, health care practitioner, or hospital, including
17 agents and employees of a physician, health care practitioner,
18 or hospital, shall be liable for damages as the result of any
19 advice given by a registered lay midwife to a client or any
20 care or services provided to a client or services from the
21 registered lay midwife.

22 §34-19-40.

23 A certified nurse midwife and a licensed physician
24 may treat clients at a birthing center established under this
25 article.

26 Section 4. Section 22-9A-7, Code of Alabama 1975, is
27 amended to read as follows:

1 "§22-9A-7.

2 "(a) A certificate of birth for each live birth
3 which occurs in this state shall be filed with the Office of
4 Vital Statistics, or as otherwise directed by the State
5 Registrar, within five days after the birth and shall be
6 registered if it has been completed and filed in accordance
7 with this section.

8 "(b) (1) When a birth occurs in an institution or en
9 route to the institution, the person in charge of the
10 institution or his or her designated representative shall
11 obtain the personal data, prepare the certificate, secure the
12 signatures required, and file the certificate as directed in
13 subsection (a) or as directed by the State Registrar within
14 the required five days. The physician or other person in
15 attendance shall provide the medical information required by
16 the certificate and certify to the facts of birth within 72
17 hours after the birth. If the physician, or other person in
18 attendance, does not certify to the facts of birth within the
19 72-hour period, the person in charge of the institution or his
20 or her designee shall complete and sign the certificate.

21 "(2) In all cases where a birth occurs in an
22 institution, the person in charge of the institution shall
23 provide a procedure for collection of the normal fee for a
24 certified copy of the birth certificate from the mother or
25 father. The fee shall be forwarded to the State Registrar when
26 a complete record of the birth is obtained, and the State
27 Registrar shall issue a certified copy of the birth

1 certificate to the mother or father of the child. The issuance
2 of a certified copy of the birth certificate by the State
3 Registrar shall not apply to births where the death of the
4 infant occurred a short time following the birth, unless the
5 certificate is requested by the father or mother, or where
6 adoption is indicated.

7 "(c) When a birth occurs outside an institution, the
8 certificate shall be prepared and filed by one of the
9 following in the indicated order of priority:

10 "(1) The physician or registered lay midwife in
11 attendance at the birth or who sees the child within three
12 days after the birth.

13 "(2) Any other person in attendance at or
14 immediately after the birth.

15 "(3) The father, the mother, or in the absence of
16 the father and the inability of the mother, the person in
17 charge of the premises where the birth occurred.

18 "(d) When a birth occurs in a moving conveyance
19 within the United States and the child is first removed from
20 the conveyance in this state, the birth shall be registered in
21 this state and the place where it is first removed shall be
22 considered the place of birth. When a birth occurs on a moving
23 conveyance while in international waters or air space or in a
24 foreign country or its air space and the child is first
25 removed from the conveyance in this state, the birth shall be
26 registered in this state, but the certificate shall show the
27 actual place of birth as can be determined.

1 "(e) For the purposes of birth registration, the
2 mother is deemed to be the woman who gives birth to the child,
3 unless otherwise determined by law.

4 "(f) (1) If the mother was married at the time of
5 either conception or birth, or between conception and birth,
6 the name of the husband shall be entered on the certificate as
7 the father of the child, unless it is established by law that
8 he is not the father of the child.

9 "(2) If the mother was not married at the time of
10 either conception or birth or between conception and birth,
11 the name of the father shall not be entered on the certificate
12 unless paternity has been determined by a court of competent
13 jurisdiction or unless the legitimation process specified in
14 Sections 26-11-1 through 26-11-3, inclusive, or otherwise
15 provided by law has been completed.

16 "(3) If the father is not named on the certificate
17 of birth, no other information about the father shall be
18 entered on the certificate.

19 "(g) The birth certificate of a child born to a
20 married woman as a result of artificial insemination, with
21 consent of her husband, shall be completed in accordance with
22 subdivision (1) of subsection (f).

23 "(h) Either of the parents of the child shall attest
24 to the accuracy of the personal data entered on the
25 certificate in time to permit the filing of the certificate
26 within the five days prescribed in subsection (a)."

1 Section 5. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621 because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 6. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.