



SUPPORT

A8960 Hyer-Spencer

Though statistics concerning the number of stillbirths are difficult to measure accurately, it is widely accepted that there are 25,000 – 30,000 stillbirths annually in the United States. A New York State Department of Health report indicates that in 2005 (the last year for which reporting is available) there were 1,694 fetal deaths in New York State with gestation twenty weeks and over.¹ In fact, about one in every 200 pregnancies will result in the spontaneous death of the fetus at or beyond the 20th week of gestation.

New York State Public Health Law mandates that a stillbirth, like any fetal death, “shall be considered as a birth and as a death,” but unlike live births, there is no requirement that a birth certificate be issued in the case of stillbirth. When the fetal death certificate is issued, the decedent’s name does not appear on the certificate. **The state records the legal *death* of the fetus, but never permits a legal recognition of the stillborn *birth*.**

The recognition of the stillborn’s existence is an important first step in the grieving process for parents and other family members. This is why so many hospitals have adopted policies that allow the parents to hold their stillborn child and even dress the stillborn for photographs. **A certificate of birth resulting in stillbirth would allow parents a tangible piece of evidence that acknowledges the life that they have loved and lost.**

The bill specifically avoids referring to the fetus as an unborn child and uses language such as “naturally occurring intrauterine death” so as to avoid any unintended consequences on a woman’s access to abortion. **Fifteen other states have already adopted similar legislation with no reports of any attempt to exploit the law to advance a particular ideological agenda.**

A8960 cleared the New York State Assembly Health Committee and is awaiting further action in the Assembly Ways & Means Committee, while the companion bill in the Senate has already been approved. **It is time the State Assembly does what it can to help alleviate the grief parents of a stillborn child experience.**

¹ http://www.health.state.ny.us/nysdoh/vital_statistics/2005/table17.htm