

*certain members of the military; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision.*

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

Section 1. Minnesota Statutes 2004, section 256L.07, is amended by adding a subdivision to read:

**Subd. 5. VOLUNTARY DISENROLLMENT FOR MEMBERS OF MILITARY.** Notwithstanding section 256L.05, subdivision 3b, MinnesotaCare enrollees who are members of the military and their families, who choose to voluntarily disenroll from the program when one or more family members are called to active duty, may reenroll during or following that member's tour of active duty. Those individuals and families shall be considered to have good cause for voluntary termination under section 256L.06, subdivision 3, paragraph (d). Income and asset increases reported at the time of reenrollment shall be disregarded. All provisions of sections 256L.01 to 256L.18 shall apply to individuals and families enrolled under this subdivision upon six-month renewal.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor May 16, 2005

Signed by the governor May 19, 2005, 3:55 p.m.

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## CHAPTER 60—H.F.No. 947

*An act relating to health; providing for an optional record of birth resulting in stillbirth; amending Minnesota Statutes 2004, sections 144.212, subdivision 8; 144.222, subdivision 1; 144.226, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Rules, part 4601.2200, subpart 1.*

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

Section 1. **[144.2151] RECORD OF BIRTH RESULTING IN STILLBIRTH.**

**Subdivision 1. FILING.** A record of birth for each birth resulting in a stillbirth in this state, on or after August 1, 2005, for which a fetal death report is required under section 144.222, subdivision 1, shall be filed with the state registrar within five days after the birth if the parent or parents of the stillbirth request to have a record of birth resulting in stillbirth prepared.

**Subd. 2. INFORMATION TO PARENTS.** The party responsible for filing a fetal death report under section 144.222, subdivision 1, shall advise the parent or parents of a stillbirth:

(1) that they may request preparation of a record of birth resulting in stillbirth;

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(2) that preparation of the record is optional; and

(3) how to obtain a certified copy of the record if one is requested and prepared.

**Subd. 3. PREPARATION.** (a) Within five days after delivery of a stillbirth, the parent or parents of the stillbirth may prepare and file the record with the state registrar if the parent or parents of the stillbirth, after being advised as provided in subdivision 2, request to have a record of birth resulting in stillbirth prepared.

(b) If the parent or parents of the stillbirth do not choose to provide a full name for the stillbirth, the parent or parents may choose to file only a last name.

(c) Either parent of the stillbirth or, if neither parent is available, another person with knowledge of the facts of the stillbirth shall attest to the accuracy of the personal data entered on the record in time to permit the filing of the record within five days after delivery.

**Subd. 4. RETROACTIVE APPLICATION.** Notwithstanding subdivisions 1 to 3, if a birth that occurred in this state at any time resulted in a stillbirth for which a fetal death report was required under section 144.222, subdivision 1, but a record of birth resulting in stillbirth was not prepared under subdivision 3, a parent of the stillbirth may submit to the state registrar, on or after August 1, 2005, a written request for preparation of a record of birth resulting in stillbirth and evidence of the facts of the stillbirth in the form and manner specified by the state registrar. The state registrar shall prepare and file the record of birth resulting in stillbirth within 30 days after receiving satisfactory evidence of the facts of the stillbirth.

**Subd. 5. RESPONSIBILITIES OF STATE REGISTRAR.** The state registrar shall:

(1) prescribe the form of and information to be included on a record of birth resulting in stillbirth, which shall be as similar as possible to the form of and information included on a record of birth;

(2) prescribe the form of and information to be provided by the parent of a stillbirth requesting a record of birth resulting in stillbirth under subdivisions 3 and 4 and make this form available on the Department of Health's Web site;

(3) issue a certified copy of a record of birth resulting in stillbirth to a parent of the stillbirth that is the subject of the record if:

(i) a record of birth resulting in stillbirth has been prepared and filed under subdivision 3 or 4; and

(ii) the parent requesting a certified copy of the record submits the request in writing; and

(4) create and implement a process for entering, preparing, and handling stillbirth records identical or as close as possible to the processes for birth and fetal death records when feasible, but no later than the date on which the next reprogramming of the Department of Health's database for vital records is completed.

**New language is indicated by underline, deletions by ~~strikeout~~.**

Sec. 2. Minnesota Statutes 2004, section 144.212, subdivision 8, is amended to read:

Subd. 8. **VITAL RECORD.** "Vital record" means a record or report of birth, stillbirth, death, marriage, dissolution and annulment, and data related thereto. The birth record is not a medical record of the mother or the child.

Sec. 3. Minnesota Statutes 2004, section 144.222, subdivision 1, is amended to read:

Subdivision 1. **FETAL DEATH REPORT REQUIRED.** Each fetal death which occurs in this state shall be reported within five days to the state registrar as prescribed by rule by the commissioner. A fetal death report must be filed within five days of the death of a fetus for whom 20 or more weeks of gestation have elapsed, except for abortions defined under section 145.4241. A fetal death report must be prepared in a format prescribed by the state registrar and filed in accordance with Minnesota Rules, parts 4601.0100 to 4601.2600 by:

(1) a person in charge of an institution or that person's authorized designee if a fetus is delivered in the institution or en route to the institution;

(2) a physician, certified nurse midwife, or other licensed medical personnel in attendance at or immediately after the delivery if a fetus is delivered outside an institution; or

(3) a parent or other person in charge of the disposition of the remains if a fetal death occurred without medical attendance at or immediately after the delivery.

Sec. 4. Minnesota Statutes 2004, section 144.226, subdivision 1, is amended to read:

Subdivision 1. **WHICH SERVICES ARE FOR FEE.** The fees for the following services shall be the following or an amount prescribed by rule of the commissioner:

(a) The fee for the issuance of a certified vital record or a certification that the vital record cannot be found is \$8. No fee shall be charged for a certified birth, stillbirth, or death record that is reissued within one year of the original issue, if an amendment is made to the vital record and if the previously issued vital record is surrendered.

(b) The fee for the replacement of a birth record for all events, except when filing a recognition of parentage pursuant to section 257.73, subdivision 1, is \$20.

(c) The fee for the filing of a delayed registration of birth, stillbirth, or death is \$20.

(d) The fee for the amendment of any vital record when requested more than 45 days after the filing of the vital record is \$20. No fee shall be charged for an amendment requested within 45 days after the filing of the vital record.

(e) The fee for the verification of information from vital records is \$8 when the applicant furnishes the specific information to locate the vital record. When the

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applicant does not furnish specific information, the fee is \$20 per hour for staff time expended. Specific information includes the correct date of the event and the correct name of the registrant. Fees charged shall approximate the costs incurred in searching and copying the vital records. The fee shall be payable at the time of application.

(f) The fee for issuance of a copy of any document on file pertaining to a vital record or statement that a related document cannot be found is \$8.

Sec. 5. Minnesota Statutes 2004, section 144.226, subdivision 3, is amended to read:

Subd. 3. **BIRTH RECORD SURCHARGE.** In addition to any fee prescribed under subdivision 1, there shall be a nonrefundable surcharge of \$3 for each certified birth or stillbirth record and for a certification that the vital record cannot be found. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 119A.12. This surcharge shall not be charged under those circumstances in which no fee for a certified birth or stillbirth record is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued.

Sec. 6. Minnesota Statutes 2004, section 144.226, subdivision 4, is amended to read:

Subd. 4. **VITAL RECORDS SURCHARGE.** In addition to any fee prescribed under subdivision 1, there is a nonrefundable surcharge of \$2 for each certified and noncertified birth, stillbirth, or death record, and for a certification that the record cannot be found. The local or state registrar shall forward this amount to the commissioner of finance to be deposited into the state government special revenue fund. This surcharge shall not be charged under those circumstances in which no fee for a birth, stillbirth, or death record is permitted under subdivision 1, paragraph (a).

Sec. 7. **REPEALER.**

Minnesota Rules, part 4601.2200, subpart 1, is repealed.

Presented to the governor May 16, 2005

Signed by the governor May 19, 2005, 4:00 p.m.

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**CHAPTER 61—H.F.No. 1333**

*An act relating to local government; permitting the cities of Wabasha and Ortonville to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.*

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

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