
HOUSE BILL 2177

State of Washington

69th Legislature

2026 Regular Session

By Representatives Thai, Parshley, Ryu, Kloba, Simmons, Reed, Zahn, Reeves, and Fosse

Prefiled 12/19/25. Read first time 01/12/26. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to modifying the vital statistics definition of
2 fetal death; amending RCW 70.58A.010 and 70.58A.010; providing an
3 effective date; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.58A.010 and 2020 c 312 s 729 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Adult" means a person who is at least eighteen years of age,
10 or an emancipated minor under chapter 13.64 RCW.

11 (2) "Amendment" means a change to a certification item on the
12 vital record.

13 (3) "Authorized representative" means a person permitted to
14 receive a certification who is:

15 (a) Identified in a notarized statement signed by a qualified
16 applicant; or

17 (b) An agent identified in a power of attorney as defined in
18 chapter 11.125 RCW.

19 (4) "Certification" means the document, in either paper or
20 electronic format, containing all or part of the information
21 contained in the original vital record from which the document is

1 derived, and is issued from the central vital records system. A
2 certification includes an attestation by the state or local registrar
3 to the accuracy of information, and has the full force and effect of
4 the original vital record.

5 (5) "Certification item" means any item of information that
6 appears on certifications.

7 (6) "Coroner" means the person elected or appointed in a county
8 under chapter 36.16 RCW to serve as the county coroner and fulfill
9 the responsibilities established under chapter 36.24 RCW.

10 (7) "Cremated remains" has the same meaning as "cremated human
11 remains" in chapter 68.04 RCW.

12 (8) "Delayed report of live birth" means the report submitted to
13 the department for the purpose of registering the live birth of a
14 person born in state that was not registered within one year of the
15 date of live birth.

16 (9) "Department" means the department of health.

17 (10) "Domestic partner" means a party to a state registered
18 domestic partnership established under chapter 26.60 RCW.

19 (11) "Facility" means any licensed establishment, public or
20 private, located in state, which provides inpatient or outpatient
21 medical, surgical, or diagnostic care or treatment; or nursing,
22 custodial, or domiciliary care. The term also includes establishments
23 to which persons are committed by law including, but not limited to:

24 (a) Mental illness detention facilities designated to assess,
25 diagnose, and treat individuals detained or committed, under chapter
26 71.05 RCW;

27 (b) City and county jails;

28 (c) State department of corrections facilities; and

29 (d) Juvenile correction centers governed by Title 72 RCW.

30 (12) "Fetal death" means any product of conception that shows no
31 evidence of life, such as breathing, beating of the heart, pulsation
32 of the umbilical cord, or definite movement of voluntary muscles
33 after complete expulsion or extraction from the individual who gave
34 birth that is not an induced termination of pregnancy and:

35 (a) Has completed twenty or more weeks of gestation (~~as~~
36 ~~calculated from the date the last menstrual period of the individual~~
37 ~~who gave birth began, to the date of expulsion or extraction~~) at the
38 date of death based on the best clinically accurate gestational age;

39 or

1 (b) Weighs three hundred fifty grams or more, if weeks of
2 gestation are not known.

3 (13) "Final disposition" means the burial, interment, entombment,
4 cremation, removal from the state, or other manner of disposing of
5 human remains as authorized under chapter 68.50 RCW.

6 (14) "Funeral director" means a person licensed under chapter
7 18.39 RCW as a funeral director.

8 (15) "Funeral establishment" means a place of business licensed
9 under chapter 18.39 RCW as a funeral establishment.

10 (16) "Government agencies" include state boards, commissions,
11 committees, departments, educational institutions, or other state
12 agencies which are created by or pursuant to statute, other than
13 courts and the legislature; county or city agencies, United States
14 federal agencies, and federally recognized tribes and tribal
15 organizations.

16 (17) "Human remains" means the body of a deceased person,
17 includes the body in any stage of decomposition, and includes
18 cremated human remains, but does not include human remains that are
19 or were at any time under the jurisdiction of the state physical
20 anthropologist under chapter 27.44 RCW.

21 (18) "Individual" means a natural person.

22 (19) "Induced termination of pregnancy" means the purposeful
23 interruption of an intrauterine pregnancy with an intention other
24 than to produce a live-born infant, and which does not result in a
25 live birth.

26 (20) "Informational copy" means a birth or death record issued
27 from the central vital records system, containing all or part of the
28 information contained in the original vital record from which the
29 document is derived, and indicating it cannot be used for legal
30 purposes on its face.

31 (21) "Legal guardian" means a person who serves as a guardian for
32 the purpose of either legal or custodial matters, or both, relating
33 to the person for whom the guardian is appointed. The term legal
34 guardian includes, but is not limited to, guardians appointed
35 pursuant to chapters 11.130 and 13.36 RCW.

36 (22) "Legal representative" means a licensed attorney
37 representing either the subject of the record or qualified applicant.

38 (23) "Live birth" means the complete expulsion or extraction of a
39 product of human conception from the individual who gave birth,
40 irrespective of the duration of pregnancy, which, after such

1 expulsion or extraction, breathes or shows any other evidence of
2 life, such as beating of the heart, pulsation of the umbilical cord,
3 or definite movement of voluntary muscles.

4 (24) "Local health officer" has the same meaning as in chapter
5 70.05 RCW.

6 (25) "Medical certifier" for a death or fetal death means an
7 individual required to attest to the cause of death information
8 provided on a report of death or fetal death. Each individual
9 certifying cause of death or fetal death may certify cause of death
10 only as permitted by that individual's professional scope of
11 practice. These individuals include:

12 (a) A physician, physician's assistant, or an advanced registered
13 nurse practitioner last in attendance at death or who treated the
14 decedent through examination, medical advice, or medications within
15 the twelve months preceding the death;

16 (b) A midwife, only in cases of fetal death; and

17 (c) A physician performing an autopsy, when the decedent was not
18 treated within the last twelve months and the person died a natural
19 death.

20 (26) "Medical examiner" means the person appointed under chapter
21 36.24 RCW to fulfill the responsibilities established under chapter
22 36.24 RCW.

23 (27) "Midwife" means a person licensed to practice midwifery
24 pursuant to chapter 18.50 RCW.

25 (28) "Physician" means a person licensed to practice medicine,
26 naturopathy, or osteopathy pursuant to Title 18 RCW.

27 (29) "Registration" or "register" means the process by which a
28 report is approved and incorporated as a vital record into the vital
29 records system.

30 (30) "Registration date" means the month, day, and year a report
31 is incorporated into the vital records system.

32 (31) "Report" means an electronic or paper document containing
33 information related to a vital life event for the purpose of
34 registering the vital life event.

35 (32) "Sealed record" means the original record of a vital life
36 event and the evidence submitted to support a change to the original
37 record.

38 (33) "Secretary" means the secretary of the department of health.

39 (34) "State" means Washington state unless otherwise specified.

1 (35) "State registrar" means the person appointed by the
2 secretary to administer the vital records system under RCW
3 70.58A.030.

4 (36) "Territory of the United States" means American Samoa, the
5 Commonwealth of the Northern Mariana Islands, the Commonwealth of
6 Puerto Rico, Guam, and the United States Virgin Islands.

7 (37) "Vital life event" means a birth, death, fetal death,
8 marriage, dissolution of marriage, dissolution of domestic
9 partnership, declaration of invalidity of marriage, declaration of
10 invalidity of domestic partnership, and legal separation.

11 (38) "Vital record" or "record" means a report of a vital life
12 event that has been registered and supporting documentation.

13 (39) "Vital records system" means the statewide system created,
14 operated, and maintained by the department under this chapter.

15 (40) "Vital statistics" means the aggregated data derived from
16 vital records, including related reports, and supporting
17 documentation.

18 **Sec. 2.** RCW 70.58A.010 and 2025 c 58 s 5138 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Adult" means a person who is at least eighteen years of age,
23 or an emancipated minor under chapter 13.64 RCW.

24 (2) "Amendment" means a change to a certification item on the
25 vital record.

26 (3) "Authorized representative" means a person permitted to
27 receive a certification who is:

28 (a) Identified in a notarized statement signed by a qualified
29 applicant; or

30 (b) An agent identified in a power of attorney as defined in
31 chapter 11.125 RCW.

32 (4) "Certification" means the document, in either paper or
33 electronic format, containing all or part of the information
34 contained in the original vital record from which the document is
35 derived, and is issued from the central vital records system. A
36 certification includes an attestation by the state or local registrar
37 to the accuracy of information, and has the full force and effect of
38 the original vital record.

1 (5) "Certification item" means any item of information that
2 appears on certifications.

3 (6) "Coroner" means the person elected or appointed in a county
4 under chapter 36.16 RCW to serve as the county coroner and fulfill
5 the responsibilities established under chapter 36.24 RCW.

6 (7) "Cremated remains" has the same meaning as "cremated human
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8 (8) "Delayed report of live birth" means the report submitted to
9 the department for the purpose of registering the live birth of a
10 person born in state that was not registered within one year of the
11 date of live birth.

12 (9) "Department" means the department of health.

13 (10) "Domestic partner" means a party to a state registered
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16 private, located in state, which provides inpatient or outpatient
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19 to which persons are committed by law including, but not limited to:

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30 birth that is not an induced termination of pregnancy and:

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32 ~~calculated from the date the last menstrual period of the individual~~
33 ~~who gave birth began, to the date of expulsion or extraction)) at the
34 date of death based on the best clinically accurate gestational age;
35 or~~

36 (b) Weighs three hundred fifty grams or more, if weeks of
37 gestation are not known.

38 (13) "Final disposition" means the burial, interment, entombment,
39 cremation, removal from the state, or other manner of disposing of
40 human remains as authorized under chapter 68.50 RCW.

1 (14) "Funeral director" means a person licensed under chapter
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3 (15) "Funeral establishment" means a place of business licensed
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5 (16) "Government agencies" include state boards, commissions,
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9 federal agencies, and federally recognized tribes and tribal
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14 or were at any time under the jurisdiction of the state physical
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7 (a) A physician, physician's assistant, or an advanced practice
8 registered nurse last in attendance at death or who treated the
9 decedent through examination, medical advice, or medications within
10 the twelve months preceding the death;

11 (b) A midwife, only in cases of fetal death; and

12 (c) A physician performing an autopsy, when the decedent was not
13 treated within the last twelve months and the person died a natural
14 death.

15 (26) "Medical examiner" means the person appointed under chapter
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33 (33) "Secretary" means the secretary of the department of health.

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36 secretary to administer the vital records system under RCW
37 70.58A.030.

38 (36) "Territory of the United States" means American Samoa, the
39 Commonwealth of the Northern Mariana Islands, the Commonwealth of
40 Puerto Rico, Guam, and the United States Virgin Islands.

1 (37) "Vital life event" means a birth, death, fetal death,
2 marriage, dissolution of marriage, dissolution of domestic
3 partnership, declaration of invalidity of marriage, declaration of
4 invalidity of domestic partnership, and legal separation.

5 (38) "Vital record" or "record" means a report of a vital life
6 event that has been registered and supporting documentation.

7 (39) "Vital records system" means the statewide system created,
8 operated, and maintained by the department under this chapter.

9 (40) "Vital statistics" means the aggregated data derived from
10 vital records, including related reports, and supporting
11 documentation.

12 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,
13 2027.

14 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June
15 30, 2027.

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