



Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

Robert R. Corbin

July 3, 1979

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**ARIZONA ATTORNEY GENERAL**

The Honorable Trudy Camping  
Arizona State Senator  
Senate Wing, State Capitol  
1700 West Washington  
Phoenix, AZ 85007

Re: I79-176 (R79-057)

Dear Senator Camping:

This is in response to your inquiry of February 28, 1979 as to whether the phrase "fetal deaths" as used in A.R.S. § 36-329 includes deaths resulting from abortion. A.R.S. § 36-329 is part of Title 36, Chapter 3, dealing with vital statistics. Paragraph A of that section provides, in part, as follows:

A fetal death certificate for each fetal death occurring in this state after a gestation period of twenty completed weeks or more shall be filed with the designated registrar within three days following delivery and prior to cremation or removal of the fetus from the registration district. . . .

The term "fetal death" is defined for purposes of Title 36, Chapter 3, in A.R.S. § 36-301.2 as follows:

"Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

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The definition of "fetal death" is without regard to the cause of death. Therefore, we conclude that a fetal death certificate must be filed whenever the conditions of A.R.S. §§ 36-329.A and 36-301.2 are met, irrespective of the cause of death.

Sincerely,



BOB CORBIN  
Attorney General

BC/mm