

LEGISLATIVE BILL 1040

Approved by the Governor April 17, 2018

Introduced by Albrecht, 17; Riepe, 12; Kolterman, 24; Linehan, 39; Quick, 35; McDonnell, 5.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend sections 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for commemorative certificates of nonviable birth as prescribed; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-601, Reissue Revised Statutes of Nebraska, is amended to read:

71-601 Sections 71-601 to 71-649 and section 3 of this act shall be known and may be cited as the Vital Statistics Act.

Sec. 2. Section 71-601.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-601.01 For purposes of the Vital Statistics Act:

(1) Abstract of marriage means a certified document that summarizes the facts of marriage, including, but not limited to, the name of the bride and groom, the date of the marriage, the place of the marriage, and the name of the office filing the original marriage license. An abstract of marriage does not include signatures;

(2) Certificate means the record of a vital event. Certificate does not include a commemorative certificate;

(3) Certification means the process of recording, filing, amending, or preserving a certificate, which process may be by any means, including, but not limited to, microfilm, electronic, imaging, photographic, typewritten, or other means designated by the department; ~~and~~

(4) Commemorative certificate means a document commemorating a nonviable birth;

(5) ~~(4)~~ Department means the Department of Health and Human Services; and -

(6) Nonviable birth means an unintentional, spontaneous fetal demise occurring prior to the twentieth week of gestation during a pregnancy that has been verified by a health care practitioner.

Sec. 3. (1)(a) A health care practitioner licensed pursuant to the Uniform Credentialing Act who attends or diagnoses a nonviable birth or a health care facility licensed pursuant to the Health Care Facility Licensure Act at which a nonviable birth occurs shall advise a patient who experiences a nonviable birth that the patient may request a commemorative certificate as provided in this section and, upon request by the patient, shall provide a letter verifying the nonviable birth to the patient. The health care practitioner may delegate this duty to his or her designee. In lieu of a letter, the health care practitioner or his or her designee may provide the patient with a form provided by the department pursuant to subdivision (b) of this subsection and executed by the health care practitioner or his or her designee.

(b) The department shall provide on its web site a form to be executed by a health care practitioner or his or her designee affirming that a patient experienced a nonviable birth that the health care practitioner attended or diagnosed.

(2) Upon the request of the patient and submission of the letter or executed form, the department shall issue a commemorative certificate within sixty days after receipt of such request. The department shall charge a fee not to exceed its actual cost for issuing the commemorative certificate.

(3)(a) The commemorative certificate shall contain the name of the fetus and the gender, if known. If the name is not furnished by the patient, the department shall fill in the commemorative certificate with the name Baby Boy or Baby Girl and the last name of the patient, and if the gender of the child is also unknown, the department shall fill in the commemorative certificate with the name Baby and the last name of the patient.

(b) The following statement shall appear on the front of the commemorative certificate: This commemorative certificate is not proof of a live birth.

(4) The department shall not register the birth associated with a commemorative certificate issued under this section or use it to calculate live birth statistics. The commemorative certificate is commemorative in nature and has no legal effect.

(5) A commemorative certificate issued under this section shall not be used to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death for a nonviable birth.

Sec. 4. Original sections 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska, are repealed.