

E AND R AMENDMENTS TO LB 1040

Introduced by Wishart, 27, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

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

5           71-601 Sections 71-601 to 71-649 and section 3 of this act shall be  
6 known and may be cited as the Vital Statistics Act.

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

9           71-601.01 For purposes of the Vital Statistics Act:

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

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

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

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

24          (5) ~~(4)~~ Department means the Department of Health and Human  
25 Services; and -

26          (6) Nonviable birth means an unintentional, spontaneous fetal demise  
27 occurring prior to the twentieth week of gestation during a pregnancy

1 that has been verified by a health care practitioner.

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

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

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

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

30       (b) The following statement shall appear on the front of the  
31 commemorative certificate: This commemorative certificate is not proof of

1 a live birth.

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

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

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

12 2. On page 1, line 3, after "for" insert "commemorative".