

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB1040

Hearing Date: Thursday February 15, 2018
Committee On: Health and Human Services
Introducer: Albrecht
One Liner: Provide for certificates of nonviable birth

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Joni Albrecht
Jennifer Sommer
Laura Linder
Marci Petta
Jennifer Henning
Audra Pace
Katie Zulkoski
Lisa Bresley

Representing:

Introducer
Healing Embrace
Self
Self
Healing Embrace
Healing Embrace
Nebraska Hospital Association
Self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 1040 provides a mandate to a health care practitioner to advise the patient of the option to obtain a nonviable birth certificate after a nonviable birth is diagnosed. Provides mandate for health care practitioner to provide a letter to the patient at the request of the patient certifying a nonviable birth. Mandates the Department of Health and Human Services to issue a nonviable birth certificate and to charge a fee. Provides requirements for the content of the nonviable certificate. Mandates the Department to not register the birth or use the information to calculate live birth statistics. States the certificate is commemorative in nature and has no legal affect. Mandates the certificate to 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.

SECTION BY SECTION:

Section 1: Amends Section 71-601 to add section.

Section 2: Amends Section 71-601.01 to add definition "nonviable birth."

Section 3: Provides mandate to a health care practitioner to advise the patient of the option to obtain a nonviable birth certificate after a nonviable birth diagnosis. Provides mandate for health care practitioner to provide a letter to the patient at the request of patient certifying a nonviable birth. Mandates Department of Health and Human Services to issue nonviable birth certificate and to charge a fee. Provides requirements for the content of the nonviable certificate. Mandates the Department to not register the birth or use the information to calculate live birth statistic. States the certificate is commemorative in nature and has no legal affect. Mandates the nonviable certificate to 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.

Section 4: Repeals Sections 71-601 and 71-601.01

Explanation of amendments:

AM 1995 provides the definition of "commemorative certificate." Allows the health care practitioner to delegate the duty of notifying the patient of the ability to request a commemorative certificate. Changes "certifying" to "verifying" for content of the letter issued to the patient. Mandates the Department of Health and Human Services to provide a form on its website that may be used by a health care practitioner or designee to affirm the nonviable birth.

Merv Riepe, Chairperson