

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1040

FINAL READING

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

Read first time January 17, 2018

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Vital Statistics Act; to amend sections
2 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska; to
3 define and redefine terms; to provide for commemorative certificates
4 of nonviable birth as prescribed; to harmonize provisions; and to
5 repeal the original sections.

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

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

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

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

7 71-601.01 For purposes of the Vital Statistics Act:

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

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

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

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

22 (5) ~~(4)~~ Department means the Department of Health and Human
23 Services; and -

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

27 Sec. 3. (1)(a) A health care practitioner licensed pursuant to the
28 Uniform Credentialing Act who attends or diagnoses a nonviable birth or a
29 health care facility licensed pursuant to the Health Care Facility
30 Licensure Act at which a nonviable birth occurs shall advise a patient
31 who experiences a nonviable birth that the patient may request a

1 commemorative certificate as provided in this section and, upon request
2 by the patient, shall provide a letter verifying the nonviable birth to
3 the patient. The health care practitioner may delegate this duty to his
4 or her designee. In lieu of a letter, the health care practitioner or his
5 or her designee may provide the patient with a form provided by the
6 department pursuant to subdivision (b) of this subsection and executed by
7 the health care practitioner or his or her designee.

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

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

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

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

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

31 (5) A commemorative certificate issued under this section shall not

1 be used to establish, bring, or support a civil cause of action seeking
2 damages against any person or entity for bodily injury, personal injury,
3 or wrongful death for a nonviable birth.

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