

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 692**

Introduced by Cavanaugh, 6.

Read first time January 23, 2019

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend section
- 2 71-607, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to commemorative certificates for nonviable birth as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-607, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-607 (1)(a) ~~A health care practitioner licensed pursuant to the~~  
4 ~~Uniform Credentialing Act who attends or diagnoses a nonviable birth or a~~  
5 ~~health care facility licensed pursuant to the Health Care Facility~~  
6 ~~Licensure Act at which a nonviable birth occurs shall advise a patient~~  
7 ~~who experiences a nonviable birth that the patient may request a~~  
8 ~~commemorative certificate as provided in this section. Upon and, upon~~  
9 ~~request by the patient, a health care practitioner licensed pursuant to~~  
10 the Uniform Credentialing Act who attends or diagnoses a nonviable birth  
11 or a health care facility licensed pursuant to the Health Care Facility  
12 Licensure Act at which a nonviable birth occurs shall provide a letter  
13 verifying the nonviable birth to the patient. The health care  
14 practitioner may delegate this duty to his or her designee. In lieu of a  
15 letter, the health care practitioner or his or her designee may provide  
16 the patient with a form provided by the department pursuant to  
17 subdivision (b) of this subsection and executed by the health care  
18 practitioner or his or her designee.

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

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

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

1 the gender of the child is also unknown, the department shall fill in the  
2 commemorative certificate with the name Baby and the last name of the  
3 patient.

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

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

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

15 Sec. 2. Original section 71-607, Reissue Revised Statutes of  
16 Nebraska, is repealed.