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

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-607, Reissue Revised Statutes of Nebraska; to change provisions relating to commemorative certificates for nonviable birth as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 71-607, Reissue Revised Statutes of Nebraska, is amended to read:

71-607 (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. Upon request by the patient, 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 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. 2. Original section 71-607, Reissue Revised Statutes of
Nebraska, is repealed.