

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1040**

Introduced by Albrecht, 17.

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 a term; to provide for certificates of nonviable birth as
- 4 prescribed; to harmonize provisions; and to repeal the original
- 5 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;

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

19 (4) Department means the Department of Health and Human Services;  
20 ~~and -~~

21 (5) Nonviable birth means an unintentional, spontaneous fetal demise  
22 occurring prior to the twentieth week of gestation during a pregnancy  
23 that has been verified by a health care practitioner.

24 Sec. 3. (1) A health care practitioner licensed pursuant to the  
25 Uniform Credentialing Act who attends or diagnoses a nonviable birth or a  
26 health care facility licensed pursuant to the Health Care Facility  
27 Licensure Act at which a nonviable birth occurs shall advise a patient  
28 who experiences a nonviable birth that the patient may request a  
29 certificate of nonviable birth as provided in this section and, upon  
30 request by the patient, shall provide a letter certifying the nonviable  
31 birth to the patient.

1       (2) Upon the request of the patient and submission of the letter,  
2 the department shall issue a certificate of nonviable birth within sixty  
3 days after receipt of such request. The department shall charge a fee not  
4 to exceed its actual cost for issuing the certificate.

5       (3)(a) The certificate of nonviable birth shall contain the name of  
6 the fetus and the gender if known. If the name is not furnished by the  
7 patient, the department shall fill in the certificate with the name Baby  
8 Boy or Baby Girl and the last name of the patient, and if the gender of  
9 the child is also unknown, the department shall fill in the certificate  
10 of nonviable birth with the name Baby and the last name of the patient.

11       (b) The following statement shall appear on the front of the  
12 certificate: This certificate is not proof of a live birth.

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

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

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