

2023 Regular Session

HOUSE BILL NO. 457

BY REPRESENTATIVE CREWS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VITAL RECORDS/BIRTH CERT: Provides for a Commemorative Certificate of Miscarried Child

1 AN ACT

2 To enact Part VIII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:101, relative to the creation of a commemorative certificate of
4 miscarried child; to provide for responsibilities of the state registrar; to provide for
5 minimum data required; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part VIII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 40:101, is hereby enacted to read as follows:

9 PART VIII. COMMEMORATIVE CERTIFICATE OF MISCARRIED CHILD

10 §101. Commemorative certificate of miscarried child; requirements

11 A. The state registrar shall establish a commemorative certificate of
12 miscarried child. For the purposes of this Part, "miscarried child" means an
13 unintentional, spontaneous fetal demise occurring at or prior to the twentieth week
14 of gestation during a pregnancy.

15 B.(1) A licensed healthcare practitioner who attends or diagnoses a
16 miscarried child or a licensed healthcare facility where the birth of a miscarried child
17 occurs may advise a patient who experiences a miscarried child that the patient may
18 request a commemorative certificate as provided for in this Section.

1 (2) The vital records registry shall provide on its website a form that may be
2 completed by a healthcare practitioner or his designee affirming that he attended or
3 diagnosed a patient experiencing a miscarried child.

4 C. Upon request of the patient and submission of a completed form provided
5 for in this Section, the vital records registry shall issue a commemorative certificate
6 of miscarried child. If requested, one copy of the commemorative certificate of
7 miscarried child shall be provided by the vital records registry at no cost. Additional
8 copies shall be subject to the same fees as a certificate of live birth as provided in
9 R.S. 40:40.

10 D.(1) The commemorative certificate shall contain the name of the fetus and
11 the gender, if known. If the name is not furnished by the patient, the vital records
12 registry may complete the commemorative certificate with the name "Baby Boy" or
13 "Baby Girl" and the last name of the patient. If the gender of the fetus is unknown,
14 the department shall fill in the commemorative certificate with the name "Baby" and
15 the last name of the patient.

16 (2) The front of the commemorative certificate shall include a disclaimer
17 stating that the commemorative certificate is not proof of a live birth.

18 E.(1) The vital records registry shall not register a birth associated with a
19 commemorative certificate issued pursuant to this Section or use it to calculate live
20 birth statistics.

21 (2) A commemorative certificate is commemorative in nature and has no
22 legal effect.

23 (3) A commemorative certificate issued according to this Section shall not
24 be used to establish, bring, or support a civil cause of action seeking damages against
25 any person or entity for bodily injury, personal injury, or wrongful death of a
26 miscarried child.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 457 Engrossed

2023 Regular Session

Crews

Abstract: Provides for a commemorative certificate of a miscarried child at or prior to the 20th week of gestation.

Proposed law establishes a commemorative certificate of miscarried child, which is defined as an unintentional, spontaneous fetal demise occurring prior to or during the 20th week of gestation during a pregnancy that has been verified by a healthcare practitioner.

Proposed law provides that the vital records registry shall issue a commemorative certificate of miscarried child at the request of the patient.

Proposed law provides that the initial commemorative certificate of miscarried child shall be provided at no charge with all subsequent requests complying with present law fee schedules for certified copies of vital records.

Proposed law provides that the commemorative certificate will contain the name of the fetus and the gender, if known. If the name of the fetus is not furnished by the patient, the commemorative certificate with name "Baby Boy" or "Baby Girl" along with the last name of the patient if the gender of the fetus is known. If the gender of the fetus is not known the name "Baby" along with the last name of the patient will be printed.

Proposed law provides that the commemorative certificate is commemorative in nature and has no legal effect.

(Adds R.S. 40:101)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Remove the requirement that a healthcare practitioner advise the patient that the patient may receive a certificate of miscarried child.
2. Remove the requirement that a healthcare practitioner verify a patient's pregnancy.
3. Make technical corrections.
4. Change references from nonviable birth to miscarried child.