

2023 Regular Session

HOUSE BILL NO. 457

BY REPRESENTATIVES CREWS, AMEDEE, BUTLER, CARRIER, CORMIER,
DESHOTEL, EDMONDS, EMERSON, FRIEMAN, HARRIS, HOLLIS, MOORE,
CHARLES OWEN, SELDERS, AND THOMPSON

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.

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

22 C. Upon request of the patient and submission of a completed form provided
23 for in this Section, the vital records registry shall issue a commemorative certificate

1 of miscarried child. If requested, one copy of the commemorative certificate of
2 miscarried child shall be provided by the vital records registry at no cost. Additional
3 copies shall be subject to the same fees as a certificate of live birth as provided in
4 R.S. 40:40.

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

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

13 E.(1) The vital records registry shall not register a birth associated with a
14 commemorative certificate issued pursuant to this Section nor use it to calculate live
15 birth statistics.

16 (2) A commemorative certificate is commemorative in nature and has no
17 legal effect.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____