

ACT No. 353

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART VIII. COMMEMORATIVE CERTIFICATE OF MISCARRIED CHILD

§101. Commemorative certificate of miscarried child; requirements

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

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

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

C. Upon request of the patient and submission of a completed form provided 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: _____