

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 Nonviable Birth

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 nonviable birth; 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 NONVIABLE BIRTH

10 §101. Commemorative certificate of nonviable birth; requirements

11 A. The state registrar shall establish a commemorative certificate of
12 nonviable birth. For the purposes of this Part, "nonviable birth" means an
13 unintentional, spontaneous fetal demise occurring prior to the twentieth week of
14 gestation during a pregnancy that has been verified by a healthcare practitioner.

15 B.(1) A licensed healthcare practitioner who attends or diagnoses a
16 nonviable birth or a licensed healthcare facility where a nonviable birth occurs shall
17 advise a patient who experiences a nonviable birth that the patient may request a
18 commemorative certificate as provided for in this Section and, upon request by the
19 patient, provide a letter verifying the nonviable birth to the patient. The healthcare
20 practitioner may delegate this duty to his designee. As an alternative to a letter, the

1 healthcare practitioner or his designee may provide the patient with a completed
2 form provided by the Vital Records Registry pursuant to Paragraph (2) of this
3 Subsection.

4 (2) The Vital Records Registry shall provide on its website a form that may
5 be completed by a healthcare practitioner or his designee affirming that he attended
6 or diagnosed the patient experiencing a nonviable birth.

7 C. Upon request of the patient and submission of the letter or completed
8 form provided for in this Section, the Vital Records Registry shall issue a
9 commemorative certificate of nonviable birth. If requested, one copy of the
10 commemorative certificate of nonviable birth shall be provided by the Vital Records
11 Registry at no cost. Additional copies shall be subject to the same fees as a
12 certificate of live birth as provided in R.S. 40:40.

13 D.(1) The commemorative certificate shall contain the name of the fetus and
14 the gender, if known. If the name is not furnished by the patient, the Vital Records
15 Registry may complete the commemorative certificate with the name "Baby Boy"
16 or "Baby Girl" and the last name of the patient. If the gender of the fetus is
17 unknown, the department shall fill in the commemorative certificate with the name
18 "Baby" and the last name of the patient.

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

21 E.(1) The Vital Records Registry shall not register a birth associated with a
22 commemorative certificate issued pursuant to this Section or use it to calculate live
23 birth statistics.

24 (2) A commemorative certificate is commemorative in nature and has no
25 legal effect.

26 (3) A commemorative certificate issued according to this Section shall not
27 be used to establish, bring, or support a civil cause of action seeking damages against
28 any person or entity for bodily injury, personal injury, or wrongful death of a
29 nonviable birth.

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 Original

2023 Regular Session

Crews

Abstract: Provides for a commemorative certificate of a nonviable birth prior to the 20th week of gestation.

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

Proposed law provides that a licensed healthcare practitioner who attends or diagnoses a nonviable birth or a licensed healthcare facility where a nonviable birth occurs shall advise a patient that they may request the commemorative certificate.

Proposed law provides that the Vital Records Registry shall issue a commemorative certificate of nonviable birth upon receipt of a request of a patient and healthcare practitioner verification.

Proposed law provides that the initial commemorative certificate of nonviable birth shall be provided at no charge with all subsequent requests complying with present law fee schedules.

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 a commemorative certificate is commemorative in nature and has no legal effect.

(Adds R.S. 40:101)