

144.31B Certificate of nonviable birth.

1. As used in [this section](#):
 - a. “*Certificate of nonviable birth*” means a document issued based upon a nonviable birth.
 - b. “*Health care provider*” means the same as defined in [section 144.29A](#).
 - c. “*Hospital*” means the same as defined in [section 135B.1](#).
 - d. “*Nonviable birth*” means an unintentional, spontaneous fetal demise occurring after demonstration of a doppler-detected heartbeat and prior to the twentieth week of gestation during a pregnancy that has been verified by a health care provider.
2. A health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall advise a patient who experiences a nonviable birth that the patient may request a certificate of nonviable birth as provided in [this section](#) and, upon request by the patient, shall provide a letter certifying the nonviable birth to the patient.
3. The department may prescribe by rules adopted pursuant to [chapter 17A](#) the form and content of a request and the process for requesting a certificate of nonviable birth.
4. The department shall issue a certificate of nonviable birth to a patient within sixty days of receipt of a request and certification letter.
5.
 - a. The department shall prescribe by rules adopted pursuant to [chapter 17A](#) the form and content of and the fee for the preparation of a certificate of nonviable birth, which fee shall not exceed the actual cost of preparation of the certificate.
 - b. At a minimum, the rules shall require that the certificate of nonviable birth contain all of the following:
 - (1) The date of the nonviable birth.
 - (2) The name and gender, if known. If the name is not furnished by the patient, the department shall complete the certificate with the name “baby boy” or “baby girl” and the last name of the patient. If the gender is unknown, the department shall complete the certificate with the name “baby” and the last name of the patient.
 - (3) The statement: “This certificate is not proof of live birth.”
6. The fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with [section 144.46](#).
7. A certificate of nonviable birth shall not be required to be filed or registered. The department shall not register the nonviable birth associated with a certificate issued under [this section](#) or use the nonviable birth in calculating live birth statistics.
8. A certificate of nonviable birth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a nonviable birth.
9. [This section](#) shall only apply to, and a certificate of nonviable birth may be requested and issued only for, nonviable births occurring on or after January 1, 2000.

[2022 Acts, ch 1090, §1](#)

Referred to in §331.611