

**Senate File 308 - Introduced**

SENATE FILE 308  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 1062)

**A BILL FOR**

- 1 An Act relating to a certificate of nonviable birth.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 144.31B Certificate of nonviable  
2 birth.

3 1. As used in this section:

4 a. "*Certificate of nonviable birth*" means a document issued  
5 based upon a nonviable birth.

6 b. "*Health care provider*" means the same as defined in  
7 section 144.29A.

8 c. "*Hospital*" means the same as defined in section 135B.1.

9 d. "*Nonviable birth*" means an unintentional,  
10 spontaneous fetal demise occurring after demonstration  
11 of a doppler-detected heartbeat and prior to the twentieth week  
12 of gestation during a pregnancy that has been verified by a  
13 health care provider.

14 2. A health care provider who attends or diagnoses a  
15 nonviable birth or a hospital at which a nonviable birth occurs  
16 shall advise a patient who experiences a nonviable birth that  
17 the patient may request a certificate of nonviable birth as  
18 provided in this section and, upon request by the patient,  
19 shall provide a letter certifying the nonviable birth to the  
20 patient.

21 3. The department may prescribe by rules adopted pursuant to  
22 chapter 17A the form and content of a request and the process  
23 for requesting a certificate of nonviable birth.

24 4. The department shall issue a certificate of nonviable  
25 birth to a patient within sixty days of receipt of a request  
26 and certification letter.

27 5. a. The department shall prescribe by rules adopted  
28 pursuant to chapter 17A the form and content of and the fee  
29 for the preparation of a certificate of nonviable birth, which  
30 fee shall not exceed the actual cost of preparation of the  
31 certificate.

32 b. At a minimum, the rules shall require that the  
33 certificate of nonviable birth contain all of the following:

34 (1) The date of the nonviable birth.

35 (2) The name and gender, if known. If the name is not

1 furnished by the patient, the department shall complete the  
2 certificate with the name "baby boy" or "baby girl" and the  
3 last name of the patient. If the gender is unknown, the  
4 department shall complete the certificate with the name "baby"  
5 and the last name of the patient.

6 (3) The statement: "This certificate is not proof of live  
7 birth."

8 6. The fees collected shall be remitted to the treasurer  
9 of state for deposit in the general fund of the state and the  
10 vital records fund in accordance with section 144.46.

11 7. A certificate of nonviable birth shall not be required to  
12 be filed or registered. The department shall not register the  
13 nonviable birth associated with a certificate issued under this  
14 section or use the nonviable birth in calculating live birth  
15 statistics.

16 8. A certificate of nonviable birth shall not be used to  
17 establish, bring, or support a civil cause of action seeking  
18 damages against any person for bodily injury, personal injury,  
19 or wrongful death for a nonviable birth.

20 9. This section shall only apply to, and a certificate of  
21 nonviable birth may be requested and issued only for, nonviable  
22 births occurring on or after July 1, 2021.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to a certificate of nonviable birth. The  
27 provisions of the bill are similar to those relating to a  
28 certificate of birth resulting in stillbirth pursuant to Code  
29 section 144.31A.

30 Under the bill, a "nonviable birth" means an unintentional,  
31 spontaneous fetal demise occurring after demonstration of a  
32 doppler-detected heartbeat and prior to the twentieth week of  
33 gestation during a pregnancy that has been verified by a health  
34 care provider.

35 The bill provides that a health care provider who attends or

1 diagnoses a nonviable birth or a hospital at which a nonviable  
2 birth occurs shall advise a patient who experiences a nonviable  
3 birth that the patient may request a certificate of nonviable  
4 birth and, upon request by the patient, shall provide a letter  
5 certifying the nonviable birth to the patient.

6 The bill authorizes the department of public health (DPH)  
7 to prescribe by administrative rule the form and content of  
8 a request and the process for requesting a certificate of  
9 nonviable birth. DPH shall issue a certificate within 60 days  
10 of receipt of a request by the patient and submission of the  
11 certification letter.

12 DPH shall adopt administrative rules to prescribe the  
13 form and content of and the fee for the preparation of a  
14 certificate. The fee shall not exceed the actual cost of  
15 preparation of the certificate. The bill prescribes the  
16 minimum content of the certificate including the date of  
17 the nonviable birth, name and gender information, and the  
18 statement: "This certificate is not proof of live birth."

19 Fees collected are to be deposited in the general fund of the  
20 state and the vital records fund. A certificate of nonviable  
21 birth shall not be required to be filed or registered; DPH  
22 shall not register the nonviable birth associated with a  
23 certificate or use the nonviable birth in calculating live  
24 birth statistics; and a certificate of nonviable birth shall  
25 not be used to establish, bring, or support a civil cause of  
26 action seeking damages against any person for bodily injury,  
27 personal injury, or wrongful death for a nonviable birth.

28 The bill applies to, and a certificate of nonviable birth may  
29 be requested and issued only for, nonviable births occurring on  
30 or after July 1, 2021.