

Senate Study Bill 1062 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON EDLER)

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 EXPLANATION

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

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

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

32 The bill provides that a health care provider who attends or
33 diagnoses a nonviable birth or a hospital at which a nonviable
34 birth occurs shall advise a patient who experiences a nonviable
35 birth that the patient may request a certificate of nonviable

1 birth and, upon request by the patient, shall provide a letter
2 certifying the nonviable birth to the patient.

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

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

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