

# State of Tennessee

## PUBLIC CHAPTER NO. 156

SENATE BILL NO. 1389

By Bell, Gresham, Rose

Substituted for: House Bill No. 966

By Cochran, Zachary, Howell, Van Huss, Cepicky, Todd, Russell, Terry, Sherrell, Byrd, Lamberth, Powers, Tillis, Littleton, White, Dunn, Doggett, Towns

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to commemorative certificates of nonviable birth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 3, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Commemorative certificate" means a document commemorating a nonviable birth;

(2) "Department" means the department of health; and

(3) "Nonviable birth" means an unintentional, spontaneous fetal demise occurring prior to the twentieth week of gestation during a pregnancy that has been verified by a healthcare practitioner.

(b)(1) A healthcare practitioner licensed pursuant to title 63 who attends or diagnoses a nonviable birth, or a healthcare facility licensed pursuant to this title at which a nonviable birth occurs, may, based on the practitioner's best medical judgement and knowledge of the patient, advise a patient who experiences a nonviable birth that the patient may request a commemorative certificate from the department of health as provided in this section. The healthcare practitioner may delegate this duty to the practitioner's designee. The healthcare practitioner or the practitioner's designee shall provide the patient with a form provided by the department pursuant to subdivision (b)(2) and executed by the healthcare practitioner or the practitioner's designee.

(2) The department shall provide on the department's website a form to be executed by a healthcare practitioner or the practitioner's designee affirming that a patient experienced a nonviable birth that the healthcare practitioner attended or diagnosed.

(c) Upon the request of the patient and submission of the executed form, the department shall issue a commemorative certificate within sixty (60) days after receipt of the request. The department shall charge a fee not to exceed its actual cost for issuing the commemorative certificate.

(d)(1) The commemorative certificate must contain the name of the fetus and the sex, if known. If the name is not furnished by the patient, the department shall fill in the commemorative certificate with the name Baby Boy or Baby Girl and the last name of the patient, and if the sex of the child is also unknown, the department shall fill in the commemorative certificate with the name Baby and the last name of the patient.

(2) The following statement must appear on the front of the commemorative certificate:

**This commemorative certificate is not proof of a live birth.**

(e) The department shall not register the birth associated with a commemorative certificate issued under this section or use it to calculate live birth statistics. The commemorative certificate is commemorative in nature and has no legal effect.

(f) A commemorative certificate issued under this section must not be used to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death for a nonviable birth.

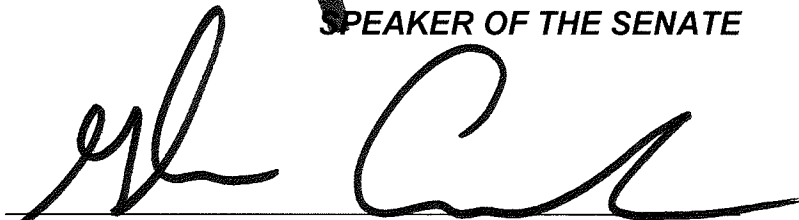
(g) A commemorative certificate issued under this section is not a public record.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 1, 2019

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
GLEN CASADA, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 18<sup>th</sup> day of April 2019

  
BILL LEE, GOVERNOR