

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 101 — Certificates of Nonviable Birth

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Cortes, B. and others (SB 672 by Senator Bean)

The bill creates the “Grieving Families Act” which enables a parent to obtain, in certain situations, a certificate of nonviable birth following a miscarriage. The bill defines a “nonviable birth” as an unintentional, spontaneous fetal demise occurring after the completion of the 9th week of gestation but prior to the 20th week of gestation of a pregnancy that has been verified by a health care practitioner.

The bill requires certain health care practitioners who attend or diagnose a nonviable birth, or the health care facility at which it occurs, to advise the parent:

- That the parent may request the preparation of a certificate of nonviable birth;
- That the parent may obtain a certificate of nonviable birth by contacting the Department of Health’s Office of Vital Statistics;
- How the parent may contact the Office of Vital Statistics to request the certificate of nonviable birth; and
- That certain information on the certificate of nonviable birth is available as a public record.

The Office of Vital Statistics must establish a process for registering nonviable births pursuant to information submitted by certain health care practitioners and facilities in response to a parent’s request for such submission and for issuing a certificate of nonviable birth upon the parent’s request. The bill provides that the fee for a new certificate of nonviable birth must be at least \$3 but no more than \$5.

The bill prohibits using a certificate of nonviable birth in the calculation of live birth statistics.

The bill specifies that the provisions in this act may not be used as a basis 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.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 115-1