

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Hospital Licensing Act is amended by changing Section 11.4 and by adding Section 11.9 as follows:

(210 ILCS 85/11.4)

Sec. 11.4. Disposition of fetus. A hospital having custody of a fetus following a spontaneous fetal demise occurring during or after a gestation period of less than 20 completed weeks must notify the patient of the ~~mother of her~~ right to arrange for the burial or cremation of the fetus. Notification may also include other options such as, but not limited to, a ceremony, a certificate, or common burial or cremation of fetal tissue. If, within 24 hours after being notified under this Section, the patient ~~mother~~ elects in writing to arrange for the burial or cremation of the fetus, the disposition of the fetus shall be subject to the same laws and rules that apply in the case of a fetal death that occurs in this State after a gestation period of 20 completed weeks or more. The Department of Public Health shall develop forms to be used for notifications and elections under this Section and hospitals shall provide the forms to the patient ~~mother~~.

(Source: P.A. 96-338, eff. 1-1-10.)

(210 ILCS 85/11.9 new)

Sec. 11.9. Certificate of birth resulting in stillbirth; notification. This Section may be referred to as Liam's Law.

A hospital having custody of a fetus following a spontaneous fetal death occurring during or after a gestation period of at least 20 completed weeks must notify the gestational parent of the parent's right to receive a certificate of birth resulting in stillbirth as described in Section 20.5 of the Vital Records Act. The Department of Public Health shall develop language on a form to be used for notification under this Section and hospitals shall provide the form to the gestational parent. This section of language shall be known as a "Liam's Law notice". The "Liam's Law notice" shall be available in both English and Spanish.

Section 10. The Vital Records Act is amended by changing Sections 20 and 20.5 as follows:

(410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

Sec. 20. Fetal death; place of registration.

(1) Each fetal death which occurs in this State after a gestation period of 20 completed weeks (or ~~and~~ when the patient ~~mother~~ elects in writing to arrange for the burial or cremation of the fetus under Section 11.4 of the Hospital Licensing Act) or more shall be registered with the local or

subregistrar of the district in which the delivery occurred within 7 days after the delivery and before removal of the fetus from the State, except as provided by regulation in special problem cases.

(a) For the purposes of this Section, if the place of fetal death is unknown, a fetal death certificate shall be filed in the registration district in which a dead fetus is found, which shall be considered the place of fetal death.

(b) When a fetal death occurs on a moving conveyance, the city, village, township, or road district in which the fetus is first removed from the conveyance shall be considered the place of delivery and a fetal death certificate shall be filed in the registration district in which the place is located.

(c) The funeral director or person acting as such who first assumes custody of a fetus shall file the certificate. The personal data shall be obtained from the best qualified person or source available. The name, relationship, and address of the informant shall be entered on the certificate. The date, place, and method of final disposition of the fetus shall be recorded over the personal signature and address of the funeral director responsible for the disposition. The certificate shall be presented to the person responsible for completing the medical certification of the cause of death.

(2) The medical certification shall be completed and signed within 24 hours after delivery by the certifying health care professional in attendance at or after delivery, except when investigation is required under Division 3-3 of Article 3 of the Counties Code and except as provided by regulation in special problem cases.

(3) When a fetal death occurs without medical attendance upon the mother at or after the delivery, or when investigation is required under Division 3-3 of Article 3 of the Counties Code, the coroner shall be responsible for the completion of the fetal death certificate and shall sign the medical certification within 24 hours after the delivery or the finding of the fetus, except as provided by regulation in special problem cases.

(Source: P.A. 102-257, eff. 1-1-22.)

(410 ILCS 535/20.5)

Sec. 20.5. Certificate of birth resulting in stillbirth.

(a) The State Registrar shall prescribe and distribute a form for a certificate of birth resulting in stillbirth. The certificate shall be in the same format as a certificate of live birth prepared under Section 12 and shall be filed in the same manner as a certificate of live birth.

(b) After each fetal death that occurs in this State after a gestation period of at least 20 completed weeks, the State Registrar of Vital Records shall, only upon request by a

~~parent named on the fetal death certificate, prepare and issue a certificate of birth resulting in stillbirth. After each fetal death that occurs in this State after a gestation period of at least 26 completed weeks, the person who files a fetal death certificate in connection with that death as required under Section 20 shall, only upon request by the woman who delivered the stillborn fetus, also prepare a certificate of stillbirth. The person shall prepare the certificate on the form prescribed and furnished by the State Registrar and in accordance with the rules adopted by the State Registrar.~~

(b-5) A person who files a fetal death certificate as described under subsection (b) shall notify the gestational parent of the stillborn of that parent's right to request and receive a certificate of birth resulting in stillbirth under subsection (b). The Department shall develop language for notification under this subsection. This language shall be titled and known as a "Liam's Law notice".

(c) If the stillborn's parent or parents do not wish to provide a name for the stillborn, the person who prepares the certificate of birth resulting in stillbirth shall leave blank any references to the stillborn's name.

(d) When a stillbirth occurs in this State and the stillbirth has not been registered within one year after the delivery, a certificate marked "delayed" may be filed and registered in accordance with regulations adopted by the State Registrar. The certificate must show on its face the date of

registration.

(e) In the case of a fetal death that occurred in this State after a gestation period of at least 20 ~~26~~ completed weeks and before the effective date of this amendatory Act of the 103rd General Assembly ~~this amendatory Act of the 93rd General Assembly~~, a parent of the stillborn child may request that the person who filed a fetal death certificate in connection with that death as required under Section 20 shall also prepare a certificate of birth resulting in stillbirth with respect to the fetus. If a parent of a stillborn makes such a request under this subsection (e), the person who filed a fetal death certificate shall prepare the certificate of birth resulting in stillbirth and file it with the designated registrar within 30 days after the request by the parent.

(Source: P.A. 93-578, eff. 8-21-03.)

Section 99. Effective date. This Act takes effect July 1, 2025.