

1 AN ACT to amend certain Acts in relation to the  
2 disposition of certain fetuses.

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

5 Section 5. The Hospital Licensing Act is amended by  
6 adding Section 11.4 as follows:

7 (210 ILCS 85/11.4 new)

8 Sec. 11.4. Disposition of fetus. A hospital having  
9 custody of a fetus following a fetal death occurring after a  
10 gestation period of less than 20 completed weeks must notify  
11 the mother (and the father, if the father's whereabouts are  
12 known to the hospital) of that parent's right to arrange for  
13 the burial or cremation of the fetus. If, within 24 hours  
14 after being notified under this Section, a parent elects in  
15 writing to arrange for the burial or cremation of the fetus,  
16 the disposition of the fetus shall be subject to the same  
17 laws and rules that apply in the case of a fetal death that  
18 occurs in this State after a gestation period of 20 completed  
19 weeks or more. The Department of Public Health shall develop  
20 forms to be used for notifications and elections under this  
21 Section and hospitals shall provide the forms to parents.

22 Section 10. The Vital Records Act is amended by changing  
23 Section 20 as follows:

24 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

25 Sec. 20. Fetal death; place of registration.

26 (1) Each fetal death which occurs in this State after a  
27 gestation period of 20 completed weeks (and each fetal death  
28 which occurs in this State after a gestation period of less  
29 than 20 completed weeks when a parent elects in writing to

1 arrange for the burial or cremation of the fetus under  
2 Section 11.4 of the Hospital Licensing Act) or more shall be  
3 registered with the local or subregistrar of the district in  
4 which the delivery occurred within 7 days after the delivery  
5 and before removal of the fetus from the State, except as  
6 provided by regulation in special problem cases.

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

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

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

30 (2) The medical certification shall be completed and  
31 signed within 24 hours after delivery by the physician in  
32 attendance at or after delivery, except when investigation is  
33 required under Division 3-3 of Article 3 of the Counties Code  
34 and except as provided by regulation in special problem

1 cases.

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

10 (Source: P.A. 88-159.)