

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 spontaneous fetal demise  
10 occurring after a gestation period of less than 20 completed  
11 weeks must notify the mother of her right to arrange for the  
12 burial or cremation of the fetus. Notification may also  
13 include other options such as, but not limited to, a  
14 ceremony, a certificate, or common burial of fetal tissue.  
15 If, within 24 hours after being notified under this Section,  
16 the mother elects in writing to arrange for the burial or  
17 cremation of the fetus, the disposition of the fetus shall be  
18 subject to the same laws and rules that apply in the case of  
19 a fetal death that occurs in this State after a gestation  
20 period of 20 completed weeks or more. The Department of  
21 Public Health shall develop forms to be used for  
22 notifications and elections under this Section and hospitals  
23 shall provide the forms to the mother.

24 Section 10. The Vital Records Act is amended by changing  
25 Section 20 as follows:

26 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

28 (1) Each fetal death which occurs in this State after a  
29 gestation period of 20 completed weeks (and when the mother

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

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

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

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

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

1 and except as provided by regulation in special problem  
2 cases.

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

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