

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. If, within 24 hours after
13 being notified under this Section, the mother elects in
14 writing to arrange for the burial or cremation of the fetus,
15 the disposition of the fetus shall be subject to the same
16 laws and rules that apply in the case of a fetal death that
17 occurs in this State after a gestation period of 20 completed
18 weeks or more. The Department of Public Health shall develop
19 forms to be used for notifications and elections under this
20 Section and hospitals shall provide the forms to the mother.

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

23 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

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

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

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

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

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

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

34 (3) When a fetal death occurs without medical attendance

1 upon the mother at or after the delivery, or when
2 investigation is required under Division 3-3 of Article 3 of
3 the Counties Code, the coroner shall be responsible for the
4 completion of the fetal death certificate and shall sign the
5 medical certification within 24 hours after the delivery or
6 the finding of the fetus, except as provided by regulation in
7 special problem cases.

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