



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5215

Introduced 2/9/2024, by Rep. Lilian Jiménez

#### SYNOPSIS AS INTRODUCED:

410 ILCS 535/12.5 new  
410 ILCS 535/20.5

Amends the Vital Records Act. Provides that a birth resulting in stillbirth which occurs in this State, during or after a gestation period of at least 20 completed weeks, shall be registered with the local registrar or subregistrar of the district in which the birth occurred within 7 days after the birth. Sets forth, when a birth resulting in stillbirth occurs in an institution, requirements of the person in charge of the institute or the person's designee to complete the certificate of birth resulting in stillbirth. Sets forth, when a birth resulting in stillbirth occurs outside of an institution, that the certificate shall be prepared by: (i) the physician in attendance at or immediately after the birth, or in the absence of any such person; (ii) any other person in attendance at or immediately after the birth, or in the absence of any such person; (iii) the father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred. Makes conforming changes. Provides that the woman who delivered the stillborn child shall be informed by the preparer of the certificate of the right to decline the certificate. Provides that only where the certificate is declined shall one not be prepared.

LRB103 38274 CES 68409 b

1 AN ACT concerning health.

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

4 Section 5. The Vital Records Act is amended by changing  
5 Section 20.5 and by adding Section 12.5 as follows:

6 (410 ILCS 535/12.5 new)

7 Sec. 12.5. Birth resulting in Stillbirth; place of  
8 registration.

9 (a) Each birth resulting in stillbirth which occurs in  
10 this State, during or after a gestation period of at least 20  
11 completed weeks, shall be registered with the local or  
12 subregistrar of the district in which the birth occurred  
13 within 7 days after the birth resulting in stillbirth. When a  
14 birth resulting in stillbirth occurs on a moving conveyance,  
15 the city, village, township, or road district in which the  
16 child is first removed from the conveyance shall be considered  
17 the place of birth resulting in stillbirth and a birth  
18 resulting in a stillbirth certificate shall be filed in the  
19 registration district in which the place is located.

20 (b) When a birth resulting in stillbirth occurs in an  
21 institution, the person in charge of the institution or their  
22 designated representative, shall obtain and record all the  
23 personal and statistical particulars relative to the parents

1 of the child whose birth resulted in stillbirth that are  
2 required to properly complete the certificate of birth  
3 resulting in stillbirth as required by Section 20.5; shall  
4 secure the required personal signatures on the hospital  
5 worksheet; shall prepare the certificate from his worksheet;  
6 and shall file the certificate with the local registrar. The  
7 institution shall retain the hospital worksheet permanently or  
8 as otherwise specified by rule. The physician in attendance  
9 shall verify or provide the date of birth resulting in  
10 stillbirth and medical information required by the  
11 certification, within 24 hours after the birth resulting in  
12 stillbirth occurs.

13 (3) When a birth occurs outside an institution, the  
14 certificate shall be prepared and filed by one of the  
15 following in the indicated order of priority:

16 (1) The physician in attendance at or immediately  
17 after the birth resulting in stillbirth, or in the absence  
18 of such a person;

19 (2) Any other person in attendance at or immediately  
20 after the birth resulting in stillbirth, or in the absence  
21 of such a person; or

22 (3) The father, the mother, or in the absence of the  
23 father and the inability of the mother, the person in  
24 charge of the premises where the birth occurred.

1           Sec. 20.5. Certificate of birth resulting in stillbirth.

2           (a) The State Registrar shall prescribe and distribute a  
3 form for a certificate of birth resulting in stillbirth. The  
4 certificate shall be in the same format as a certificate of  
5 live birth prepared under Section 12 and shall be filed by and  
6 in the manner prescribed under section 12.5 ~~in the same manner~~  
7 ~~as a certificate of live birth.~~

8           (b) After each fetal death that occurs in this State after  
9 a gestation period of at least 20 ~~26~~ completed weeks, the  
10 person who files a fetal death certificate in connection with  
11 that death as required under Section 20 shall, ~~only upon~~  
12 ~~request by the woman who delivered the stillborn fetus, also~~  
13 ~~prepare a certificate of stillbirth. The person shall~~ prepare  
14 the certificate as prescribed under section 12 and 12.5, on  
15 the form prescribed and furnished by the State Registrar and  
16 in accordance with the rules adopted by the State Registrar.  
17 Preparer shall inform the woman who delivered the stillborn  
18 child of the certificate of birth resulting in stillbirth and  
19 their right to decline such a certificate. Only upon the  
20 request of the woman who delivered the stillborn child to  
21 decline such a certificate shall one not be prepared. A  
22 request to not prepare a certificate must be made in writing on  
23 a form prescribed and furnished by the State Registrar.

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

1 the stillborn's name.

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

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

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