



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3398

Introduced 2/8/2024, by Sen. Celina Villanueva

#### 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 that 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 reporting requirements for when a birth resulting in stillbirth occurs in an institution. Specifies that, when a birth resulting in stillbirth occurs outside of an institution, the certificate shall be prepared by the following persons in the indicated order: (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. Repeals a provision authorizing a certificate to be marked "delayed" when a stillbirth has not been registered within one year after the delivery.

LRB103 37944 CES 68076 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 that occurs in this  
10 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 the  
22 person's designated representative shall:

23 (1) obtain and record all the personal and statistical

1 particulars relative to the parents of the child whose  
2 birth resulted in stillbirth that are required to properly  
3 complete the certificate of birth resulting in stillbirth  
4 as required by Section 20.5;

5 (2) secure the required personal signatures on the  
6 hospital worksheet;

7 (3) prepare the certificate from the worksheet; and

8 (4) file the certificate with the local registrar.

9 The institution shall retain the hospital worksheet  
10 permanently or as otherwise specified by Department rule.  
11 Within 24 hours after the birth resulting in stillbirth occurs  
12 the physician in attendance shall verify or provide the date  
13 of birth resulting in stillbirth and medical information  
14 required by the certification.

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

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

21 (2) any other person in attendance at or immediately  
22 after the birth resulting in stillbirth, or in the absence  
23 of such a person; or

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

1 (410 ILCS 535/20.5)

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

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

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

25 (c) If the stillborn's parent or parents do not wish to

1 provide a name for the stillborn, the person who prepares the  
2 certificate of stillbirth shall leave blank any references to  
3 the stillborn's name.

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

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

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