



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3182

Introduced 2/6/2024, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

210 ILCS 85/11.4

210 ILCS 85/11.9 new

410 ILCS 535/20

410 ILCS 535/20.5

from Ch. 111 1/2, par. 73-20

Amends the Hospital Licensing Act. Provides that a hospital having custody of a fetus following a spontaneous fetal death occurring during or after a gestation period of at least 20 completed weeks must notify the gestational parent of the parent's right to receive a certificate of birth resulting in stillbirth. Amends the Vital Records Act. Provides that after each fetal death that occurs in the State after a gestation period of at least 20 (rather than 26) completed weeks, or in cases where gestational age is uncertain, where the fetus weighs at least 350 grams, the person who files a fetal death certificate shall also prepare a certificate of birth resulting in stillbirth. Requires the person who files a fetal death certificate to notify the gestational parent of the stillborn of that parent's right to request and receive a certificate of birth resulting in stillbirth. Makes other changes. Effective immediately.

LRB103 32565 SPS 62158 b

1 AN ACT concerning regulation.

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

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 11.4 and by adding Section 11.9 as follows:

6 (210 ILCS 85/11.4)

7 Sec. 11.4. Disposition of fetus. A hospital having custody
8 of a fetus following a spontaneous fetal demise occurring
9 during or after a gestation period of less than 20 completed
10 weeks must notify the mother of her right to arrange for the
11 burial or cremation of the fetus. Notification may also
12 include other options such as, but not limited to, a ceremony,
13 a certificate, or common burial or cremation of fetal tissue.
14 If, within 24 hours after being notified under this Section,
15 the mother elects in writing to arrange for the burial or
16 cremation of the fetus, the disposition of the fetus shall be
17 subject to the same laws and rules that apply in the case of a
18 fetal death that occurs in this State after a gestation period
19 of 20 completed weeks or more. The Department of Public Health
20 shall develop forms to be used for notifications and elections
21 under this Section and hospitals shall provide the forms to
22 the mother.

23 (Source: P.A. 96-338, eff. 1-1-10.)

1 (210 ILCS 85/11.9 new)

2 Sec. 11.9. Certificate of birth resulting in stillbirth;
3 notification. This Section may be referred to as Liam's Law.

4 A hospital having custody of a fetus following a
5 spontaneous fetal death occurring during or after a gestation
6 period of at least 20 completed weeks must notify the
7 gestational parent of the parent's right to receive a
8 certificate of birth resulting in stillbirth as described in
9 Section 20.5 of the Vital Records Act. The Department of
10 Public Health shall develop a form to be used for notification
11 under this Section and hospitals shall provide the form to the
12 gestational parent. This form shall be known as a "Liam's Law
13 notice". The Department of Public Health shall consult with
14 the 2 Illinois-based Fetal Infant Mortality Review Project
15 Community Action Teams, or their successor organizations, to
16 ensure that any language included in the standardized "Liam's
17 Law notice" is culturally sensitive to the needs of bereaved
18 families. The "Liam's Law notice" shall be available in both
19 English and Spanish.

20 Section 10. The Vital Records Act is amended by changing
21 Sections 20 and 20.5 as follows:

22 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

1 (1) Each fetal death which occurs in this State after a
2 gestation period of 20 completed weeks (or ~~and~~ when the mother
3 elects in writing to arrange for the burial or cremation of the
4 fetus under Section 11.4 of the Hospital Licensing Act) or
5 more shall be registered with the local or subregistrar of the
6 district in which the delivery occurred within 7 days after
7 the delivery and before removal of the fetus from the State,
8 except as provided by regulation in special problem cases.

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

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

20 (c) The funeral director or person acting as such who
21 first assumes custody of a fetus shall file the
22 certificate. The personal data shall be obtained from the
23 best qualified person or source available. The name,
24 relationship, and address of the informant shall be
25 entered on the certificate. The date, place, and method of
26 final disposition of the fetus shall be recorded over the

1 personal signature and address of the funeral director
2 responsible for the disposition. The certificate shall be
3 presented to the person responsible for completing the
4 medical certification of the cause of death.

5 (2) The medical certification shall be completed and
6 signed within 24 hours after delivery by the certifying health
7 care professional in attendance at or after delivery, except
8 when investigation is required under Division 3-3 of Article 3
9 of the Counties Code and except as provided by regulation in
10 special problem cases.

11 (3) When a fetal death occurs without medical attendance
12 upon the mother at or after the delivery, or when
13 investigation is required under Division 3-3 of Article 3 of
14 the Counties Code, the coroner shall be responsible for the
15 completion of the fetal death certificate and shall sign the
16 medical certification within 24 hours after the delivery or
17 the finding of the fetus, except as provided by regulation in
18 special problem cases.

19 (Source: P.A. 102-257, eff. 1-1-22.)

20 (410 ILCS 535/20.5)

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

22 (a) The State Registrar shall prescribe and distribute a
23 form for a certificate of birth resulting in stillbirth. The
24 certificate shall be in the same format as a certificate of
25 live birth prepared under Section 12 and shall be filed in the

1 same manner as a certificate of live birth.

2 (b) After each fetal death that occurs in this State after
3 a gestation period of at least 20 ~~26~~ completed weeks, or, in
4 cases where gestational age is uncertain, where the fetus
5 weighs at least 350 grams, the person who files a fetal death
6 certificate in connection with that death as required under
7 Section 20 shall, only upon request by the parent ~~woman~~ who
8 delivered the stillborn fetus, also prepare a certificate of
9 birth resulting in stillbirth. The person shall prepare the
10 certificate on the form prescribed and furnished by the State
11 Registrar and in accordance with the rules adopted by the
12 State Registrar.

13 (b-5) A person who files a fetal death certificate as
14 described under subsection (b) shall notify the gestational
15 parent of the stillborn of that parent's right to request and
16 receive a certificate of birth resulting in stillbirth under
17 subsection (b). The Department shall develop forms for
18 notification under this subsection. This form shall be titled
19 and known as a "Liam's Law notice".

20 (c) If the stillborn's parent or parents do not wish to
21 provide a name for the stillborn, the person who prepares the
22 certificate of birth resulting in stillbirth shall leave blank
23 any references to the stillborn's name.

24 (d) When a stillbirth occurs in this State and the
25 stillbirth has not been registered within one year after the
26 delivery, a certificate marked "delayed" may be filed and

1 registered in accordance with regulations adopted by the State
2 Registrar. The certificate must show on its face the date of
3 registration.

4 (e) In the case of a fetal death that occurred in this
5 State after a gestation period of at least 20 ~~26~~ completed
6 weeks and before the effective date of this amendatory Act of
7 the 103rd General Assembly ~~this amendatory Act of the 93rd~~
8 ~~General Assembly~~, a parent of the stillborn child may request
9 that the person who filed a fetal death certificate in
10 connection with that death as required under Section 20 shall
11 also prepare a certificate of birth resulting in stillbirth
12 with respect to the fetus. If a parent of a stillborn makes
13 such a request under this subsection (e), the person who filed
14 a fetal death certificate shall prepare the certificate of
15 birth resulting in stillbirth and file it with the designated
16 registrar within 30 days after the request by the parent.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.