



Proposed Sub. S.B. 175

127th General Assembly
(LSC 127 1026-1)

Sens. Coughlin, Clancy, Carey, Schuler, Buehrer, Jacobson, Goodman

BILL SUMMARY

- Provides that the product of human conception that suffers a fetal death is to be interred at a township cemetery, municipal cemetery, or cemetery of a cemetery company or association in a family member's grave on the application of a parent with a fetal death certificate and burial permit.
- Provides that a parent may be issued a fetal death certificate for a fetal death occurring prior to the twentieth week of gestation.
- Provides that a hospital or physician is to notify a woman of the right to apply for a fetal death certificate and the hospital or physician's procedures for disposing of the product of human conception that suffers a fetal death prior to the twentieth week of gestation.
- Names the bill the "Grieving Parents Act."

CONTENT AND OPERATION

Background

(R.C. 3705.01 and 3705.20)

Current law establishes requirements for burial and fetal death certificates for fetal deaths and stillborn infants. As defined in current law, fetal death is "death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation." The definition of "stillborn" is tied to the definition of fetal death and likewise refers only to the products of human conception of at least twenty weeks of gestation.¹

¹ R.C. 3705.01.

Current law is silent on burial and fetal death certificates for fetal deaths occurring prior to the twentieth week of gestation.

"Fetal death" and "stillborn"

(R.C. 3705.01)

The bill removes a requirement that a fetal death occur on or after the twentieth week of gestation to be considered a "fetal death." The bill redefines "fetal death" as "death of the product of human conception prior to the complete expulsion or extraction from its mother," eliminating the requirement that the expulsion or extraction occur on or after twenty weeks of gestation. "Stillborn" is redefined as a subset of fetal death occurring "on or after twenty weeks of gestation."

Burial permit and fetal death certificate under the bill

(R.C. 517.071, 759.49, 1721.091, and 3705.20)

The bill generally provides for the burial and fetal death certificate requirements for fetal deaths occurring prior to the twentieth week of gestation. The bill provides that the product of human conception that suffers a fetal death is to be buried in a single grave within a township cemetery, municipal cemetery, or cemetery of a cemetery company or association that contains, or will contain, the remains of a parent, sibling, or grandparent. The burial is to occur at the request of the parent and if a burial permit has been issued.

The bill further requires, on the application of either parent, that a fetal death be registered on a fetal death certificate for a fetal death occurring prior to the twentieth week of gestation. The bill requires the local registrar of vital statistics of the registration district in which the product of human conception suffers a fetal death prior to twenty weeks of gestation to issue a burial permit if either parent files a fetal death certificate with the registrar.

Notification under the bill

(R.C. 3727.16 and 4731.82)

The bill provides that if any woman presents herself at a hospital or a physician's² office as a result of a fetal death, or potential fetal death, the hospital or physician is to provide the woman with the following information:

² "Physician" is defined by the bill as an individual holding a certificate to practice medicine and surgery or osteopathic medicine and surgery pursuant to Revised Code Chapter 4731.

- (1) The right of either parent to apply for a fetal death certificate;
- (2) The hospital or physician's procedures for disposing of the remains of fetal deaths occurring prior to the twentieth week of gestation.

Requirements for certain fetal deaths

(R.C. 3705.16, 3705.20, and 3705.29; R.C. 313.12, not in the bill)

Current law provides certain reporting and certification requirements for the fetal death of a product of conception of at least twenty weeks of gestation. Under current law, no fetal death (defined as of at least twenty weeks gestation) is to be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director or other person until a fetal death certificate or provisional death certificate is filed with and a burial permit issued by the local registrar of vital statistics of the registration district in which the fetal death occurs. In addition, current law requires that any death or fetal death that occurs suddenly, under any circumstances other than natural, or in a suspicious manner is to undergo certain certification and reporting requirements.

The bill does not change these provisions, but clarifies that the reporting and certification is only required for a fetal death of a product of conception that is of at least twenty weeks of gestation.

"The Grieving Parents Act"

Section 3 of the bill provides that the act is to be known as "The Grieving Parents Act."

HISTORY

ACTION	DATE
Introduced	05-23-07

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