

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 175

Senator Coughlin

**Cosponsors: Senators Clancy, Carey, Schuler, Buehrer, Jacobson,
Goodman**

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A B I L L

To amend sections 3705.01 and 3705.20 and to enact 1
sections 517.071, 759.49, 1721.091, 3727.16, and 2
4731.82 of the Revised Code to enact the Grieving 3
Parents Act, regarding fetal death certificates 4
for, and burials of, the product of human 5
conception that suffers a fetal death. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3705.01 and 3705.20 be amended and 7
sections 517.071, 759.49, 1721.091, 3727.16, and 4731.82 of the 8
Revised Code be enacted to read as follows: 9

Sec. 517.071. The product of human conception that suffers a 10
fetal death as defined in section 3705.01 of the Revised Code and 11
for which a burial permit has been issued shall be interred in a 12
single grave within a township cemetery that contains, or will 13
contain, the remains of a parent, sibling, or grandparent, upon 14
request of the parent. 15

Sec. 759.49. The product of human conception that suffers a 16
fetal death as defined in section 3705.01 of the Revised Code and 17

for which a burial permit has been issued shall be interred in a 18
single grave within a cemetery described in this chapter that 19
contains, or will contain, the remains of a parent, sibling, or 20
grandparent, upon request of the parent. 21

Sec. 1721.091. A cemetery company or association, upon 22
request of the parent, shall permit the product of human 23
conception that suffers a fetal death as defined in section 24
3705.01 of the Revised Code and for which a burial permit has been 25
issued to be interred in a single grave within the cemetery that 26
contains, or will contain, the remains of a parent, sibling, or 27
grandparent. 28

Sec. 3705.01. As used in this chapter: 29

(A) "Live birth" means the complete expulsion or extraction 30
from its mother of a product of human conception that after such 31
expulsion or extraction breathes or shows any other evidence of 32
life such as beating of the heart, pulsation of the umbilical 33
cord, or definite movement of voluntary muscles, whether or not 34
the umbilical cord has been cut or the placenta is attached. 35

(B)(1) "Fetal death" means death of the product of human 36
conception prior to the complete expulsion or extraction from its 37
mother ~~of a product of human conception of at least twenty weeks~~ 38
~~of gestation~~, which after such expulsion or extraction does not 39
breathe or show any other evidence of life such as beating of the 40
heart, pulsation of the umbilical cord, or definite movement of 41
voluntary muscles. 42

(2) "Stillborn" means that an infant suffered a fetal death 43
after at least twenty weeks of gestation. 44

(C) "Dead body" means a human body or part of a human body 45
from the condition of which it reasonably may be concluded that 46
death recently occurred. 47

(D) "Physician" means a person licensed pursuant to Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery. 48
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(E) "Attending physician" means the physician in charge of the patient's care for the illness or condition that resulted in death. 51
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(F) "Institution" means any establishment, public or private, that provides medical, surgical, or diagnostic care or treatment, or domiciliary care, to two or more unrelated individuals, or to persons committed by law. 54
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(G) "Funeral director" has the meaning given in section 4717.01 of the Revised Code. 58
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(H) "State registrar" means the head of the office of vital statistics in the department of health. 60
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(I) "Medical certification" means completion of the medical certification portion of the certificate of death or fetal death as to the cause of death or fetal death. 62
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(J) "Final disposition" means the interment, cremation, removal from the state, donation, or other authorized disposition of a dead body or a fetal death. 65
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(K) "Interment" means the final disposition of the remains of a dead body by burial or entombment. 68
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(L) "Cremation" means the reduction to ashes of a dead body. 70

(M) "Donation" means gift of a dead body to a research institution or medical school. 71
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(N) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this chapter, and activities related thereto. 73
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(O) "Vital records" means certificates or reports of birth, 77

death, fetal death, marriage, divorce, dissolution of marriage, 78
annulment, and data related thereto and other documents maintained 79
as required by statute. 80

(P) "File" means the presentation of vital records for 81
registration by the office of vital statistics. 82

(Q) "Registration" means the acceptance by the office of 83
vital statistics and the incorporation of vital records into its 84
official records. 85

(R) "Birth record" means a birth certificate that has been 86
registered with the office of vital statistics; or, if registered 87
prior to ~~the effective date of this section~~ March 16, 1989, with 88
the division of vital statistics; or, if registered prior to the 89
establishment of the division of vital statistics, with the 90
department of health or a local registrar. 91

(S) "Certification of birth" means a document issued by the 92
director of health or state registrar or a local registrar under 93
division (B) of section 3705.23 of the Revised Code. 94

Sec. 3705.20. ~~A~~ (A) The fetal death of the product of human 95
conception after at least twenty weeks of gestation shall be 96
registered on a fetal death certificate. ~~A~~ The fetal death of the 97
product of human conception prior to twenty weeks of gestation 98
shall be registered on a fetal death certificate upon application 99
by either parent. 100

(B) The product of human conception that suffers a fetal 101
death which occurs in Ohio shall not be interred, deposited in a 102
vault or tomb, cremated, or otherwise disposed of by a funeral 103
director or other person until a fetal death certificate or 104
provisional death certificate has been filed with and a burial 105
permit is issued by the local registrar of vital statistics of the 106
registration district in which the fetal death occurs, or the body 107

is found. The 108

(C)(1) The department of health and the local registrar shall 109
keep a separate record and index record of fetal death 110
certificates. 111

(2) The personal or statistical information on the fetal 112
death certificate shall be obtained by the funeral director or 113
other person in charge of interment or cremation from the best 114
qualified persons or sources available. 115

Sec. 3727.16. If a woman presents herself at a hospital as a 116
result of a fetal death, or potential fetal death, as defined in 117
section 3705.01 of the Revised Code, the hospital shall provide 118
the woman with the following information: 119

(A) The right of either parent to apply for a fetal death 120
certificate pursuant to section 3705.20 of the Revised Code; 121

(B) The hospital's procedures for disposing of the product of 122
human conception that has suffered a fetal death prior to twenty 123
weeks of gestation. 124

Sec. 4731.82. (A) As used in this section, "physician" means 125
an individual holding a certificate to practice medicine and 126
surgery or osteopathic medicine and surgery pursuant to this 127
chapter. 128

(B) If a woman presents herself as a result of a fetal death, 129
or potential fetal death, as defined in section 3705.01 of the 130
Revised Code, at a physician's office, the physician shall provide 131
the woman with the following information: 132

(1) The right of either parent to apply for a fetal death 133
certificate pursuant to section 3705.20 of the Revised Code; 134

(2) The physician's procedures for disposing of the product 135
of human conception that has suffered a fetal death prior to 136

twenty weeks of gestation. 137

Section 2. That existing sections 3705.01 and 3705.20 of the 138
Revised Code are hereby repealed. 139

Section 3. This act shall be known as "The Grieving Parents 140
Act." 141