

**As Reported by the Senate Health, Human Services and Aging  
Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. S. B. No. 175**

**Senator Coughlin**

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

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**A B I L L**

To amend sections 3705.01, 3705.16, 3705.20, and 1  
3705.29 and to enact sections 517.071, 759.49, 2  
1721.071, 3727.16, 4731.82, and 4765.57 of the 3  
Revised Code to enact the Grieving Parents Act, 4  
regarding fetal death certificates for, and 5  
burials of, the product of human conception that 6  
suffers a fetal death. 7

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

**Section 1.** That sections 3705.01, 3705.16, 3705.20, and 8  
3705.29 be amended and sections 517.071, 759.49, 1721.071, 9  
3727.16, 4731.82, and 4765.57 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 517.071.** (A) As used in this section, "fetal death" has 12  
the same meaning as in section 3705.01 of the Revised Code. 13

(B) A board of township trustees may adopt rules for any 14  
township cemetery over which it has control for the burial, 15  
re-interment, or disinterment of the product of a fetal death. 16

(C) With regard to the product of a fetal death, on the request of the mother, a township cemetery shall inter the product of the fetal death in accordance with one of the following:

(1) In a single grave within the cemetery that contains, or will contain, the remains of a parent, sibling, or grandparent;

(2) In another location of the cemetery, including a separate burial ground for infants, on a temporary or permanent basis.

(D) If the mother provides written consent, re-interment or disinterment of the product of a fetal death buried in accordance with division (C)(2) of this section is not subject to section 517.23 or 517.24 of the Revised Code.

**Sec. 759.49.** (A) As used in this section, "fetal death" has the same meaning as in section 3705.01 of the Revised Code.

(B) The legislative authority of a municipal corporation owning a public burial ground or cemetery, whether within or without the municipal corporation, may pass and provide for the enforcement of ordinances for the burial, re-interment, or disinterment of the product of a fetal death in that public burial ground or cemetery.

(C) With regard to the product of a fetal death, on the request of the mother, a public burial ground or cemetery shall inter the product of the fetal death in accordance with one of the following:

(1) In a single grave within the public burial ground or cemetery that contains, or will contain, the remains of a parent, sibling, or grandparent;

(2) In another location of the public burial ground or cemetery, including a separate burial ground for infants, on a temporary or permanent basis.

(D) If the mother provides written consent, re-interment or disinterment of the product of a fetal death buried in accordance with division (C)(2) of this section is not subject to section 517.23 or 517.24 of the Revised Code. 47  
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**Sec. 1721.071.** (A) As used in this section, "fetal death" has the same meaning as in section 3705.01 of the Revised Code. 51  
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(B) A cemetery company or association may prescribe rules for the burial, re-interment, or disinterment of the product of a fetal death. 53  
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(C) With regard to the product of a fetal death, on the request of the mother, a cemetery company or association shall inter the product of the fetal death in accordance with one of the following: 56  
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(1) In a single grave within the cemetery that contains, or will contain, the remains of a parent, sibling, or grandparent; 60  
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(2) In another location of the cemetery, including a separate burial ground for infants, on a temporary or permanent basis. 62  
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(D) If the mother provides written consent, re-interment or disinterment of the product of a fetal death buried in accordance with division (C)(2) of this section is not subject to section 517.23 or 517.24 of the Revised Code. 64  
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**Sec. 3705.01.** As used in this chapter: 68

(A) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception that after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. 69  
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(B)(1) "Fetal death" means death prior to the complete 75

expulsion or extraction from its mother of a product of human 76  
conception ~~of at least twenty weeks of gestation,~~, irrespective of 77  
the duration of pregnancy which is not the purposeful termination 78  
of a pregnancy as described in section 2919.11 of the Revised Code 79  
and which after such expulsion or extraction does not breathe or 80  
show any other evidence of life such as beating of the heart, 81  
pulsation of the umbilical cord, or definite movement of voluntary 82  
muscles. 83

(2) "Stillborn" means that an infant suffered a fetal death 84  
of at least twenty weeks of gestation. 85

(C) "Dead body" means a human body or part of a human body 86  
from the condition of which it reasonably may be concluded that 87  
death recently occurred. 88

(D) "Physician" means a person licensed pursuant to Chapter 89  
4731. of the Revised Code to practice medicine or surgery or 90  
osteopathic medicine and surgery. 91

(E) "Attending physician" means the physician in charge of 92  
the patient's care for the illness or condition that resulted in 93  
death. 94

(F) "Institution" means any establishment, public or private, 95  
that provides medical, surgical, or diagnostic care or treatment, 96  
or domiciliary care, to two or more unrelated individuals, or to 97  
persons committed by law. 98

(G) "Funeral director" has the meaning given in section 99  
4717.01 of the Revised Code. 100

(H) "State registrar" means the head of the office of vital 101  
statistics in the department of health. 102

(I) "Medical certification" means completion of the medical 103  
certification portion of the certificate of death or fetal death 104  
as to the cause of death or fetal death. 105

(J) "Final disposition" means the interment, cremation,	106
removal from the state, donation, or other authorized disposition	107
of a dead body or a fetal death.	108
(K) "Interment" means the final disposition of the remains of	109
a dead body by burial or entombment.	110
(L) "Cremation" means the reduction to ashes of a dead body.	111
(M) "Donation" means gift of a dead body to a research	112
institution or medical school.	113
(N) "System of vital statistics" means the registration,	114
collection, preservation, amendment, and certification of vital	115
records, the collection of other reports required by this chapter,	116
and activities related thereto.	117
(O) "Vital records" means certificates or reports of birth,	118
death, fetal death, marriage, divorce, dissolution of marriage,	119
annulment, and data related thereto and other documents maintained	120
as required by statute.	121
(P) "File" means the presentation of vital records for	122
registration by the office of vital statistics.	123
(Q) "Registration" means the acceptance by the office of	124
vital statistics and the incorporation of vital records into its	125
official records.	126
(R) "Birth record" means a birth certificate that has been	127
registered with the office of vital statistics; or, if registered	128
prior to <del>the effective date of this section</del> <u>March 16, 1989</u> , with	129
the division of vital statistics; or, if registered prior to the	130
establishment of the division of vital statistics, with the	131
department of health or a local registrar.	132
(S) "Certification of birth" means a document issued by the	133
director of health or state registrar or a local registrar under	134
division (B) of section 3705.23 of the Revised Code.	135

Sec. 3705.16. (A) For purposes of this section 136  
notwithstanding section 3705.01 of the Revised Code, "fetal death" 137  
does not include death of the product of human conception prior to 138  
twenty weeks of gestation. 139

(B) Each death or fetal death that occurs in this state shall 140  
be registered with the local registrar of vital statistics of the 141  
district in which the death or fetal death occurred, by the 142  
funeral director or other person in charge of the final 143  
disposition of the remains. The personal and statistical 144  
information in the death or fetal death certificate shall be 145  
obtained from the best qualified persons or sources available, by 146  
the funeral director or other person in charge of the final 147  
disposition of the remains. The statement of facts relating to the 148  
disposition of the body and information relative to the armed 149  
services referred to in section 3705.19 of the Revised Code shall 150  
be signed by the funeral director or other person in charge of the 151  
final disposition of the remains. 152

~~(B)~~(C) The funeral director or other person in charge of the 153  
final disposition of the remains shall present the death or fetal 154  
death certificate to the attending physician of the decedent, the 155  
coroner, or the medical examiner, as appropriate for certification 156  
of the cause of death. If a death or fetal death occurs under any 157  
circumstances mentioned in section 313.12 of the Revised Code, the 158  
coroner in the county in which the death occurs, or a deputy 159  
coroner, medical examiner, or deputy medical examiner serving in 160  
an equivalent capacity, shall certify the cause of death unless 161  
that death was reported to the coroner, deputy coroner, medical 162  
examiner, or deputy medical examiner and that person, after a 163  
preliminary examination, declined to assert jurisdiction with 164  
respect to the death or fetal death. A physician other than the 165  
coroner in the county in which a death or fetal death occurs, or a 166  
deputy coroner, medical examiner, or deputy medical examiner 167

serving in an equivalent capacity, may certify only those deaths 168  
that occur under natural circumstances. 169

The medical certificate of death shall be completed and 170  
signed by the physician who attended the decedent or by the 171  
coroner or medical examiner, as appropriate, within forty-eight 172  
hours after the death or fetal death. A coroner or medical 173  
examiner may satisfy the requirement of signing a medical 174  
certificate showing the cause of death or fetal death as pending 175  
either by stamping it with a stamp of the coroner's or medical 176  
examiner's signature or by signing it in the coroner's or medical 177  
examiner's own hand, but the coroner or medical examiner shall 178  
sign any other medical certificate of death or supplementary 179  
medical certification in the coroner's or medical examiner's own 180  
hand. 181

~~(C)~~(D) Any death certificate registered pursuant to this 182  
section shall contain the social security number of the decedent, 183  
if available. A social security number obtained under this section 184  
is a public record under section 149.43 of the Revised Code. 185  
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**Sec. 3705.20. A** (A) The fetal death of the product of human 187  
conception of at least twenty weeks of gestation shall be 188  
registered on a fetal death certificate. **A** 189

The fetal death of the product of human conception prior to 190  
twenty weeks of gestation shall be registered on a fetal death 191  
certificate upon application by the mother. A fetal death 192  
certificate for the product of human conception prior to twenty 193  
weeks gestation is not proof of a live birth for purposes of 194  
federal, state, and local taxes. 195

(B) The product of human conception that suffers a fetal 196  
death ~~which occurs~~ of at least twenty weeks of gestation occurring 197  
in Ohio shall not be interred, deposited in a vault or tomb, 198

cremated, or otherwise disposed of by a funeral director or other 199  
person until a fetal death certificate or provisional death 200  
certificate has been filed with and a burial permit is issued by 201  
the local registrar of vital statistics of the registration 202  
district in which the fetal death occurs, or the body is found. 203  
The 204

A burial permit for the product of human conception that 205  
suffers a fetal death prior to twenty weeks of gestation shall be 206  
issued by the local registrar of vital statistics of the 207  
registration district in which the fetal death occurs if the 208  
mother files a fetal death certificate with that registrar. 209

(C)(1) The department of health and the local registrar shall 210  
keep a separate record and index record of fetal death 211  
certificates. 212

(2) The personal or statistical information on the fetal 213  
death certificate shall be obtained by the funeral director or 214  
other person in charge of interment or cremation from the best 215  
qualified persons or sources available. 216

**Sec. 3705.29.** (A) No person shall do any of the following: 217

(1) Purposely make any false statement in a certificate, 218  
record, or report required by this chapter or in an application or 219  
amendment of it, or purposely supply false information with the 220  
intent that that information be used in the preparation of any 221  
such report, record, or certificate, or amendment of it; 222

(2) Without lawful authority and with intent to deceive, 223  
counterfeit, alter, amend, or mutilate any certificate, record, or 224  
report required by this chapter or any certified copy of it; 225

(3) Purposely obtain, possess, use, sell, furnish, or attempt 226  
to obtain, possess, use, sell, or furnish to another for the 227  
purpose of deception any certificate, record, or report required 228



by this chapter or any certified copy of it, or any certificate, 229  
record, or report that is counterfeit, altered, or amended or 230  
false in whole or part; 231

(4) Purposely obtain, possess, use, sell, furnish, or attempt 232  
to obtain, possess, use, sell, or furnish to another for the 233  
purpose of deception any certificate, record, or report required 234  
by this chapter, or any certified copy of it, that relates to the 235  
birth of another person, whether living or dead; 236

(5) Without lawful authority, possess any certificate, 237  
record, or report required by this chapter or any copy of such a 238  
certificate, record, or report, knowing it to have been stolen or 239  
otherwise unlawfully obtained. 240

(B) No person employed by the office of vital statistics or a 241  
local registrar shall purposely furnish or possess a birth record 242  
or certified copy of a birth record with intent that it be used 243  
for deception. 244

(C) No person shall do any of the following: 245

(1) Purposely refuse to provide information required by this 246  
chapter or rules adopted under it; 247

(2) Purposely transport out of this state or accept for 248  
interment or other disposition a dead body without a permit 249  
required by this chapter; 250

(3) Knowingly prepare, issue, sell, or give any record or 251  
certificate that is alleged to be an original vital record or a 252  
certified copy of a vital record if the person knows or has reason 253  
to know that it is not an original vital record or a certified 254  
copy of a vital record; 255

(4) Refuse to comply with the requirements of this chapter or 256  
violate any of the provisions of this chapter. 257

(D) No officer or employee of the department of health shall 258

knowingly reveal or provide any information contained in an 259  
adoption file maintained by the department under section 3705.12 260  
of the Revised Code to any person, or knowingly reveal or provide 261  
the contents of an adoption file to any person, unless authorized 262  
to do so by section 3705.12 of the Revised Code. 263

(E) If a death, or a fetal death of at least twenty weeks of 264  
gestation, occurs under any circumstances mentioned in section 265  
313.12 of the Revised Code, the coroner of the county in which the 266  
death or fetal death occurs, or a deputy coroner, medical 267  
examiner, or deputy medical examiner serving in an equivalent 268  
capacity, shall certify the cause of that death unless the death 269  
was reported to the coroner, deputy coroner, medical examiner, or 270  
deputy medical examiner and that person, after a preliminary 271  
examination, declined to assert jurisdiction with respect to the 272  
death or fetal death. 273

(F) No physician other than the coroner in the county in 274  
which a death, or a fetal death of at least twenty weeks of 275  
gestation, occurs, or a deputy coroner, medical examiner, or 276  
deputy medical examiner serving in an equivalent capacity, may 277  
certify any death or fetal death that occurs under any 278  
circumstances other than natural. 279

(G) If a death, or a fetal death of at least twenty weeks of 280  
gestation, occurs under any circumstances mentioned in section 281  
313.12 of the Revised Code, no person shall knowingly present a 282  
death or fetal death certificate for the purpose of obtaining 283  
certification of the cause of death to any physician other than 284  
the coroner in the county in which the death or fetal death 285  
occurred, or to a deputy coroner, medical examiner, or deputy 286  
medical examiner serving in an equivalent capacity, unless that 287  
death or fetal death was reported to the coroner, deputy coroner, 288  
medical examiner, or deputy medical examiner and that person, 289  
after a preliminary examination, declined to assert jurisdiction 290

with respect to the death or fetal death. 291

(H) No person, with intent to defraud or knowing that the 292  
person is facilitating a fraud, shall do either of the following: 293

(1) Certify a cause of death in violation of the prohibition 294  
of division (E) or (F) of this section; 295

(2) Obtain or attempt to obtain a certification of the cause 296  
of a death or fetal death in violation of the prohibition of 297  
division (G) of this section. 298

Sec. 3727.16. (A) As used in this section, "fetal death" has 299  
the same meaning as in section 3705.01 of the Revised Code, except 300  
that it does not include the product of human conception of at 301  
least twenty weeks of gestation. 302

(B) If a woman presents herself at a hospital as a result of 303  
a fetal death, the hospital shall provide the woman with the 304  
following information: 305

(1) The right of the woman to apply for a fetal death 306  
certificate pursuant to section 3705.20 of the Revised Code; 307

(2) The hospital's procedures for disposing of the product of 308  
a fetal death. 309

A hospital or hospital employee may present the information 310  
required by this division through oral or written means and 311  
document that the information has been provided with a note in the 312  
mother's medical record. 313

(C) A hospital or hospital employee is immune from civil or 314  
criminal liability or professional disciplinary action with regard 315  
to any action taken in good faith compliance with this section. 316

Sec. 4731.82. (A) As used in this section: 317

"Fetal death" has the same meaning as in section 3705.01 of 318

the Revised Code, except that it does not include the product of 319  
human conception of at least twenty weeks of gestation. 320

"Physician" means an individual holding a certificate to 321  
practice medicine and surgery or osteopathic medicine and surgery 322  
pursuant to this chapter. 323

(B) If a woman presents herself to a physician as a result of 324  
a fetal death, the physician shall provide the woman with the 325  
following information: 326

(1) The right of the woman to apply for a fetal death 327  
certificate pursuant to section 3705.20 of the Revised Code; 328

(2) The physician's procedures for disposing of the product 329  
of a fetal death. 330

A physician may present the information required by this 331  
division through oral or written means and document that the 332  
information has been provided with a note in the mother's medical 333  
record. 334

(C) A physician is immune from civil or criminal liability or 335  
professional disciplinary action with regard to any action taken 336  
in good faith compliance with this section. 337

**Sec. 4765.57.** (A) As used in this section, "fetal death" has 338  
the same meaning as in section 3705.01 of the Revised Code. 339

(B) Emergency medical service personnel shall dispose of the 340  
product of a fetal death in the manner set forth for the 341  
disposition of fetal remains in the "emergency medical 342  
technician-basic: national standard curriculum." 343

**Section 2.** That existing sections 3705.01, 3705.16, 3705.20, 344  
and 3705.29 of the Revised Code are hereby repealed. 345

**Section 3.** This act shall be known as "The Grieving Parents 346  
Act." 347