

**As Reported by the House Health and Aging Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. H. B. No. 393**

**Representative Yuko**

**Cosponsors: Representatives Roegner, Letson, McClain, Antonio,  
Hagan, R., Celeste, Ramos, Schuring**

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**A B I L L**

To amend sections 3705.20 and 3705.23 of the Revised 1  
Code to rename certificates recognizing the 2  
delivery of a stillborn infant as certificates of 3  
birth resulting in stillbirth. 4

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

**Section 1.** That sections 3705.20 and 3705.23 of the Revised 5  
Code be amended to read as follows; 6

**Sec. 3705.20.** (A) The fetal death of the product of human 7  
conception of at least twenty weeks of gestation shall be 8  
registered on a fetal death certificate. 9

On application of either parent, the fetal death of the 10  
product of human conception prior to twenty weeks of gestation 11  
shall be registered on a fetal death certificate, except that the 12  
fetal death certificate shall not list the cause of death. 13

The parent shall include with the application a copy of the 14  
statement required by division (B)(1) of section 3727.16 or 15  
division (B)(1) of section 4731.82 of the Revised Code. If the 16  
father submits the application, he shall also include with it a 17  
signed and notarized document from the mother attesting that she 18

voluntarily provided the father with a copy of the statement. 19

A fetal death certificate for the product of human conception 20  
prior to twenty weeks gestation is not proof of a live birth for 21  
purposes of federal, state, and local taxes. 22

(B) The product of human conception that suffers a fetal 23  
death of at least twenty weeks of gestation occurring in Ohio 24  
shall not be interred, deposited in a vault or tomb, cremated, or 25  
otherwise disposed of by a funeral director or other person until 26  
a fetal death certificate or provisional death certificate has 27  
been filed with and a burial permit is issued by the local 28  
registrar of vital statistics of the registration district in 29  
which the fetal death occurs, or the body is found. 30

A burial permit for the product of human conception that 31  
suffers a fetal death prior to twenty weeks of gestation shall be 32  
issued by the local registrar of vital statistics of the 33  
registration district in which the fetal death occurs if either 34  
parent files a fetal death certificate with that registrar. 35

(C)(1) The department of health and the local registrar shall 36  
keep a separate record and index record of fetal death 37  
certificates. 38

(2) The personal or statistical information on the fetal 39  
death certificate shall be obtained by the funeral director or 40  
other person in charge of interment or cremation from the best 41  
qualified persons or sources available. 42

(D) When a burial permit is issued under division (B) of this 43  
section for the product of human conception that suffers a fetal 44  
death of at least twenty weeks of gestation, the local registrar 45  
shall inform the parent or parents listed on the fetal death 46  
certificate or provisional death certificate of the option of 47  
applying for issuance of a certificate of birth resulting in 48  
stillbirth under section 3705.23 of the Revised Code and the 49

process for filing the application. 50

**Sec. 3705.23.** (A)(1) Except as otherwise provided in this 51  
section, the director of health, the state registrar, or a local 52  
registrar, on receipt of a signed application and the fee 53  
specified in section 3705.24 of the Revised Code, shall issue a 54  
certified copy of a vital record, or of a part of a vital record, 55  
in the director's or registrar's custody to any applicant, unless 56  
the vital record has ceased to be a public record pursuant to 57  
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 58  
The certified copy shall show the date the vital record was 59  
registered by the local registrar. 60

(2) A certified copy of a vital record may be made by a 61  
mechanical, electronic, or other reproduction process. It shall be 62  
certified as a true copy by the director, state registrar, or 63  
local registrar who has custody of the record and shall include 64  
the date of issuance, the name of the issuing officer, the 65  
signature of the officer or an authorized facsimile of the 66  
signature, and the seal of the issuing office. 67

(3) A certified copy of a vital record or of any part of a 68  
vital record, issued in accordance with this section, shall be 69  
considered for all purposes the same as the original and shall be 70  
prima-facie evidence of the facts stated in it in all courts and 71  
places. 72

(4)(a) Information contained in the "information for medical 73  
and health use only" section of a birth record shall not be 74  
included as part of a certified copy of the birth record unless 75  
the information specifically is requested by the individual to 76  
whose birth the record attests, either of the individual's parents 77  
or the individual's guardian, a lineal descendant, or an official 78  
of the federal or state government or of a political subdivision 79  
of the state charged by law with detecting or prosecuting crime. 80

(b) Except as provided in division (A)(4)(a) of this section, 81  
neither the office of vital statistics nor a local registrar shall 82  
disclose information contained in the "information for medical and 83  
health use only" section of a birth record unless a court, for 84  
good cause shown, orders disclosure of the information or the 85  
state registrar specifically authorizes release of the information 86  
for statistical or research purposes under conditions the state 87  
registrar, subject to the approval of the director of health, 88  
shall establish by rule. 89

(B)(1) Unless the applicant specifically requests a certified 90  
copy, the director, the state registrar, or a local registrar, on 91  
receipt of a signed application for a birth record and the fee 92  
specified in section 3705.24 of the Revised Code, may issue a 93  
certification of birth, and the certification of birth shall 94  
contain at least the name, sex, date of birth, registration date, 95  
and place of birth of the person to whose birth the record attests 96  
and shall attest that the person's birth has been registered. A 97  
certification of birth shall be prima-facie evidence of the facts 98  
stated in it in all courts and places. 99

(2) The director or the state registrar, on ~~the~~ receipt of a 100  
signed application for an heirloom certification of birth and the 101  
fee specified in section 3705.24 of the Revised Code, may issue an 102  
heirloom certification of birth. The director shall prescribe by 103  
rule guidelines for the form of an heirloom certification of 104  
birth, and the guidelines shall require the heirloom certification 105  
of birth to contain at least the name, sex, date of birth, 106  
registration date, and place of birth of the person to whose birth 107  
the record attests and to attest that the person's birth has been 108  
registered. An heirloom certification of birth shall be 109  
prima-facie evidence of the facts stated in it in all courts and 110  
places. 111

(3)(a) The director or the state registrar, on ~~the~~ receipt of 112

an application signed by either parent, shall issue a certificate 113  
~~recognizing the delivery of a stillborn infant of birth resulting~~ 114  
in stillbirth. The director shall prescribe guidelines by rule for 115  
the form of the certificate. The guidelines shall require that the 116  
certificate contain at least the name, sex, date of delivery, and 117  
place of delivery. The director or the state registrar shall 118  
charge no fee for the certificate. A certificate ~~recognizing the~~ 119  
~~delivery of a stillborn infant of birth resulting in stillbirth~~ is 120  
not proof of a live birth for purposes of federal, state, and 121  
local taxes. 122

(b) If a parent was previously issued a certificate 123  
recognizing the delivery of a stillborn infant, the director or 124  
the state registrar, on receipt of a written request signed by the 125  
parent, shall reissue the certificate as a certificate of birth 126  
resulting in stillbirth. 127

(C) On evidence that a birth certificate was registered 128  
through misrepresentation or fraud, the state registrar may 129  
withhold the issuance of a certified copy of the birth record or a 130  
certification of birth until a court makes a determination that no 131  
misrepresentation or fraud occurred. 132

**Section 2.** That existing sections 3705.20 and 3705.23 of the 133  
Revised Code are hereby repealed. 134