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H. B. No. 95

Representative Hill

Cosponsors: Representatives Huffman, Adams, J., Buchy, Beck, Becker, Blair, Boose, Brown, Conditt, Derickson, Gonzales, Hood, Ruhl, Sprague, Stebelton, Terhar, Milkovich, Wachtmann, Antonio, Bishoff, Carney, Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Blessing, Brenner, Burkley, Butler, Celebrezze, Cera, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hottinger, Landis, Lynch, Mallory, McClain, O'Brien, Patmon, Patterson, Phillips, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Scherer, Schuring, Sears, Slaby, Smith, Stautberg, Stinziano, Sykes, Thompson, Winburn, Young Speaker Batchelder

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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
product of human conception prior to twenty weeks of gestation
shall be registered on a fetal death certificate, except that the
fetal death certificate shall not list the cause of death.

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

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

(B) The product of human conception of at least twenty weeks
of gestation that suffers a fetal death ~~of at least twenty weeks
of gestation~~ occurring in Ohio shall not 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 has been filed with and a burial
permit is issued by the local registrar of vital statistics of the
registration district in which the fetal death occurs, or the body
is found.

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

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

(2) The personal or statistical information on the fetal

death certificate shall be obtained by the funeral director or 41
other person in charge of interment or cremation from the best 42
qualified persons or sources available. 43

(D) When a burial permit is issued under division (B) of this 44
section for the product of human conception of at least twenty 45
weeks of gestation that suffers a fetal death, the local registrar 46
shall inform the parent or parents listed on the fetal death 47
certificate or provisional death certificate of the option of 48
applying for issuance of a certificate of birth resulting in 49
stillbirth under section 3705.23 of the Revised Code and the 50
process for filing the application. 51

Sec. 3705.23. (A)(1) Except as otherwise provided in this 52
section, the director of health, the state registrar, or a local 53
registrar, on receipt of a signed application and the fee 54
specified in section 3705.24 of the Revised Code, shall issue a 55
certified copy of a vital record, or of a part of a vital record, 56
in the director's or registrar's custody to any applicant, unless 57
the vital record has ceased to be a public record pursuant to 58
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 59
The certified copy shall show the date the vital record was 60
registered by the local registrar. 61

(2) A certified copy of a vital record may be made by a 62
mechanical, electronic, or other reproduction process. It shall be 63
certified as a true copy by the director, state registrar, or 64
local registrar who has custody of the record and shall include 65
the date of issuance, the name of the issuing officer, the 66
signature of the officer or an authorized facsimile of the 67
signature, and the seal of the issuing office. 68

(3) A certified copy of a vital record or of any part of a 69
vital record, issued in accordance with this section, shall be 70
considered for all purposes the same as the original and shall be 71

prima-facie evidence of the facts stated in it in all courts and 72
places. 73

(4)(a) Information contained in the "information for medical 74
and health use only" section of a birth record shall not be 75
included as part of a certified copy of the birth record unless 76
the information specifically is requested by the individual to 77
whose birth the record attests, either of the individual's parents 78
or the individual's guardian, a lineal descendant, or an official 79
of the federal or state government or of a political subdivision 80
of the state charged by law with detecting or prosecuting crime. 81

(b) Except as provided in division (A)(4)(a) of this section, 82
neither the office of vital statistics nor a local registrar shall 83
disclose information contained in the "information for medical and 84
health use only" section of a birth record unless a court, for 85
good cause shown, orders disclosure of the information or the 86
state registrar specifically authorizes release of the information 87
for statistical or research purposes under conditions the state 88
registrar, subject to the approval of the director of health, 89
shall establish by rule. 90

(B)(1) Unless the applicant specifically requests a certified 91
copy, the director, the state registrar, or a local registrar, on 92
receipt of a signed application for a birth record and the fee 93
specified in section 3705.24 of the Revised Code, may issue a 94
certification of birth, and the certification of birth shall 95
contain at least the name, sex, date of birth, registration date, 96
and place of birth of the person to whose birth the record attests 97
and shall attest that the person's birth has been registered. A 98
certification of birth shall be prima-facie evidence of the facts 99
stated in it in all courts and places. 100

(2) The director or the state registrar, on ~~the~~ receipt of a 101
signed application for an heirloom certification of birth and the 102
fee specified in section 3705.24 of the Revised Code, may issue an 103

heirloom certification of birth. The director shall prescribe by 104
rule guidelines for the form of an heirloom certification of 105
birth, and the guidelines shall require the heirloom certification 106
of birth to contain at least the name, sex, date of birth, 107
registration date, and place of birth of the person to whose birth 108
the record attests and to attest that the person's birth has been 109
registered. An heirloom certification of birth shall be 110
prima-facie evidence of the facts stated in it in all courts and 111
places. 112

(3)(a) The director or the state registrar, on ~~the~~ receipt of 113
an application signed by either parent, shall issue a certificate 114
~~recognizing the delivery of a stillborn infant of birth resulting~~ 115
in stillbirth. The director shall prescribe guidelines by rule for 116
the form of the certificate. The guidelines shall require that the 117
certificate contain at least the name, sex, date of delivery, and 118
place of delivery. The director or the state registrar shall 119
charge no fee for the certificate. A certificate ~~recognizing the~~ 120
~~delivery of a stillborn infant of birth resulting in stillbirth~~ is 121
not proof of a live birth for purposes of federal, state, and 122
local taxes. 123

(b) If a parent was previously issued a certificate 124
recognizing the delivery of a stillborn infant, the director or 125
the state registrar, on receipt of a written request signed by the 126
parent, shall reissue the certificate as a certificate of birth 127
resulting in stillbirth. 128

(C) On evidence that a birth certificate was registered 129
through misrepresentation or fraud, the state registrar may 130
withhold the issuance of a certified copy of the birth record or a 131
certification of birth until a court makes a determination that no 132
misrepresentation or fraud occurred. 133

Section 2. That existing sections 3705.20 and 3705.23 of the 134
Revised Code are hereby repealed. 135