

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 754

Representative Schmidt

To amend sections 313.12, 3705.01, 3705.08, 1
3705.16, 3705.20, 3705.29, 3727.16, and 4731.82 2
and to enact sections 3705.161 and 3705.50 of 3
the Revised Code to require the registration of 4
all fetal deaths and to require the filing of a 5
certificate of life after the detection of a 6
fetal heartbeat. 7

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

Section 1. That sections 313.12, 3705.01, 3705.08, 8
3705.16, 3705.20, 3705.29, 3727.16, and 4731.82 be amended and 9
sections 3705.161 and 3705.50 of the Revised Code be enacted to 10
read as follows: 11

Sec. 313.12. (A) (1) When any person dies in circumstances 12
as described in division (A) (2) of this section, the physician, 13
certified nurse-midwife, clinical nurse specialist, or certified 14
nurse practitioner called in attendance and any of the following 15
who obtains knowledge thereof arising from the person's duties, 16
shall immediately notify the office of the coroner of the known 17
facts concerning the time, place, manner, and circumstances of 18
the death, and any other information that is required pursuant 19
to sections 313.01 to 313.22 of the Revised Code: 20

(a) A health care worker caring for the person;	21
(b) Any member of an ambulance service or emergency squad;	22
(c) A law enforcement agency.	23
(2) The notification required by division (A) (1) of this section applies in all of the following circumstances:	24 25
(a) When any person, <u>including a product of human conception of at least twenty weeks of gestation</u> , dies as a result of criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner;	26 27 28 29
(b) When any person, including a child under two years of age, dies suddenly when in apparent good health;	30 31
(c) When any person with a developmental disability dies regardless of the circumstances.	32 33
(3) In the case of a death in circumstances as described in division (A) (2) of this section, if a request is made for cremation, the funeral director called in attendance shall immediately notify the coroner.	34 35 36 37
(B) As used in this section:	38
(1) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	39 40
(2) "Health care worker" means any individual licensed or otherwise authorized by the state to practice a health care profession and any other individual who provides health-related services in any setting as part of the individual's employment or otherwise for remuneration.	41 42 43 44 45
Sec. 3705.01. As used in this chapter:	46
(A) "Live birth" means the complete expulsion or	47

extraction from its mother of a product of human conception that 48
after such expulsion or extraction breathes or shows any other 49
evidence of life such as beating of the heart, pulsation of the 50
umbilical cord, or definite movement of voluntary muscles, 51
whether or not the umbilical cord has been cut or the placenta 52
is attached. 53

(B) (1) "Fetal death" means death prior to the complete 54
expulsion or extraction from its mother of a product of human 55
conception, irrespective of the duration of pregnancy, which 56
after such expulsion or extraction does not breathe or show any 57
other evidence of life such as beating of the heart, pulsation 58
of the umbilical cord, or definite movement of voluntary 59
muscles. "Fetal death" includes abortion, except that "abortion" 60
does not include any medical services provided for treatment of 61
a spontaneous miscarriage or a stillbirth. 62

(2) "Stillborn" means that an infant of at least twenty 63
weeks of gestation suffered a fetal death. 64

(C) "Dead body" means a human body or part of a human body 65
from the condition of which it reasonably may be concluded that 66
death recently occurred. 67

(D) "Physician" means a person licensed pursuant to 68
Chapter 4731. of the Revised Code to practice medicine or 69
surgery or osteopathic medicine and surgery. 70

(E) "Attending physician" means the physician in charge of 71
the patient's care for the illness or condition that resulted in 72
death. 73

(F) "Institution" means any establishment, public or 74
private, that provides medical, surgical, or diagnostic care or 75
treatment, or domiciliary care, to two or more unrelated 76

individuals, or to persons committed by law.	77
(G) "Funeral director" has the meaning given in section 4717.01 of the Revised Code.	78 79
(H) "State registrar" means the head of the office of vital statistics in the department of health.	80 81
(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.	82 83 84
(J) "Final disposition" means the interment, cremation, removal from the state, donation, or other authorized disposition of a dead body or a fetal death.	85 86 87
(K) "Interment" means the final disposition of the remains of a dead body by burial or entombment.	88 89
(L) "Cremation" means the reduction to ashes of a dead body.	90 91
(M) "Donation" means gift of a dead body to a research institution or medical school.	92 93
(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.	94 95 96 97
(O) "Vital records" means certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, annulment, and data related thereto and other documents maintained as required by statute.	98 99 100 101
(P) "File" means the presentation of vital records for registration by the office of vital statistics.	102 103

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

(R) "Birth record" means a birth certificate that has been registered with the office of vital statistics; or, if registered prior to March 16, 1989, with the division of vital statistics; or, if registered prior to the establishment of the division of vital statistics, with the department of health or a local registrar.

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

(T) "Certified nurse-midwife" has the same meaning as in section 4723.01 of the Revised Code.

Sec. 3705.08. (A) The director of health, by rule, shall prescribe the form of records and certificates required by this chapter. Records and certificates shall include the items and information prescribed by the director, including the items recommended by the national center for health statistics of the United States department of health and human services, subject to approval of and modification by the director.

(B) All birth certificates shall include a statement setting forth the names of the child's parents.

(C) All death certificates shall include, in the medical certification portion of the certificate, a space to indicate, if the deceased individual is female and the manner of death is determined to be a suspicious or violent death, whether any of the following conditions apply to the individual:

(1) Not pregnant within the past year;

(2) Pregnant at the time of death;	133
(3) Not pregnant, but had been pregnant within forty-two days prior to the time of death;	134 135
(4) Not pregnant, but had been pregnant within forty-three days to one year prior to the time of death;	136 137
(5) Unknown whether pregnant within the past year.	138
(D) (1) <u>(D) All fetal death certificates shall include, in the medical certification portion of the certificate, a space to indicate if the cause of the fetal death was abortion, spontaneous miscarriage, or stillbirth.</u>	139 140 141 142
<u>(E) (1)</u> The director shall prescribe electronic methods and forms for obtaining registration of births, deaths, and other vital statistics in each registration district, and for preserving the records of the office of vital statistics, and no forms or blanks shall be used other than those prescribed by the director.	143 144 145 146 147 148
(2) All birth, fetal death, and death records and certificates shall be certified. Except as provided in division (G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, division (D) of section 3705.15, or section 3705.16 of the Revised Code, a birth certificate requiring signature may be electronically certified by the person in charge of the institution or that person's designee. A death certificate may be electronically certified by the individual who attests to the facts of death.	149 150 151 152 153 154 155 156 157
(3) All vital records shall contain the date received for filing.	158 159
(4) Information and signatures required in certificates,	160

records, or reports authorized by this chapter may be filed and 161
registered by photographic, electronic, or other means as 162
prescribed by the director. 163

Sec. 3705.16. (A) For purposes of this section- 164
~~notwithstanding section 3705.01 of the Revised Code, "fetal-~~ 165
~~"death" does not include fetal death of the product of human-~~ 166
~~conception prior to twenty weeks of gestation.~~ 167

(B) Each death ~~or fetal death~~ that occurs in this state 168
shall be registered with the local registrar of vital statistics 169
of the district in which the death ~~or fetal death~~ occurred, by 170
the funeral director or other person in charge of the final 171
disposition of the remains. The personal and statistical 172
information in the death ~~or fetal death~~ certificate shall be 173
obtained from the best qualified persons or sources available, 174
by the funeral director or other person in charge of the final 175
disposition of the remains. The statement of facts relating to 176
the disposition of the body and information relative to the 177
armed services referred to in section 3705.19 of the Revised 178
Code shall be signed by the funeral director or other person in 179
charge of the final disposition of the remains. 180

(C) (1) For certification of the cause of death, the 181
funeral director or other person in charge of the final 182
disposition of the remains shall present the death ~~or fetal-~~ 183
~~death~~ certificate to one of the following individuals: 184

(a) If a death ~~or fetal death~~ occurs under any 185
circumstance described in section 313.12 of the Revised Code, 186
the coroner in the county in which the death occurs or the 187
medical examiner; 188

(b) If a death ~~or fetal death~~ occurs under a circumstance 189

other than as described in section 313.12 of the Revised Code, 190
the attending physician of the decedent, except that, in the 191
case of decedent who did not have an attending physician, the 192
physician who, either in person or through a means of 193
telehealth, last examined or treated the decedent for any 194
illness or condition. 195

(2) After the death ~~or fetal death~~ certificate is 196
presented, the cause of death shall be certified and the medical 197
certificate of death shall be completed and signed as follows: 198

(a) If the death ~~or fetal death~~ certificate is presented 199
to the coroner or medical examiner, the coroner, or a deputy 200
coroner, medical examiner, or deputy medical examiner serving in 201
an equivalent capacity, shall certify the cause of death. 202

(b) If the death ~~or fetal death~~ certificate is presented 203
to the physician described in division (C) (1) (b) of this 204
section, that physician shall certify the cause of death. 205

(3) The medical certificate of death shall be completed 206
and signed by the coroner or medical examiner, physician who 207
attended the decedent, or physician who last examined or treated 208
the decedent, as appropriate, within forty-eight hours after 209
notification of the death ~~or fetal death~~. 210

A coroner or medical examiner may satisfy the requirement 211
of signing a medical certificate showing the cause of death ~~or~~ 212
~~fetal death~~ as pending by signing it within forty-eight hours 213
after notification of the death ~~or fetal death~~, provided that 214
the coroner or medical examiner shall sign any other medical 215
certificate of death or supplementary medical certification 216
within forty-eight hours after the cause of death has been 217
determined. 218

A physician described in division (C) (1) (b) of this section may satisfy the requirement of signing a medical certificate by signing with an electronic signature.

(D) A coroner, medical examiner, or physician who acts in good faith in accordance with this section, without fraud or malice, and upon reasonable belief of the cause of death ~~or~~ ~~fetal~~ death based on the information, if any, presented is not subject to civil liability or professional disciplinary action for any act or omission in certifying the cause of death or in completing and signing the medical certificate of death.

(E) Any death certificate registered pursuant to this section shall contain the social security number of the decedent, if available. A social security number obtained under this section is a public record under section 149.43 of the Revised Code.

Sec. 3705.161. (A) Each fetal death that occurs in this state shall be registered with the local registrar of vital statistics of the district in which the fetal death occurred.

(B) A fetal death shall be registered by the physician who attended the decedent or the decedent's mother, except that, in the case of a decedent or decedent's mother who did not have an attending physician, the physician who, either in person or through a means of telehealth, last examined or treated the decedent or the decedent's mother for any illness or condition.

(C) (1) The cause of death shall be certified by one of the following individuals:

(a) If a fetal death occurs under a circumstance described in section 313.12 of the Revised Code, the coroner in the county in which the death occurs or the medical examiner.

(b) If a fetal death occurs under a circumstance other 248
than as described in section 313.12 of the Revised Code, the 249
physician who registers the fetal death. 250

(2) The medical certificate of death shall be completed 251
and signed by the coroner or medical examiner, the physician who 252
attended the decedent of the decedent's mother, or the physician 253
who last examined or treated the decedent or the decedent's 254
mother, as appropriate, within forty-eight hours after 255
notification of the fetal death. 256

A coroner or medical examiner may satisfy the requirement 257
of signing a medical certificate showing the cause of fetal 258
death as pending by signing it within forty-eight hours after 259
notification of the fetal death, provided that the coroner or 260
medical examiner shall sign any other medical certificate of 261
death or supplementary medical certification within forty-eight 262
hours after the cause of death has been determined. 263

(D) A coroner, medical examiner, or physician who acts in 264
good faith in accordance with this section, without fraud or 265
malice, and upon reasonable belief of the cause of fetal death 266
based on the information, if any, presented is not subject to 267
civil liability or professional disciplinary action for any act 268
or omission in certifying the cause of death or in completing 269
and signing the medical certificate of death. 270

Sec. 3705.20. ~~(A) The fetal death of the product of human-~~ 271
~~conception of at least twenty weeks of gestation shall be-~~ 272
~~registered on a fetal death certificate.~~ 273

~~On application of the funeral director or either parent,~~ 274
~~the fetal death of the product of human conception prior to-~~ 275
~~twenty weeks of gestation shall be registered on a fetal death-~~ 276

~~certificate, except that the fetal death certificate shall not list the cause of death.~~ 277
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~~The funeral director or 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.~~ 279
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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. 286
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(B) The product of human conception of at least twenty weeks of gestation that suffers a fetal death 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. 289
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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 upon request of the funeral director or either parent files a fetal death certificate with that registrar. 297
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~~(C)(1)~~ (C) The department of health and the local registrar shall keep a separate record and index record of fetal death certificates. 303
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~~(2) The personal or statistical information on the fetal death certificate shall be obtained by the funeral director or other person in charge of interment or cremation from the best qualified persons or sources available.~~

(D) When a burial permit is issued under division (B) of this section for the product of human conception of at least twenty weeks of gestation that suffers a fetal death, the local registrar shall inform the parent or parents listed on the fetal death certificate or provisional death certificate of the option of applying for a certificate that is issued under division (B) (3) of section 3705.23 of the Revised Code.

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

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

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

(3) Purposely obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another for the purpose of deception any certificate, record, or report required by this chapter or any certified copy of it, or any certificate, record, or report that is counterfeit, altered, or amended or false in whole or part;

(4) Purposely obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another for the purpose of deception any certificate, record, or report

required by this chapter, or any certified copy of it, that 335
relates to the birth of another person, whether living or dead; 336

(5) Without lawful authority, possess any certificate, 337
record, or report required by this chapter or any copy of such a 338
certificate, record, or report, knowing it to have been stolen 339
or otherwise unlawfully obtained. 340

(B) No person employed by the office of vital statistics 341
or a local registrar shall purposely furnish or possess a birth 342
record or certified copy of a birth record with intent that it 343
be used for deception. 344

(C) No person shall do any of the following: 345

(1) Purposely refuse to provide information required by 346
this chapter or rules adopted under it; 347

(2) Purposely transport out of this state or accept for 348
interment or other disposition a dead body without a permit 349
required by this chapter; 350

(3) Knowingly prepare, issue, sell, or give any record or 351
certificate that is alleged to be an original vital record or a 352
certified copy of a vital record if the person knows or has 353
reason to know that it is not an original vital record or a 354
certified copy of a vital record; 355

(4) Refuse to comply with the requirements of this chapter 356
or violate any of the provisions of this chapter. 357

(D) No officer or employee of the department of health 358
shall knowingly reveal or provide any information contained in 359
an adoption file maintained by the department under section 360
3705.12, 3705.121, 3705.122, 3705.123, or 3705.124 of the 361
Revised Code to any person, or knowingly reveal or provide the 362

contents of an adoption file to any person, unless authorized to 363
do so by section 3705.126 of the Revised Code. 364

(E) If a death, or a fetal death of at least twenty weeks 365
of gestation, occurs under any circumstances mentioned in 366
section 313.12 of the Revised Code, the coroner of the county in 367
which the death or fetal death occurs, or a deputy coroner, 368
medical examiner, or deputy medical examiner serving in an 369
equivalent capacity, shall certify the cause of that death 370
unless the death was reported to the coroner, deputy coroner, 371
medical examiner, or deputy medical examiner and that person, 372
after a preliminary examination, declined to assert jurisdiction 373
with respect to the death or fetal death. 374

(F) No physician other than the coroner in the county in 375
which a death, or a fetal death of at least twenty weeks of 376
gestation, occurs, or a deputy coroner, medical examiner, or 377
deputy medical examiner serving in an equivalent capacity, may 378
certify any death or fetal death that occurs under any 379
circumstances other than natural or, in the case of a fetal 380
death, as a result of abortion. 381

(G) If a death, or a fetal death of at least twenty weeks 382
of gestation, occurs under any circumstances mentioned in 383
section 313.12 of the Revised Code, no person shall knowingly 384
present a death or fetal death certificate for the purpose of 385
obtaining certification of the cause of death to any physician 386
other than the coroner in the county in which the death or fetal 387
death occurred, or to a deputy coroner, medical examiner, or 388
deputy medical examiner serving in an equivalent capacity, 389
unless that death or fetal death was reported to the coroner, 390
deputy coroner, medical examiner, or deputy medical examiner and 391
that person, after a preliminary examination, declined to assert 392

jurisdiction with respect to the death or fetal death.	393
(H) No person, with intent to defraud or knowing that the person is facilitating a fraud, shall do either of the following:	394 395 396
(1) Certify a cause of death in violation of the prohibition of division (E) or (F) of this section;	397 398
(2) Obtain or attempt to obtain a certification of the cause of a death or fetal death in violation of the prohibition of division (G) of this section.	399 400 401
<u>Sec. 3705.50. (A) (1) A person who determines the presence of a fetal heartbeat during an examination of a pregnant woman shall prepare and file a certificate of life in the registration district in which the examination occurs within ten calendar days of the examination. The certificate of life shall be registered if it has been completed and filed in accordance with this section.</u>	402 403 404 405 406 407 408
<u>(2) In addition to filing a certificate of life, a person who determines the presence of a fetal heartbeat during an examination of a pregnant woman shall immediately give the pregnant woman a printed copy of the information to be included on the certificate of life.</u>	409 410 411 412 413
<u>(B) Division (A) of this section applies only if the pregnant woman's medical record does not indicate that a certificate of life has already been filed for that pregnancy.</u>	414 415 416
<u>(C) The director of health shall adopt rules as necessary to implement this section, including rules establishing the following:</u>	417 418 419
<u>(1) Information to be included on a certificate of life;</u>	420

(2) A system that enables a certificate of life to later 421
be matched with a fetal death certificate registered pursuant to 422
section 3705.161 of the Revised Code; 423

(3) Protocols to avoid redundant filings; 424

(4) The format in which information shall be printed 425
pursuant to division (A) (2) of this section. 426

Sec. 3727.16. (A) As used in this section, "fetal death" 427
has the same meaning as in section 3705.01 of the Revised Code,~~—~~ 428
~~except that it does not include either of the following:—~~ 429

~~(1) The product of human conception of at least twenty~~ 430
~~weeks of gestation;~~ 431

~~(2) The purposeful termination of a pregnancy, as~~ 432
~~described in section 2919.11 of the Revised Code.~~ 433

(B) If a woman presents herself at a hospital as a result 434
of a fetal death, the hospital shall provide the woman with ~~all~~ 435
both of the following: 436

(1) A written statement, not longer than one page in 437
length, that confirms that the woman was pregnant and that she 438
subsequently suffered a miscarriage that resulted in a fetal 439
death; 440

~~(2) Notice of the right of the woman to apply for a fetal~~ 441
~~death certificate pursuant to section 3705.20 of the Revised~~ 442
~~Code;~~ 443

~~(3) A short, general description of the hospital's~~ 444
procedures for disposing of the product of a fetal death. 445

A hospital or hospital employee may present the notice and 446
description required by ~~divisions~~ division (B) (2) and ~~(B) (3)~~ of 447

this section through oral or written means. The hospital or 448
hospital employee shall document in the woman's medical record 449
that ~~all~~ both of the items required by this division were 450
provided to the woman and shall place in the record a copy of 451
the statement required by division (B) (1) of this section. 452

(C) A hospital or hospital employee is immune from civil 453
or criminal liability or professional disciplinary action with 454
regard to any action taken in good faith compliance with this 455
section. 456

Sec. 4731.82. (A) As used in this section: 457

(1) "Fetal death" has the same meaning as in section 458
3705.01 of the Revised Code, ~~except that it does not include~~ 459
~~either of the following:~~ 460

~~(a) The product of human conception of at least twenty-~~ 461
~~weeks of gestation;~~ 462

~~(b) The purposeful termination of a pregnancy, as-~~ 463
~~described in section 2919.11 of the Revised Code.~~ 464

(2) "Physician" means an individual holding a license 465
issued under this chapter to practice medicine and surgery or 466
osteopathic medicine and surgery. 467

(B) If a woman in the process of experiencing a fetal 468
death or with the product of human conception as a result of a 469
fetal death presents herself to a physician and is not referred 470
to a hospital, the attending physician shall provide the woman 471
with ~~all~~ both of the following: 472

(1) A written statement, not longer than one page in 473
length, that confirms that the woman was pregnant and that she 474
subsequently suffered a miscarriage that resulted in a fetal 475

death; 476

~~(2) Notice of the right of the woman to apply for a fetal death certificate pursuant to section 3705.20 of the Revised Code;~~ 477
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~~(3)~~ A short, general description of the attending physician's procedures for disposing of the product of a fetal death. 480
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The attending physician may present the ~~notice and~~ description required by ~~divisions~~ division (B) (2) and ~~(B) (3)~~ of this section through oral or written means. The physician shall document in the woman's medical record that ~~all~~ both of the items required by this division were provided to the woman and shall place in the record a copy of the statement required by division (B) (1) of this section. 483
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(C) A physician is immune from civil or criminal liability or professional disciplinary action with regard to any action taken in good faith compliance with this section. 490
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Section 2. That existing sections 313.12, 3705.01, 3705.08, 3705.16, 3705.20, 3705.29, 3727.16, and 4731.82 of the Revised Code are hereby repealed. 493
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Section 3. Section 313.12 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 497 and S.B. 196 of the 135th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 496
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