



1. Pregnancy ends in induced termination of pregnancy, live birth or fetal death. Fetal deaths are also called miscarriages or spontaneous abortions.
2. "Fetal death" means death before the complete extraction from its mother. The death is indicated by the fact that the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.
3. Oregon law uses delivery or birth weight to determine legal requirements.
4. Oregon law requires a report of fetal death to be filed if the delivery weight is 350 grams or higher. A fetal death report should also be filed, regardless of delivery weight or gestation, if the parent(s) request that the medical facility do so.
5. Only if the delivery weight is unknown, gestational age (twenty weeks or more) is used to determine if a report of fetal death is required.
6. Even if delivery weight is less than 350 grams or, if delivery weight is unknown, gestation is less than 20 weeks, a report of fetal death may be filed if the parent(s) request that the facility or birth attendant do so.
7. "Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus. There is no specific definition for what constitutes final disposition if the fetus remains at the delivery facility.
8. If the fetus leaves the facility for final disposition, a transit permit is required regardless of delivery (birth) weight or gestation. The transit permit is the second page of the fetal death report form (DHS 45-3).
9. If *final disposition occurs at the facility and the delivery weight is less than 350 grams*, neither a fetal death report nor a transit permit are required.
10. "Live birth" means the complete extraction from its mother, irrespective of the duration of pregnancy, that 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. Gestation and/or birth weight do not determine whether a live birth has occurred.
11. If a live birth occurs, a birth certificate must be filed with the state regardless of birth weight, gestational age prior to birth, or length of life.
12. Discharge after birth or after re-admittance, if relevant. If the baby dies before the birth certificate is sent to the state, the death should be noted on the birth certificate (Item 29 on 45-1 and screen 4 in EBC).
13. If child is discharged alive and the birth certificate has been sent to the state, no further action is required. A subsequent death must follow the procedures for death certificates and usually doesn't require action by the birth clerk or birth attendant.
14. Information sufficient to identify the body, facility, and medical certifier should be provided to the funeral services practitioner when the body is transferred.
15. "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and that does not result in a live birth.
16. If an induced termination of pregnancy procedure results in a live birth, a birth certificate must be filed. If the infant then dies, a death certificate must be filed. An example of this type of occurrence would be a later term induced termination motivated by a severe congenital anomaly of the fetus, where labor is induced with the *expectation* that the fetus will not be born alive, but the infant is in fact born alive and dies a few minutes later. Although the expectation was an induced termination of pregnancy, the resulting live birth requires a birth certificate be filed; no termination of pregnancy report would be filed in this example because the second half of the definition ("does not result in a live birth") was not fulfilled.

17. Whether a live birth occurs is a medical determination. See 10 above.
18. Regardless of gestation or the reason for the termination (congenital anomaly of child, mother's health at risk, non-specified choice, etc.), if a pregnancy is terminated with the intent that a live birth not occur and the fetus is not born alive, Oregon law requires a report of induced termination of pregnancy be filed with the State vital records office.