

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1136

92ND GENERAL ASSEMBLY

Reported from the Committee on Health Care Policy, March 9, 2004, with recommendation that the House Committee Substitute for House Bill No. 1136 Do Pass by Consent.

Taken up for Perfection March 17, 2004. House Committee Substitute for House Bill No. 1136 ordered Perfected and Perfected by Consent.

STEPHEN S. DAVIS, Chief Clerk

4044L.04P

AN ACT

To amend chapter 194, RSMo, by adding thereto six new sections relating to the disposition of fetal remains act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 194, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 194.375, 194.378, 194.381, 194.384, 194.387, and 194.390, to read as
3 follows:

194.375. 1. Sections 194.375 to 194.390 shall be known and may be cited as the
2 **"Disposition of Fetal Remains Act".**

3 **2. As used in sections 194.375 to 194.390, the following terms mean:**

4 **(1) "Final disposition", the burial, cremation, or other disposition of the remains**
5 **of a human fetus following a spontaneous fetal demise occurring after a gestation period**
6 **of less than twenty completed weeks;**

7 **(2) "Remains of a human fetus", the fetal remains or fetal products of conception**
8 **of a mother after a miscarriage, regardless of the gestational age or whether the remains**
9 **have been obtained by spontaneous or accidental means.**

194.378. In every instance of fetal death, the mother has the right to determine the
2 **final disposition of the remains of the fetus, regardless of the duration of the pregnancy.**
3 **The mother may choose any means of final disposition authorized by law or by the director**
4 **of the department of health and senior services.**

194.381. 1. The final disposition of the remains of a human fetus may be by
2 cremation, interment by burial, incineration in an approved medical waste incinerator, or
3 other means authorized by the director of the department of health and senior services.
4 The disposition shall be in accordance with state law or administrative rules providing for
5 the disposition. If the remains are disposed of by incineration, the remains shall be
6 incinerated separately from other medical waste.

7 2. No religious service or ceremony is required as part of the final disposition of the
8 remains of a human fetus.

194.384. Every hospital, outpatient clinic, and any other health care facility licensed
2 to operate in this state shall adopt written standards for the final disposition of the remains
3 of a human fetus as provided in sections 194.375 to 194.390 for protection of a mother's
4 right pursuant to section 194.378 and for notice as required in section 194.387.

194.387. 1. Within twenty-four hours after a miscarriage occurs spontaneously or
2 accidentally at a hospital, outpatient clinic, or any other health care facility, the facility
3 shall disclose to the mother of the miscarried fetus, both orally and in writing, the mother's
4 right to determine the final disposition of the remains of the fetus. The facility's disclosure
5 shall include giving the mother a copy of the facility's written standards adopted pursuant
6 to section 194.384.

7 2. The facility shall make counseling concerning the death of the fetus available to
8 the mother. The facility may provide the counseling or refer the mother to another
9 provider of appropriate counseling services.

194.390. Nothing in sections 194.375 to 194.390 shall be construed to prohibit a
2 woman's ability to obtain a legal abortion.