

HCS HB 1136 -- DISPOSITION OF HUMAN FETUSES (Rupp)

This substitute establishes the Disposition of Fetal Remains Act. The substitute:

(1) Requires that the mother of a dead human fetus determine the final disposition of the remains of the fetus in every instance of fetal death. The mother is allowed to choose any means of final disposition authorized by law or by the Director of the Department of Health and Senior Services;

(2) Authorizes the final disposition of human fetal remains by cremation, burial, incineration in an approved medical waste incinerator, or other means approved by the director. The disposition must be consistent with state law or administrative rules. If the disposition occurs by incineration, the remains must be incinerated separately from medical waste;

(3) Does not require a religious service or ceremony to be held;

(4) Requires licensed hospitals and other licensed health care facilities to adopt written standards for the disposition of human fetal remains. Licensed health care facilities are required to provide the mother a copy of their written standards;

(5) Requires licensed hospitals or other licensed health care facilities to notify the mother within a 24-hour period of her right to determine the final disposition and the methods of final disposition of the fetal remains. The 24-hour notification is required if a miscarriage occurs at the facility; and

(6) Requires the licensed health care facility to provide on-site counseling services to the mother or refer the mother to an appropriate provider of counseling services concerning the death of the fetus.

The substitute does not prohibit a woman's ability to obtain a legal abortion.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.