

SCS HCS HB 1136 -- VITAL RECORDS; DISPOSITION OF FETAL REMAINS

This bill allows the parents of a stillborn child to file an application for a Certificate of Birth Resulting in Stillbirth with the State Registrar or custodian of vital records. The certificate will contain a statement that it is not proof of a live birth and will be based on information obtained from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo. The certificate can only be issued to a parent or a sibling of the child if both parents are deceased.

The State Registrar or custodian of vital records may charge a minimal fee for the costs of preparing the certificate.

The bill also establishes the Disposition of Fetal Remains Act. The bill:

(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) Specifies that a religious service or ceremony is not required;

(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 with a copy of their written standards;

(5) Requires licensed hospitals or other licensed health care facilities to notify the mother within 24 hours 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 bill does not prohibit a woman's ability to obtain a legal abortion.