HB 2728 -- FINAL DISPOSITION OF ABORTED FETAL REMAINS

SPONSOR: Hurst

This bill changes the law regarding the final disposition of an
aborted fetus. The bill requires a physician performing an
abortion, or a qualified professional, to first present to the
woman printed materials that are developed by the Department of
Health and Senior Services and explain that she has the right to
determine the final disposition of the remains of the aborted
fetus, which options are available for such disposition, and
provide information regarding any counseling available to a woman
after an abortion. The bill gives a pregnant woman who has an
abortion the right to determine the final disposition of the
aborted fetus. Once the woman has received the information
developed by the department and before the aborted fetus may be
discharged from the abortion facility, the woman must inform the
abortion facility in writing, on a form developed by the
department, of the woman's decision for final disposition of the
aborted fetus. If the pregnant woman is a minor, the abortion
facility must obtain parental consent regarding the disposition of
the aborted fetus unless the minor has received a waiver of
parental consent using the judicial bypass procedure under Section
188.028, RSMo.

The abortion facility must document the woman's decision concerning
the disposition of the aborted fetus in the woman's medical record.
If the woman chooses a means for final disposition that is not
legally required of an abortion facility then the woman is
responsible for the costs related to the final disposition of the
aborted fetus. The provisions of Section 193.165 regarding
spontaneous fetal death reports and certificates of birth resulting
in stillbirth shall apply to the final disposition of an aborted
fetus with a gestational age of 20 weeks or more. A pregnant woman
may decide to cremate or inter an aborted fetus with a gestational
age under 20 weeks and the local health department must issue
permit for the disposition of the aborted fetus to the person in
charge of internment of the aborted fetus.