

HB 431 -- ABORTION

SPONSOR: Kelly (141)

This bill gives a woman who has an abortion sole right of sepulcher for the remains of her child. Prior to conducting an abortion, the physician or qualified professional must present the woman with written materials regarding choices for disposition of her child and the woman shall inform the provider of her choice prior to the procedure. Disposition choices are limited to burial or cremation and the price shall be included in the cost of the abortion.

This bill also prohibits billing or payment for preoperative abortion services until 72 hours after the woman receives the informed consent materials required by law.

It also prohibits the use of fetal tissue from an abortion for any purpose, except to diagnose anomalies, paternity, or for any other law enforcement purposes. Violation of these provisions shall be a class E felony and be subject to license suspension or revocation.

The bill establishes the "Safeguarding All Children's Remains to Ensure Dignity Act" or the "Sacred Act". These sections state who a mother may assign the right of sepulcher for the remains of her deceased unborn child resulting from an abortion. The bill requires that a mother decide on the final disposition of the remains of her deceased unborn child in one of the ways listed.

Finally, the bill creates the offense of hoarding of aborted human remains for any person who possess all or part of five or more bodies of aborted children. Violators shall be guilty of a class D felony and undergo mental evaluation and treatment.

This bill is the same as HB 2402 (2020).