

HOUSE BILL No. 1190

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-11.

Synopsis: Treatment of miscarried remains. Provides that a parent of a fetus miscarried at a health care facility may determine the final disposition of the remains of the miscarried fetus. Requires a health care facility to provide certain information to a parent of a miscarried fetus.

Effective: July 1, 2014.

Slager

January 14, 2014, read first time and referred to Committee on Public Health.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1190

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-161, AS AMENDED BY P.L.42-2011,
2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 161. (a) "Health care facility" includes:
4 (1) hospitals licensed under IC 16-21-2, private mental health
5 institutions licensed under IC 12-25, and tuberculosis hospitals
6 established under IC 16-11-1 (before its repeal);
7 (2) health facilities licensed under IC 16-28; and
8 (3) rehabilitation facilities and kidney disease treatment centers.
9 **(b) "Health care facility", for purposes of IC 16-21-11, has the**
10 **meaning set forth in IC 16-21-11-1.**
11 ~~(b)~~ **(c) "Health care facility", for purposes of IC 16-28-13, has the**
12 **meaning set forth in IC 16-28-13-0.5.**
13 SECTION 2. IC 16-18-2-237.1 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: **Sec. 237.1. "Miscarried fetus", for**
16 **purposes of IC 16-21-11, has the meaning set forth in**



- 1 **IC 16-21-11-2.**
 2 SECTION 3. IC 16-21-11 IS ADDED TO THE INDIANA CODE
 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]:
 5 **Chapter 11. Treatment of Miscarried Remains**
 6 **Sec. 1. As used in this chapter, "health care facility" means any**
 7 **of the following:**
 8 (1) A hospital.
 9 (2) A birthing center.
 10 (3) Any other medical facility.
 11 **Sec. 2. As used in this chapter, "miscarried fetus" means a fetus**
 12 **who has died from a spontaneous or accidental death before**
 13 **expulsion or extraction from the fetus's mother, irrespective of the**
 14 **duration of the pregnancy.**
 15 **Sec. 3. Subject to section 4 of this chapter, a parent of a**
 16 **miscarried fetus may determine the final disposition of the remains**
 17 **of the miscarried fetus.**
 18 **Sec. 4. (a) Not more than twenty-four (24) hours after a woman**
 19 **has miscarried her fetus at a health care facility, the health care**
 20 **facility shall:**
 21 (1) disclose to a parent of the miscarried fetus, both orally and
 22 in writing, the parent's right to determine the final disposition
 23 of the remains of the fetus;
 24 (2) provide a parent of the miscarried fetus with written
 25 information concerning the available options for disposition
 26 of the fetus; and
 27 (3) inform the parents of the miscarried fetus of counseling
 28 that may be available concerning the death of the fetus.
 29 (b) A parent of a miscarried fetus shall inform the health care
 30 facility in writing of the parent's decision for final disposition of
 31 the fetus not more than forty-eight (48) hours after receiving the
 32 information required in subsection (a).
 33 **Sec. 5. If a parent chooses a means of final disposition other**
 34 **than the means of final disposition that is usual and customary for**
 35 **the health care facility, the parent is responsible for the costs**
 36 **related to the final disposition of the fetus.**

