



January 27, 2014

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## HOUSE BILL No. 1190

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DIGEST OF HB 1190 (Updated January 27, 2014 12:24 pm - DI 77)

**Citations Affected:** IC 16-18; IC 16-21.

**Synopsis:** Treatment of miscarried remains. Provides that beginning October 1, 2014 the parent or parents 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 the parent or parents of a miscarried fetus.

**Effective:** July 1, 2014; October 1, 2014.

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### Slager

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January 14, 2014, read first time and referred to Committee on Public Health.  
January 27, 2014, amended, reported — Do Pass.

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HB 1190—LS 7072/DI 77





January 27, 2014

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

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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**

HB 1190—LS 7072/DI 77



1 **IC 16-21-11-2.**

2 SECTION 3. IC 16-18-2-277, AS AMENDED BY P.L.61-2009,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 277. (a) **"Person in charge of interment", for  
5 purposes of IC 16-21-11, has the meaning set forth in  
6 IC 16-21-11-3.**

7 (b) **"Person in charge of interment", for purposes of IC 16-37-1 and  
8 IC 16-37-3, has the meaning set forth in IC 16-37-3-2.**

9 SECTION 4. IC 16-21-11 IS ADDED TO THE INDIANA CODE  
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 OCTOBER 1, 2014]:

12 **Chapter 11. Treatment of Miscarried Remains**

13 **Sec. 1. As used in this chapter, "health care facility" means any  
14 of the following:**

- 15 (1) **A hospital.**  
16 (2) **A birthing center.**  
17 (3) **Any other medical facility.**

18 **Sec. 2. As used in this chapter, "miscarried fetus" means an  
19 unborn child, irrespective of gestational age, who has died from a  
20 spontaneous or accidental death before expulsion or extraction  
21 from the unborn child's mother, irrespective of the duration of the  
22 pregnancy.**

23 **Sec. 3. As used in this chapter, "person in charge of interment"  
24 means a person who places or causes to be placed the body of a  
25 miscarried fetus who has a gestational age of less than twenty (20)  
26 weeks of age or the ashes, after cremation, in a grave, vault, urn,  
27 or other receptacle, or who otherwise disposes of the body or ashes.**

28 **Sec. 4. Subject to sections 5 and 6 of this chapter, the parent or  
29 parents of a miscarried fetus may determine the final disposition  
30 of the remains of the miscarried fetus.**

31 **Sec. 5. (a) Not more than twenty-four (24) hours after a woman  
32 has her miscarried fetus in a health care facility, the health care  
33 facility shall:**

- 34 (1) **disclose to the parent or parents of the miscarried fetus,  
35 both orally and in writing, the parent's right to determine the  
36 final disposition of the remains of the miscarried fetus;**  
37 (2) **provide the parent or parents of the miscarried fetus with  
38 written information concerning the available options for  
39 disposition of the miscarried fetus; and**  
40 (3) **inform the parent or parents of the miscarried fetus of  
41 counseling that may be available concerning the death of the  
42 miscarried fetus.**



1           **(b) The parent or parents of a miscarried fetus shall inform the**  
2 **health care facility of the parent's decision for final disposition of**  
3 **the miscarried fetus after receiving the information required in**  
4 **subsection (a) but before the parent of the miscarried fetus is**  
5 **discharged from the health care facility. The health care facility**  
6 **shall document the parent's decision in the medical record.**

7           **Sec. 6. (a) If the parent or parents choose a means of final**  
8 **disposition other than the means of final disposition that is usual**  
9 **and customary for the health care facility, the parent or parents**  
10 **are responsible for the costs related to the final disposition of the**  
11 **fetus.**

12           **(b) If the parent or parents choose a means of final disposition**  
13 **that provides for the interment of a miscarried fetus who has a**  
14 **gestational age of at least twenty (20) weeks of age, the**  
15 **requirements under IC 16-37-3 apply.**

16           **(c) Notwithstanding any other law, the parent or parents whose**  
17 **miscarried fetus has a gestational age of less than twenty (20)**  
18 **weeks of age may choose a means of final disposition that provides**  
19 **for the cremation or the interment of the miscarried fetus. If the**  
20 **parent or parents choose the cremation or interment of the**  
21 **miscarried fetus, the local health officer shall provide the person**  
22 **in charge of interment with a permit for the disposition of the**  
23 **body. A certificate of stillbirth is not required to be issued for a**  
24 **final disposition under this subsection.**

25           **(d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and**  
26 **IC 29-2-19-17 concerning the authorization of disposition of human**  
27 **remains apply to this section.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-18-2-277, AS AMENDED BY P.L.61-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 277. (a) **"Person in charge of interment", for purposes of IC 16-21-11, has the meaning set forth in IC 16-21-11-3.**

(b) "Person in charge of interment", for purposes of IC 16-37-1 and IC 16-37-3, has the meaning set forth in IC 16-37-3-2."

Page 2, line 4, delete "JULY" and insert "OCTOBER".

Page 2, line 11, delete "a fetus" and insert "**an unborn child, irrespective of gestational age,**".

Page 2, line 13, delete "fetus's" and insert "**unborn child's**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"Sec. 3. As used in this chapter, "person in charge of interment" means a person who places or causes to be placed the body of a miscarried fetus who has a gestational age of less than twenty (20) weeks of age or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or who otherwise disposes of the body or ashes."**

Page 2, line 15, delete "3." and insert "**4.**".

Page 2, line 15, delete "section 4" and insert "sections 5 and 6".

Page 2, line 15, delete "a parent" and insert "**the parent or parents**".

Page 2, line 18, delete "4." and insert "**5.**".

Page 2, line 19, delete "miscarried her fetus at" and insert "**her miscarried fetus in**".

Page 2, line 21, delete "a parent" and insert "**the parent or parents**".

Page 2, line 23, after "remains of the" insert "**miscarried**".

Page 2, line 24, delete "a parent" and insert "**the parent or parents**".

Page 2, line 26, after "the" insert "**miscarried**".

Page 2, line 27, after "inform the" insert "**parent or**".

Page 2, line 28, after "of the" insert "**miscarried**".

Page 2, line 29, delete "A parent" and insert "**The parent or parents**".



Page 2, line 30, delete "in writing".

Page 2, line 31, delete "the fetus not more than forty-eight (48) hours" and insert "**the miscarried fetus**".

Page 2, line 32, delete "(a)." insert "**(a) but before the parent of the miscarried fetus is discharged from the health care facility. The health care facility shall document the parent's decision in the medical record.**".

Page 2, line 33, delete "5." and insert "**6. (a)**".

Page 2, line 33, delete "a parent chooses" and insert "**the parent or parents choose**".

Page 2, line 35, delete "is" and insert "**or parents are**".

Page 2, after line 36, begin a new paragraph and insert:

**"(b) If the parent or parents choose a means of final disposition that provides for the interment of a miscarried fetus who has a gestational age of at least twenty (20) weeks of age, the requirements under IC 16-37-3 apply.**

**(c) Notwithstanding any other law, the parent or parents whose miscarried fetus has a gestational age of less than twenty (20) weeks of age may choose a means of final disposition that provides for the cremation or the interment of the miscarried fetus. If the parent or parents choose the cremation or interment of the miscarried fetus, the local health officer shall provide the person in charge of interment with a permit for the disposition of the body. A certificate of stillbirth is not required to be issued for a final disposition under this subsection.**

**(d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1190 as introduced.)

CLERE, Chair

Committee Vote: yeas 7, nays 0.

