

118TH CONGRESS
1ST SESSION

H. R. 428

To amend title 18, United States Code, to prohibit the unlawful disposal
of fetal remains.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

Mr. LATTA (for himself, Mr. BANKS, Mr. ALLEN, Mr. DUNCAN, and Mr.
BALDERSON) introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the
unlawful disposal of fetal remains.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the Dignity
5 of Unborn Children Act of 2023”.

6 **SEC. 2. PROHIBITING UNLAWFUL DISPOSAL OF FETAL RE-**
7 **MAINS.**

8 Part I of title 18, United States Code, is amended
9 by adding at the end the following:

1 **“CHAPTER 125—UNLAWFUL DISPOSAL OF**
2 **FETAL REMAINS**

3 **“SEC. 2741. UNLAWFUL DISPOSAL OF FETAL REMAINS.**

4 “(a) IN GENERAL.—Whoever recklessly disposes of
5 or abandons fetal remains in a landfill or in any of the
6 navigable waters of the United States shall be imprisoned
7 not more than 3 years or fined under this title, or both.

8 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to authorize the prosecution of any
10 woman for the disposal of the remains of her unborn child.

11 “(c) DEFINITIONS.—In this section:

12 “(1) FETAL REMAINS.—The term ‘fetal re-
13 mains’ means any part of a human fetus that is de-
14 ceased by reason of an abortion, but does not in-
15 clude any such part that has been cremated.

16 “(2) LANDFILL.—The term ‘landfill’ means a
17 sanitary landfill, as such term is defined in section
18 1004(26) of the Solid Waste Disposal Act.

19 “(3) NAVIGABLE WATERS.—The term ‘navi-
20 gable waters’ has the meaning given such term in
21 section 502(7) of the Federal Water Pollution Con-
22 trol Act.”.

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