

HOUSE BILL No. 1058

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-11.

Synopsis: Remains of a miscarried fetus. Provides that a health care facility may transfer the remains of a miscarried fetus to a nonprofit organization that provides funerals, cremations, or burials for a miscarried fetus in certain circumstances.

Effective: July 1, 2023.

Frye R

January 9, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1058

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 16-21-11-4, AS ADDED BY P.L.127-2014,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 4. Subject to sections 5 and 6 of this chapter **and**
4 **except as provided in section 7 of this chapter**, the parent or parents
5 of a miscarried fetus may determine the final disposition of the remains
6 of the miscarried fetus.

7 SECTION 2. IC 16-21-11-6, AS AMENDED BY P.L.213-2016,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 6. (a) If the parent or parents choose a location of
10 final disposition other than the location of final disposition that is usual
11 and customary for the health care facility, the parent or parents are
12 responsible for the costs related to the final disposition of the fetus at
13 the chosen location.

14 (b) **Except as required under subsection (e)**, a health care facility
15 having possession of a miscarried fetus shall provide for the final
16 disposition of the miscarried fetus. The burial transit permit
17 requirements under IC 16-37-3 apply to the final disposition of the



1 miscarried fetus, which must be cremated or interred. However:

2 (1) a person is not required to designate a name for the miscarried
3 fetus on the burial transit permit and the space for a name may
4 remain blank; and

5 (2) any information submitted under this section that may be used
6 to identify the parent or parents is confidential and must be
7 redacted from any public records maintained under IC 16-37-3.

8 Miscarried fetuses may be cremated by simultaneous cremation.

9 (c) The local health officer shall provide the person in charge of
10 interment with a permit for the disposition of the body. A certificate of
11 stillbirth is not required to be issued for a final disposition of a
12 miscarried fetus having a gestational age of less than twenty (20)
13 weeks.

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

17 (e) **A health care facility that transfers the possession of the
18 remains of a miscarried fetus under section 7 of this chapter is not
19 required to provide for the final disposition of the miscarried fetus
20 or obtain a burial transit permit as required under subsection (b).**

21 SECTION 3. IC 16-21-11-7 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2023]: **Sec. 7. (a) If a parent or parents of a miscarried fetus fail
24 to inform the health care facility of the decision for the final
25 disposition of the remains of the miscarried fetus under section
26 5(b) of this chapter, the health care facility may transfer the
27 remains of the miscarried fetus to a nonprofit organization that
28 provides funerals, cremations, or burials for a miscarried fetus.**

29 (b) **A nonprofit organization that takes possession of a
30 miscarried fetus under this section must comply with the burial
31 transit permit requirements under IC 16-37-3. However:**

32 (1) a person is not required to designate a name for the
33 miscarried fetus on the burial transit permit and the space for
34 a name may remain blank; and

35 (2) any information submitted under this section that may be
36 used to identify the parent or parents is confidential and must
37 be redacted from any public records maintained under
38 IC 16-37-3.

39 (c) **A nonprofit organization that is transferred the remains of
40 a miscarried fetus must cremate or bury the remains within thirty
41 (30) days after receiving the remains.**

42 (d) The local health officer shall provide the person in charge of



1 interment with a permit for the disposition of the body. A
2 certificate of stillbirth is not required to be issued for a final
3 disposition of a miscarried fetus having a gestational age of less
4 than twenty (20) weeks.

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

