AN ACT

Providing for the final disposition of fetal remains; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1.  Short title.

This act shall be known and may be cited as the Final Disposition of Fetal Remains Act.

Section 2.  Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department."  The Department of Health of the Commonwealth.

"Fetal death."  The expulsion or extraction from its mother of a product of conception which shows no evidence of life after...
the expulsion or extraction.

"Fetal remains." The fetus expelled or extracted in the case of a fetal death.

"Health care facility." A facility licensed under Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Person in charge of interment." A person who places or causes to be placed fetal remains in a grave, vault or other receptacle or otherwise disposes the fetal remains.

"Unborn child." An individual organism of the species homo sapiens from fertilization until expulsion or extraction from its mother.

Section 3. Requirements for the final disposition of fetal remains.

(a) Costs.--Upon the fetal death of an unborn child, if a parent of the unborn child selects a location for the final disposition of the fetal remains other than a location that is usual and customary for a health care facility, the parent shall be responsible for the costs relating to the final disposition of the fetal remains.

(b) Duties of health care facilities.--Except as provided under subsection (a), a health care facility that possesses fetal remains shall have the following duties:

(1) Provide for the final disposition of the fetal remains in accordance with the burial and transit permit requirements under 28 Pa. Code Ch. 1 (relating to administration of vital records).

(2) Cremate or inter the fetal remains.

(c) Identification requirements.--The following shall apply:

(1) Upon the fetal death of an unborn child, a person in
charge of interment shall not be required to designate a name
for the unborn child on the burial or transit permit under 28
Pa. Code Ch. 1, and the space for the name on the burial or
transit permit may remain blank.

(2) In accordance with Article VIII of the act of June
29, 1953 (P.L.304, No.66), known as the Vital Statistics Law
of 1953, information relating to the fetal death of an unborn
child that may identify a parent of the unborn child shall
remain confidential and shall not be subject to public
disclosure.

d) Simultaneous cremation.--If the fetal remains of an
unborn child are not claimed by a parent of the unborn child, a
person in charge of interment may cremate the fetal remains by
simultaneous cremation.

e) Certificate of birth.--Upon the fetal death of an unborn
child, the department shall not be required to issue a
certificate of birth resulting in stillbirth under section 207
of the Vital Statistics Law of 1953 to a parent of the unborn
child.

Section 4. Penalties.

A person who violates the provisions of this act shall be
subject to the penalties imposed under Article IX of the act of
June 29, 1953 (P.L.304, No.66), known as the Vital Statistics
Law of 1953.

SECTION 5. CONSTRUCTION.

NOTHING IN THIS ACT SHALL BE CONSTRUED TO AMEND THE
DEFINITION OF "FETAL DEATH" IN SECTION 105(4) OF THE ACT OF JUNE
29, 1953 (P.L.304, NO.66), KNOWN AS THE VITAL STATISTICS LAW OF
1953, OR TO REQUIRE THE ISSUANCE OF A DEATH CERTIFICATE FOR AN
UNBORN CHILD UNLESS AFFIRMATIVELY REQUESTED BY THE PARENT OR

20210HB0118PN1724 - 3 -
1 NEXT OF KIN OF THE UNBORN CHILD.

2 Section § 6. Effective date.

3 This act shall take effect in 60 days.