

## **IC 16-21-11**

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

#### **IC 16-21-11-1**

##### **"Health care facility"**

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

- (1) A hospital.
- (2) A birthing center.
- (3) Any other medical facility.

*As added by P.L.127-2014, SEC.4.*

#### **IC 16-21-11-2**

##### **"Miscarried fetus"**

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

*As added by P.L.127-2014, SEC.4.*

#### **IC 16-21-11-3**

##### **"Person in charge of interment"**

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.

*As added by P.L.127-2014, SEC.4.*

#### **IC 16-21-11-4**

##### **Determination of disposition**

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

*As added by P.L.127-2014, SEC.4.*

#### **IC 16-21-11-5**

##### **Information required; final disposition decision**

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

- (1) disclose to the parent or parents of the miscarried fetus, both orally and in writing, the parent's right to determine the final disposition of the remains of the miscarried fetus;
- (2) provide the parent or parents of the miscarried fetus with written information concerning the available options for disposition of the miscarried fetus under section 6 of this

chapter and IC 16-41-16-7.6; and

(3) inform the parent or parents of the miscarried fetus of counseling that may be available concerning the death of the miscarried fetus.

(b) The parent or parents of a miscarried fetus shall inform the health care facility of the parent's decision for final disposition of the miscarried fetus after receiving the information required in subsection (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.

*As added by P.L.127-2014, SEC.4. Amended by P.L.213-2016, SEC.10.*

### **IC 16-21-11-6**

#### **Disposition by cremation or interment; costs; permits; confidential information**

Sec. 6. (a) If the parent or parents choose a location of final disposition other than the location of final disposition that is usual and customary for the health care facility, the parent or parents are responsible for the costs related to the final disposition of the fetus at the chosen location.

(b) A health care facility having possession of a miscarried fetus shall provide for the final disposition of the miscarried fetus. The burial transit permit requirements under IC 16-37-3 apply to the final disposition of the miscarried fetus, which must be cremated or interred. However:

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

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

Miscarried fetuses may be cremated by simultaneous cremation.

(c) 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 of a miscarried fetus having a gestational age of less than twenty (20) weeks.

(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.

*As added by P.L.127-2014, SEC.4. Amended by P.L.213-2016, SEC.11.*