

IC 16-34-3

Chapter 3. Treatment of Aborted Remains

IC 16-34-3-1

Effective January 1, 2016

Sec. 1. This chapter is effective beginning January 1, 2016.
As added by P.L.113-2015, SEC.6.

IC 16-34-3-2

Right to determine final disposition of aborted fetus; determination; parental consent; documentation

Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to determine the final disposition of the aborted fetus.

(b) After receiving the notification and information required by IC 16-34-2-1.1(2)(H) and IC 16-34-2-1.1(2)(I), the pregnant woman shall inform the abortion clinic or the health care facility:

(1) in writing; and

(2) on a form prescribed by the state department; of the pregnant woman's decision for final disposition of the aborted fetus before the aborted fetus may be discharged from the abortion clinic or the health care facility.

(c) If the pregnant woman is a minor, the abortion clinic or health care facility shall obtain parental consent in the disposition of the aborted fetus unless the minor has received a waiver of parental consent under IC 16-34-2-4.

(d) The abortion clinic or the health care facility shall document the pregnant woman's decision concerning disposition of the aborted fetus in the pregnant woman's medical record.

As added by P.L.113-2015, SEC.6. Amended by P.L.213-2016, SEC.19.

IC 16-34-3-3

Responsibility for costs

Sec. 3. If the pregnant woman chooses a location for final disposition other than the location of final disposition that is usual and customary for an abortion clinic or a health care facility, the pregnant woman is responsible for the costs related to the final disposition of the aborted fetus at the chosen location.

As added by P.L.113-2015, SEC.6. Amended by P.L.213-2016, SEC.20.

IC 16-34-3-4

Disposition by cremation or interment; permits; confidential information

Sec. 4. (a) An abortion clinic or health care facility having possession of an aborted fetus shall provide for the final disposition of the aborted fetus. The burial transit permit requirements of

IC 16-37-3 apply to the final disposition of an aborted fetus, which must be interred or cremated. However:

(1) a person is not required to designate a name for the aborted 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 pregnant woman is confidential and must be redacted from any public records maintained under IC 16-37-3.

Aborted fetuses may be cremated by simultaneous cremation.

(b) The local health officer shall issue a permit for the disposition of the aborted fetus to the person in charge of interment for the interment of the aborted fetus. A certificate of stillbirth is not required to be issued for an aborted fetus with a gestational age of less than twenty (20) weeks of age.

(c) 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.113-2015, SEC.6. Amended by P.L.213-2016, SEC.21.

IC 16-34-3-5

Informed consent brochure

Sec. 5. The state department shall make any changes necessary to the informed consent brochure under IC 16-34-2-1.5 that are necessary to comply with IC 16-34-2-1.1 and this chapter.

As added by P.L.113-2015, SEC.6.

IC 16-34-3-6

Development and distribution of forms

Sec. 6. The state department shall develop and distribute the forms required by section 2 of this chapter.

As added by P.L.113-2015, SEC.6.