

House File 2478 - Introduced

HOUSE FILE 2478
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 660)

A BILL FOR

1 An Act relating to fetal deaths including the disposition of
2 bodily remains, and the filing of a fetal death certificate,
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.1, Code 2020, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Bodily remains*" means the physical
4 remains, corpse, or body parts of a dead fetus, which remains
5 were expelled or extracted following a fetal death. "*Bodily*
6 *remains*" does not include medical waste.

7 NEW SUBSECTION. 9A. "*Induced termination of pregnancy*"
8 means a termination of pregnancy by any means of a woman known
9 to be pregnant with the intent other than to produce a live
10 birth or to remove a dead fetus.

11 NEW SUBSECTION. 9B. "*Induces a termination of pregnancy*"
12 means the use of any means to terminate the pregnancy of a
13 woman known to be pregnant with the intent other than to
14 produce a live birth or to remove a dead fetus.

15 NEW SUBSECTION. 11A. "*Medical facility*" means the same as
16 defined in section 146B.1.

17 NEW SUBSECTION. 11B. "*Medical waste*" means discarded
18 biologic product such as blood, tissue, or body parts removed
19 from medical facilities as well as bedding, bandages, syringes,
20 and similar materials that have been used in treating patients,
21 but does not include bodily remains.

22 NEW SUBSECTION. 12A. "*Spontaneous termination of pregnancy*"
23 means an unintended termination of pregnancy at any time during
24 the period from conception to twenty weeks gestation.

25 NEW SUBSECTION. 13A. "*Stillbirth*" means an unintended fetal
26 death occurring after a gestation period of twenty completed
27 weeks, or an unintended fetal death of a fetus with a weight of
28 three hundred fifty or more grams.

29 Sec. 2. Section 144.29, subsection 1, Code 2020, is amended
30 to read as follows:

31 1. A fetal death certificate for each fetal death which
32 occurs in this state after a gestation period of ~~twenty~~ twenty twelve
33 completed weeks or greater, ~~or for a fetus with a weight of~~
34 ~~three hundred fifty grams or more~~ shall be filed as directed
35 by the state registrar within three days after delivery and

1 prior to final disposition of the fetus bodily remains. The
2 certificate shall be registered if it has been completed and
3 filed in accordance with this chapter.

4 Sec. 3. Section 144.29A, subsection 7, Code 2020, is amended
5 to read as follows:

6 7. For the purposes of this section:

7 ~~a. "Health care provider", "health care provider"~~ means an
8 individual licensed under chapter 148, 148C, 148D, or 152,
9 or any individual who provides medical services under the
10 authorization of the licensee.

11 ~~b. "Inducing a termination of pregnancy" means the use of~~
12 ~~any means to terminate the pregnancy of a woman known to be~~
13 ~~pregnant with the intent other than to produce a live birth or~~
14 ~~to remove a dead fetus.~~

15 ~~c. "Spontaneous termination of pregnancy" means the~~
16 ~~occurrence of an unintended termination of pregnancy at~~
17 ~~any time during the period from conception to twenty weeks~~
18 ~~gestation and which is not a spontaneous termination of~~
19 ~~pregnancy at any time during the period from twenty weeks or~~
20 ~~greater which is reported to the department as a fetal death~~
21 ~~under this chapter.~~

22 Sec. 4. NEW SECTION. 144.29B Final disposition of bodily
23 remains after fetal death.

24 1. When a fetal death occurs in an institution or medical
25 facility, the individual in charge of the institution or
26 medical facility shall inform the woman that the woman may
27 determine the final disposition of the bodily remains. A
28 determination request by the woman under this subsection may
29 be made within the time frame established by rule of the
30 department.

31 2. a. The individual in charge of the institution or
32 medical facility where the bodily remains were expelled or
33 extracted shall obtain from the woman a written authorization
34 for final disposition on a form prescribed and furnished or
35 approved by the department.

1 *b.* The authorization may allow final disposition to be by
2 the individual in charge of the institution or medical facility
3 where the bodily remains were expelled or extracted or another
4 person assuming responsibility for the final disposition of the
5 bodily remains.

6 *c.* The woman may direct, in the written authorization, that
7 the final disposition of the bodily remains be completed as
8 follows:

9 (1) Only by burial, interment, or cremation when the bodily
10 remains are the result of an induced termination of pregnancy,
11 a spontaneous termination of pregnancy, or a stillbirth.

12 (2) In addition to the means specified in subparagraph
13 (1), when the bodily remains are the result of a spontaneous
14 termination of pregnancy or a stillbirth, by means in
15 compliance with chapter 142C.

16 *d.* When the bodily remains are the result of an induced
17 termination of pregnancy and the pregnant woman is a minor, the
18 institution or medical facility shall obtain parental consent
19 for the authorization of final disposition of the bodily
20 remains, unless the minor has received a waiver of notification
21 pursuant to chapter 135L.

22 *e.* The written authorization provided under paragraph
23 "*c*" shall allow the woman to waive direction of the final
24 disposition of the bodily remains and instead authorize the
25 institution or medical facility to select the manner of final
26 disposition by burial, interment, or cremation.

27 *f.* The individual in charge of the institution or medical
28 facility where the bodily remains were expelled or extracted or
29 the person assuming responsibility for the final disposition
30 of the bodily remains shall ensure that the final disposition
31 of the bodily remains is performed in compliance with the
32 authorization for final disposition and shall retain the
33 authorization as specified by rule of the department.

34 3. If the woman chooses a location of final disposition
35 other than the location of final disposition that is usual and

1 customary for the institution or medical facility, the woman is
2 responsible for the costs related to the final disposition of
3 the bodily remains at the chosen location.

4 4. The final disposition of the bodily remains shall not be
5 by simultaneous cremation.

6 5. The bodily remains shall not be treated as medical waste.

7 6. The bodily remains may be moved from the place where the
8 bodily remains were expelled or extracted to be prepared for
9 final disposition with the consent of the person who certified
10 the death.

11 7. The final disposition of the bodily remains under
12 this section shall comply with all other requirements for
13 disposition of bodily remains under this chapter and other
14 applicable law.

15 8. The department shall adopt rules pursuant to chapter 17A
16 to administer this section.

17 Sec. 5. Section 144.31A, subsection 1, Code 2020, is amended
18 to read as follows:

19 1. As used in [this section](#):

20 ~~a. "Certificate of birth resulting in stillbirth",~~
21 "certificate of birth resulting in stillbirth" means a document
22 issued based upon a properly filed fetal death certificate to
23 record the birth of a stillborn fetus.

24 ~~b. "Stillbirth" means stillbirth as defined in section~~
25 ~~136A.2.~~

26 Sec. 6. Section 144.52, subsection 7, Code 2020, is amended
27 to read as follows:

28 7. Knowingly violates a provision of [section 144.29A](#) or
29 144.29B.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to fetal deaths, fetal death certificates,
34 and disposition of bodily remains.

35 FETAL DEATHS AND DISPOSITION OF BODILY REMAINS. The bill

1 amends provisions in Code chapter 144 (vital statistics) to
2 establish a process for a woman to direct the final disposition
3 of bodily remains following a fetal death. The bill provides
4 definitions for the purposes of the bill. The bill provides
5 that when a fetal death occurs in an institution or medical
6 facility, the individual in charge of the institution or
7 medical facility shall inform the woman that the woman may
8 determine the final disposition of the bodily remains. A
9 determination request by the woman may be made within the time
10 frame established by rule of the department of public health
11 (DPH). The individual in charge of the institution or medical
12 facility where the bodily remains were expelled or extracted
13 shall obtain from the woman a written authorization for final
14 disposition on a form prescribed and furnished or approved by
15 DPH.

16 The authorization may allow final disposition to be
17 by the individual in charge of the institution or medical
18 facility or another person assuming responsibility for the
19 final disposition of the bodily remains. In the written
20 authorization, the woman may provide for disposition of the
21 bodily remains as specified in the bill. When the bodily
22 remains are the result of an induced termination of pregnancy,
23 a spontaneous termination of pregnancy, or a stillbirth,
24 disposition may be only by burial, interment, or cremation.
25 When the bodily remains are the result of a spontaneous
26 termination of pregnancy or a stillbirth, disposition may also
27 be made in compliance with Code chapter 142C (the revised
28 uniform anatomical gift Act). When the bodily remains are
29 the result of an induced termination of pregnancy and the
30 pregnant woman is a minor, the institution or medical facility
31 shall obtain parental consent for the authorization of final
32 disposition of the bodily remains, unless the minor has
33 received a waiver of notification pursuant to Code chapter 135L
34 (notification requirements regarding pregnant minors).

35 The individual in charge of the institution or medical

1 facility where the bodily remains were expelled or extracted or
2 the person assuming responsibility for the final disposition
3 of the bodily remains shall ensure that the final disposition
4 of the bodily remains is performed in compliance with the
5 authorization for final disposition, and such person shall
6 retain the authorization as specified by rule of DPH.

7 If the woman chooses a location of final disposition other
8 than the location of final disposition that is usual and
9 customary for the institution or medical facility, the woman is
10 responsible for the costs related to the final disposition of
11 the bodily remains at the chosen location.

12 The final disposition of the bodily remains shall not be
13 by simultaneous cremation. The bodily remains shall not be
14 treated as medical waste.

15 The bodily remains may be moved from the place where the
16 bodily remains were expelled or extracted to be prepared for
17 final disposition with the consent of the person who certified
18 the death. The final disposition of the bodily remains
19 under the bill shall comply with all other requirements for
20 disposition of bodily remains under Code chapter 144 and other
21 applicable laws.

22 A person who knowingly violates a provision of the bill
23 relating to the final disposition of bodily remains after a
24 fetal death is guilty of a serious misdemeanor. A serious
25 misdemeanor is punishable by confinement for no more than one
26 year and a fine of at least \$315 but not more than \$1,875.

27 FILING OF FETAL DEATH CERTIFICATE. The bill requires a fetal
28 death certificate to be filed for each fetal death which occurs
29 in the state after a gestation period of 12 completed weeks or
30 greater. Current law requires a fetal death certificate to
31 be filed for each fetal death which occurs in the state after
32 a gestation period of 20 completed weeks or greater or for a
33 fetus with a weight of 350 grams or more.