

HCS SCS SB 799 -- CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH
AND DISPOSITION OF FETAL REMAINS

SPONSOR: Steelman (Rupp)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on
Judiciary by a vote of 18 to 0.

This substitute allows parents to file an application requesting the State Registrar or custodian of vital records to issue a certificate of birth resulting in stillbirth. The certificate will include a statement that it is not proof of a live birth. The certificate can only be issued to a parent or a sibling of the child if both parents are deceased.

The substitute also establishes the Disposition of Fetal Remains Act. The substitute:

(1) Requires that the mother of a dead human fetus determine the final disposition of the remains of the fetus in every instance of fetal death. The mother is allowed to choose any means of final disposition authorized by law or by the Director of the Department of Health and Senior Services;

(2) Authorizes the final disposition of human fetal remains by cremation, burial, incineration in an approved medical waste incinerator, or other means approved by the director. The disposition must be consistent with state law or administrative rules. If the disposition occurs by incineration, the remains must be incinerated separately from medical waste;

(3) Does not require a religious service or ceremony to be held;

(4) Requires licensed hospitals and other licensed health care facilities to adopt written standards for the disposition of human fetal remains. Licensed health care facilities are required to provide the mother a copy of their written standards;

(5) Requires licensed hospitals or other licensed health care facilities to notify the mother within a 24-hour period of her right to determine the final disposition and the methods of final disposition of the fetal remains. The 24-hour notification is required if a miscarriage occurs at the facility; and

(6) Requires the licensed health care facility to provide on-site counseling services to the mother or refer the mother to an appropriate provider of counseling services concerning the death of the fetus.

The substitute does not prohibit a woman's ability to obtain a

legal abortion.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.

PROPONENTS: Supporters say that the bill will give mothers recognition that they have gone through the birthing process. It also allows mothers who have miscarriages to determine how to dispose of the fetal remains. The bill doesn't change provisions on confidentiality of records.

Testifying for the bill was Senator Steelman.

OPPONENTS: There was no opposition voiced to the committee.

Amy Woods, Legislative Analyst