

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1890 Session of
2019

INTRODUCED BY RYAN, RAPP, BARRAR, BERNSTINE, CALTAGIRONE,
DIAMOND, ECKER, GLEIM, HELM, JAMES, KULIK, MOUL, MURT,
PICKETT, POLINCHOCK, SCHMITT, STAATS, WHEELAND AND ZIMMERMAN,
SEPTEMBER 26, 2019

REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 26, 2019

AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

25 (2) Cremate or inter the fetal remains.

26 (c) Identification requirements.--

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

1 transit permit may remain blank.

2 (2) In accordance with Article VIII of the act of June
3 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law
4 of 1953, information relating to the fetal death of an unborn
5 child that may identify a parent of the unborn child shall
6 remain confidential and shall not be subject to public
7 disclosure.

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

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

17 Section 4. Penalties.

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

22 Section 5. Effective date.

23 This act shall take effect 60 days.