

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H4/6/01
A Bill

HOUSE BILL 2633

5 By: Representative Womack
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO PROTECT PARENTS' RIGHTS TO DETERMINE
10 THE PROPER TREATMENT OF FETAL REMAINS; AND FOR
11 OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT TO PROTECT PARENTS' RIGHTS TO
16 DETERMINE THE PROPER TREATMENT OF FETAL
17 REMAINS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. (a) Disposition of fetal remains shall be made at the
23 direction of the parent or parents as follows, either:

24 (1) The remains shall be buried, entombed, or cremated; or

25 (2) The remains shall be disposed of by the hospital or as
26 directed by the attending physician or medical examiner in a manner which
27 does not create a hazard to the public health.

28 (b) Before disposition, the physician or person in charge of the
29 hospital shall ensure that the parent or parents are informed of their right
30 to direct either burial, entombment, or cremation of the fetal remains, or
31 disposal of the remains by the hospital or physician.

32 (c) Before disposition, the parent or parents shall be informed in
33 writing of the hospital policy relating to disposal of fetal remains, and
34 shall be informed of the availability of a chaplain, if any, for counsel.

35 (d) This section shall apply only to an involuntary loss of a fetus or
36 embryo.

1 (e) The State Board of Health shall monitor compliance with this
2 section.

3 (f) This section shall not give rise to a cause of action.

4 (g) For purposes of this section, "fetal remains" means the embryo,
5 the fetus, or as otherwise defined in writing by the health care provider.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Womack