

1 AN ACT in relation to public health.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Disposition of Human Fetuses Act.

6 Section 5. Purposes. The purposes of this Act are (i) to  
7 ensure that the mother of an aborted or miscarried human  
8 fetus has an opportunity to determine the disposition of the  
9 remains of the fetus and (ii) to protect the public health  
10 and welfare by providing for the dignified and sanitary  
11 disposition of the remains of aborted or miscarried human  
12 fetuses in a uniform manner.

13 Section 10. Definitions. In this Act:

14 "Final disposition" means the burial, cremation, or other  
15 disposition of the remains of a human fetus.

16 "Remains of a human fetus" means the remains of the dead  
17 offspring of a human being after an abortion or miscarriage,  
18 regardless of whether the remains have been obtained by  
19 induced, spontaneous, or accidental means.

20 Section 15. Right to determine final disposition of  
21 remains of fetus. The mother of a dead human fetus has the  
22 right to determine the final disposition of the remains of  
23 the fetus, regardless of the duration of the pregnancy. The  
24 mother may choose any means of final disposition authorized  
25 by law or by the Director of Public Health.

26 Section 20. Method of final disposition.

27 (a) The final disposition of the remains of a human  
28 fetus may be by cremation, interment by burial, incineration

1 in an approved medical waste incinerator, or other means  
2 authorized by the Director of Public Health. The disposition  
3 must be according to law or administrative rules providing  
4 for the disposition. If the remains are disposed of by  
5 incineration, the remains must be incinerated separately from  
6 other medical waste.

7 (b) No religious service or ceremony is required as part  
8 of the final disposition of the remains of a human fetus.

9 Section 25. Health care facility standards. Every  
10 hospital, outpatient clinic, and other health care facility  
11 licensed to operate in this State must adopt written  
12 standards for the final disposition of the remains of a human  
13 fetus as provided in this Act, for protection of a mother's  
14 rights under Section 15, and for notice as required under  
15 Section 30.

16 Section 30. Notice to mother of fetus; counseling.

17 (a) Within 24 hours after an abortion or miscarriage is  
18 induced or occurs spontaneously or accidentally at a  
19 hospital, outpatient clinic, or other health care facility,  
20 the facility must disclose to the mother of the aborted or  
21 miscarried fetus, both orally and in writing, the mother's  
22 right to determine the final disposition of the remains of  
23 the fetus. The facility must also disclose the methods of  
24 final disposition that are available. The facility's  
25 disclosure may include giving the mother a copy of the  
26 facility's written standards adopted under Section 25.

27 (b) The facility must make counseling concerning the  
28 death of the fetus available to the mother. The facility may  
29 either provide the counseling itself or refer the mother to  
30 another provider of appropriate counseling services.

31 Section 35. Violation; penalty. A failure to comply with

1 this Act is a public nuisance and a Class C misdemeanor.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.