

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(New Administrative Regulation)

901 KAR 5:140. Permit to transport fetal remains.

RELATES TO: KRS 213.081, 213.991, 311.732

STATUTORY AUTHORITY: KRS 194A.050, 213.081, 213.098

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 213.081(2) requires a permit for the transportation of fetal remains. KRS 213.098 requires the cabinet to design the form to request a certificate of abortion document the age of the parent or parents of the fetal remains, the status of the fetal remains resulting from an abortion for the purpose of cremation that meet the requirements for a birth-death, provisional death, or death certificate for transport or cremation, the designation of how the fetal remains shall be disposed and who shall be responsible for final disposition, any additional information required by the cabinet, and to incorporate the form in an administrative regulation. This administrative regulation establishes the process to request a permit to transport fetal remains and incorporates by reference the permit request form.

Section 1. Definitions. (1) "Fetal remains" is defined by KRS 213.098(1).

Section 2. Transport of Fetal Remains.

(1) In accordance with KRS 213.098, a healthcare facility or abortion clinic shall notify the parent or parents of their right to determine the final disposition of the fetal remains resulting from an abortion or a miscarriage.

(2) Notification shall be made both orally and in writing and provided to the parent or parents within twenty-four (24) hours before the abortion procedure or twenty-four (24) hours after the miscarriage.

(3) The parent or parents of the fetal remains may:

(a) Choose to take responsibility for the final disposition of the fetal remains; or

(b) Relinquish responsibility for the final disposition of the fetal remains to the healthcare facility or abortion clinic.

(4) The healthcare facility or abortion clinic shall provide the parent or parents who take responsibility for final disposition a Permit to Transport Fetal Remains, VS-922.

(5) The parent or parents who take responsibility for fetal remains may contact the coroner of their county of residence to assist with the final disposition or may transport the fetal remains to a funeral home of their choice.

(6) The coroner who assists with the disposition of fetal remains shall complete the Permit to Transport Fetal Remains and submit a copy directly to the Office of Vital Statistics.

(7) A funeral home that receives fetal remains directly from the parent or parents shall request a copy of the Permit to Transport Fetal Remains and submit a copy directly to the Office of Vital Statistics.

(8) A healthcare facility or abortion clinic responsible for the final disposition of fetal remains shall follow their established protocols for disposition of human remains.

(9) Failure to obtain a permit to transport fetal remains may result in a penalty under KRS 213.991(3)(b).

Section 3. Incorporation by Reference.

(1) "Permit to Transport Fetal Remains", VS-922, 7/2022, is incorporated by reference.

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Steven J. Stack, MD, MBA, Commissioner

Eric C. Friedlander, Secretary

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