## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

**Part I: Measure Information** 

Bill Request #: 427						
Bill #: HB 370 HCS						
<b>Document ID #:</b> 6451						
Bill Subject/Title: AN ACT relating to the dignified treatment of fetal remains.						
Sponsor: Representative Nancy Tate						
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government						
Office(s) Impacted: hospitals						
Requirement: X Mandatory Optional						
Effect on  Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 370 HCS would define "fetal remains" as the biological remains of a human child resulting from the termination of a pregnancy by a surgical or chemical abortion prior to birth; and "pathological waste" would be defined so as to exclude fetal remains from its definition.

HB 370 HCS would impose on a health facility or abortion facility the obligation to inform parents of an aborted fetus of their right to determine how the fetal remains will be disposed of. The remainder of this statement will be in reference to those health facilities owned by a local government since there are no local government abortion facilities in Kentucky.

The bill would require a health facility to notify parents of the fetus, both orally and in writing, that it is the parent's right to determine the final disposition of fetal remains. The parent shall then inform the health facility whether they want to:

- 1. relinquish the remains and responsibility for their final disposition to the health facility, which would then be disposed of as the facility would dispose of any other human remains; or
- 2. Designate that the remains be released to the parents for disposition.

The health facility would be required to document the parents' decision in the medical record.

The bill would prohibit offering or accepting money or anything of value for an aborted fetus or fetal remains. The bill would prohibit transport of fetal remains for any purpose other than final disposition by a licensed crematory or licensed funeral establishment, or interment by the parents in conformance with the law.

**HB 370 HCS would have little or no fiscal impact on local governments.** The bill would result in minimal additional administrative costs to local hospitals to adopt required forms to be developed by the Cabinet for Health and Family Services.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to HB 370 as amended by the House Committee Substitute. The House Committee Substitute removed criminal sanctions for accepting or offering money or anything of value for fetal remains, which had been included in the bill as introduced.

Data Sourc	ce(s): Ken	tucky Hosp	oital Association;	Department of	Corrections; LRC	<u>staff</u>
Preparer:	Mary Steph	nens	Reviewer:	KHC	Date:	3/5/20