

Proposed Rule
LSA Document #15-152

DIGEST

Adds [410 IAC 35](#) to add definitions and specify the disposal standards to be used by abortion clinics and health care facilities to dispose of aborted fetuses. Effective January 1, 2016.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[410 IAC 35](#)

SECTION 1. [410 IAC 35](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 35. DISPOSITION OF ABORTED REMAINS

Rule 1. Definitions

[410 IAC 35-1-1](#) Applicability

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#)

Sec. 1. The definitions in this rule apply throughout this article.

(Indiana State Department of Health; [410 IAC 35-1-1](#))

[410 IAC 35-1-2](#) "Abortion" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-18-2-1](#); [IC 16-34-3](#)

Sec. 2. "Abortion" has the meaning set forth in [IC 16-18-2-1](#).

(Indiana State Department of Health; [410 IAC 35-1-2](#))

[410 IAC 35-1-3](#) "Cremation" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#); [IC 16-41-16](#)

Sec. 3. "Cremation" means incineration by a crematory, or incineration as authorized for infectious and pathological waste under [IC 16-41-16](#) and [410 IAC 1-3](#).

(Indiana State Department of Health; [410 IAC 35-1-3](#))

[410 IAC 35-1-4](#) "Facility" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-18-2-163](#); [IC 16-21](#); [IC 16-34-3](#)

Sec. 4. "Facility" means the following:

(1) A hospital licensed under [IC 16-21](#).

(2) An ambulatory outpatient surgical center licensed under [IC 16-21](#).

(3) Any other health care provider, as defined in [IC 16-18-2-163\(d\)\(1\)](#), required to be licensed as an abortion clinic under [IC 16-21](#).

(Indiana State Department of Health; [410 IAC 35-1-4](#))

[410 IAC 35-1-5](#) "Fetus" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-18-2-128.7](#); [IC 16-34-3](#)

Sec. 5. "Fetus" has the meaning set forth in [IC 16-18-2-128.7](#).

(Indiana State Department of Health; [410 IAC 35-1-5](#))

[410 IAC 35-1-6](#) "Infectious waste" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#); [IC 16-41-16-4](#)

Sec. 6. "Infectious waste" has the meaning set forth in [IC 16-41-16-4](#).

(Indiana State Department of Health; [410 IAC 35-1-6](#))

[410 IAC 35-1-7](#) "Pathological waste" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#); [IC 16-41-16-5](#)

Sec. 7. "Pathological waste" has the meaning set forth in [IC 16-41-16-5](#).

(Indiana State Department of Health; [410 IAC 35-1-7](#))

Rule 2. Disposition of Aborted Remains

[410 IAC 35-2-1](#) Disposition of aborted remains

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#); [IC 23-14-34](#)

Sec. 1. (a) Each facility shall provide for the disposition of an aborted fetus by any of the following methods:

- (1) In the earth in an established cemetery pursuant to [IC 23-14-34](#).
- (2) Cremation.

(b) The facility must have written policies and procedures for the available method or methods of disposition of aborted fetuses.

(c) The facility must maintain evidentiary documentation demonstrating the date and method of disposition for each aborted fetus.

(d) This article does not apply when the patient elects to receive the aborted fetus pursuant to [IC 16-34-3](#).

(Indiana State Department of Health; [410 IAC 35-2-1](#))

SECTION 2. SECTION 1 of this document takes effect January 1, 2016.

[Notice of Public Hearing](#)

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