
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Emergency Rule
LSA Document #15-333(E)

DIGEST

Temporarily adds provisions concerning the disposition of aborted remains. Statutory authority: [IC 4-22-2-37.1](#); [IC 16-19-3-5](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#). *NOTE: The original emergency document, LSA Document #15-194(E), posted at [20150701-IR-410150194ERA](#), effective July 1, 2015, expired September 22, 2015. Effective September 30, 2015.*

SECTION 1. The definitions in this document apply throughout this document.

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

SECTION 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](#).

SECTION 4. "Facility" means:

- (1) a hospital licensed under [IC 16-21](#);**
- (2) an ambulatory outpatient surgical center licensed under [IC 16-21](#); or**
- (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](#).**

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

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

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

SECTION 8. (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](#); or**
- (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 document does not apply when the patient elects to receive the aborted fetus pursuant to [IC 16-34-3](#).

SECTION 9. This document expires December 29, 2015.

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