

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

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; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

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

410 IAC 35-1-2 “Abortion” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

Sec. 2. “Abortion” has the meaning set forth in IC 16-18-2-1.

410 IAC 35-1-3 “Cremation” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

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.

410 IAC 35-1-4 “Facility” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

Sec. 4. “Facility” means:

(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.

410 IAC 35-1-5 “Fetus” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

Sec. 5. “Fetus” has the meaning set forth in IC 16-18-2-128.7.

410 IAC 35-1-6 “Infectious waste” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

Sec. 6. “Infectious waste” has the meaning set forth in IC 16-41-16-4.

410 IAC 35-1-7 “Pathological waste” defined

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

Sec.7. “Pathological waste” has the meaning set forth in IC 16-41-16-5.

Rule 2. Disposition of Aborted Remains

410 IAC 35-2-1 Disposition of aborted remains

Authority: IC 16-19-3-4; 16-19-3-31; 16-21-1-7

Affected: IC 16-34-3

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; 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 article does not apply when the patient elects to receive the aborted fetus pursuant to IC 16-34-3.