

# **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

## **Emergency Rule LSA Document #15- (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. *The original emergency document, LSA Document #15-194(E), posted at 20150701-IR-410150194ERA, effective July 1, 2015, expires 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.**