



Eric J. Holcomb
Governor

Kristina M. Box, MD, FACOG
State Health Commissioner

December 28, 2022

Dear Partners,

Indiana fetal disposition laws have been enjoined since September 2022, prohibiting the enforcement of those laws. However, the Seventh Circuit Court of Appeals recently lifted that injunction. This means that practitioners must comply with the laws concerning the disposition of aborted and miscarried fetal remains as of November 21, 2022.

The Commission of Consumer Services & Health Care Regulation provides the following reminder of the fetal remain disposition laws:

- The only legal methods of disposition of miscarried remains/aborted remains (“fetal remains”) for healthcare facilities and providers subject to infectious waste laws are burial or cremation, including simultaneous cremation.
- Fetal remains cannot be disposed of as infectious waste.
- Providers are required to complete the burial/cremation or preserve the remains for burial/cremation within 10 days of the miscarriage/abortion.
- A Burial Transit Permit and Disposition for Fetal Remains form should be used when transporting fetal remains for final disposition. A certificate of stillbirth for fetal remains under 20 weeks gestation is not required for local health departments to issue the permit.
- Only one Burial Transit Permit and Disposition for Fetal Remains form is required for each transport of fetal remains for simultaneous cremation.
- Providers can transport fetal remains to another facility to preserve miscarried or fetal remains at that facility without a Burial Transit Permit.
- Parents and pregnant women may choose to use either the healthcare facility’s method of final disposition or choose a location that is different than the healthcare facility for final disposition.
- Parents or the pregnant woman are responsible for any costs if they choose a location other than what the healthcare facility uses.

To **promote**, **protect**, and **improve** the health and safety of all Hoosiers.



- Healthcare facilities are required to inform the pregnant woman or parents of their right to determine final disposition of fetal remains and to document that decision in the woman's medical record.

Amy Kent
Assistant Commissioner
Consumer Services & Health Care Regulation