



2013 ASSEMBLY BILL 252

June 20, 2013 – Introduced by Representatives BIES, BALLWEG, BROOKS, KLEEFISCH, T. LARSON, NASS, A. OTT and SPIROS, cosponsored by Senator GROTHMAN. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber* 157.04; *to repeal and recreate* subchapter I (title) of
2 chapter 157 [precedes 157.01] and 157.04 (title); and *to create* 157.04 (2) and
3 157.053 of the statutes; **relating to:** disposition of fetal remains and providing
4 a penalty.

Analysis by the Legislative Reference Bureau

Current law contains restrictions on the final disposition of corpses and stillbirths, but does not explicitly require any particular form of final disposition of corpses or stillbirths. Current law does not contain any specific provisions with respect to the disposal or final disposition of fetal remains other than stillbirths.

This bill requires a physician who performs or induces an abortion to arrange for the final disposition of the fetal remains resulting from the abortion. The bill defines abortion as the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth, or to remove a dead fetus. The bill expressly provides that a physician is not required to discuss the final disposition of the fetal remains with the mother before performing or inducing an abortion, and is not required to obtain authorization from the mother for the final disposition of the fetal remains upon completion of the abortion.

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1 (b) "Fetal remains" means a dead fetus or part of a dead fetus that had
2 completed at least 10 weeks of gestation or had reached the stage of development
3 that, upon visual inspection of the fetus or part of the fetus, the head, torso, or
4 extremities appear to be supported by skeletal or cartilaginous structures. "Fetal
5 remains" does not include the umbilical cord or placenta.

6 (c) "Final disposition" means the disposition of human remains by burial,
7 interment, entombment, cremation, incineration, or delivery to a medical or dental
8 school anatomy department under s. 157.06. "Final disposition" does not include
9 disposition of the ashes produced by cremation or incineration of fetal remains.

10 **(2)** Subject to s. 69.18 (3) (e) and except as otherwise provided in sub. (3) (a),
11 the funeral director or other person assuming responsibility for any fetal remains
12 shall arrange for the final disposition of the fetal remains.

13 **(3)** (a) A physician who performs or induces an abortion shall arrange for the
14 final disposition of the fetal remains resulting from the abortion.

15 (b) This subsection does not require a physician to discuss the final disposition
16 of the fetal remains with the mother before performing or inducing an abortion and
17 does not require a physician to obtain authorization from the mother for the final
18 disposition of the fetal remains upon completion of the abortion.

19 **(END)**