

116TH CONGRESS  
1ST SESSION

# H. R. 4934

To protect the dignity of fetal remains, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2019

Mrs. WALORSKI (for herself, Mr. BANKS, Mr. NORMAN, Mr. WESTERMAN, Mr. PENCE, Mr. HICE of Georgia, Mr. ABRAHAM, Mr. GAETZ, Mr. KELLY of Pennsylvania, Mr. GIANFORTE, Mr. FORTENBERRY, Mr. HOLLINGSWORTH, Mr. KELLY of Mississippi, Mr. MEADOWS, Mr. CONAWAY, Mr. MARCHANT, Mr. BABIN, Mr. CHABOT, Mr. KING of Iowa, Mr. ALLEN, Mr. MOONEY of West Virginia, Mr. LATTA, Mr. LAMBORN, Mr. KEVIN HERN of Oklahoma, Mr. WATKINS, Mr. SPANO, Mrs. WAGNER, Ms. GRANGER, Ms. CHENEY, Mrs. MILLER, Mrs. ROBY, Mr. HARRIS, Mr. RATCLIFFE, Mrs. HARTZLER, Mrs. RODGERS of Washington, Mr. SMITH of New Jersey, and Mr. BUCSHON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To protect the dignity of fetal remains, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dignity for Aborted  
5 Children Act”.

1 **SEC. 2. PROTECTION OF FETAL REMAINS.**

2 (a) IN GENERAL.—Part H of title IV of the Public  
3 Health Service Act (42 U.S.C. 289 et seq.) is amended  
4 by adding at the end the following:

5 **“SEC. 498F. PROTECTION OF FETAL REMAINS.**

6 “(a) CONSENT REQUIREMENT.—

7 “(1) IN GENERAL.—Any abortion provider,  
8 after performing an abortion in or affecting inter-  
9 state or foreign commerce, shall provide the patient  
10 with an informed consent form, offering the patient  
11 the following options for disposal of the human fetal  
12 tissue from the abortion:

13 “(A) The patient may take possession of  
14 the human fetal tissue and may choose to  
15 transfer the tissue to an entity providing inter-  
16 ment or cremation services.

17 “(B) The patient may elect to release the  
18 human fetal tissue to the abortion provider,  
19 who shall be subject to the requirements of sub-  
20 section (b), except that the option described in  
21 this subparagraph shall not be available if the  
22 patient does not expel the human fetal tissue at  
23 the premises of the abortion provider.

24 “(2) CONSENT REQUIREMENTS.—An abortion  
25 provider described in paragraph (1) shall—

1           “(A) obtain a patient signature on each  
2           consent form required under paragraph (1);  
3           and

4           “(B) retain each such form in the patient’s  
5           file.

6           “(b) PROVIDER DISPOSAL REQUIREMENT; REPORT-  
7   ING REQUIREMENTS.—

8           “(1) IN GENERAL.—It shall be unlawful for any  
9           abortion provider who, after performing an abortion,  
10          in or affecting interstate or foreign commerce, in  
11          which the woman on whom the abortion was per-  
12          formed elects, pursuant to subsection (a)(1)(B), to  
13          release the human fetal tissue to the abortion pro-  
14          vider, to fail to provide for the final disposition of  
15          the human fetal tissue through interment or crema-  
16          tion, consistent with State law regarding the dis-  
17          posal of human remains, not later than 7 days after  
18          the date on which the abortion procedure was per-  
19          formed. Such final disposition of human fetal tissue  
20          may be carried out through interment or cremation  
21          of tissue from more than one abortion procedure col-  
22          lectively.

23          “(2) REPORTING BY ABORTION PROVIDERS.—  
24          Each abortion provider described in subsection

1 (a)(1) shall submit annual reports to the Secretary  
2 indicating, with respect to the reporting period—

3 “(A) the aggregate number of abortion  
4 procedures performed by such abortion pro-  
5 vider;

6 “(B) the gestational age at the time of  
7 each such procedure;

8 “(C) for abortions carried out using an  
9 abortion method other than chemical abortion—

10 “(i) the aggregate number of fetal re-  
11 mains for which the abortion provider pro-  
12 vides for final disposition through inter-  
13 ment or cremation (other than by releasing  
14 the fetal remains to patients); and

15 “(ii) the aggregate number of fetal re-  
16 mains released to patients; and

17 “(D) the identity of each person (not in-  
18 cluding the patient) to whom the abortion pro-  
19 vider transfers fetal remains for final disposi-  
20 tion.

21 “(3) REPORTING BY THIRD PARTIES.—If, dur-  
22 ing a reporting period under paragraph (2), an abor-  
23 tion provider transfers fetal remains to another per-  
24 son (not including the patient) for final disposition  
25 through interment or cremation, such person shall

1 submit a report to the Secretary for the reporting  
2 period specifying—

3 “(A) the aggregate number of human re-  
4 mains transferred to such person; and

5 “(B) how the person disposed of such re-  
6 mains.

7 “(c) PENALTIES.—

8 “(1) INFORMED CONSENT VIOLATIONS.—An  
9 abortion provider who fails to maintain the docu-  
10 mentation required under subsection (a)(2)(B) shall  
11 be subject to civil monetary penalties in an amount  
12 not to exceed \$50,000.

13 “(2) DISPOSAL VIOLATIONS.—Any abortion  
14 provider who violates subsection (b)(1) shall be fined  
15 in accordance with title 18, United States Code, im-  
16 prisoned not more than 5 years, or both.

17 “(3) REPORTING.—Any abortion provider who  
18 violates subsection (b)(2), and any person who vio-  
19 lates subsection (b)(3), shall be fined in accordance  
20 with title 18, United States Code.

21 “(4) BAR TO PROSECUTION.—A patient upon  
22 whom an abortion in violation of subsection (b) is  
23 performed or attempted may not be prosecuted  
24 under, or for a conspiracy to violate, paragraph (1),

1 or for an offense under section 2, 3, or 4 of title 18,  
2 United States Code, based on such a violation.

3 “(d) ANNUAL REPORTS BY THE SECRETARY.—The  
4 Secretary shall submit to Congress an annual report on  
5 the number of abortions by State, procedure type, and  
6 method of disposal of human fetal tissue.

7 “(e) NON-PREEMPTION.—Nothing in this section  
8 shall preempt any State requirement that, at a minimum,  
9 requires interment or cremation in the same manner that  
10 other human remains are required to be treated in such  
11 State.

12 “(f) DEFINITIONS.—In this section—

13 “(1) the term ‘abortion’ means the use or pre-  
14 scription of any instrument, medicine, drug, or any  
15 other substance or device—

16 “(A) to intentionally kill the unborn child  
17 of a woman known to be pregnant; or

18 “(B) to intentionally terminate the preg-  
19 nancy of a woman known to be pregnant, with  
20 an intention other than—

21 “(i) after viability to produce a live  
22 birth and preserve the life and health of  
23 the child born alive; or

24 “(ii) to remove a dead unborn child;

- 1           “(2) the term ‘abortion provider’ means an in-  
2           dividual or entity that performs abortions; and  
3           “(3) the term ‘human fetal tissue’ has the  
4           meaning given the term in section 498A(g).”.

