

# HOUSE . . . . . No. 5336

By Mr. White of Boston, petition of W. Paul White, Charles Robert Doyle, Mary Jeanette Murray, Salvatore F. DiMasi, Kevin W. Fitzgerald and another for legislation to provide for the humane disposal of the remains of human fetuses. Health Care.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

### AN ACT TO PROVIDE FOR THE HUMANE DISPOSAL OF THE REMAINS OF HUMAN FETUSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 12K of Chapter 112 of the General Laws  
2 is hereby amended by inserting after "Commonwealth." the  
3 following: —

4 Clinic: A clinic as defined in section fifty-two of chapter 111 of  
5 the General Laws, and duly licensed under the provisions of section  
6 of chapter one hundred eleven.

1 SECTION 2. Chapter 112 of the General Laws is hereby  
2 amended by inserting after section 120 the following section: —

3 *Section 120A.* If an unborn child dies from causes resulting  
4 from an abortion, the mother shall have the right to direct the  
5 disposal of the unborn child's remains, provided however that said  
6 remains shall be buried, entombed, or cremated in accordance with  
7 chapter one hundred fourteen. In all other circumstances, the  
8 remains of the unborn child shall be disposed of as follows: —

9 1) If the abortion was performed in a hospital or a clinic, the  
10 hospital or clinic, or the attending physician or medical examiner  
11 shall direct the disposal of the unborn child's remains, provided  
12 however that said disposal is in accordance with the provisions of  
13 chapter one hundred fourteen.

14 2) In all other circumstances, the attending physician shall  
15 direct the disposal of the unborn child's remains, provided however  
16 that said disposal is in accordance with the provisions of chapter  
17 one hundred fourteen.

1 SECTION 3. If any section, subsection, sentence or clause of  
2 this act is held to be unconstitutional, such holding shall not affect  
3 the remaining portions of this act.