

**FETUS TRANSPORT RESTRICTIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses the transport of fetal remains.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ makes it a class B misdemeanor to transport outside the state, or arrange for transport outside the state, fetal remains aborted or miscarried in the state, for any purpose other than burial.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-2-17**, as last amended by Laws of Utah 2020, Chapter 251

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-2-17** is amended to read:

**26-2-17. Certificate of death -- Registration prerequisite to interment --**

**Burial-transit permits -- Procedure where body donated under anatomical gift law --**



28 **Permit for disinterment -- Unlawful transport of fetus.**

29 (1) (a) A dead body or dead fetus may not be interred or otherwise disposed of or  
30 removed from the registration district in which death or fetal death occurred or the remains are  
31 found until a certificate of death is registered.

32 (b) Subsection (1)(a) does not apply to fetal remains for a fetus that is less than 20  
33 weeks in gestational age.

34 (2) (a) For deaths or fetal deaths which occur in this state, no burial-transit permit is  
35 required for final disposition of the remains if:

- 36 (i) disposition occurs in the state and is performed by a funeral service director; or
- 37 (ii) the disposition takes place with authorization of the next of kin and in:

38 (A) a general acute hospital as that term is defined in Section 26-21-2, that is licensed  
39 by the department; or

40 (B) in a pathology laboratory operated under contract with a general acute hospital  
41 licensed by the department.

42 (b) For an abortion or miscarriage that occurs at a health care facility, no burial-transit  
43 permit is required for final disposition of the fetal remains if:

- 44 (i) disposition occurs in the state and is performed by a funeral service director; or
- 45 (ii) the disposition takes place:

46 (A) with authorization of the parent of a miscarried fetus or the pregnant woman for an  
47 aborted fetus; and

48 (B) in a general acute hospital as that term is defined in Section 26-21-2, or a pathology  
49 laboratory operated under contract with a general acute hospital.

50 (3) (a) A burial-transit permit shall be issued by the local registrar of the district where  
51 the certificate of death or fetal death is registered:

52 (i) for a dead body or a dead fetus to be transported out of the state for final  
53 disposition; or

54 (ii) when disposition of the dead body or dead fetus is made by a person other than a  
55 funeral service director.

56 (b) For fetal remains that are less than 20 weeks in gestational age, a burial-transit  
57 permit shall be issued by the local registrar of the district where the health care facility that is in  
58 possession of the fetal remains is located:

59 (i) for the fetal remains to be transported out of the state for final disposition; or  
60 (ii) when disposition of the fetal remains is made by a person other than a funeral  
61 service director.

62 (c) A local registrar issuing a burial-transit permit issued under Subsection (3)(b):

63 (i) may not require an individual to designate a name for the fetal remains; and

64 (ii) may leave the space for a name on the burial-transit permit blank; and

65 (d) shall redact from any public records maintained under this chapter any information:

66 (i) that is submitted under Subsection (3)(c); and

67 (ii) that may be used to identify the parent or pregnant woman.

68 (4) A burial-transit permit issued under the law of another state which accompanies a  
69 dead body, dead fetus, or fetal remains brought into this state is authority for final disposition  
70 of the dead body, dead fetus, or fetal remains in this state.

71 (5) When a dead body or dead fetus or any part of the dead body or dead fetus has been  
72 donated under the Revised Uniform Anatomical Gift Act or similar laws of another state and  
73 the preservation of the gift requires the immediate transportation of the dead body, dead fetus,  
74 or any part of the body or fetus outside of the registration district in which death occurs or the  
75 remains are found, or into this state from another state, the dead body or dead fetus or any part  
76 of the body or fetus may be transported and the burial-transit permit required by this section  
77 obtained within a reasonable time after transportation.

78 (6) A permit for disinterment and reinterment is required prior to disinterment of a  
79 dead body, dead fetus, or fetal remains, except as otherwise provided by statute or department  
80 rule.

81 (7) (a) As used in this Subsection (7):

82 (i) "Aborted" means that a fetus has died from an abortion as that term is defined in  
83 Section 76-7-301.

84 (ii) "Fetus" means a product of human conception, regardless of gestational age.

85 (iii) "Miscarried" means that a fetus has died from a spontaneous or accidental death  
86 before expulsion or extraction from the mother, regardless of the duration of the pregnancy.

87 (b) It is unlawful to transport outside of the state, or arrange for transport outside of the  
88 state, fetal remains that are aborted or miscarried in the state, except for the sole purpose of  
89 burial.

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(c) A violation of Subsection (7)(b) is a class B misdemeanor.