

STATE OF NEW YORK

611

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. EICHENSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the disposition of fetal remains

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4160 of the public health law, as amended by chap-
2 ter 436 of the laws of 1967, subdivision 2 as amended and subdivisions 4
3 and 5 as added by chapter 809 of the laws of 1987 and subdivision 3 as
4 amended by chapter 552 of the laws of 2011, is amended to read as
5 follows:

6 § 4160. Fetal deaths; registration. 1. Fetal death is defined as death
7 prior to the complete expulsion or extraction from its [~~mother~~] gesta-
8 tional parent of a product of conception; the death is indicated by the
9 fact that after such separation, the fetus does not breathe or show any
10 other evidence of life such as beating of the heart, pulsation of the
11 umbilical cord, or definite movement of voluntary muscles.

12 2. A fetal death shall be registered within seventy-two hours after
13 expulsion of [~~such fetus~~] a fetus of any gestational age, by filing
14 directly with the commissioner a certificate of such death. In addition,
15 a report of fetal death shall be reported to the registrar in the
16 district in which the fetal death occurred.

17 3. In the case of a spontaneous fetal death at any gestational age,
18 the attending physician or a person designated by the hospital shall
19 ensure that the gestational parent of the fetus is informed of the right
20 to access the report of fetal death and to direct either burial, entomb-
21 ment or cremation of the fetal remains.

22 4. For the purposes of this article, a fetal death shall be considered
23 as a birth and as a death except that, for a fetal death, separate birth
24 and death certificates shall not be required to be prepared and
25 recorded, except as provided in section forty-one hundred sixty-a of
26 this title.

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 ~~[4-]~~ 5. Local registrars of each district in which fetal death certifi-
2 cates were filed prior to the effective date of this subdivision shall
3 dispose of such certificates in the manner prescribed by the commission-
4 er.

5 ~~[5-]~~ 6. Notwithstanding any other provision of this chapter, the
6 disclosure of information filed pursuant to this section shall be limit-
7 ed to the ~~[mother]~~ gestational parent, ~~[her]~~ the gestational parent's
8 lawful representative and to authorized personnel of the department.

9 § 2. Section 4162 of the public health law, as amended by chapter 809
10 of the laws of 1987, is amended to read as follows:

11 § 4162. Fetal deaths; burial and removal; permits. 1. The remains
12 resulting from a spontaneous fetal death at any gestational age shall be
13 released to the gestational parent of the fetus upon request and upon
14 issuance of a permit pursuant to subdivision three of this section.

15 2. A permit shall be required for the removal, transportation, burial
16 or other disposition of remains resulting from a fetal death, other than
17 fetal tissue, hydatidiform mole or other evidence of pregnancy recovered
18 by curettage or operative procedures or other products of conception of
19 under twenty weeks uterogestation.

20 ~~[2-]~~ 3. Such permit shall be issued by the local registrar of the
21 district in which the fetal death occurred upon presentation by the
22 funeral director or the gestational parent of the fetus of a report of
23 fetal death, on the form prescribed by the commissioner. The issuance of
24 such permit shall be subject to the provisions of title IV of this arti-
25 cle.

26 4. The physician or a person designated by a hospital shall ensure
27 that the gestational parent of the fetus is informed both orally and in
28 writing about the right to access the report of fetal death and to
29 direct either burial, entombment or cremation of the fetal remains.

30 § 3. Section 4200 of the public health law, subdivision 1 as amended
31 by chapter 34 of the laws of 2023, is amended to read as follows:

32 § 4200. Cadavers; duty of burial. 1. Except in the cases in which a
33 right to dissect it is expressly conferred by law, every body of a
34 deceased person, within this state, shall be decently buried, naturally
35 organically reduced, or incinerated within a reasonable time after
36 death.

37 2. The remains resulting from a spontaneous fetal death at any gesta-
38 tional age shall be released to the gestational parent of the fetus upon
39 request, in accordance with section forty-one hundred sixty-two of this
40 chapter. Any costs associated with the release, burial, entombment or
41 cremation of these fetal remains shall be borne by the gestational
42 parent.

43 3. The provisions of this section shall not impair the right to carry
44 the body of a deceased person through this state, or to remove from this
45 state the body of a person who has died within it, for the purpose of
46 burying the same elsewhere.

47 § 4. Subdivision 1 of section 1389-dd of the public health law is
48 amended by adding a new paragraph (e) to read as follows:

49 (e) In the case of remains resulting from spontaneous fetal death, by
50 burial, entombment or cremation at the request of the gestational
51 parent, pursuant to section forty-one hundred sixty-two of this chapter.

52 § 5. This act shall take effect on the ninetieth day after it shall
53 have become a law. Effective immediately, the addition, amendment
54 and/or repeal of any rule or regulation necessary for the implementation
55 of this act on its effective date are authorized to be made and
56 completed on or before such date.