

§ 130A-421. Parental consent to disposition of fetal remains.

In every instance of unintended fetal death resulting from accidental injury, stillbirth, or miscarriage, the attending physician or individual in charge of the institution where the fetal remains were expelled or extracted shall obtain consent from the mother before the disposal of the fetal remains and shall only dispose of the fetal remains by burial, cremation, or incineration in accordance with applicable laws and regulations. If the mother is unable to give consent, and the father is known and able to be contacted within seven days, the attending physician or individual in charge of the institution where the fetal remains were expelled or extracted shall obtain consent from the father and shall only dispose of the fetal remains by burial, cremation, or incineration in accordance with applicable laws and regulations. If neither the mother nor the father is able to give consent within seven days from the time the remains were expelled or extracted, the fetal remains shall only be disposed of by burial, cremation, or incineration in accordance with applicable laws and regulations. Burial or cremation shall be the only method of disposing of fetal remains that have developed beyond completion of the second trimester of gestation. (2019-225, s. 8(a).)