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H.57

Representative Bancroft of Westford moves that the bill be amended by striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

(a) Fetal remains shall be disposed of by burial or cremation unless released to an educational institution for scientific purposes or disposed of by the hospital or as directed by the attending physician in a manner ~~which~~ that will not create a public health hazard or violate subsection (d) of this section.

Permission shall be obtained from one of the parents, if competent, for disposition in all cases where a funeral director is not involved. One copy of the fetal death report shall be printed in such manner that completion and signing by the physician or medical examiner shall constitute permission to make final disposition of the fetal remains.

(b) When a funeral director is involved or when the fetal remains are to be privately buried or disposed of by a commercial crematory, the funeral director or other person taking charge of the remains shall obtain from the hospital or physician the disposition permit portion of the report and shall deliver it to the sexton or other person having care of the cemetery, tomb, vault, or crematory before burial or other disposition takes place. These permits shall be delivered

1 each month to the clerk of the town in which burial or disposition took place,  
2 in the same manner as permits for burial of dead bodies; so also shall all other  
3 provisions of sections 5209-5216 of this title be applicable to fetal remains as  
4 are applicable to dead bodies.

5 (c) When disposition of fetal remains is by means other than those  
6 specified in subsection (b) of this section and a funeral director is not involved,  
7 the disposition permit copy of the report shall be completed by the appropriate  
8 official of the hospital or by the physician or other person in charge of  
9 disposition and sent to the Commissioner within 10 days of such disposition.  
10 These permits may be destroyed after five years.

11 (d) A person shall not buy, sell, exchange, or barter or offer to buy, sell,  
12 exchange, or barter any organ, member, tissue, or fetal material resulting from  
13 a legal abortion. A person who violates this subsection shall be imprisoned not  
14 more than one year or fined not more than \$5,000.00, or both.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.