

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 166

BY REPRESENTATIVE BURFORD

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study means by which to allow for the burial of a fetus or fetal remains resulting from a loss of pregnancy at less than twenty weeks' gestation, and to report recommendations to the legislative committees on health and welfare.

WHEREAS, many women who have experienced the loss of an unborn child through miscarriage or fetal death *in utero* speak of their deep grief over this loss; and

WHEREAS, it is not uncommon for parents facing such a loss to seek comfort in their sorrow by pursuing a proper burial for their unborn child; and

WHEREAS, the care of the remains of the unborn is therefore a matter of great significance; and

WHEREAS, both the medical and religious communities have identified the inability of a family to bury the remains of their unborn child as an issue that merits serious consideration by policymakers; and

WHEREAS, twenty-three states acknowledge the rights of parents to pursue the burial of the remains of their unborn child; and

WHEREAS, Louisiana law currently lacks this affirmation of parents' rights, as the applicable statute, R.S. 8:652, specifically exempts fetal remains from the requirement that human remains must be properly buried or cremated, with the tragic result that fetuses and fetal remains are classified legally in this state as "medical waste"; and

WHEREAS, if our state is to consistently uphold the dignity of each human being and to facilitate honoring the sanctity of the human body from which life has passed in time-honored traditions which bring solace and hope to the living, a prudent and just policy must be created for giving the individual fetus the same respect as an infant, child, or adult who dies.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Health and Hospitals to study means by which to allow for the burial of a fetus or fetal remains resulting from a loss of pregnancy at less than twenty weeks' gestation.

BE IT FURTHER RESOLVED that in developing the study, the department shall engage, collaborate with, and obtain information and perspective from stakeholder groups with appropriate expertise, including but not limited to the following organizations:

- (1) The Louisiana Conference of Catholic Bishops.
- (2) The Louisiana Funeral Directors Association.
- (3) The Louisiana State Coroners Association.
- (4) The Louisiana Hospital Association.
- (5) The Louisiana Clerks of Court Association.
- (6) The Louisiana Interchurch Conference.
- (7) The Franciscan Missionaries of Our Lady Health System.
- (8) The National Association of Social Workers, the Louisiana Chapter.

BE IT FURTHER RESOLVED that the department shall provide the findings of this study in the form of a report to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare on or before December 31, 2015.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE