

By: Senator(s) Hill

To: Public Health and Welfare

SENATE BILL NO. 2115

1 AN ACT ENTITLED THE "MISSISSIPPI UNBORN INFANTS DIGNITY ACT";
 2 TO PROVIDE THAT MISCARRIED, STILLBORN OR ABORTED INFANTS ARE
 3 TREATED WITH DIGNITY WITH PROPER BURIALS, THAT BROKEN BODIES OF
 4 ABORTED INFANTS ARE NOT SOLD FOR SCIENTIFIC EXPERIMENTATION; TO
 5 REQUIRE FETAL DEATH REPORTING AND THE ISSUANCE OF FETAL DEATH
 6 CERTIFICATES FOR UNBORN INFANTS LOST EARLY IN PREGNANCY; TO
 7 PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND
 8 SECTIONS 73-11-58, 73-15-29 AND 73-25-29, MISSISSIPPI CODE OF
 9 1972, TO CONFORM THE PROFESSIONAL DISCIPLINE OF FUNERAL DIRECTORS,
 10 PHYSICIANS, REGISTERED NURSES AND LICENSED PRACTICAL NURSES TO
 11 THIS ACT; TO BRING FORWARD SECTIONS 41-39-1, 41-39-3, 41-39-5 AND
 12 41-39-7, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT TO
 13 CONFORM THE DISPOSITION OF HUMAN REMAINS TO THIS ACT; TO AMEND
 14 SECTIONS 41-57-31 AND 41-61-53, MISSISSIPPI CODE OF 1972, TO
 15 CONFORM THE DUTIES OF THE REGISTRAR OF VITAL STATISTICS TO PROVIDE
 16 FOR ISSUANCE OF CERTIFICATES OF FETAL DEATH; AND FOR RELATED
 17 PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** **Title.** Sections 1 through 10 of this act may be
 20 known and cited as the "Mississippi Unborn Infants Dignity Act."

21 **SECTION 2.** **Legislative findings and purpose.** (1) The
 22 Legislature of the State of Mississippi finds that:

23 (a) Deceased unborn infants deserve the same respect
 24 and dignity as other human beings.



25 (b) The laws of the State of Mississippi do not ensure
26 that miscarried, stillborn or aborted infants receive proper
27 burials or final disposition.

28 (c) Mississippi also fails to require fetal death
29 reporting and/or the issuance of fetal death certificates.

30 (d) Mississippi does not explicitly prohibit the sale,
31 transfer, distribution or donation of the bodily remains of unborn
32 infants resulting from abortion for experimentation.

33 (e) It is the public policy of the State of Mississippi
34 to promote childbirth over abortion. Permitting the sale,
35 transfer, distribution or donation of the bodily remains of unborn
36 infants resulting from abortion, particularly for pecuniary gain,
37 and the use of the bodies of aborted infants for experimentation
38 violate Mississippi public policy.

39 (2) Based on the findings in subsection (1) of this section,
40 the purposes of this act are to:

41 (a) Ensure that the mother of a deceased unborn infant
42 is given the opportunity to bury or dispose of the bodily remains
43 of her infant with dignity;

44 (b) Require institutions where deceased unborn infants
45 are delivered or where unborn infants are aborted to provide a
46 dignified final disposition of the bodily remains of these
47 infants;

48 (c) Require fetal death reports for all fetal deaths as
49 defined in this act;



50 (d) Ensure that parents of all stillborn infants are
51 offered the opportunity to obtain a Certificate of Birth Resulting
52 in Stillbirth;

53 (e) Prohibit the sale, transfer, distribution or other
54 unlawful disposition of an infant, an unborn infant or bodily
55 remains resulting from an abortion;

56 (f) Prohibit the use of bodily remains resulting from
57 an abortion for experimentation; and

58 (g) Ensure that the bodily remains of an unborn infant
59 resulting from an occurrence other than an abortion are not sold,
60 transferred or distributed for experimentation without the
61 mother's informed, written consent.

62 **SECTION 3. Definitions.** For purposes of this act only:

63 (a) "Abortion" means the act of using or prescribing
64 any instrument, medicine, drug, or any other substance, device, or
65 means with the intent to terminate the clinically diagnosable
66 pregnancy of a woman with the knowledge that the termination by
67 those means will with reasonable likelihood cause the death of the
68 unborn infant. Such use, prescription or means is not an abortion
69 if done with the intent to:

70 (i) Save the life or preserve the health of the
71 unborn infant;

72 (ii) Remove a dead unborn infant caused by
73 spontaneous abortion; or

74 (iii) Remove an ectopic pregnancy.



75 (b) "Bodily remains" means the physical remains, corpse
76 or body parts of a dead unborn infant who has been expelled or
77 extracted from his or her mother and who has reached a stage of
78 development so that there are cartilaginous structures and/or
79 fetal or skeletal parts, whether or not the remains have been
80 obtained by induced, spontaneous, or accidental means. The death
81 is indicated by the fact that, after such expulsion or extraction,
82 the unborn infant does not breathe or show any other evidence of
83 life such as beating of the heart, pulsation of the umbilical
84 cord, or definite movement of voluntary muscles.

85 (c) "Infant" means a human being who has been
86 completely expelled or extracted from his or her mother,
87 regardless of the state of gestational development, that, after
88 expulsion or extraction, whether or not the umbilical cord has
89 been cut or the placenta is attached, and regardless of whether
90 the expulsion or extraction occurs as a result of natural or
91 induced labor, cesarean section, or induced abortion, shows any
92 evidence of life, including, but not limited to, one or more of
93 the following:

- 94 (i) Breathing;
- 95 (ii) A heartbeat;
- 96 (iii) Umbilical cord pulsation; or
- 97 (iv) Definite movement of voluntary muscles.

98 (d) "Experiment" or "experimentation" means the use of
99 bodily remains in any trial, test, procedure, or observation



100 carried out with the goal of verifying, refuting, or establishing
101 the validity of a hypothesis, but does not include diagnostic or
102 remedial tests, procedures, or observations which have the purpose
103 of determining the life or health of the unborn infant or
104 preserving the life or health of the infant, unborn infant, or the
105 infant's mother or pathological study.

106 (e) "Fetal death" means death prior to expulsion or
107 extraction from his or her mother of an unborn infant who has
108 reached a stage of development so that there are cartilaginous
109 structures and/or fetal or skeletal parts. The death is indicated
110 by the fact that, after such expulsion or extraction, the unborn
111 infant does not breathe or show any other evidence of life such as
112 beating of the heart, pulsation of the umbilical cord, or definite
113 movement of voluntary muscles.

114 (f) "Final disposition" means the burial, cremation or
115 other legal disposition of a dead unborn infant.

116 (g) "Miscarriage" means the spontaneous or accidental
117 death of an unborn infant before he or she is able to survive
118 independently that does not result in the birth of a live infant.
119 The death is indicated by the fact that, after the expulsion of
120 the unborn infant, he or she does not breathe or show any other
121 evidence of life such as beating of the heart, pulsation of the
122 umbilical cord, or definite movement of voluntary muscles.



123 (h) "Physician" means any person licensed to practice
124 medicine in this state. The term includes medical doctors and
125 doctors of osteopathy.

126 (i) "Pregnant" or "pregnancy" means that female
127 reproductive condition of having an unborn infant in the mother's
128 uterus.

129 (j) "Stillbirth" means the birth of a human being that
130 has died in the uterus. The death is indicated by the fact that,
131 after the expulsion of the unborn infant, he or she does not
132 breathe or show any other evidence of life such as beating of the
133 heart, pulsation of the umbilical cord, or definite movement of
134 voluntary muscles.

135 (k) "Therapeutic" means intended to treat or cure a
136 disease or disorder by remedial agents or methods.

137 (l) "Unborn infant" means the offspring of human beings
138 from conception until birth.

139 **SECTION 4. Release of dead unborn infant to mother for final**
140 **disposition.** In every instance of fetal death, irrespective of
141 the duration of pregnancy, the individual in charge of the
142 institution where the bodily remains were expelled or extracted,
143 upon request of the mother, shall release to the mother or the
144 mother's authorized representative the bodily remains for final
145 disposition in accordance with applicable law. Such request may
146 be made by the mother or her authorized representative prior to or
147 shortly after the expulsion or extraction of the bodily remains.



148 **SECTION 5. Authorization for final disposition of dead**

149 **unborn infant.** (1) In every instance of fetal death,
150 irrespective of the duration of pregnancy, where a mother does not
151 request the release of her dead unborn infant, the funeral
152 director or other person assuming responsibility for the final
153 disposition of the bodily remains shall obtain from the mother or
154 her authorized representative a written authorization for final
155 disposition on a form prescribed and furnished or approved by the
156 State Department of Health. The authorization may allow final
157 disposition to be by a funeral director or the individual in
158 charge of the institution where the bodily remains were expelled
159 or extracted.

160 (2) The mother or her authorized representative may direct
161 the final disposition of the bodily remains to be burial or
162 cremation. After final disposition, the funeral director, the
163 individual in charge of the institution, or other person making
164 the final disposition shall retain the authorization for not less
165 than seven (7) years.

166 (3) Irrespective of the duration of pregnancy, the
167 individual in charge of the institution where the bodily remains
168 were expelled or extracted must ensure that the final disposition
169 of the bodily remains is by burial or cremation.

170 (4) If final disposition of the bodily remains is by
171 cremation, the medical examiner of the county in which fetal death
172 occurred shall sign the authorization for final disposition.



173 (5) If final disposition of the bodily remains is cremation
174 by the institution where the bodily remains were expelled or
175 extracted, the bodily remains must be cremated separately from any
176 medical waste.

177 (6) Bodily remains may be moved from the place of death to
178 be prepared for final disposition with the consent of the
179 physician or county medical examiner who certifies the cause of
180 death.

181 (7) A permit for final disposition issued under the laws of
182 another state that accompanies bodily remains brought into
183 Mississippi is authorization for final disposition of the bodily
184 remains in this state.

185 **SECTION 6. Fetal death certificates.** (1) A fetal death
186 certificate for each fetal death which occurs in this state shall
187 be filed with the Registrar of Vital Statistics in the State
188 Department of Health within three (3) days after such delivery,
189 miscarriage or abortion.

190 (2) The funeral director or person assuming responsibility
191 for the final disposition of the bodily remains shall file the
192 fetal death certificate. In the absence of such a person, the
193 physician in attendance at or after the expulsion or extraction of
194 the bodily remains shall file the certificate of fetal death. The
195 physician shall obtain the personal data from the next of kin or
196 the best qualified person or source available, complete the
197 certificate as to personal data, and deliver the certificate to



198 the person responsible for completing the medical certification of
199 the cause of death within twenty-four (24) hours after the
200 expulsion or extraction of bodily remains.

201 (3) The medical certification shall be completed and signed
202 within forty-eight (48) hours after delivery by the physician in
203 attendance at or after the expulsion or extraction, except when
204 inquiry into the cause of death is required by law.

205 **SECTION 7. Prohibitions on buying, selling and**
206 **experimentation on unborn infants or bodily remains resulting from**
207 **abortion.** (1) No person shall knowingly sell, transfer,
208 distribute, give away, accept, use, or attempt to use an infant,
209 unborn infant, or bodily remains resulting from an abortion in
210 violation of this section.

211 (2) No person shall aid or abet any such sale, transfer,
212 distribution, other unlawful disposition, acceptance, use, or
213 attempted use of an infant, unborn infant, or bodily remains
214 resulting from an abortion in violation of this section.

215 (3) No person shall use an infant, unborn infant, or bodily
216 remains resulting from an abortion in animal or human research,
217 experimentation, or study, or for transplantation, except:

218 (a) For diagnostic or remedial procedures which have
219 the purpose of determining the life or health of the infant,
220 unborn infant, or the infant's mother or preserving the life or
221 health of the infant, unborn infant, or the infant's mother; or

222 (b) For pathological study.



223 (4) No person shall experiment upon an unborn infant who is
224 intended to be aborted unless the experimentation is therapeutic
225 to the unborn infant.

226 (5) No person shall perform or offer to perform an abortion
227 where part or all of the justification or reason for the abortion
228 is that the bodily remains may be used for animal or human
229 research, experimentation, or transplantation.

230 **SECTION 8. Criminal penalties.** (1) An individual in charge
231 of an institution where bodily remains were expelled or extracted
232 who violates Section 4 of this act shall be guilty of a felony
233 punishable upon conviction by imprisonment for not less than one
234 (1) year and/or a fine not exceeding Ten Thousand Dollars
235 (\$10,000.00) for each violation.

236 (2) The person assuming responsibility for the final
237 disposition of bodily remains or an individual in charge of an
238 institution where bodily remains were expelled or extracted who
239 violates Section 5 of this act shall be guilty of a felony
240 punishable upon conviction by imprisonment for not less than one
241 (1) year and/or a fine not exceeding Ten Thousand Dollars
242 (\$10,000.00) for each violation.

243 (3) Any person who knowingly sells, transfers, distributes,
244 gives away, accepts, uses, or attempts to use an infant, unborn
245 infant, or bodily remains resulting from an abortion in violation
246 of this section or who aids or abets any such sale, transfer,
247 distribution, other unlawful disposition, acceptance, use, or



248 attempted use of an infant, unborn infant, or bodily remains
249 resulting from an abortion in violation of Section 8 of this act
250 shall be guilty of a felony punishable upon conviction by
251 imprisonment for not less than one (1) year and/or a fine not
252 exceeding Ten Thousand Dollars (\$10,000.00) for each violation.

253 (4) Any person who experiments upon an infant, unborn
254 infant, or bodily remains resulting from an abortion; experiments
255 upon an unborn infant who is intended to be aborted; or performs
256 or offers to perform an abortion where part or all of the
257 justification or reason for the abortion is that the bodily
258 remains may be used for animal or human research, experimentation,
259 study, or transplantation, in violation of Section 8 of this act,
260 shall be guilty of a felony punishable upon conviction by
261 imprisonment for not less than one (1) year and/or a fine not
262 exceeding Ten Thousand Dollars (\$10,000.00) for each violation.

263 **SECTION 9. Civil and administrative action.** In addition to
264 whatever remedies are available under the statutory law of this
265 state, failure to comply with the requirements of this act shall:

266 (a) Provide a basis for recovery for the parent(s) of
267 the infant or unborn infant or the parent(s) or guardian(s) of the
268 mother, if the mother is a minor, for the unlawful disposition of
269 or experimentation upon an infant, unborn infant, or bodily
270 remains. Such relief shall include:

271 (i) Money damages for all psychological injuries
272 occasioned by the violation(s) of this act; and



273 (ii) Statutory damages equal to two (2) times the
274 cost of the mother's delivery or abortion.

275 (b) Provide a basis for professional disciplinary
276 action for the suspension or revocation of any license for
277 physicians, registered nurses and licensed practical nurses.

278 (c) A conviction of a physician, registered nurse or
279 licensed practical nurse for any failure to comply with the
280 requirements of this act shall result in the automatic suspension
281 of his or her license for a period of at least one (1) year and
282 said license shall be reinstated after that time only under such
283 conditions as the appropriate state regulatory or licensing bodies
284 shall require to ensure compliance with this act.

285 **SECTION 10. Construction.** (1) Nothing in this act shall be
286 construed to affect existing federal or state law regarding
287 abortion.

288 (2) Nothing in this act shall be construed as creating or
289 recognizing a right to abortion.

290 (3) Nothing in this act shall be construed to alter
291 generally accepted medical standards.

292 **SECTION 11.** Section 73-11-58, Mississippi Code of 1972, is
293 amended as follows:

294 73-11-58. (1) If a decedent has left no written
295 authorization for the cremation and/or disposition of the
296 decedent's body as permitted by law, any of the following persons,
297 in the order of priority listed below, may authorize any lawful



298 manner of disposition of the decedent's body by completion of a
299 written instrument:

300 (a) The person designated by the decedent as authorized
301 to direct disposition pursuant to Public Law No. 109-163, Section
302 564, as listed on the decedent's United States Department of
303 Defense Record of Emergency Data, DD Form 93, or its successor
304 form, if the decedent died during military service, as provided in
305 10 USC Section 1481(a) (1) through (8), in any branch of the United
306 States Armed Forces, United States Reserve Forces or National
307 Guard.

308 (b) The surviving spouse.

309 (c) A surviving child who is at least eighteen (18)
310 years of age.

311 (d) A grandchild who is at least eighteen (18) years of
312 age.

313 (e) Either surviving parent.

314 (f) A surviving sibling who is at least eighteen (18)
315 years of age.

316 (g) A person acting as a representative of the decedent
317 under a signed authorization of the decedent.

318 (h) The guardian of the person of the decedent at the
319 time of the decedent's death, if a guardian has been appointed.

320 (i) A person in the class of the next degree of
321 kinship, in descending order, who, under state law, would inherit



322 the decedent's estate if the decedent died intestate and who is at
323 least eighteen (18) years of age.

324 (j) A person who has exhibited special care and concern
325 for the decedent and is willing and able to make decisions about
326 the cremation and disposition.

327 (k) In the case of individuals who have donated their
328 bodies to science or whose death occurred in a nursing home or
329 private institution and in which the institution is charged with
330 making arrangements for the final disposition of the decedent, a
331 representative of the institution may serve as the authorizing
332 agent in the absence of any of the above.

333 (l) In the absence of any of the above, any person
334 willing to assume responsibility for the cremation and disposition
335 of the decedent.

336 (m) In the case of indigents or any other individuals
337 whose final disposition is the responsibility of the state or any
338 of its instrumentalities, a public administrator, medical
339 examiner, coroner, state-appointed guardian, or any other public
340 official charged with arranging the final disposition of the
341 decedent may serve as the authorizing agent.

342 (2) No funeral establishment shall accept a dead human body
343 or bodily remains resulting from an abortion from any public
344 officer or employee or from the official of any institution,
345 hospital or nursing home, or from a physician or * * * other
346 person * * *, without having first made due inquiry as to the



347 desires of the persons who have the legal authority to direct the
348 disposition of the decedent's body or the bodily remains resulting
349 from an abortion. If any persons are found, their authority and
350 directions shall govern the disposal of the remains of the
351 decedent. Any funeral establishment receiving the remains in
352 violation of this subsection shall make no charge for any service
353 in connection with the remains before delivery of the remains as
354 stipulated by the persons having legal authority to direct the
355 disposition of the body or other remains. This section shall not
356 prevent any funeral establishment from charging and being
357 reimbursed for services rendered in connection with the removal of
358 the remains of any deceased person in case of accidental or
359 violent death and rendering necessary professional services
360 required until the persons having legal authority to direct the
361 disposition of the body have been notified.

362 (3) A person who does not exercise his or her right to
363 dispose of the decedent's body under subsection (1) of this
364 section within five (5) days of notification or ten (10) days from
365 the date of the death, whichever is earlier, shall be deemed to
366 have waived his or her right to authorize disposition of the
367 decedent's body or contest disposition in accordance with this
368 section. If, during the aforesaid time period, the funeral
369 director, funeral service practitioner and/or funeral
370 establishment has been provided contrary written consent from
371 members of the same class with the highest priority as to the



372 disposition of the decedent's body, the licensed funeral director
373 or service practitioner or funeral establishment shall act in
374 accordance with the directive of the greatest number of consents
375 received from members of the class. If that number is equal, the
376 funeral director or funeral service practitioner and/or the
377 funeral establishment shall act in accordance with the earlier
378 consent unless the person(s) providing the later consent is
379 granted an order from a court of competent jurisdiction in which
380 the funeral establishment is located.

381 (4) If no consent for the embalming, cremation or other
382 disposition of a dead human body from any of the relatives or
383 interested persons or institutions listed above in subsection (1)
384 is received within ten (10) days of the decedent's death, the
385 coroner for, or other person designated by, the county in which
386 the funeral establishment is located is authorized to sign the
387 consent authorizing the disposition of the decedent's remains.

388 (5) If none of the parties listed above in subsection (1) is
389 financially capable of providing for the cremation, embalming or
390 disposition of a dead human body, the coroner for, or other person
391 designated by, the county in which the funeral establishment is
392 located is authorized to sign the consent authorizing the
393 disposition of the decedent's remains.

394 (6) The licensed funeral director, funeral service
395 practitioner or funeral establishment shall have authority to
396 control the disposition of the remains of a decedent and proceed



397 to recover the costs for the disposition when: (a) none of the
398 persons or parties described above in subsection (1)(a) through
399 (1) assume responsibility for the disposition of the remains, and
400 (b) the coroner or other public official designated in subsection
401 (1)(m) fails to assume responsibility for disposition of the
402 remains within seven (7) days after having been given written
403 notice of the facts. Written notice may be made by personal
404 delivery, United States mail, facsimile or transmission. The
405 method of disposition must be in the least costly and most
406 environmentally sound manner that complies with law, and that does
407 not conflict with known wishes of the decedent.

408 (7) A funeral director, funeral service and/or funeral
409 establishment licensee acting in accordance with this section, or
410 attempting in good faith to act in accordance with this section,
411 shall not be subject to criminal prosecution or civil liability
412 for carrying out the otherwise lawful instructions of the person
413 or persons described in this section.

414 (8) The liability for the reasonable cost of the final
415 disposition of the remains of the decedent devolves upon the
416 individual or entity authorizing the disposition and/or upon the
417 estate of the decedent and, in cases when the county board of
418 supervisors has the right to control the disposition of the
419 remains under this section, upon the county in which the death
420 occurred.



421 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
422 amended as follows:

423 73-15-29. (1) The board shall have power to revoke, suspend
424 or refuse to renew any license issued by the board, or to revoke
425 or suspend any privilege to practice, or to deny an application
426 for a license, or to fine, place on probation and/or discipline a
427 licensee, in any manner specified in this article, upon proof that
428 such person:

429 (a) Has committed fraud or deceit in securing or
430 attempting to secure such license;

431 (b) Has been convicted of felony, or a crime involving
432 moral turpitude or has had accepted by a court a plea of nolo
433 contendere to a felony or a crime involving moral turpitude (a
434 certified copy of the judgment of the court of competent
435 jurisdiction of such conviction or pleas shall be prima facie
436 evidence of such conviction);

437 (c) Has negligently or willfully acted in a manner
438 inconsistent with the health or safety of the persons under the
439 licensee's care;

440 (d) Has had a license or privilege to practice as a
441 registered nurse or a licensed practical nurse suspended or
442 revoked in any jurisdiction, has voluntarily surrendered such
443 license or privilege to practice in any jurisdiction, has been
444 placed on probation as a registered nurse or licensed practical
445 nurse in any jurisdiction or has been placed under a disciplinary



446 order(s) in any manner as a registered nurse or licensed practical
447 nurse in any jurisdiction, (a certified copy of the order of
448 suspension, revocation, probation or disciplinary action shall be
449 prima facie evidence of such action);

450 (e) Has negligently or willfully practiced nursing in a
451 manner that fails to meet generally accepted standards of such
452 nursing practice;

453 (f) Has negligently or willfully violated any order,
454 rule or regulation of the board pertaining to nursing practice or
455 licensure;

456 (g) Has falsified or in a repeatedly negligent manner
457 made incorrect entries or failed to make essential entries on
458 records;

459 (h) Is addicted to or dependent on alcohol or other
460 habit-forming drugs or is a habitual user of narcotics,
461 barbiturates, amphetamines, hallucinogens, or other drugs having
462 similar effect, or has misappropriated any medication;

463 (i) Has a physical, mental or emotional condition that
464 renders the licensee unable to perform nursing services or duties
465 with reasonable skill and safety;

466 (j) Has engaged in any other conduct, whether of the
467 same or of a different character from that specified in this
468 article, that would constitute a crime as defined in Title 97 of
469 the Mississippi Code of 1972, as now or hereafter amended, and



470 that relates to such person's employment as a registered nurse or
471 licensed practical nurse;

472 (k) Engages in conduct likely to deceive, defraud or
473 harm the public;

474 (l) Engages in any unprofessional conduct as identified
475 by the board in its rules;

476 (m) Has violated any provision of this article; * * *

477 (n) Has violated any provision of Sections 1 through 10
478 of this act; or

479 (* * * o) * * * Has violated the provisions of Sections
480 41-121-1 through 41-121-9 relating to deceptive advertisement by
481 health care practitioners. This paragraph (o) shall stand
482 repealed on July 1, 2016.

483 (2) When the board finds any person unqualified because of
484 any of the grounds set forth in subsection (1) of this section, it
485 may enter an order imposing one or more of the following
486 penalties:

487 (a) Denying application for a license or other
488 authorization to practice nursing or practical nursing;

489 (b) Administering a reprimand;

490 (c) Suspending or restricting the license or other
491 authorization to practice as a registered nurse or licensed
492 practical nurse for up to two (2) years without review;

493 (d) Revoking the license or other authorization to
494 practice nursing or practical nursing;



495 (e) Requiring the discipline to submit to care,
496 counseling or treatment by persons and/or agencies approved or
497 designated by the board as a condition for initial, continued or
498 renewed licensure or other authorization to practice nursing or
499 practical nursing;

500 (f) Requiring the discipline to participate in a
501 program of education prescribed by the board as a condition for
502 initial, continued or renewed licensure or other authorization to
503 practice;

504 (g) Requiring the discipline to practice under the
505 supervision of a registered nurse for a specified period of time;
506 or

507 (h) Imposing a fine not to exceed Five Hundred Dollars
508 (\$500.00).

509 (3) In addition to the grounds specified in subsection (1)
510 of this section, the board shall be authorized to suspend the
511 license or privilege to practice of any licensee for being out of
512 compliance with an order for support, as defined in Section
513 93-11-153. The procedure for suspension of a license or privilege
514 to practice for being out of compliance with an order for support,
515 and the procedure for the reissuance or reinstatement of a license
516 or privilege to practice suspended for that purpose, and the
517 payment of any fees for the reissuance or reinstatement of a
518 license or privilege to practice suspended for that purpose, shall
519 be governed by Section 93-11-157 or 93-11-163, as the case may be.



520 If there is any conflict between any provision of Section
521 93-11-157 or 93-11-163 and any provision of this article, the
522 provisions of Section 93-11-157 or 93-11-163, as the case may be,
523 shall control.

524 (4) If the public health, safety or welfare imperatively
525 requires emergency action and the board incorporates a finding to
526 that effect in an order, the board may order summary suspension of
527 a license pending proceedings for revocation or other action.
528 These proceedings shall be promptly instituted and determined by
529 the board.

530 **SECTION 13.** Section 73-25-29, Mississippi Code of 1972, is
531 amended as follows:

532 73-25-29. The grounds for the nonissuance, suspension,
533 revocation or restriction of a license or the denial of
534 reinstatement or renewal of a license are:

535 (1) Habitual personal use of narcotic drugs, or any
536 other drug having addiction-forming or addiction-sustaining
537 liability.

538 (2) Habitual use of intoxicating liquors, or any
539 beverage, to an extent which affects professional competency.

540 (3) Administering, dispensing or prescribing any
541 narcotic drug, or any other drug having addiction-forming or
542 addiction-sustaining liability otherwise than in the course of
543 legitimate professional practice.



544 (4) Conviction of violation of any federal or state law
545 regulating the possession, distribution or use of any narcotic
546 drug or any drug considered a controlled substance under state or
547 federal law, a certified copy of the conviction order or judgment
548 rendered by the trial court being prima facie evidence thereof,
549 notwithstanding the pendency of any appeal.

550 (5) Procuring, or attempting to procure, or aiding in,
551 an abortion that is not medically indicated.

552 (6) Conviction of a felony or misdemeanor involving
553 moral turpitude, a certified copy of the conviction order or
554 judgment rendered by the trial court being prima facie evidence
555 thereof, notwithstanding the pendency of any appeal.

556 (7) Obtaining or attempting to obtain a license by
557 fraud or deception.

558 (8) Unprofessional conduct, which includes, but is not
559 limited to:

560 (a) Practicing medicine under a false or assumed
561 name or impersonating another practitioner, living or dead.

562 (b) Knowingly performing any act which in any way
563 assists an unlicensed person to practice medicine.

564 (c) Making or willfully causing to be made any
565 flamboyant claims concerning the licensee's professional
566 excellence.

567 (d) Being guilty of any dishonorable or unethical
568 conduct likely to deceive, defraud or harm the public.



569 (e) Obtaining a fee as personal compensation or
570 gain from a person on fraudulent representation of a disease or
571 injury condition generally considered incurable by competent
572 medical authority in the light of current scientific knowledge and
573 practice can be cured or offering, undertaking, attempting or
574 agreeing to cure or treat the same by a secret method, which he
575 refuses to divulge to the board upon request.

576 (f) Use of any false, fraudulent or forged
577 statement or document, or the use of any fraudulent, deceitful,
578 dishonest or immoral practice in connection with any of the
579 licensing requirements, including the signing in his professional
580 capacity any certificate that is known to be false at the time he
581 makes or signs such certificate.

582 (g) Failing to identify a physician's school of
583 practice in all professional uses of his name by use of his earned
584 degree or a description of his school of practice.

585 (9) The refusal of a licensing authority of another
586 state or jurisdiction to issue or renew a license, permit or
587 certificate to practice medicine in that jurisdiction or the
588 revocation, suspension or other restriction imposed on a license,
589 permit or certificate issued by such licensing authority which
590 prevents or restricts practice in that jurisdiction, a certified
591 copy of the disciplinary order or action taken by the other state
592 or jurisdiction being prima facie evidence thereof,
593 notwithstanding the pendency of any appeal.



594 (10) Surrender of a license or authorization to
595 practice medicine in another state or jurisdiction or surrender of
596 membership on any medical staff or in any medical or professional
597 association or society while under disciplinary investigation by
598 any of those authorities or bodies for acts or conduct similar to
599 acts or conduct which would constitute grounds for action as
600 defined in this section.

601 (11) Final sanctions imposed by the United States
602 Department of Health and Human Services, Office of Inspector
603 General or any successor federal agency or office, based upon a
604 finding of incompetency, gross misconduct or failure to meet
605 professionally recognized standards of health care; a certified
606 copy of the notice of final sanction being prima facie evidence
607 thereof. As used in this paragraph, the term "final sanction"
608 means the written notice to a physician from the United States
609 Department of Health and Human Services, Officer of Inspector
610 General or any successor federal agency or office, which
611 implements the exclusion.

612 (12) Failure to furnish the board, its investigators or
613 representatives information legally requested by the board.

614 (13) Violation of any provision(s) of the Medical
615 Practice Act or the rules and regulations of the board or of any
616 order, stipulation or agreement with the board.

617 (14) Violation(s) of the provisions of Sections
618 41-121-1 through 41-121-9 relating to deceptive advertisement by



619 health care practitioners. This paragraph shall stand repealed on
620 July 1, 2016.

621 (15) Performing or inducing an abortion on a woman in
622 violation of any provision of Sections 41-41-131 through
623 41-41-145.

624 (16) Violation of any provision of Sections 1 through
625 10 of this act.

626 In addition to the grounds specified above, the board shall
627 be authorized to suspend the license of any licensee for being out
628 of compliance with an order for support, as defined in Section
629 93-11-153. The procedure for suspension of a license for being
630 out of compliance with an order for support, and the procedure for
631 the reissuance or reinstatement of a license suspended for that
632 purpose, and the payment of any fees for the reissuance or
633 reinstatement of a license suspended for that purpose, shall be
634 governed by Section 93-11-157 or 93-11-163, as the case may be.
635 If there is any conflict between any provision of Section
636 93-11-157 or 93-11-163 and any provision of this chapter, the
637 provisions of Section 93-11-157 or 93-11-163, as the case may be,
638 shall control.

639 **SECTION 14.** Section 41-39-1, Mississippi Code of 1972, is
640 brought forward as follows:

641 41-39-1. Any physician removing or otherwise acquiring any
642 tissue of the human body may, in his discretion, after making or
643 causing to be made such scientific examination of the same as he



644 may deem appropriate or as may be required by law, custom or rules
645 and regulations of the hospital or other institution in which the
646 tissue may have been removed or acquired, authorize disposition of
647 the same by incineration, cremation, burial or other sanitary
648 method approved by the State Board of Health, unless he shall have
649 been furnished prior to removal or acquisition of the tissue, or
650 at any time prior to its disposal, a written request that the same
651 be delivered to the patient or someone in his behalf or, if death
652 has occurred, to the person claiming the dead body for burial or
653 cremation. No such tissue shall be delivered, however, except as
654 may be permitted by rules and regulations of the state board of
655 health. Any hospital or other institution acquiring possession of
656 any such tissue, and not having written instructions to the
657 contrary from the attending physician, the patient or the person
658 claiming a dead body for burial or cremation, or someone in their
659 behalf, may immediately dispose of the same as hereinabove
660 provided.

661 However, no external member of the human body may be so
662 disposed of within forty-eight hours of its removal or acquisition
663 unless consent thereto be obtained in writing from the patient or
664 the person authorizing the medical or surgical treatment of the
665 patient, and no dead foetus shall be so disposed of within the
666 same period of time unless consent thereto be obtained in writing
667 from the mother of the dead foetus or her spouse. For the
668 purposes of this section, an external member of the human body is



669 defined as an arm or one or more joints thereof, a hand, a finger
670 or one or more joints thereof, a leg or one or more joints
671 thereof, a foot, a toe or one or more joints thereof, an ear or
672 the greater part thereof, or the nose or the greater part thereof.
673 For the purposes of this section and the succeeding section, a
674 dead foetus is defined as a product of human conception, exclusive
675 of its placenta or connective tissue, which has suffered death
676 prior to its complete expulsion or extraction from the mother, as
677 established by the fact that after such expulsion or extraction
678 the foetus does not breathe or show any other evidence of life
679 such as beating of the heart, pulsation of the umbilical cord, or
680 definite movement of voluntary muscles.

681 **SECTION 15.** Section 41-39-3, Mississippi Code of 1972, is
682 brought forward as follows:

683 41-39-3. The State Board of Health may provide by rules and
684 regulations for the disposition of any dead foetus acquired by any
685 hospital or by any midwife or person acting as a midwife, such
686 disposition to be in a manner consistent with the provisions of
687 Section 41-39-1 except that the waiting period for such
688 disposition may be waived.

689 **SECTION 16.** Section 41-39-5, Mississippi Code of 1972, is
690 brought forward as follows:

691 41-39-5. Any physician, hospital, funeral director,
692 embalmer, coroner or other person acquiring possession of a dead
693 human body or portion thereof which is not claimed for burial or



694 cremation within forty-eight (48) hours of its acquisition shall
695 give written notice thereof to the board of supervisors, or a
696 member thereof, of the county in which the dead body or portion
697 thereof is located, furnishing such identification of the decedent
698 as may be available. The board of supervisors shall make
699 reasonable efforts to notify members of the decedent's family or
700 other known interested persons, and, if the dead body or portion
701 thereof shall not be claimed for burial or cremation by any
702 interested person within five (5) days of the aforementioned
703 written notice, the board of supervisors shall, as soon as it may
704 think appropriate, authorize and direct the burial or cremation
705 and burial of the residue of such dead body or portion thereof.
706 In its discretion and where otherwise permitted to do so by law,
707 the board of supervisors may direct the disposition of the dead
708 body or portion thereof as provided by Section 41-39-7. The
709 reasonable expense of such burial or cremation and burial of the
710 residue of a dead body shall be borne by the estate of the
711 decedent or of any person liable at law for the necessities of the
712 decedent during his lifetime or, if they are unable to pay the
713 same, by the county of residence or settlement of the decedent, if
714 known, and, if not known, by the county in which the dead body or
715 portion thereof is located.

716 If the person having possession of such dead human body or
717 portion thereof shall have no available means of preserving the
718 same and shall so notify the board of supervisors, or a member



719 thereof, of the county in which the dead body or portion thereof
720 is located, it shall be the duty of the board of supervisors to
721 make arrangements for the preservation of the same until burial or
722 cremation and burial of the residue of the dead body as
723 hereinabove provided, and the expense of such preservation shall
724 be borne as hereinabove provided with respect to the expense of
725 burial or cremation.

726 **SECTION 17.** Section 41-39-7, Mississippi Code of 1972, is
727 brought forward as follows:

728 41-39-7. Upon the request of the Secretary of the State
729 Board of Health, the authorities in charge of the hospitals
730 supported either wholly or partly by state funds are authorized
731 and directed to deliver any body of any person, except the bodies
732 of persons with mental illness and persons with an intellectual
733 disability, dying in any of those hospitals to the duly authorized
734 representatives of the state university or any medical college or
735 any accredited mortuary science program in any junior college in
736 this state, giving the state university preference in the event
737 there is an insufficiency in dissecting material for the use of
738 all hospitals for anatomical purposes. This applies to the
739 remains of any person, except persons with mental illness and
740 persons with an intellectual disability, who dies in any of those
741 hospitals, when the body is not, within a reasonable time after
742 death, claimed for burial by some fraternal order, or by some
743 person related to the deceased by blood or marriage, or by some



744 friend. The State Board of Health shall have authority to adopt
745 regulations for the proper burial of those persons with mental
746 illness and persons with an intellectual disability. However, the
747 human remains of any unknown person who is a traveler dying
748 suddenly shall not be so delivered or used for anatomical
749 purposes. Any human remains, so delivered, shall be properly and
750 decently removed from the hospital, at the expense of the party to
751 whom the same may be delivered, and shall be transported under
752 such regulations as the State Board of Health may prescribe, and
753 after use for strictly necessary medical study, in the medical
754 department of the university, or in any medical college, or in any
755 accredited mortuary science program in any junior college in this
756 state, as the case may be, the body shall be decently interred or
757 may be cremated and the residue interred at the expense of the
758 party using the same. The State Board of Health shall have
759 authority to regulate and restrict the use of dead bodies used for
760 the above purposes. The authorities of the hospitals, the
761 Secretary of the State Board of Health, and the authorities of the
762 university, any medical college and any accredited mortuary
763 science program in any junior college in this state, shall each
764 cause a record to be kept of each body used and disposed of, under
765 the provisions of this section, and such records shall be subject
766 to inspection of any member of the State Board of Health at any
767 time.



768 **SECTION 18.** Section 41-57-31, Mississippi Code of 1972, is
769 amended as follows:

770 41-57-31. (1) As used in this section, the following terms
771 shall be defined as provided in this section, unless the context
772 otherwise requires:

773 (a) "Certificate of birth resulting in stillbirth"
774 means a birth certificate issued to record and memorialize the
775 birth of a stillborn child.

776 (b) "Stillbirth" or "stillborn" means an unintended,
777 intrauterine fetal death occurring in this state after a
778 gestational age of not less than twenty (20) completed weeks.

779 (c) "Certificate of fetal death" means a death
780 certificate issued to record and memorialize the death of a fetus.

781 (d) "Fetal death" has the meaning ascribed in Section 3
782 of this act.

783 (2) For any stillborn child in this state, the Bureau of
784 Vital Statistics shall issue a certificate of birth resulting in
785 stillbirth upon the request of a parent named on the death
786 certificate, within sixty (60) days of the date of the request. A
787 parent may request the Bureau of Vital Statistics to issue a
788 certificate of birth resulting in stillbirth without regard to
789 whether the death occurred on, before, or after July 1, 2007, and
790 without regard to the date on which the death certificate was
791 issued.



792 (3) The person who is required to file a death certificate
793 under this chapter shall advise the parent or parents of a
794 stillborn child:

795 (a) That a parent may, but is not required to, request
796 the preparation of a certificate of birth resulting in stillbirth;

797 (b) That a parent may obtain a certificate of birth
798 resulting in stillbirth by contacting the Bureau of Vital
799 Statistics to request the certificate and paying the required fee;
800 and

801 (c) How a parent may contact the Bureau of Vital
802 Statistics to request a certificate of birth resulting in
803 stillbirth.

804 (4) A parent may provide a name for a stillborn child on the
805 request for a certificate of birth resulting in stillbirth. The
806 name of the stillborn child provided on or later added by
807 amendment to the certificate shall be the same name as placed on
808 the original or amended death certificate. If the requesting
809 parent does not wish to provide a name, the Bureau of Vital
810 Statistics shall fill in the certificate with the name "baby boy"
811 or "baby girl" and the last name of the parent.

812 (5) Not later than September 1, 2007, the State Department
813 of Health shall prescribe the form and content of a certificate of
814 birth resulting in stillbirth and shall specify the information
815 necessary to prepare the certificate. In addition to any other



816 information required to be on the certificate, the certificate
817 shall include:

818 (a) The date of the stillbirth;

819 (b) The county in which the stillbirth occurred;

820 (c) The state file number of the corresponding death
821 certificate; and

822 (d) The following statement: "This certificate is not
823 proof of live birth."

824 (6) Upon issuance of a certificate of birth resulting in
825 stillbirth to a parent, the Bureau of Vital Statistics shall file
826 an exact copy of the certificate with the local registrar of the
827 registration district in which the stillbirth occurred. The local
828 registrar shall file the certificate of birth resulting in
829 stillbirth with the death certificate.

830 (7) The Bureau of Vital Statistics may not use a certificate
831 of birth resulting in stillbirth to calculate live birth
832 statistics.

833 (8) The Bureau of Vital Statistics shall issue a certificate
834 of fetal death upon the request of the mother for a fetal death
835 occurring on or after January 1, 2017.

836 (* * *9) The State Board of Health may adopt any rules or
837 regulations necessary to administer this section.

838 **SECTION 19.** Section 41-61-53, Mississippi Code of 1972, is
839 amended as follows:



840 41-61-53. For the purposes of Sections 41-61-51 through
841 41-61-79, the following definitions shall apply:

842 (a) "Certification of death" means signing the death
843 certificate.

844 (b) "Coroner" means the elected county official
845 provided for in Sections 19-21-101 through 19-21-107.

846 (c) "County medical examiner investigator" means a
847 nonphysician trained and appointed to investigate and certify
848 deaths affecting the public interest.

849 (d) "County medical examiner" means a licensed
850 physician appointed to investigate and certify deaths affecting
851 the public interest.

852 (e) "Death affecting the public interest" means any
853 death of a human being where the circumstances are sudden,
854 unexpected, violent, suspicious or unattended.

855 (f) "Medical examiner" means the State Medical
856 Examiner, county medical examiners and county medical examiner
857 investigators collectively, unless otherwise specified.

858 (g) "Pronouncement of death" means the statement of
859 opinion that life has ceased for an individual.

860 (h) "State medical examiner" means the board certified
861 forensic pathologist/physician appointed by the Commissioner of
862 Public Safety pursuant to Section 41-61-55 to investigate and
863 certify deaths that affect the public interest.



864 (i) "Fetal death" has the meaning ascribed in Section 3
865 of this act.

866 **SECTION 20.** This act shall take effect and be in force from
867 and after July 1, 2016.

