

By: Senator(s) Watson

To: Public Health and Welfare

SENATE BILL NO. 2546

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.

