

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to require hospitals and freestanding birth centers to notify each mother of a miscarried fetus of her rights with respect to such fetus, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act to require hospitals and freestanding birth centers to notify each mother of a miscarried fetus of her rights with respect to such fetus, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bereaved Parents  
5 Rights Act”.

1 **SEC. 2. HOSPITAL AND BIRTH CENTER NOTICE AND FETAL**  
2 **DISPOSITION REQUIREMENTS.**

3 Section 1866(a) of the Social Security Act (42 U.S.C.  
4 1395cc(a)) is amended—

5 (1) in paragraph (1)—

6 (A) by moving subparagraphs (W) and (X)  
7 2 ems to the left;

8 (B) in subparagraph (X), by striking  
9 “and” at the end;

10 (C) in subparagraph (Y), by striking the  
11 period at the end and inserting “, and”; and

12 (D) by inserting after subparagraph (Y)  
13 the following new subparagraph:

14 “(Z) beginning on the date that is 30 days after  
15 the date of enactment of this subparagraph, in the  
16 case of a hospital or freestanding birth center (as  
17 defined in section 1905(l)), to meet the requirements  
18 of paragraph (4).”; and

19 (2) by adding at the end the following new  
20 paragraph:

21 “(4)(A) For purposes of paragraph (1)(Z), a hospital  
22 or freestanding birth center shall—

23 “(i) in the case that the hospital or free-  
24 standing birth center has custody of a fetus fol-  
25 lowing a miscarriage or stillbirth, not later than the  
26 earliest of 6 hours following the miscarriage or still-

1 birth or when the parent is discharged from such  
2 hospital or freestanding birth center, notify the par-  
3 ent or parents of the fetus (using a form developed  
4 by the Secretary) of the right of the parents to—

5 “(I) a private or common burial of the  
6 fetus;

7 “(II) cremation of the fetus; or

8 “(III) disposal of the fetus by the hospital  
9 or freestanding birth center; and

10 “(ii) in the case that, not later than 72 hours  
11 after receiving the notice described in clause (i), a  
12 parent elects in writing (using the form described in  
13 such clause) to arrange for the burial or cremation  
14 of the fetus, ensure that the disposition of the fetus  
15 follows the same fetal death disposition options of  
16 the State that apply in the case of a fetal death that  
17 occurs in the State.

18 “(B) Any individual who is harmed as a result of a  
19 violation of the requirements of subparagraph (A) may  
20 bring a civil action in an appropriate district court of the  
21 United States for appropriate relief.”.