



# Fetal Disposition: The Abuses and The Law

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### Executive Summary

- Violations and problems with fetal disposition laws have been discovered in numerous states, including Indiana, Michigan, Pennsylvania, South Carolina, Texas, and Utah.
- Examples of documented *violations* of state law by abortion facilities or waste disposal companies regarding fetal disposition include: failure to disinfect containers and sending body parts down the sanitary sewer; disposal of fetal remains in a municipal solid waste landfill; and storage in a refrigerator.
- Due to the variability and archaic status of some state laws, numerous fetal disposition methods have been employed as *legal solutions* by abortion facilities and waste disposal companies, including: flushing fetal body parts through the garbage disposal leading into the sewer system; dumping fetal remains into an auger along with medical waste and grinding them together; and having the fetal remains transported across state lines to another state's dumpsters.
- Stericycle, the largest known waste disposal company willing to transport and dispose of the remains of human fetal parts after abortion, has been found by at least two state departments to be in violation of state regulations specifically governing fetal disposition.

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## Introduction

With roughly 1.06 million abortions in the nation every year,<sup>1</sup> abortion facilities have a need to dispose of approximately 2,700 baby bodies every day. Disposing of the remains of an aborted baby, through a variety of methods, is referred to as “fetal disposition.” These fetal remains — scientifically the body parts of human beings — are all too often disposed of by abortion clinics through illegal means like dumping in landfills<sup>2</sup> or bagging and tossing in dumpsters.<sup>3</sup> Some clinics have been found storing a pile-up of body parts in their freezers<sup>4</sup> or closets.<sup>5</sup> In a number of states, the laws are so broad that it is actually legal to grind the aborted bodies in the garbage disposal and send the remains through the sewage system or to incinerate entire containers of baby body parts at once. The clinics desperately want disposal methods to be broad, cheap, and accessible, so they can keep a tight hold on their profitable industry.

The state laws governing fetal disposition are often archaic and scattered throughout a variety of state codes, regulations, and statutes. This paper will examine the problems that occur when laws fail to hold abortion clinics accountable and when the clinics are allowed to choose methods of disposal that most benefit their businesses. It will also suggest a variety of changes that could be made to state laws to end some of the dangerous practices of the abortion industry.

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1 Guttmacher Institute, Induced Abortion in the United States, May 2016 Fact Sheet, <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>.

2 Texas abortion clinics fined for fetus disposal, My San Antonio, February 11, 2012, [http://www.mysanantonio.com/news/local\\_news/article/2-Texas-abortion-clinics-fined-for-fetus-disposal-3305551.php](http://www.mysanantonio.com/news/local_news/article/2-Texas-abortion-clinics-fined-for-fetus-disposal-3305551.php).

3 Grisly Dumpster Find Leads to Shut Down of Michigan Abortion Clinics, S. Brinkmann, Women of Grace, Nov. 22, 2011, (video with photo evidence also available) <http://www.womenofgrace.com/blog/?p=10682>.

4 Abortion Facility Stored 5 Months Worth of Aborted Babies in Freezers, Becky Yeh, Live Action News, Oct. 26, 2015, <http://liveactionnews.org/abortion-facility-owner-says-5-months-worth-of-aborted-babies-were-stored-in-freezers/>.

5 Planned Parenthood Caught Illegally Storing Aborted Babies in Janitor’s Closet, Kristi Burton Brown, Live Action News, Nov. 20, 2015, <http://liveactionnews.org/planned-parenthood-caught-storing-babies-janitors-closet/>.

## The Quandary of Clinics

In the fall of 2015, videotapes<sup>6</sup> from a National Abortion Federation (NAF) meeting revealed the intimate details involved when abortion clinics dispose of fetal remains after an abortion. Abortion chain owner, Renee Chelian, (shown in the NAF tapes) lamented that without a real solution for fetal disposal, clinics would no longer be able to operate. Ms. Chelian is far from an outlier, as she was specifically chosen to speak at the NAF conference for the purpose of addressing a problem faced by abortion clinics and disposal companies throughout the nation. As this paper will demonstrate, fetal disposition problems and violations have been discovered in numerous states, including Indiana, Michigan, Pennsylvania, South Carolina, Texas and Utah.

Ms. Chelian spoke freely to her fellow abortion facility owners and staff at the NAF meeting, revealing a number of issues that arise due to the volume of abortions committed and the desire of the abortion industry to keep their business costs low.<sup>7</sup>

### 1) THE PILE-UP OF PARTS

Chelian joked about burning the small, aborted bodies for energy purposes (which has been done in both Oregon<sup>8</sup> and Britain.<sup>9</sup>) County Commissioners in Marion County, Oregon, reported being horrified when they learned that aborted babies were being “included in medical waste received at the facility” in their state.<sup>10</sup> A worker at the facility, who personally dealt with the boxes of baby parts, told the local news that the contents spilled out more than once.<sup>11</sup>

Demonstrating the depth of callousness that has invaded abortion clinics as they dispose of human body after human body every day, Chelian stated, on video: “We were really tempted to give the fetus back. Um, we thought, we’ll give it to everybody in a gift bag – they can take it home, figure out what to do with it. It’s their pregnancy, and why is this our problem?” She also batted around the idea of taking the bodies to a field and incinerating them there personally.

Infamous late-term abortionist George Tiller did, in fact, personally burn babies he aborted with an industrial crematorium in his own clinic. Luhra Tyvis, a former Tiller employee, explained:<sup>12</sup> “I unlocked the door for him, and, pushing the door open, I saw very clearly the gleaming metal of the crematorium – a full sized crematorium, just like the ones used in funeral homes. I went back to my computer. I could hear Dr. Tiller firing up the gas oven. A few minutes later I could smell burning

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6 Videos were released by Got News and uploaded to YouTube, Oct. 21, 2015, <https://www.youtube.com/watch?v=WbekmwoEmaQ>.

7 Videos available on YouTube, <https://www.youtube.com/watch?v=WbekmwoEmaQ>.

8 Horrifying: Bodies of Aborted Babies Burned to Power Homes in Oregon, Katie Pavlich, April 24, 2014,

<http://townhall.com/tipsheet/katiepavlich/2014/04/24/horrifying-bodies-of-aborted-babies-burned-to-power-homes-in-oregon-n1828680>.

9 Aborted Babies Incinerated to Heat UK Hospitals, Sarah Knapton, The Telegraph, March 24, 2014,

<http://www.telegraph.co.uk/science/2016/03/15/aborted-babies-incinerated-to-heat-uk-hospitals/>.

10 Oregon Incinerator May Have Been Burning Tissue From Aborted Fetuses, CBS News, April 24, 2014,

<http://www.cbsnews.com/news/oregon-incinerator-may-have-been-burning-tissue-from-aborted-fetuses/>.

11 Commissioner ‘Horrified’ by Fetus Disposal Claims, Tyler Dunn, KOIN 6, April 24, 2014,

<http://koin.com/2014/04/24/medical-waste-banned-reports-fetus-disposal/>.

12 Luhra Tyvis, “Where is the Real Violence?” Celebrate Life. Sept/Oct 1994.

human flesh. Mine was the agony of a participant, however reluctant, in the act of prenatal infanticide.”

Having a personal crematorium enabled Tiller to hide any evidence from the state of illegal late-term abortions or the after-birth killing of babies who were born alive.

## 2) THE REACH OF RESEARCHERS

While we know that universities and fetal parts buyers (such as Indiana University,<sup>13</sup> New Mexico University,<sup>14</sup> StemExpress, Novogenix, and Advanced Bioscience Resources) purchase or otherwise obtain fetal organs and body parts from abortion facilities, Chelian admitted that the researchers don’t want all of the tissue.<sup>15</sup> By and large, they may not be willing to bear the weight of disposing of unwanted fetal body parts and, instead, as documents released by *The New York Times*<sup>16</sup> and the House Select Panel on Infant Lives<sup>17</sup> demonstrate, would rather pick and choose the specific body parts they require.

## 3) THE STAYING-POWER OF STERICYCLE

Chelian revealed that some abortion facilities struggle with the price of disposal. Many facility owners believe Stericycle has a near monopoly, as they are the largest known company willing to pick up and dispose of aborted bodies. This monopoly leads to price-gouging and a desire on the part of the abortion facilities to find another disposal solution. However, Chelian also referenced the industry’s close reliance on Stericycle:

*“There was a point when Stericycle fired us that I had five-months-worth of fetal tissue in my freezers. We were renting freezers to put them in.*

*It was all I thought about, was fetal tissue. Like, I was so consumed with fetal tissue, I was ready to drive to upper Michigan and have a bonfire. And I was just trying to figure out, you know, how I wouldn’t get stopped. Or, you know, how far into the woods would I have to go to have this fire that nobody was going to see me... I mean it was the worst, I dreamed about how to dispose of fetal tissue. And the garbage disposal was an option...”<sup>18</sup>*

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13 Indiana University Paid \$200 for Brains of Aborted Babies, Indiana Right to Life, November 15, 2016, <http://www.irtl.org/2016/11/indiana-university-paid-200-for-brains-of-aborted-babies/>.

14 Press Release, U.S. House Energy and Commerce Committee, June 23, 2016,

<https://energycommerce.house.gov/news-center/press-releases/select-panel-refers-university-new-mexico-southwestern-women-s-options>.

15 Abortion Clinics: Looking for Researchers to ‘Dispose’ of Baby Bodies?, Carole Novielli, Live Action News, Oct. 30, 2015,

<http://liveactionnews.org/abortion-clinic-looking-for-researchers-to-dispose-of-baby-bodies/>.

16 Documents Related to Fetal Tissue Research Investigation, The New York Times, March 24, 2016,

[http://www.nytimes.com/interactive/2016/03/24/us/politics/document-F-T-D-Document-Set.html?\\_r=0](http://www.nytimes.com/interactive/2016/03/24/us/politics/document-F-T-D-Document-Set.html?_r=0).

17 Interim Update to the U.S. House of Representative from the Chairman and Majority Members of the Select Investigative Panel on *The Transfer of Fetal Tissue and Related Matters*, July 14, 2016,

[https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/114/analysis/20160714Interim\\_Update.pdf](https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/114/analysis/20160714Interim_Update.pdf).

18 Abortion Facility Owner Jokes About a Baby Bonfire – But It’s Already Been Done, Carole Novielli, Live Action News, Oct. 29, 2015,

<http://liveactionnews.org/abortion-facility-owner-jokes-about-baby-bonfire-but-its-already-been-done/>.

Eventually, Chelian “hired someone to come to her abortion mill and unburden her freezers of all the [five-months-worth of] bodies. This person ground the bodies in the garbage disposal, from which they flowed into the public sewer system.”<sup>19</sup> At the time, this was a legal disposal practice in Michigan; however, since then, a new law requires burial, cremation, or incineration “unless the mother has provided written consent for research on the fetal remains.” Abortion clinics in the state are also required to have a medical waste license.

As a waste-giant, Stericycle appears to violate state laws consistently. On June 1, 2015, it was reported that the Washington Department of Ecology fined Stericycle \$72,000<sup>20</sup> for its mishandling of pharmaceutical waste (likely unrelated to abortion) that could “potentially leach into groundwater.” Even though the company had agreed to change some of its practices a year earlier, Stericycle continued its dangerous violation of state law.

In 2015, South Carolina discovered Stericycle was violating state law regarding the disposal of aborted babies and should be subject to fines.<sup>21</sup> Four years earlier, the company was also fined \$42,000 for violating fetal disposal laws in Texas.<sup>22</sup> In late 2014, Stericycle agreed to pay \$2.3 million to the state of Utah for emissions violations.<sup>23</sup> The Editorial Board of the Standard Examiner questioned whether the state “wants a Stericycle anywhere in its boundaries” because the company would not answer whether or not it was burning aborted babies at its plants.

The Campaign to Stop Stericycle gives some insight on how the company is able to be one of the main disposal entities for abortion clinics:

*[M]any people are confused about Stericycle’s waste acceptance policy. The vaguely worded policy does not mention fetal remains, but rather craftily states that “complete human remains” are unacceptable. Stericycle has told the Campaign to Stop Stericycle (CSS) that it does not know when a fetus is considered to be human, and that the determination is up to the abortion mill and state law.<sup>24</sup>*

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19 5 Disgusting Things Abortionists Have Been Caught Doing, Lauren Enriquez, Live Action News, Dec. 24, 2015, <http://liveactionnews.org/5-disgusting-things-abortionists-have-been-caught-doing/>.

20 Stericycle Fined \$72,000 for Pharmaceutical Waste Handling, Department of Ecology, State of Washington, June 1, 2015, <http://www.ecy.wa.gov/news/2015/072.html>.

21 South Carolina Department of Health and Environmental Control, Sept. 11, 2015, <http://www.scdhec.gov/health/docs/abortion/2015-09-11%20EQC%20NOAVs.pdf>.

22 Company Fined for Illegally Dumping Aborted Babies Given Ebola Waste Disposal DOT Contract, Katherine Rodriguez, CNS News, Oct. 6, 2014, <http://cnsnews.com/mrctv-blog/katherine-rodriguez/company-fined-illegally-dumping-aborted-babies-given-ebola-waste>.

23 Stericycle Agrees to \$2.3 Million Fine to Settle Emissions Violations in Utah, Andrea Smardon, KUER1, Dec. 1, 2014, <http://kuer.org/post/stericycle-agrees-23-million-fine-settle-emissions-violations-utah#stream/0>.

24 Campaign to Stop Stericycle, FAQ, Jan. 7, 2011, <http://www.stopstericycle.com/faq/>.



A documentary<sup>25</sup> includes this conversation with a Stericycle whistleblower:

*Ex-employee: Some of the bags that would come in there, like red biohazard bags, but they'd rip open and everything and there'd be arms, legs, feet. One ripped open and everything, like I seriously started crying when I seen that one 'cause it was actually a bag full of fetuses.*

*Urry: You've seen fetuses come through the facility?*

*Ex-employee: Yeah.*

*Urry: How common of an occurrence is that? I mean, is that something that you've seen a lot of, or just on that one occasion?*

*Ex-employee: I've seen that a lot. I started knowing which bags had what in it by the looks of them, and if I seen one that looked like that I'd just toss it. I didn't want to look at them anymore.*

### **Problems, Abuse, and Legal Minutiae in the States**

Chelian indicates a basic stance of the abortion industry: If something is cheap and even arguably legal, abortion facilities will likely take advantage of it. In Detroit, Michigan, this included the practice of “nearly 45 abortion facilities” who “routinely flushed baby parts into garbage disposals and out into the sewer system because it was cheap and legal, according to an archaic law.”<sup>26</sup>

Because laws governing fetal disposal are often archaic and scattered throughout a variety of state codes, regulations, and statutes, often, a dedicated effort must be made to find each related state law. A basic examination will show that fetal disposal laws are not universally predictable across the nation, and need individual evaluation. A basic examination will also reveal the need for inspection of abortion clinics and medical waste disposal companies who are often found violating and abusing the law.

#### **MICHIGAN**

Prior to getting the disposal law changed in their state, Right to Life of Michigan realized that “dead bodies” in the states’ disposition laws only included born persons and fetuses who were “at least 20 weeks gestation” or “at least 400 grams.”<sup>27</sup>

Since state law in Michigan did not include aborted babies prior to 20 weeks as persons or even as dead bodies, abortion clinics could dispose of the babies in dangerously unsanitary and disturbing ways. In 2008, bodies of aborted babies were found in a dumpster near Detroit, Michigan,

25 Medical Waste Plant Whistleblower Affirms Burning of Aborted Fetuses by Stericycle, Heather Murdcock, EnviroNews, Sept. 18, 2015, <http://environews.tv/091814-medical-waste-plant-whistleblower-affirms-burning-of-aborted-fetuses-by-stericycle/>.

26 Garbage Disposal or Incinerator?, Abortion Providers Debate How to Dispose of Babies, Susan Michelle, Live Action News, Oct. 27, 2015, <http://liveactionnews.org/garbage-disposal-incinerator-abortion-providers-debate-dispose-babies/>.

27 Michigan Public Act 499 of 2012. (Bill as passed, with changes and additions noted, available here: <https://www.legislature.mi.gov/documents/2011-2012/billconcurrent/House/pdf/2012-HCB-5711.pdf>.)

by a couple who stated the babies were approximately 10–12 weeks old. The husband wrote:

*[T]his time we also discovered infant body parts, including arms, hands, legs, feet, a spine, a ribcage, and eyes.*

*We estimate we found at least ten different infants. Each one was wrapped in a bloody gauze, tied at the end. Once you turned these inside out, you would find the infant parts.<sup>28</sup>*

After aborted babies were found in a dumpster outside of a clinic in Saginaw, a report from the Michigan Attorney General’s office quoted Senator Rick Jones, saying, “It’s widely known that employees at these facilities tossed unborn babies in the trash, so it is not surprising to find more evidence of callous disregard for state laws intended to protect patient safety.” The callous disregard Senator Jones spoke of was the improper disposal of patient medical records and a failure to license the clinic according to state law. Attorney General Schuette was able to shut down the illegally operating clinic.<sup>29</sup>

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## INDIANA

Some states are open to a wide variety of disposal means, and these states can attract waste companies that cross state lines to dump baby parts for abortion clinics in neighboring jurisdictions. Indiana Right to Life CEO Mike Fichter was “horrified” by findings in early 2016. “Unfortunately,” he said, “there are four other medical waste companies in Indiana that...have no restrictions on disposing of aborted babies. We fear Indiana’s current law allowing aborted babies to be treated as medical waste is making Indiana a magnet for fetal disposal.”<sup>30</sup>

Indiana waste company MedAssure was fined in 2016 for accepting fetal tissue from “Pathology Services, a Missouri lab that services Planned Parenthood.” MedAssure used microwaves and steam on the babies before disposing of them at a site.<sup>31</sup> Fichter reported that MedAssure “had been accepting up to six 31-gallon containers of aborted babies every week,” and that “these containers were dumped into an auger along with other medical waste, which was ground up together.”<sup>32</sup>

However, MedAssure was not technically violating the law – only the conditions of its permit.<sup>33</sup> The Indiana Department of Environmental Management (IDEM) explained that MedAssure was not licensed to accept the bodies of aborted babies, but that it did so anyway over a period of

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28 Remember the Dumpster Babies Found Behind the Abortion Clinic in Michigan?, Kevin Kukla, ProLife365.com, July 28, 2015, <http://prolife365.com/dumpster-babies/>.

29 From the Office of the Michigan Attorney General: Schuette Files Suit to Dissolve Improperly Incorporated Abortion Clinics in Eaton, Saginaw Counties, Nov. 7, 2011, <http://www.michigan.gov/ag/0,4534,7-164--265169--,00.html>.

30 Indiana Medical Waste Firm Fined for Handling Fetal Tissue, Tony Cook, Indy Star, Feb. 17, 2016, <http://www.indystar.com/story/news/politics/2016/02/16/anti-abortion-group-blasts-company-accepting-fetal-tissue-state-issues-fine/80461838/>.

31 *State of Indiana v. MedAssure of Indiana, LLC*, Agreed Order, Case No. 2016-23569-S, Indiana Dept. of Environmental Management, Feb. 5, 2016, <http://www.irtl.org/wp-content/uploads/2010/06/MedAssure-PAO-2-9-16.pdf>.

32 In Building a Culture of Life, ‘You Can Make a Difference,’ Caroline B. Mooney, The Catholic Moment, May 1, 2016, <http://www.thecatholicmoment.org/archive/2016/05-01/building-a-culture-of-life.html>.

33 Indiana Medical Waste Firm Fined for Handling Fetal Tissue, Tony Cook, Indy Star, Feb. 17, 2016, <http://www.indystar.com/story/news/politics/2016/02/16/anti-abortion-group-blasts-company-accepting-fetal-tissue-state-issues-fine/80461838/>.

nearly three-and-a-half years, from September 2012 to January 2016. IDEM specifically stated that MedAssure’s permit prohibited it from accepting items such as “fetal remains” or “human torsos.” Since MedAssure violated its permit for years, when it disposed of human remains that originated from Planned Parenthood’s abortions, IDEM fined the company \$11,250.<sup>34</sup>

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## OHIO

Ohio Attorney General Mike DeWine was shocked to discover what was happening to babies aborted by Planned Parenthood in his state. They ended up crossing state lines to, eventually, be dumped at a landfill in Kentucky. DeWine said, “I think it will come as a shock to Ohioans to find out that fetuses are being cooked and then they’re being put in a landfill and they’re going to be mixed in with yesterday’s garbage.”<sup>35</sup> Due to the broad terms in Ohio’s fetal disposition law, the state of Ohio ended up paying Planned Parenthood’s legal fees and costs in a settlement. Ohio law required that the disposition be done in a “humane manner,” and Planned Parenthood argued that the law was too vague and thus, their conduct was acceptable.

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## TEXAS

In Texas, two Whole Woman’s Health clinics and Stericycle were fined in 2011 for violations relating to the disposal of fetal remains. Stericycle’s \$42,000 fine in Texas came because the state’s law does not allow “recognizable human body parts...fetuses...and the products of human abortions” to be “disposed of in a municipal solid waste landfill,” and yet the remains of aborted babies were being dumped in multiple landfills.<sup>36</sup>

The Associated Press reported:

*The Texas Commission on Environmental Quality ordered fines Wednesday of \$22,980 and \$17,430 for the Whole Woman's Health clinics in Austin and McAllen. ... Stericycle, an Illinois-based international medical waste disposal company used by both clinics, was fined \$42,612.*

*And yet, in Whole Woman’s Health v. Hellerstedt, the McAllen center is one of the centers that sued Texas to seek an exception from health and safety requirements in HB2.*<sup>37</sup>

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34 Indiana Dept. of Environmental Management, Case No. 2016-23569-S, Feb. 5, 2016, available at: <http://www.irtl.org/wp-content/uploads/2010/06/MedAssure-PAO-2-9-16.pdf>.

35 Aborted Fetal Remains from Ohio Planned Parenthood Ended Up in Landfills, Incinerators, Attorney General Says, Jeremy Pelzer, Cleveland.com, Dec. 11, 2015, [http://www.cleveland.com/open/index.ssf/2015/12/aborted\\_fetal\\_remains\\_from\\_ohi.html](http://www.cleveland.com/open/index.ssf/2015/12/aborted_fetal_remains_from_ohi.html).

36 Texas Commission on Environmental Quality Investigation Report, June 3, 2011, <http://www.stopstericycle.com/wp-content/uploads/2011/06/Investigative-report-WWHAustin.pdf>.

On November 28, 2016, rules were adopted by Texas’ Health and Human Services Commission that now require burial or cremation for the bodies of aborted babies, regardless of gestational age. The rules are scheduled to take effect on December 19, 2016. (Rules submitted to the Texas Secretary of State:

[http://www.sos.state.tx.us/texreg/pdf/backview/0701/0701prop.pdf?\\_ga=1.97058135.993206591.1465582899](http://www.sos.state.tx.us/texreg/pdf/backview/0701/0701prop.pdf?_ga=1.97058135.993206591.1465582899))

37 2 Texas abortion clinics fined for fetus disposal, My San Antonio, February 11, 2012,

[http://www.mysanantonio.com/news/local\\_news/article/2-Texas-abortion-clinics-fined-for-fetus-disposal-3305551.php](http://www.mysanantonio.com/news/local_news/article/2-Texas-abortion-clinics-fined-for-fetus-disposal-3305551.php).

## OTHER EXAMPLES

Georgia Life Alliance found that aborted babies and their organs can be donated under the state's Anatomical Gift Act since "human bodies" are discussed and aborted babies are not excepted out of the law.<sup>38</sup> Massachusetts Citizens for Life discovered that there are ordinances and regulations put out by local Boards of Health in their state that deal with fetal disposition, making the regulations more difficult to track.<sup>39</sup>

In South Carolina in 2015, three abortion clinics and two disposal companies were inspected, and the state discovered they were violating regulations on fetal waste disposal in a variety of ways, including failure to disinfect containers, and the illegal storage of pathological waste in a refrigerator.<sup>40</sup>

In 2005, New Jersey abortionist Flavius Thompson had his license revoked because "medical waste material was being improperly disposed of down the sanitary sewer at that location." The NJ Acting Consumer Affairs Director said, "If proper procedures are not followed, patients are potentially put in danger. That is wholly unacceptable. The Board of Medical Examiners expects its licensees to adhere to legal and professional standards of conduct, as does the public."<sup>41</sup>

One pro-life leader explained how an abortion clinic that her organization bought had a habit of washing baby body pieces down the sink:

*"When we bought the abortion facility that is now our office, there was a clogged industrial garbage disposal in the sink where they washed out the suction machine bottles that stunk so badly that every room had a can of air freshener. It didn't help."<sup>42</sup>*

## Conclusion

There is no long-lasting victory in passing laws that merely require abortion facilities to dispose of preborn children in more humane ways. We may feel better when we stop aborted baby bodies from being chopped up in a garage disposal, but we must ensure that our laws are more than "feel-good" solutions. Such solutions enable the abortion industry to avoid fines, appear upstanding, and stay out of bad news cycles. Instead, we must evaluate every law that addresses life-related issues by asking four questions: 1) Does this promote the dignity of the preborn child?; 2) Does this encourage abortion clinics, mothers, and society to recognize the humanity of preborn life?; 3) Does this save lives or protect the vulnerable in any way?; 3) Does this bring us closer to a culture where abortion will be unthinkable?

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38 GA Code § 44-5-141 (2015).

39 Personal email between Massachusetts Citizens for Life and the author.

40 South Carolina Department of Health and Environmental Control, Sept. 11, 2015, <http://www.scdhec.gov/health/docs/abortion/2015-09-11%20EQC%20NOAVs.pdf>.

41 Tri-Town News Doctor surrenders license, 2/16/2005; Tri-Town News Doctor awaits hearing on future of license, 2/2/2005.

42 Through a personal email to the author.

Five main considerations for changes in fetal disposal laws are:

- Limit disposition to cremation or burial and include a requirement to individually cremate or bury the remains of each fetus, at every age, even if steam sterilization/autoclaving is required first. Remains should be stored, transported, and given a final disposition separately and individually.
- Consider ensuring that human fetuses are explicitly included as “human being” or “human body” in the disposition statutes already applied to other deceased human beings, instead of being considered medical or pathological waste. A requirement for “individual” cremation or burial may be necessary.
- Require any facility performing an abortion to inform the mother in writing that, since abortion involves the death of a human being, she must consent to the method of disposal for her child’s body, and list out the options for her to select. The options should be individual cremation or individual burial.
- Abortion facilities should be regularly and unexpectedly inspected by the appropriate state agency, and should not merely receive warnings for failure to comply with required disposition, the reporting thereof, or the filing of fetal death certificates. Failure to comply should be grounds for enforceable penalties, such as immediate suspension of the clinic or of the license of the medical personnel performing abortions.
- Enact limits on the number of human bodies that can be stored at an abortion facility at any given time and/or limits on how long a human body may be stored at the facility before needing to be individually cremated or buried. (Hospitals may need exceptions.)

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