



Liberty Counsel Action
LCAction.org

MODEL LEGISLATION

October 2025

Environmental Protection from Chemical Abortion and Dignified Disposal of Human Remains Act



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Be It Enacted By the Legislature of the State of []:

Section 1. TITLE —

- (a) This Act may be cited as the “Environmental Protection from Chemical Abortion and Dignified Disposal of Human Remains Act.”

Section 2. DEFINITIONS* —

As used in this section, the term:

- (a) “Aborted fetal remains” means the body parts and nonliquid human tissue of an aborted pregnancy, including but not limited to the placenta and umbilical cord.
- (b) “Abortion drug” means any drug or substance, or any combination of drugs or substances, that are prescribed:
 - 1. To intentionally kill the unborn child of a woman known to be pregnant; or
 - 2. To intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than to produce a live birth or to remove a dead unborn child.
- (c) “Abortion provider” means an individual or entity that performs abortions, including by prescribing abortion inducing drugs directly to patients.
- (d) “Chemical abortion” means the administration or use of an abortion-inducing drug to perform an abortion.
- (e) “Elective abortion” means an induced pregnancy termination, including both chemically and surgically induced pregnancy terminations; it does include “spontaneous abortions,” i.e. miscarriages.
- (f) “Remains of an aborted unborn child” means the physical remains of an unborn child at any stage of gestation whose life has been terminated by an elective abortion.
- (g) “Telehealth” has the meaning defined in United States Code Title 42 § 254c-16(a)(4).¹

¹ “The term ‘telehealth’” means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.” See: <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title42&saved=L3ByZWxpUB0aXRsZTQyL2NoYXB0ZXI2%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGU0Mi1jaGFwdGVyNg%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>.

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Section 3. DISPOSAL OF HUMAN REMAINS —

- (a) A facility at which an elective abortion has been performed shall provide for the individual disposition of the remains of the aborted unborn child by cremation or interment by burial within 10 days of the abortion procedure.
- (b) Any abortion provider, prior to performing an abortion, shall provide the patient with an informed consent form, offering the patient the following options for disposal of the human fetal tissue from the abortion:
 - 1. The patient may take possession of the remains of an aborted unborn child that have been properly sealed and contained by the abortion provider for transfer to an entity providing interment or cremation services.
 - 2. The patient may elect to release the remains of an aborted unborn child to the abortion provider, who shall be subject to the requirements of subsection (a).
- (c) An abortion provider described in section (2) shall—
 - 1. Obtain a patient signature on each consent form required under paragraph (1); and
 - 2. Retain each such form in the patient's file.
- (d) It shall be unlawful for a facility at which an elective abortion has been performed to dispose of the remains of an aborted unborn child in a manner other than provided in this section.

Section 4. IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED —

- (a) Only a physician may perform or induce a termination of pregnancy.
- (b) A physician may not use telehealth to perform an abortion, including, but not limited to, chemical abortion.
- (c) Abortion drugs must be administered in person by a physician. If a chemical abortion requires multiple doses of an abortion drug, each dose must be administered by the physician. In accordance with 18 U.S.C. § 1461, abortion drugs may not be dispensed through the United States Postal Service or by any other courier or shipping service other than to a medical doctor for the purposes of distribution to patients.
- (d) A physician must monitor the patient in person at the abortion facility for the entire period from the administration of the final dose of the abortion drug(s) through the

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completion of the abortion, determined by the complete expulsion of all aborted fetal remains from the mother's uterus. If multiple abortion drugs or doses are prescribed, women shall be provided with a red biohazard bag and informed of the possibility that they may expel some or all of the aborted fetal remains prior to the final dose of said abortion drug.² In such circumstances, women must collect all aborted fetal remains in the provided biohazard bag, and either:

1. Return the aborted fetal remains to the abortion provider, who must ensure the remains of an aborted unborn child receive a dignified disposal, pursuant to Section 3 of this Act, or
2. Arrange for the dignified disposal of the remains of an aborted unborn child, pursuant to Section 3 of this Act.

(e) Upon completion of the abortion, the physician must examine the aborted fetal remains to ensure their complete expulsion from the uterus. Should any aborted fetal remains be missing, the physician must immediately provide the woman upon whom the abortion was performed the necessary aftercare that will ensure the complete expulsion of all aborted fetal remains from her uterus. The remains of an aborted unborn child must be disposed of in the manner prescribed by Section 3 of this Act.

Section 5. FETAL REMAINS —

- (a) Remains of an aborted unborn child shall be stored in a sanitary manner until the time of their disposal pursuant to section 3 of this Act.
- (b) Under no circumstances may aborted fetal remains or any unused abortion drugs to be disposed of by flushing them down the toilet or in any other manner that causes the remains or any unused abortion drug to enter into the wastewater system. Failure to dispose of aborted fetal remains in accordance with this subsection is a misdemeanor of the first degree, punishable as provided in [insert relevant portion of state law].

² NB: Aid Access states, "Mifepristone without Misoprostol can cause these outcomes:

1. You might experience a complete abortion without ever taking Misoprostol.
2. You might experience a missed abortion, which means that the fetus is no longer viable, but the products of pregnancy (blood, tissue) do not leave your body. This has to be treated with taking the misoprostol or a vacuum aspiration.
3. It is also possible that your pregnancy might continue. If you decide you want to keep the pregnancy at this point, it is unlikely that the Mifepristone will cause later fetal malformations."

See: <https://aidaccess.org/en/page/450/what-if-you-take-the-mifepristone-and-then-decide-not-to-take-the>.

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- (c) Under no circumstances may an abortion provider instruct or suggest to a patient seeking a chemical abortion that she dispose of the aborted fetal remains by flushing them down the toilet. Suggesting aborted fetal remains be flushed down the toilet is a misdemeanor of the first degree, punishable as provided in [insert relevant portion of state law].

Section 6. POWERS OF DEPARTMENT, RULES—

- (a) The [Department of Health / Relevant State Agency] may adopt and enforce rules, in the interest of protecting the public health, to ensure the prompt and proper disposal of the remains of an aborted unborn child and other aborted fetal remains resulting from pregnancy termination. Rules must be consistent with this Act.
- (b) If an owner, operator, or employee of an abortion clinic fails to dispose of the remains of an aborted unborn child in a dignified and sanitary manner pursuant to this Act and rules adopted by the [Department of Health / Relevant State Agency] pursuant to this section, the license of such clinic may be suspended or revoked, and such person commits a misdemeanor of the first degree, punishable as provided in [insert relevant portion of state law].

**States may also consider updating their definition of “Biomedical waste” to ensure the term does not include human remains resulting from a completed abortion.*