

State-by-state laws regarding placentas written, researched and maintained by Courtney Durfee. (APPA, 2014) (www.cddoula.com).

State	Placenta Release	Placenta Encapsulation as a Service
* Alabama	There are no state statutes or regulations on this matter. Placental tissue should be treated in accordance with the hospital's tissue policy.	There are no state statutes or regulations on this matter.
* Alaska	No statutes or regulations prohibiting the transport of placenta after delivery. Hospital-specific policies may prohibit this or require special handling.	The state has no statutes or regulations regarding this process.
* Arizona	Valid as of 8/2011: "There are no statutes or rules surrounding the removal of a placenta by the family. It would be a parent's option to discuss the issue with the physician and the hospital to find a agreeable solution. If a hospital says there are DHS regulations, they are not being truthful. Whomever hears this should speak to the administration at the hospital. It could be that the hospital has a policy and ADHS holds the hospital to its policy. It would not be within the normal course of business for a state agency to state a position. It is a matter for people to decide on their own." Laura Oxley, Communication Director, Arizona Department of Health Services	
* Arkansas	Valid as of 8/2011: "A placenta is considered medical waste only at such a time that the placenta would be placed into the waste stream. If the placenta would still be of use and/or not disposed of as waste, ADH would have no regulation of it as medical waste. However, when it is placed into the waste stream for disposal... it is then pathological medical waste and would have to be disposed of according to our regulations." Robert Brech, Deputy General Counsel, Arkansas Department of Health	
* California	Most hospitals will release the placenta.	
* Colorado	<i>Most Colorado hospitals are aware of your rights to the placenta; however, if you anticipate a problem you can submit a "Release of Placenta</i>	According to the FDA & Health Dept. there are no requirements for licensing

	<i>and Waiver Liability” to your care provider/hospital.</i>	or inspection. Their answers are specifically geared toward the scenario of doing the encapsulation in the client's home not necessarily in your own.
* Connecticut	Placenta release is frowned upon but at the discretion of the hospital.	
* Delaware	No regulations regarding the matter. No problem getting placentas released from a local hospital or birth center, according to an IPSP from DE	A nurse manager for the Department of Public Health stated that she had no idea of any regulations regarding the matter. She was more concerned that there could be money exchanging hands for the service, or if the mother did it herself it would pose less of a problem.
* Florida	AHCA staff has informed us that they are not aware of any statewide regulation or law prohibiting a person from taking home their child’s placenta. However, individual hospitals may have their own policies regarding this matter. *Update 8/2011* "Currently, Florida does not have a statute that covers the release of placentas, and the Florida Department of Health does not have policies or regulations regarding this matter." Infant, Maternal & Reproductive Health Program, Division of Family Health Services, Florida Department of Health	Florida's Drug and Cosmetic Act can be found at Chapter 499, Florida Statutes. If the encapsulation of placenta is designed or prepared for purposes of preventing or treating a disease or illness, under Florida law it meets the definition of a drug. (See Section 499.003(19),F.S.) Pharmacist are licensed to compound and manufacture drugs as are persons registered with the Food and Drug Administration (See Sections 465.003(13) and 499.003(30 & 31), F.S.). It is highly recommended that you confer with the Federal Food and Drug Administration as to the applicable federal law before encapsulating placenta for distribution or

		dispensation. The applicable state laws can be found in Chapter 499, Florida Statutes as well as the healthcare profession/practitioner law for physicians and pharmacist, Chapters 458 (medical practice), 459 (osteopathic medicine) and 465 (pharmacy), respectively.
* Georgia		
* Hawaii	Hawaii Revised Statute (HRS) 321-30: Upon negative findings of infection or hazard after appropriate testing of the mother, the human placenta may be released by the hospital to the woman from whom it originated or to the woman’s designee. The department shall establish a release form which shall stipulate appropriate measures for the safe release of human placenta.	There are no other rules governing what someone does with the placenta once it is released.
* Idaho	From DOH: We are not aware of any state regulations related to your question. If the birth will take place in a hospital then you may want to contact the Idaho Hospital Association. Their email address is info@teamiha.org and their phone number is 338-5100.	No related state regulations.
* Illinois	The placenta is to be rendered innocuous before removal from the premises. The hospital may require the patient to sign a release stating the patient agrees the placenta will not be disposed of with domestic waste (i.e., household garbage or trash) and releases/acquits the hospital from any and all liability. When relevant, it is also advisable to determine if the county/municipality requires a burial permit.. ****Illinois EPA states, "The fact that a post-birth placenta is being taken home by the person who “generated” the placenta, to be used by that person and not thrown away, means that the placenta is not a “waste.” In this setting, it would not fall under the definition of “potentially infectious medical	DOH has no information about state regulations concerning personal consumption in the home. No storing of food/placenta at the personal chef’s/IPSP's home otherwise, would need to have a business and a food permit and then depending on operation may need to be certified in food sanitation. (thanks Julie Elliot!)

	waste” (PIMW) found in 35 Illinois Administrative Code 1420.102 and could be taken home with the mother."****	
* Indiana	Currently, placentas must be disposed of by the hospital by law and not released to mother.	
* Iowa	IDPH and the Department of Inspections and Appeals are not aware of any rules or regulations against placenta release. Ask the healthcare facility that is denying release for their reference for their supposed requirement. It seems an odd restriction to be placed when such a small number of patients would be requesting this.	
* Kansas	Per Dr. Paramjit Bhatia, a pathologist at Stormont-Vail, as long as there is an absence of disease in the placenta, there is no law, rule or health code prohibiting a woman from taking her placenta home for its use in religious or cultural practices or for personal consumption. Per our hospital regulation program, there are no hospital-based requirements of which they are aware.	Per our health occupations credentialing program, they are not aware of any certification or permit requirement for these specialists. Kansas does not consider the placenta to be medical waste and has no transportation requirements. They've contacted and are still waiting to hear back from the Food Safety program in Dept of Agriculture. They have contacted the FDA to see if there are any food safety-handling issues.
* Kentucky	In the absence of any state guidelines or standards, DOH called the infection control nurse and lab director at the local hospital for current practices. They have a policy that patients are allowed to take body parts, removed hardware, etc home after Pathology has completed any testing needed. Hardware can be cleaned and sterilized. Body parts (gallstones, etc) may be taken home after education to the patient of biohazard risk and properly wrapped and marked with the patients name and “Biohazard”. As for the placentas that do not need to go to Pathology, those can be taken home by the patient if requested after education of biohazard	There is not a certification for this procedure or this specific situation, placentophagia.

	risks and marked accordingly. The infection control nurse said that formalin would be used and then drained from any body part taken by a patient but if they were planning on consuming, this would of course not be completed.	
* Louisiana	For a placenta being brought home from the hospital where a baby was born - by a parent - there are no state regulations	There are no regulations or laws pertaining to the dehydration and encapsulation of placenta for personal use.
* Maine	No regulations on the books	Home chef handling regulations apply, could not find any limitations on preparing placentas in your home or in the client's home
* Maryland		
* Massachusetts	A placenta taken home from the hospital for a variety of cultural, religious and personal reasons is not being discarded as waste. Hospitals should have policies and procedures for addressing this fairly common issue so families should inquire BEFORE the wonderful day arrives. There may be limits based solely on cultural and/or religious beliefs. The same internal policies and procedures should detail the use of safe, secure, and leak-proof containers that identify the contents of the container.	
* Michigan	There are no laws or regulations against a woman taking her placenta home with her. She will have to sign a waiver with the individual hospital stating that she understands that she cannot dispose of it through traditional means of burial or public waste disposal.	
* Minnesota		The health department and the licensing boards do not regulate, certify, or provide permits for the practices you describe. Until August 2009 there was an Office of Complementary and Alternative Health Practices at the state but it closed

		due to budget cuts. See MINNESOTA STATUTES 2009, CHAPTER 146A
* Mississippi		
* Missouri		
* Montana		
* Nebraska	If a placenta was determined by a hospital to be diseased, the hospital would be expected to ensure it proper disposal to avoid its becoming the source for the transmission of infections and communicable diseases.	OSHA laws may come to bear on the disposal of placenta
* Nevada	Dr. Bradford Lee, health officer for Nevada's Health Division, said he has been advised by the state attorney general's office that there is no statute or regulation prohibiting hospitals from returning placentas to mothers. And no federal laws bar hospitals from providing placentas to patients.	
* New Hampshire		
* New Jersey	New Jersey has no laws or regulations which address this issue.	New Jersey has no laws or regulations which address this issue.
* New Mexico	There are no laws, health codes or regulations specifically addressing this issue. Albuquerque area hospitals generally will let a woman take home her placenta if she just requests it.	<i>ABQ/ Bernalillo county does not require a food handler's permit for "personal chef". DOH: What women do with the placenta once it is home is up to them.</i>
* New York	NYS regulated hospitals and medical facilities may, at the request of a patient or patient's representative, return a healthy placenta for disposition by the patient without violating any NYS public health law or regulation. If a placenta is not discarded but rather used for medical/religious/cultural purposes, then it is not classified as waste. There is no provision in statute or regulation expressly prohibiting the return of a healthy body part to a living patient.	Personal chefs are not regulated, at least in Orange County, provided the client is providing all "food products" and the "personal chef was merely coming to the residence and preparing the client's own "food products" for their consumption. On a state level, "There is no provision in labor law for this issue." ***7/2011 HuffPost Article says, "In New York, anyone

		<p>working with placentas, which are classified as human tissue, must get a license, said Health Department spokesman Jeffrey Hammond. "If you're processing and handling human tissue in New York state, you need to demonstrate the methods used for handling human tissues and that you're compliant with New York state regulations," Hammond said. Hammond wouldn't answer questions about penalties faced by unlicensed encapsulators, although he added that no one running a placenta pill mill has ever applied for a permit. " *** Update March 2012: "The activity you describe does not require a tissue bank license from the New York State Department of Health. If the capsules were provided for ingestion by others, a tissue bank license, as well as compliance with donor evaluation and testing requirements, would be required." Thomas J. Favreau, Supervisor Blood and Tissue Resources, Wadsworth Center, New York State Department of Health</p>
<p>* North Carolina</p>	<p>"Patients may take possession of their placentas providing certain criteria are fulfilled. First, patients wishing to retain possession of their placentas must consult with their physician. Physicians must be comfortable that possession</p>	<p>No regulations at this time.</p>

	<p>of the placenta by the patient poses no threat to the public health and that there is no compelling medical reason why the patient should not have possession. Secondly, the patient must state the reason that the placenta is not to be designated as a “waste” and should not be destined for disposal. It is acknowledged that examples of these uses include: -A patient wishing to retain possession of their placenta for the purpose of fulfilling a religious requirement is acceptable. The medical waste laws and rules of the State of North Carolina are not meant to interfere with the religious practices of any person or group. The exceptions to this are those practices where the placenta is intended to be consumed by persons other than the patient. -Patients who may wish to retain the placenta for interment. -Patients wishing possession for the purpose of placentophagy for the alleviation or prevention of post-natal depression and/or pre-menopausal or menopausal symptoms is also acceptable providing that the patient certifies that the placenta is for their personal use only." Bill Patrakis, Environmental Biologist with the Division of Waste Management, Solid Waste Section of the NC Department of Environment and Natural Resources November 2010 (thank you to Christina Gabbard for tracking down this information and sharing it)</p>	
<p>* North Dakota</p>	<p>The Legislative Council has completed a search of state law and administrative code and found nothing relating to placentas. Currently in North Dakota personal requests to release placentas to a mother would be dealt with on a case by case basis between the delivering clinician, institution and patient.</p>	<p>The Division of Disease Control have no polices, regulations, etc. relating to encapsulation.</p>
<p>* Ohio</p>	<p>Hospital specific, not regulated by state</p>	<p>The Ohio Department of Health does not regulate the in home service of steaming, dehydrating and encapsulating a woman's placenta in her own home for her own personal consumption</p>

* Oklahoma	No difficulties with hospitals releasing placentas in the Oklahoma metro area however some hospitals require the placenta to stay in pathology for up to a week before releasing it.	Oklahoma county does not require a food handler's permit however the cities of Moore & Norman do require food handler's permits.
* Oregon	The Oregon State Senate unanimously approved the bill, HB 2612, as the House did in March 2013. Prior to the 2014 law, most Oregon hospitals allowed mothers to take home their placentas for cultural and religious reasons. This practice is now on the books as an enacted law and Oregon mothers are legally entitled to take their placenta home from the hospital after giving birth. Placenta release in this state is regulated by the Oregon Health Authority. For info on the bill see http://gov.oregonlive.com/bill/2013/HB2612/	
* Pennsylvania		
* Rhode Island	No state laws or regulations	
* South Carolina		
* South Dakota	The Department of Health does not have a specific rule or state regulation regarding the release of a placenta. However, in order for this to happen the hospital must have a policy that addresses the release of human organs or tissue. That policy may or may not be specific to placentas. If the facilities policy allows for the release we would expect the physician to first determine if the placenta is healthy, not infectious. The physician should then document the release of the placenta to the mother through a medical order. I would recommend the women contact the expecting hospital prior to birth to ensure they are aware of this request as well as knowing if there are any restrictions.	
* Tennessee	Usually no problem. there are no laws or facility regulations pertaining to women who wish to bring their healthy placentas home from the hospital or birthing center for religious/cultural/nutritional reasons. *update	Courtesy of Holly Stewart 09/2011: "If the person who prepares the placenta for the mother is an employee of someone or of a

	<p>8/2011*: "In reviewing the hospital regulations I don't see where there is anything in them that would specifically prohibit the release as they would not fall into the category of: 1200-08-01-.10(2)(d) Pathological waste, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy; since they aren't actually a waste generated by removal during surgery and they are not a recognizable organ as in: 1200-08-01-.10(10) Human anatomical remains which are transferred to a mortician for cremation or burial shall be exempt from the requirements of this subparagraph. Any other human limbs and recognizable organs must be incinerated or discharged (following grinding) to the sewer." Carol Mace, TNDOH *Update 9/8/11* "The Division of Solid Waste Management does not have a policy in place to allow patients to keep their own placentas. It is up to the hospital and the physician to release or allow patients to keep their own placentas. In this instance , a determination has been made that it is not solid waste (presumably because there is some other end use besides disposal) and therefore, not a medical waste . If you have any other questions , Please call me at 615/532-0796. Bassam Faleh, TN Division of Solid Waste Management"</p>	<p>corporation, they would have to be trained and in compliance with the bloodborne pathogen standard, 1910.1030, hazard communication standard 1910.1200, personal protective equipment 1910.132, and possibly other TOSHA standards. Non-employees such as partners in a business and sole owners are not covered by TOSHA standards, only employees. There are no rules about where the process can be performed, just that the area must be cleaned and disinfected after the procedure is completed, if employees are involved. This response is for information purposes only and does not constitute an official communication of the Tennessee Department of Labor and Workforce Development or TOSHA." Sandy Bennett, Manager of Training, TOSHA. For an official response, please write to: Manager of Standards and Procedures State Of Tennessee Department Of Labor and Workforce Development Division of Occupational Safety and Health 220 French Landing Drive Nashville, Tennessee 37243-1002</p>
* Texas		

* Utah	University of Utah Hospital will release placentas "without too much fuss" also according to Jules Johnstun of placentarius.com	<i>Requires a food handler's permit for "personal chef" (at least in Salt Lake County)</i>
* Vermont	Most hospitals allow for families to save and bring home the placenta. We recommend contacting the (prospective) birth hospital to inquire about its policy.	We recommend that you, or the individual engaging in the activity, seek out legal advice to ensure you have all the current & correct information.
* Virginia		
* Washington		
* West Virginia	The West Virginia Code is silent on the question of a woman who wishes to bring her placenta home from the hospital after giving birth. Most hospitals will release the placenta.	There are no rules, regulation or state code that address this issue. Therefore, there are no permit or certification requirements.
* Wisconsin	No currently related laws or regulations.	No related state regulations.
* Wyoming	There are no Wyoming regulations or rules to aid women who wish to bring their healthy placentas home from the hospital for religious/cultural/nutritional reasons as that decision rests with each hospital. A Wyoming hospital told us that the placentas are sent to pathology for review and bio waste for appropriate disposal at present.	Official response from DOH, "You might want to contact your local health department or healthcare provider regarding local codes and requirements" So nothing on a STATE level