

# SENATE BILL No. 375

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-15-2-10; IC 25-15-8-25.

**Synopsis:** Religious exemption from use of a funeral director. Exempts licensed physicians who are members of or who serve a religious group that is opposed to using the services of a funeral director from having to be licensed as a funeral director to perform funeral services such as preparing and holding human remains for disposition and supervising a funeral for the disposition of human remains. Prohibits a physician providing funeral services from charging more than the cost of the services. Requires a physician providing funeral services to obtain the services of a funeral director to the extent the physician lacks the skills or facilities to provide the funeral services in a manner that is consistent with the public health and safety. Prohibits a physician from providing funeral services where the

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**Effective:** July 1, 1998.

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January 9, 1998, read first time and referred to Committee on Public Policy.

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Digest Continued

services are provided as part of a relationship between the physician and a corporation. Allows a local health official to issue a permit for the disposition of a body to a physician allowed to provide funeral services because of religious considerations.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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## SENATE BILL No. 375



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-15-2-10, AS AMENDED BY P.L.2-1996,  
 2 SECTION 270, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1998]: Sec. 10. As used in this chapter,  
 4 "exempted person" means a person that does not perform any funeral  
 5 services other than one (1) or more of the following:  
 6 (1) Sells, as a seller licensed under IC 30-2-13 or an agent or a  
 7 representative of a seller:  
 8 (A) funeral merchandise described in IC 30-2-13-8 at need; or  
 9 (B) funeral merchandise defined in IC 30-2-13-8 under a  
 10 certificate of authority authorized by IC 30-2-13-33 and not  
 11 funeral services defined in section 17(1), 17(2), or 17(3) of  
 12 this chapter unless they are funeral services (as defined in  
 13 IC 30-2-13-8) and ratified as required by IC 30-2-13-20.  
 14 (2) Cremates human remains, but does not conduct a funeral  
 15 service in conjunction with the cremation.



- 1 (3) Cremates human remains or holds human remains less than  
2 forty-eight (48) hours for the purpose of cremating the human  
3 remains without a funeral service or memorial service in  
4 conjunction with the final disposition of the cremated remains.  
5 (4) Performs services for a morgue in a hospital or other facility  
6 licensed under IC 16-21 that are directly related to the purposes  
7 of the hospital or other facility.  
8 (5) Performs services for a school of mortuary science that are  
9 directly related to an educational purpose.  
10 (6) Arranges, supervises, or conducts a religious or memorial  
11 service for a deceased individual if:  
12 (A) the human remains of the deceased individual are not  
13 present at the service; and  
14 (B) final disposition of the deceased individual's human  
15 remains has been or will be completed under the authority of  
16 a funeral director having obtained a burial permit issued by the  
17 state of Indiana.  
18 (7) Conducts a religious or memorial service with the human  
19 remains of the deceased individual present if the funeral is  
20 arranged and directly supervised by a funeral director.  
21 (8) If the person is a cemetery, sells or offers advice concerning  
22 methods or alternatives available for final disposition of human  
23 remains.  
24 **(9) Performs funeral services other than those specified by**  
25 **section 17(4), 17(5), or 17(6) of this chapter for a bona fide**  
26 **religious group whose beliefs oppose using a professional**  
27 **funeral director, if the person:**  
28 **(A) is a physician licensed under IC 25-22.5 and:**  
29 **(i) is a member of the religious group; or**  
30 **(ii) regularly provides services to the religious group's**  
31 **community;**  
32 **(B) disposes of the human remains of a member of the**  
33 **religious group in a manner consistent with public health**  
34 **and safety;**  
35 **(C) does not charge an amount that exceeds the costs**  
36 **associated with the provision of the funeral services;**  
37 **(D) has a funeral director provide funeral services to the**  
38 **extent the physician lacks the skills or facilities to provide**  
39 **those services in a manner that is consistent with public**  
40 **health and safety; and**  
41 **(E) does not provide services to the religious group as part**  
42 **of a relationship between the physician and a corporation.**

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1 SECTION 2. IC 25-15-8-25 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 25. A local health  
3 officer may issue a permit under IC 16-37-3-10 only to **a physician**  
4 **described in IC 25-15-2-10(9)**, a funeral director acting as an agent,  
5 or a funeral home licensee or another individual acting under the direct  
6 supervision of a funeral director who is an agent of a funeral home  
7 licensee.

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