



Reprinted  
January 29, 2002

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## HOUSE BILL No. 1049

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DIGEST OF HB 1049 (Updated January 28, 2002 4:18 PM - DI 101)

**Citations Affected:** IC 16-18; IC 16-19; IC 16-46.

**Synopsis:** Bone marrow and organ donor fees. Establishes a fund to pay for the testing of bone and organ marrow donors. Transfers \$50,000 to the fund from the anatomical gift promotion fund for the state fiscal year beginning July 1, 2002.

**Effective:** July 1, 2002.

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### Crosby, Brown C, Dillon, Moses

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January 8, 2002, read first time and referred to Committee on Public Health.  
January 16, 2002, amended, reported — Do Pass.  
January 23, 2002, read second time, call withdrawn.  
January 28, 2002, reread second time, amended, ordered engrossed.

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HB 1049—LS 6463/DI 77+



Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## HOUSE BILL No. 1049

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-18-2-143, AS AMENDED BY P.L.14-2000,  
2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2002]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has  
4 the meaning set forth in IC 16-26-2-2.

5 (b) "Fund", for purposes of IC 16-46-5, has the meaning set forth in  
6 IC 16-46-5-3.

7 **(c) "Fund", for purposes of IC 16-46-12, has the meaning set**  
8 **forth in IC 16-46-12-1.**

9 SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.131-2001,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2002]: Sec. 26. (a) The anatomical gift promotion fund is  
12 established. The fund consists of amounts distributed to the fund by the  
13 auditor of state under IC 9-18-2-16.

14 (b) The treasurer of state shall invest the money in the fund not  
15 currently needed to meet the obligations of the fund in the same  
16 manner as other public funds are invested. Interest that accrues from  
17 these investments shall be deposited in the fund.

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1 (c) The state department shall administer the fund. Any expenses  
2 incurred in administering the fund shall be paid from the fund.

3 (d) Except as provided in subsections (e) and (f), the state  
4 department shall select appropriate organ procurement organizations  
5 to which the money deposited in the fund shall be distributed.

6 (e) Except as provided in subsection (f), the state department may  
7 not distribute any money from the fund after June 30, 2001.

8 (f) Beginning July 1, 2002, the state department shall distribute  
9 money deposited in the fund **as follows:**

10 **(1) For the state fiscal year beginning July 1, 2002, the lesser**  
11 **of fifty thousand dollars (\$50,000) or the amount in the fund**  
12 **shall be distributed to the bone marrow and organ donor fund**  
13 **established under IC 16-46-12-2. After the distribution to the**  
14 **bone marrow and organ donor fund under this subdivision,**  
15 **any amount remaining in the fund shall be distributed to the**  
16 **Indiana Donation Alliance Foundation.**

17 **(2) For the state fiscal year beginning July 1, 2003, the money**  
18 **in the fund shall be distributed to the Indiana Donor Alliance**  
19 **Foundation.**

20 (g) The Indiana Donation Alliance Foundation shall keep  
21 information regarding the identity of an individual who has indicated  
22 a desire to make an organ or tissue donation confidential.

23 (h) Money in the fund at the end of a state fiscal year does not revert  
24 to the state general fund.

25 (i) This section expires June 30, 2004.

26 SECTION 3. IC 16-46-12 IS ADDED TO THE INDIANA CODE  
27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2002]:

29 **Chapter 12. Bone Marrow and Organ Donations**

30 **Sec. 1. As used in this chapter, "fund" refers to the bone**  
31 **marrow and organ donor fund established by section 2 of this**  
32 **chapter.**

33 **Sec. 2. (a) The bone marrow and organ donor fund is**  
34 **established for the purposes under section 3 of this chapter. The**  
35 **department shall administer the fund.**

36 **(b) Expenses of administering the fund shall be paid from**  
37 **money in the fund.**

38 **(c) The treasurer of state shall invest the money in the fund not**  
39 **currently needed to meet the obligations of the fund in the same**  
40 **manner as other public money may be invested.**

41 **Sec. 3. The department shall use money in the fund to:**

42 **(1) establish a program; or**

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1           **(2) provide grants to programs;**  
2           **to provide free human leukocyte antigen (HLA) testing, which is**  
3           **administered to place an individual on a national bone marrow**  
4           **donor registry and provide free testing to place an individual on a**  
5           **national human organ donor registry.**  
6           **Sec. 4. The department may adopt rules under IC 4-22-2 to**  
7           **administer this chapter.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1049, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, after "Marrow" insert "**and Organ**".

Page 1, line 14, after "marrow" insert "**and organ**".

Page 1, line 15, after "marrow" insert "**and organ**".

Page 2, line 11, after "registry" insert "**and provide free testing to place an individual on a national human organ donor registry**".

and when so amended that said bill do pass.

(Reference is to HB 1049 as introduced.)

BROWN C, Chair

Committee Vote: yeas 14, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1049 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.131-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) Except as provided in subsections (e) and (f), the state department shall select appropriate organ procurement organizations to which the money deposited in the fund shall be distributed.

(e) Except as provided in subsection (f), the state department may not distribute any money from the fund after June 30, 2001.

(f) Beginning July 1, 2002, the state department shall distribute money deposited in the fund **as follows:**

**(1) For the state fiscal year beginning July 1, 2002, the lesser of fifty thousand dollars (\$50,000) or the amount in the fund shall be distributed to the bone marrow and organ donor fund established under IC 16-46-12-2. After the distribution to the bone marrow and organ donor fund under this subdivision, any amount remaining in the fund shall be distributed to the Indiana Donation Alliance Foundation.**

**(2) For the state fiscal year beginning July 1, 2003, the money in the fund shall be distributed to the Indiana Donor Alliance Foundation.**

(g) The Indiana Donation Alliance Foundation shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) This section expires June 30, 2004."

Re-number all SECTIONS consecutively.

(Reference is to HB 1049 as printed January 17, 2002.)

BROWN T

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