

# HOUSE BILL No. 1556

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-2-16-4.5; IC 34-30-2-153.1; IC 36-2-14-19.

**Synopsis:** Anatomical gifts. Provides that the conditions for a coroner to release a donated cornea apply to other anatomical gifts. Allows procurement organizations to remove anatomical gifts. Requires a coroner to confer with a procurement organization when an individual dies in a hospital and to document: (1) whether the anatomical gift has a useable life; and (2) the means to fulfill the donation. Makes conforming changes.

**Effective:** July 1, 2005.

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**Becker, Grubb**

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January 18, 2005, read first time and referred to Committee on Public Health.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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# HOUSE BILL No. 1556



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

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

1 SECTION 1. IC 29-2-16-4.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A coroner may  
 3 release and permit the removal of a part from a body within the  
 4 coroner's custody, for transplantation or therapy only, if all of the  
 5 following occur:

- 6 (1) The coroner receives a request for a part from a hospital,
- 7 physician, surgeon, or procurement organization.
- 8 (2) The coroner makes a reasonable effort, taking into account the
- 9 useful life of a part, to locate and examine the decedent's medical
- 10 records and inform individuals listed in section 2(b) of this
- 11 chapter of their option to make or object to making a gift under
- 12 this chapter.
- 13 (3) The coroner does not know of a refusal or contrary indication
- 14 by the decedent or an objection by an individual having priority
- 15 to act as listed in section 2(b) of this chapter.
- 16 (4) The removal will be by:
- 17 (A) a physician licensed under IC 25-22.5; or



- 1 (B) in the case of removal of an eye or part of an eye, by an
- 2 individual described in section 4(e) of this chapter; ~~and~~ **or**
- 3 **(C) a person described** under IC 36-2-14-19.
- 4 (5) The removal will not interfere with any autopsy or
- 5 investigation.
- 6 (6) The removal will be in accordance with accepted medical
- 7 standards.
- 8 (7) Cosmetic restoration will be done, if appropriate.

9 (b) If the body is not within the custody of the coroner, the medical  
 10 examiner may release and permit the removal of any part from a body  
 11 in the medical examiner's custody for transplantation or therapy if the  
 12 requirements of subsection (a) are met.

13 (c) A person under this section who releases or permits the removal  
 14 of a part shall maintain a permanent record of the name of the  
 15 decedent, the individual making the request, the date and purpose of  
 16 the request, the body part requested, and the person to whom it was  
 17 released.

18 SECTION 2. IC 34-30-2-152.8 IS ADDED TO THE INDIANA  
 19 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 20 [EFFECTIVE JULY 1, 2005]: **Sec. 152.8. IC 36-2-14-9 (Concerning**  
 21 **a person who removes an anatomical gift).**

22 SECTION 3. IC 36-2-14-19 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this  
 24 section, "~~cornea~~" **"anatomical gift"** includes **organs, body tissue, and**  
 25 **corneal tissue.**

26 (b) As used in this section, "decedent" means a person described in  
 27 section 6(a)(1) through 6(a)(5) of this chapter.

28 (c) As used in this section, "eye bank" means a nonprofit  
 29 corporation:

- 30 (1) organized under Indiana law;
- 31 (2) exempt from federal income taxation under Section 501 of the
- 32 Internal Revenue Code; and
- 33 (3) whose purposes include obtaining, storing, and distributing
- 34 corneas **and corneal tissue** that are to be used for corneal
- 35 transplants or for other medical or medical research purposes.

36 **(d) As used in this section, "procurement organization" means**  
 37 **a nonprofit corporation:**

- 38 (1) organized under Indiana law;
- 39 (2) exempt from federal income taxation under Section 501 of
- 40 the Internal Revenue Code; and
- 41 (3) whose purposes include obtaining, storing, and
- 42 distributing anatomical gifts that are to be used for

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1           **transplants or for other medical or medical research**  
 2           **purposes.**

3           ~~(d)~~ **(e)** If under section 6(d) of this chapter the coroner requires an  
 4 autopsy to be performed upon a decedent, the coroner may authorize  
 5 the removal of ~~one (1) or both of the decedent's corneas for donation to~~  
 6 ~~an eye bank for transplantation;~~ **an anatomical gift** if the following  
 7 conditions exist:

8           (1) The decedent's ~~corneas are~~ **anatomical gift is** not necessary  
 9 for successful completion of the autopsy.

10           (2) The decedent's ~~corneas are~~ **anatomical gift is** not necessary  
 11 for use as evidence.

12           (3) Removal of the decedent's ~~corneas~~ **anatomical gift** will not  
 13 alter the postmortem facial appearance of the decedent.

14           (4) **If an anatomical gift is a cornea**, a representative of the eye  
 15 bank, authorized by the trustees of the eye bank to make requests  
 16 for corneas, has done the following:

17           (A) Within six (6) hours after the time of death, made a  
 18 reasonable attempt to:

19           (i) contact any of the persons listed in the order of priority  
 20 specified in IC 29-2-16-2(b); and

21           (ii) inform the person of the effect of the removal of the  
 22 decedent's corneas on the physical appearance of the  
 23 decedent.

24           (B) Submitted to the coroner:

25           (i) a written request for the donation by the coroner of  
 26 corneas of the decedent subject to autopsy under section  
 27 6(d) of this chapter; and

28           (ii) a written certification that corneas donated under this  
 29 section are intended to be used only for cornea transplant.

30           (5) The removal of the ~~corneas~~ **anatomical gift** and ~~their its~~  
 31 donation to the ~~eye bank~~ **procurement organization** will not  
 32 alter a gift made by:

33           (A) the decedent when alive; or

34           (B) any of the persons listed in the order of priority specified  
 35 in IC 29-2-16-2(b);

36 to an agency or organization other than the ~~eye bank~~  
 37 **procurement organization** making the request for the donation.

38           (6) The coroner, at the time the removal and donation of a  
 39 decedent's ~~corneas~~ **anatomical gift** is authorized, does not know  
 40 of any objection to the removal and donation of the decedent's  
 41 ~~corneas~~ **anatomical gift** made by:

42           (A) the decedent, as evidenced in a written document executed

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1 by the decedent when alive; or  
 2 (B) any of the persons listed in the order of priority specified  
 3 in IC 29-2-16-2(b).  
 4 **(f) If an individual dies in a hospital, the coroner must confer**  
 5 **with the procurement organization and must document, using**  
 6 **standards adopted by the National Association of Medical**  
 7 **Examiners, the following:**  
 8 **(1) Whether the decedent's anatomical gift has a useable life.**  
 9 **(2) The means to fulfill the donation.**  
 10 ~~(e)~~ **(g)** A person, including a coroner, ~~and~~ an eye bank, ~~and~~ the eye  
 11 bank's representatives, **or a procurement organization**, who exercises  
 12 reasonable care in complying with subsection (d)(6) is immune from  
 13 civil liability arising from ~~cornea~~ **anatomical gift** removal and  
 14 donation allowed under this section.  
 15 ~~(f)~~ **(h)** A person who authorizes the donation of a decedent's ~~corneas~~  
 16 **anatomical gift** may not be charged for the costs related to the  
 17 donation. The recipient of the donation is responsible for the costs  
 18 related to the donation.

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