

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7760**  
**BILL NUMBER: SB 550**

**NOTE PREPARED:** Feb 16, 2007  
**BILL AMENDED:** Feb 15, 2007

**SUBJECT:** Revised Uniform Anatomical Gift Act.

**FIRST AUTHOR:** Sen. Becker  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill repeals the Uniform Anatomical Gift Act (current act) and replaces it with the Revised Uniform Anatomical Gift Act. The bill keeps language from the current act concerning: (1) anatomical gifts to specified donees and the amendment or revocation of these gifts; (2) individuals or entities that may petition a probate court to determine whether an individual has made an anatomical gift or revoked an anatomical gift; (3) hospitals inquiring whether patients are, or would like to be organ donors; and (4) certain immunities regarding anatomical gifts.

The bill provides that if a prospective organ donor has a declaration or an advance health care directive, hospitals must use measures necessary to allow a procurement agency to determine the medical suitability of an organ by insuring that life support is not withdrawn before consultation with the procurement agency.

The bill also requires a coroner to cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts. It requires a coroner to document why a postmortem examination occurred outside of a compatible period.

The bill requires the Indiana State Department of Health to compile and make available for public inspection records of a coroner, pathologist, or designee denying an anatomical gift

The bill makes it a Class A misdemeanor if an individual, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document that expresses, makes an amendment to, or refuses a gift of organs, tissues, eyes or body part intended to be used in research or in transplants. It makes conforming amendments.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** (Revised) The bill requires the State Department of Health to receive records of a coroner or designee that have recorded the reasons for denying the recovery of an anatomical gift. The Department is to compile the records and make them available for public inspection. The fiscal impact of this provision would be dependent upon the number of records concerning the reasons for denials for recovery of anatomical gifts that might be received by the Department and the specific information the Department is to compile to make available for public inspection.

*Appropriation background:* The ISDH administrative appropriations were made from the dedicated Tobacco Master Settlement Agreement Fund for FY 2006 and FY 2007. The funding source of the FY 2008 and FY 2009 ISDH administrative appropriations will be determined by the General Assembly.

**Explanation of State Revenues:** The bill establishes a new Class A misdemeanor of intentionally falsifying, forging, concealing, defacing or obliterating a document that expresses, makes an amendment to, or refuses a gift of organs, tissues, eyes or body part intended to be used in research or in transplants.

*Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** (Revised) The bill provides that a coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. (Current statute provides that a coroner may release and permit the removal of a part from a body within the coroner's custody for transplantation or therapy only if all specified actions are met.) The bill further requires that coroners or designees must conduct postmortem examinations in a manner and within a compatible time period with preservation for the purpose of an anatomical gift.

The bill specifies that if a coroner or designee considers withholding tissue or organs of a potential donor, the coroner or designee shall be present at the scene before making a final determination to deny the recovery of the organ or tissue. Current statute requires the procurement organization to reimburse the county or an entity designated by the county for actual costs related to making a determination to allow recovery of an organ or tissue not to exceed \$1,000. (Coroners in rural areas may not have access to full-time pathologists who would be available to determine what tissue and organs may be harvested without destroying evidence needed for the coroner's investigation, requiring additional cost for the coroner to conduct an off-hours or unscheduled procedure for the pathologist.)

Local costs would be dependent upon the current level of participation with the organ procurement organization, and individual circumstances.

*Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** Department of Health.

**Local Agencies Affected:** Trial courts: Local law enforcement agencies; Coroners.

**Information Sources:**

**Fiscal Analyst:** Kathy Norris, 317-234-1360.