February 21, 2012

ENGROSSED
SENATE BILL No. 370

DIGEST OF SB 370 (Updated February 16, 2012 10:36 am - DI 113)

Citations Affected: IC 25-15.

Synopsis: Funeral services courtesy cards. Provides for the board of funeral and cemetery service to create a courtesy card for funeral directors licensed in states that border Indiana beginning January 1, 2013, authorizing the funeral directors to provide certain funeral services in Indiana.

Effective: July 1, 2012.

Mishler, Steele

(HOUSE SPONSORS — FOLEY, SUMMERS)

January 9, 2012, read first time and referred to Committee on Commerce & Economic Development.
January 17, 2012, amended, reported favorably — Do Pass.
January 23, 2012, read second time, amended, ordered engrossed.
January 24, 2012, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Commerce, Small Business and Economic Development.
February 20, 2012, reported — Do Pass.

C o p y

February 21, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 370

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:

SECTION 1. IC 25-15-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 10. Courtesy Cards for Funeral Services

Sec. 1. As used in this chapter, "courtesy card" means a special permit issued by the board to funeral directors licensed in states that border Indiana.

Sec. 2. As used in this section, "funeral ceremonies" refer to services or rites commemorating the deceased, with the dead human body present, conducted at:

(1) churches;

(2) funeral homes;

(3) cemeteries;

(4) crematories; or

(5) elsewhere.

Funeral ceremonies include visitations, funerals, graveside funeral services, and other similar rites or ceremonies.

Sec. 3. Beginning January 1, 2013, the board shall issue a courtesy card to an individual who is not licensed under this article as a funeral director but who is licensed or certified as a funeral director in one (1) or more states, if all of the following requirements are met:

(1) The individual is licensed as a funeral director in a state that borders Indiana.

(2) The bordering state issues courtesy cards or similar permits to funeral directors licensed in Indiana.

(3) The individual completes an application for a courtesy card on a form provided by the board. The application for a courtesy card must include certification, including the seal of the state where the individual is licensed.

(4) The individual certifies on the application that the individual has reviewed and understands materials prepared by the board for individuals seeking courtesy cards.

(5) The individual pays the fee established under section 4 of this chapter.

Sec. 4. The board shall adopt rules under IC 4-22-2 to set the fee for the card. The fee must be sufficient to cover the cost of issuing the card. When establishing the fee, the board must consider the fees charged by states bordering Indiana that issue courtesy cards. Insofar as possible, the fees established must be consistent with the fees of the bordering states that issue courtesy cards.

Sec. 5. A courtesy card issued under this chapter is valid for a period consistent with other licenses issued by the board, to be established by the board.

Sec. 6. The holder of a courtesy card issued under this chapter is authorized to undertake the following acts of funeral directing:

(1) Remove and transport unembalmed and embalmed deceased human bodies:

(A) to Indiana from; and

(B) from Indiana to;

the state or states where the courtesy card holder is licensed as a funeral director.

(2) Prepare and complete sections of a death certificate and other disposition permits needed for disposition of deceased human remains, and sign and file death certificates and permits.

(3) Sign and file death certificates and other disposition permits without the assistance of or being under the supervision of a funeral director licensed under this article.

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(4) Supervise and conduct funeral ceremonies in Indiana without the assistance of a funeral director licensed under this article.

Sec. 7. A courtesy card holder must comply with all laws and rules of Indiana when engaged in any acts of funeral directing in this state. The board may revoke or suspend a courtesy card or subject the courtesy card holder to discipline in accordance with the laws and rules applicable to funeral directors licensed under this article. Any disciplinary measure taken by the board against a courtesy card holder must be reported by the board to the state board or agency that issued the courtesy card holder's funeral director's license or certification.

Sec. 8. The holder of a courtesy card issued under this chapter is not authorized to undertake the following acts:

(1) Transfer the courtesy card to another individual.

(2) Own or operate a funeral home, crematory, or office that provides or offers to sell or arrange funeral or disposition services in Indiana.

(3) Except as provided in section 6 of this chapter, perform any acts related to the practice of funeral direction in Indiana, including:

(A) arranging for a funeral or disposition service with members of the public;

(B) being employed by or contracted to perform funeral or embalming service in Indiana by a funeral home licensed under this article;

(C) advertising Indiana funeral or disposition services;

(D) executing contracts for funeral or disposition services in Indiana;

(E) preparing or embalming deceased human remains in Indiana; or

(F) exhuming or disinterring human remains in Indiana.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill No. 370, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 1, delete "The" and insert "**Beginning January 1, 2013, the**".

Page 2, line 25, delete "of one (1) year." and insert "**consistent with other licenses issued by the board, to be established by the board.**".

and when so amended that said bill do pass.

(Reference is to SB 370 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 370 be amended to read as follows:

Page 3, line 27, after "advertising" insert "**Indiana**".

(Reference is to SB 370 as printed January 18, 2012.)

MISHLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Senate Bill 370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEMLER, Chair

Committee Vote: yeas 12, nays 0.

C o p y