

# HOUSE BILL No. 1070

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-2-16.1-22.

**Synopsis:** Determination of death. Requires the state department of health to adopt rules establishing criteria for the determination of when a prospective anatomical gift donor is dead. Provides that an anatomical gift may be recovered only after a physician, in accordance with accepted medical standards, has declared the prospective donor to be dead. Provides that a physician's declaration that the prospective donor is brain dead satisfies this requirement.

**Effective:** July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Public Health.

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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.

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# HOUSE BILL No. 1070



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

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

1 SECTION 1. IC 29-2-16.1-22 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: **Sec. 22. (a) The state department of**  
4 **health shall adopt rules under IC 4-22-2 establishing criteria for**  
5 **the determination of when an individual is dead, including by brain**  
6 **death, for purposes of this chapter.**

7 (b) Before adopting rules under this section, the state  
8 department of health shall review evidence based guidelines  
9 prepared by medical organizations, including information from  
10 any statewide medical association that represents Indiana  
11 physicians.

12 (c) An anatomical gift may be recovered only after a physician,  
13 in accordance with accepted medical standards, has declared the  
14 prospective donor to be dead. This subsection is satisfied by a  
15 declaration by a physician, in accordance with accepted medical  
16 standards, that the prospective donor is brain dead.

