

---

---

# HOUSE BILL No. 1271

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-19-3-30; IC 29-2-16.1.

**Synopsis:** Anatomical gift agencies. Prohibits a hospital from entering into an agreement or affiliation with a procurement organization that excludes other procurement organizations from the procurement and use of anatomical gifts. Prohibits a coroner from entering into a contract, exclusive agreement, or exclusive affiliation with a procurement organization. Provides that a coroner is not subject to a contract, agreement, or affiliation that a procurement organization has entered into with a hospital. Requires the state department of health (department) 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. Requires a procurement organization to file an audited financial statement with the department for the preceding calendar year.

**Effective:** July 1, 2013.

---

---

## Bacon

---

---

January 14, 2013, read first time and referred to Committee on Public Health.

---

---

C  
o  
p  
y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C  
o  
p  
y

# HOUSE BILL No. 1271



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 16-19-3-30 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 30. (a) The state department of health shall adopt**  
4 **rules under IC 4-22-2 establishing criteria for the determination of**  
5 **when an individual is dead, including by brain death, for purposes**  
6 **of IC 29-2-16.1.**

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, as defined in IC 29-2-16.1-1, may be  
13 recovered only after a physician, in accordance with accepted  
14 medical standards, has declared the prospective donor to be dead.  
15 This subsection is satisfied by a declaration by a physician, in  
16 accordance with accepted medical standards, that the prospective  
17 donor is brain dead.



1 SECTION 2. IC 29-2-16.1-16, AS ADDED BY P.L.147-2007,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 16. **(a) Subject to subsection (b)**, each hospital  
4 in Indiana shall enter into agreements or affiliations with procurement  
5 organizations for coordination of procurement and use of anatomical  
6 gifts.

7 **(b) A hospital may not enter into an agreement or affiliation**  
8 **with a procurement organization that excludes other procurement**  
9 **organizations from the procurement and use of anatomical gifts.**

10 SECTION 3. IC 29-2-16.1-21, AS ADDED BY P.L.147-2007,  
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2013]: Sec. 21. (a) A coroner shall cooperate with  
13 procurement organizations to maximize the opportunity to recover  
14 anatomical gifts for the purpose of transplantation, therapy, research,  
15 education, or training. **However, a coroner may not enter into a**  
16 **contract, an exclusive agreement, or an exclusive affiliation with a**  
17 **procurement organization to allow the procurement organization**  
18 **to recover anatomical gifts from a decedent whose body is under**  
19 **the jurisdiction of the coroner.**

20 (b) If a coroner receives notice from a procurement organization that  
21 an anatomical gift might be available or was made with respect to a  
22 decedent whose body is under the jurisdiction of the coroner and a  
23 postmortem examination is going to be performed, unless the coroner  
24 denies recovery in accordance with IC 36-2-14-22.6(f), the coroner or  
25 designee shall, when practicable, conduct a postmortem examination  
26 of the body or the part in a manner and within a period compatible with  
27 its preservation for the purposes of the gift. If a coroner conducts a  
28 postmortem examination outside of a compatible period, the coroner  
29 must document why examination occurred outside of a compatible  
30 period. It is considered sufficient documentation if the coroner  
31 documents that additional time was necessary to conduct an adequate  
32 medicolegal examination.

33 (c) A part may not be removed from the body of a decedent under  
34 the jurisdiction of a coroner for transplantation, therapy, research, or  
35 education unless the part is the subject of an anatomical gift. The body  
36 of a decedent under the jurisdiction of the coroner may not be delivered  
37 to a person for research or education unless the body is the subject of  
38 an anatomical gift. This subsection does not preclude a coroner or  
39 pathologist from performing the medicolegal investigation upon the  
40 body or parts of a decedent under the jurisdiction of the coroner or  
41 from using the body or parts of a decedent under the jurisdiction of the  
42 coroner for the purposes of research, education, or training required by

C  
O  
P  
Y

1 the coroner or pathologist.  
 2 **(d) A coroner who allows a part to be removed for**  
 3 **transplantation from the body of a decedent who:**  
 4 **(1) is under the jurisdiction of a coroner; and**  
 5 **(2) died or was declared dead within a hospital;**  
 6 **is not subject to a contract, agreement, or affiliation that a**  
 7 **procurement organization has with a hospital.**  
 8 SECTION 4. IC 29-2-16.1-22 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2013]: **Sec. 22. (a) Not later than February**  
 11 **1 of each year, a procurement organization must file an audited**  
 12 **financial statement with the state department of health for the**  
 13 **preceding calendar year.**  
 14 **(b) The annual financial statement must also include the**  
 15 **following information:**  
 16 **(1) The number of decedents' bodies from which a part was**  
 17 **taken.**  
 18 **(2) The total number of body parts that were taken.**  
 19 **(3) The names of the transplant hospitals and any other**  
 20 **facilities where parts were distributed.**  
 21 **(c) The financial statement required by subsection (a) must be**  
 22 **submitted in a format required by the state department of health.**  
 23 **(d) The state department of health shall post the reports**  
 24 **submitted under this section on the department's Internet web site.**  
 25 **(e) Notwithstanding subsection (a), not later than February 1,**  
 26 **2014, a procurement organization must file an audited financial**  
 27 **statement with the state department of health for the preceding**  
 28 **period beginning July 1, 2013, and ending December 31, 2013. This**  
 29 **subsection expires June 30, 2014.**

C  
O  
P  
Y

