

HOUSE BILL No. 1285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14-31.5; IC 25-15-11; IC 34-30-2-90.1; IC 35-51-23-1.

Synopsis: Dissolution of human remains. Provides for alkaline hydrolysis as a means for the dissolution of human remains. Requires the state board of funeral and cemetery service to adopt rules governing alkaline hydrolysis for the dissolution of human remains.

Effective: July 1, 2013.

Thompson, Summers

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

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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.

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HOUSE BILL No. 1285



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

1 SECTION 1. IC 23-14-31.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]:

4 **Chapter 31.5. Alkaline Hydrolysis**

5 **Sec. 1. As used in this chapter, "alkaline hydrolysis" means a**
6 **disposition process involving the dissolution of human remains by**
7 **placing the remains in a dissolution chamber containing water and**
8 **a chemical solution that includes:**

- 9 (1) **potassium hydroxide or sodium hydroxide; or**
10 (2) **a combination of potassium hydroxide and sodium**
11 **hydroxide;**

12 **and introducing heat to break down the remains until only bone**
13 **fragments that may be pulverized and a liquid substance remain.**

14 **Sec. 2. As used in this chapter, "alkaline hydrolysis authority"**
15 **means the legal entity or the entity's authorized representative that**
16 **is registered by the board to operate an alkaline hydrolysis**
17 **chamber and to perform alkaline hydrolysis.**



1 **Sec. 3.** As used in this chapter, "authorizing agent" means a
2 person legally entitled to order alkaline hydrolysis and the final
3 disposition of specific human remains.

4 **Sec. 4.** As used in this chapter, "board" means the state board
5 of funeral and cemetery service established by IC 25-15-9-1.

6 **Sec. 5.** As used in this chapter, "body part" means:
7 (1) a limb or other part of the human anatomy that is
8 removed for medical purposes, treatment, surgery, biopsy,
9 autopsy, or medical research; or
10 (2) a human body or a part of a human body that has been
11 donated to science for medical research purposes.

12 **Sec. 6.** As used in this chapter, "burial transit permit" means a
13 permit for the transportation and disposition of a dead human
14 body required under IC 16-37-3-10 or IC 16-37-3-12.

15 **Sec. 7.** As used in this chapter, "disposition" means the use of
16 alkaline hydrolysis on a dead human body or a part of a dead
17 human body.

18 **Sec. 8.** As used in this chapter, "dissolution" refers to alkaline
19 hydrolysis.

20 **Sec. 9.** As used in this chapter, "dissolution chamber" means a
21 vessel specifically made for alkaline hydrolysis that is closed and
22 sealed on all sides when human remains are placed inside and
23 dissolution takes place.

24 **Sec. 10.** As used in this chapter, "funeral home" means a place
25 that is licensed under IC 25-15 where:

- 26 (1) alkaline hydrolysis is performed;
- 27 (2) human remains are prepared for a funeral or disposition;
- 28 (3) human remains are held for disposition; and
- 29 (4) funerals are conducted or provided.

30 **Sec. 11. (a)** As used in this chapter, "remains" means all human
31 remains recovered after the completion of the alkaline hydrolysis
32 on a human body or body part, including the residue of any foreign
33 materials, dental work, or eyeglasses that were with the human
34 remains when the alkaline hydrolysis was conducted but excluding
35 any prosthetic or medical device.

36 **(b)** The term does not include any liquid substance remaining
37 after alkaline hydrolysis.

38 **Sec. 12.** As used in this chapter, "scattering" means mixing
39 remains with or placing remains on top of the soil or ground cover.

40 **Sec. 13.** As used in this chapter, "scattering area" means a
41 designated area on dedicated cemetery property where remains
42 that have been removed from their container after the

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1 performance of alkaline hydrolysis can be mixed with or placed on
2 top of the soil or ground cover.

3 **Sec. 14.** As used in this chapter, "urn" means a receptacle
4 designed to encase remains after the performance of alkaline
5 hydrolysis.

6 **Sec. 15.** A funeral home where alkaline hydrolysis is performed
7 shall obtain all necessary licenses and permits from appropriate
8 local, state, or federal agencies.

9 **Sec. 16. (a)** Each alkaline hydrolysis authority shall file an
10 annual report with the board. The report must include any changes
11 in the information required under this chapter or a statement
12 indicating that no changes have occurred.

13 **(b)** Except as provided in subsection (c), the annual report must
14 be filed not later than ninety (90) days after the end of the fiscal
15 year of the alkaline hydrolysis authority.

16 **(c)** If the fiscal year of an alkaline hydrolysis authority is not the
17 calendar year, the alkaline hydrolysis authority shall file the
18 annual report within seventy-five (75) days after the end of the
19 alkaline hydrolysis authority's fiscal year.

20 **(d)** If an alkaline hydrolysis authority files a written request for
21 an extension and demonstrates good cause for the extension, the
22 board shall grant an extension of not more than sixty (60) days for
23 filing the annual report.

24 **(e)** If an alkaline hydrolysis authority fails to submit an annual
25 report to the board within the time specified in subsection (c) or
26 (d), the board may take any of the actions allowed under
27 IC 25-15-9.

28 **Sec. 17.** Upon reasonable notice, the board may inspect all
29 records relating to the registration and annual report of the
30 alkaline hydrolysis authority that is required to be filed under this
31 chapter.

32 **Sec. 18. (a)** Except as provided in subsection (c), the following
33 persons, in the priority listed, have the right to serve as an
34 authorizing agent:

35 **(1) A person:**

36 **(A)** granted the authority to serve in a funeral planning
37 declaration executed by the decedent under IC 29-2-19; or

38 **(B)** named in a United States Department of Defense form
39 "Record of Emergency Data" (DD Form 93) or a successor
40 form adopted by the United States Department of Defense,
41 if an individual who completed the form died while serving
42 in any branch of the United States armed forces (as defined

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- in 10 U.S.C. 1481).
- (2) An individual specifically granted the authority to serve in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.
- (3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:
 - (A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or
 - (B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.
- (4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, fewer than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.
- (5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.
- (6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, fewer than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.
- (7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree of kinship is surviving, the majority of those who are of the same degree of kinship. However, fewer than half of the individuals who are of the same degree of kinship have the rights under this

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1 subdivision if they have used reasonable efforts to notify the
 2 other individuals who are of the same degree of kinship of
 3 their intentions and are not aware of any opposition to the
 4 final disposition instructions by more than half of the
 5 individuals who are of the same degree of kinship.

6 (8) If none of the persons described in subdivisions (1)
 7 through (7) are available, any other person willing to act and
 8 arrange for the final disposition of the decedent's remains,
 9 including a funeral home that:

10 (A) has a valid prepaid funeral plan executed under
 11 IC 30-2-13 that makes arrangements for the disposition of
 12 the decedent's remains; and

13 (B) attests in writing that a good faith effort has been made
 14 to contact any living individuals described in subdivisions
 15 (1) through (7).

16 (9) In the case of an indigent or other individual whose final
 17 disposition is the responsibility of the state or township, the
 18 following may serve as the authorizing agent:

19 (A) If none of the persons identified in subdivisions (1)
 20 through (8) are available:

21 (i) a public administrator, including a responsible
 22 township trustee or the trustee's designee; or

23 (ii) the coroner.

24 (B) A state appointed guardian.

25 However, alkaline hydrolysis may not be used on the human
 26 remains of an indigent decedent if a surviving family member
 27 objects to the use of alkaline hydrolysis or if use of alkaline
 28 hydrolysis would be contrary to the religious practices of the
 29 deceased individual as expressed by the individual or the
 30 individual's family.

31 (10) In the absence of any person under subdivisions (1)
 32 through (9), any person willing to assume the responsibility as
 33 the authorizing agent, as specified in this article.

34 (b) When a body part of a nondeceased individual is to be
 35 disposed of using alkaline hydrolysis, a representative of the
 36 institution that has arranged with the alkaline hydrolysis authority
 37 to perform alkaline hydrolysis on the body part may serve as the
 38 authorizing agent.

39 (c) If:

40 (1) the death of the decedent appears to have been the result
 41 of:

42 (A) murder (IC 35-42-1-1);

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- 1 **(B) voluntary manslaughter (IC 35-42-1-3); or**
 2 **(C) another criminal act, if the death does not result from**
 3 **the operation of a vehicle; and**
 4 **(2) the coroner, in consultation with the law enforcement**
 5 **agency investigating the death of the decedent, determines**
 6 **that there is a reasonable suspicion that a person described in**
 7 **subsection (a) committed the offense;**
 8 **the person referred to in subdivision (2) may not serve as the**
 9 **authorizing agent.**
 10 **(d) The coroner, in consultation with the law enforcement**
 11 **agency investigating the death of the decedent, shall inform the**
 12 **alkaline hydrolysis authority of the determination under subsection**
 13 **(c)(2).**
 14 **(e) If a person vested with a right under subsection (a) does not**
 15 **exercise that right not later than seventy-two (72) hours after the**
 16 **person receives notification of the death of the decedent, the person**
 17 **forfeits the person's right to determine the final disposition of the**
 18 **decedent's remains, and the right to determine final disposition**
 19 **passes to the next person described in subsection (a).**
 20 **(f) An alkaline hydrolysis authority has the right to rely in good**
 21 **faith on the representations of a person listed in subsection (a) that**
 22 **any other individuals of the same degree of kinship have been**
 23 **notified of the final disposition instructions.**
 24 **(g) If there is a dispute concerning the disposition of a**
 25 **decedent's remains, an alkaline hydrolysis authority is not liable**
 26 **for refusing to accept the remains of the decedent until the**
 27 **authority receives:**
 28 **(1) a court order; or**
 29 **(2) a written agreement signed by the disputing parties;**
 30 **that determines the final disposition of the decedent's remains. If**
 31 **an alkaline hydrolysis authority agrees to shelter the remains of the**
 32 **decedent while the parties are in dispute, the alkaline hydrolysis**
 33 **authority may collect any applicable fees for storing the remains,**
 34 **including any legal fees that are incurred.**
 35 **(h) Any cause of action filed under this section must be filed in**
 36 **a court with probate jurisdiction in the county where the decedent**
 37 **resided, unless the decedent was not a resident of Indiana.**
 38 **(i) A spouse seeking a judicial determination under subsection**
 39 **(a)(3)(A) that the decedent and spouse were reconciled before the**
 40 **decedent's death may petition the court having jurisdiction over**
 41 **the dissolution or separation proceeding to make this**
 42 **determination by filing the petition under the same cause number**

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1 as the dissolution or separation proceeding. A spouse who files a
 2 petition under this subsection is not required to pay a filing fee.

3 **Sec. 19. (a) Except as provided in subsection (c), an alkaline**
 4 **hydrolysis authority may not perform alkaline hydrolysis on**
 5 **human remains until the authority has received the following**
 6 **information:**

7 **(1) An alkaline hydrolysis authorization form provided by the**
 8 **alkaline hydrolysis authority, signed by an authorizing agent,**
 9 **that contains the following information:**

10 **(A) The identity of the human remains and the time and**
 11 **date of death.**

12 **(B) The name of the funeral director who obtained the**
 13 **alkaline hydrolysis authorization.**

14 **(C) The name of the authorizing agent and the relationship**
 15 **between the authorizing agent and the decedent.**

16 **(D) A statement by the authorizing agent that the**
 17 **authorizing agent:**

18 **(i) has the right to authorize the use of alkaline**
 19 **hydrolysis on the decedent;**

20 **(ii) is not aware of any person who has a superior**
 21 **priority right to that of the authorizing agent; or**

22 **(iii) if the authorizing agent is aware that there is**
 23 **another person who has a superior priority right to that**
 24 **of the authorizing agent, has been unable to contact the**
 25 **person, and has no reason to believe that the person**
 26 **would object to the performance of alkaline hydrolysis**
 27 **on the decedent.**

28 **(E) Authorization for the alkaline hydrolysis authority to**
 29 **perform alkaline hydrolysis on the human remains.**

30 **(F) The name of the funeral director authorized to receive**
 31 **the remains from the alkaline hydrolysis authority.**

32 **(G) The manner in which final disposition of the remains**
 33 **is to take place, if known. If the alkaline hydrolysis**
 34 **authorization form does not specify final disposition in a**
 35 **grave, niche, or scattering area, the form may indicate that**
 36 **the remains will be held by the alkaline hydrolysis**
 37 **authority for not longer than thirty (30) days from the date**
 38 **of performance of alkaline hydrolysis before the remains**
 39 **are released. The form may indicate that the alkaline**
 40 **hydrolysis authority shall return remains that have not**
 41 **been disposed of within thirty (30) days to the funeral**
 42 **director or funeral home of record, who shall hold them**

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1 for not longer than sixty (60) days after the date of the
 2 performance of alkaline hydrolysis before disposing of the
 3 remains either as previously authorized or, if there is no
 4 authorization, in any legal manner. The funeral home is
 5 not liable for:

6 (i) disposing of remains in any manner permitted by law
 7 if the remains have been held; or

8 (ii) holding the remains;

9 after the sixty (60) days permitted under this clause if the
 10 authorizing agent fails to claim the remains during the
 11 sixty (60) day period. The funeral home must first send
 12 written notice by certified mail return receipt requested to
 13 the authorizing agent that explains the intentions of the
 14 funeral home regarding the disposal of or holding of the
 15 remains in order for the funeral home to be immune from
 16 liability under this clause.

17 (H) A statement confirming the identity of the valuables
 18 and prosthetics belonging to the decedent previously taken
 19 and being held by the funeral director or the funeral home.

20 (I) A statement prohibiting the alkaline hydrolysis
 21 authority from selling nonorganic material recovered from
 22 the decedent.

23 (J) A statement that the authorizing agent has made
 24 specific arrangements for any viewing of the decedent
 25 before the performance of alkaline hydrolysis, or for a
 26 service with the decedent present before the performance
 27 of alkaline hydrolysis. If a viewing or service is planned,
 28 the date and time of the viewing or service and whether the
 29 alkaline hydrolysis authority is authorized to proceed with
 30 alkaline hydrolysis upon receipt of the decedent.

31 (K) The signature of the authorizing agent, attesting to the
 32 accuracy of all representations contained on the alkaline
 33 hydrolysis authorization form.

34 (2) A completed and executed burial transit permit provided
 35 by the local health officer to the funeral director indicating
 36 that alkaline hydrolysis is to be used on the human remains.

37 (3) A copy of:

38 (A) the completed and executed certificate of death; or

39 (B) a release for alkaline hydrolysis by the coroner if an
 40 investigation of the circumstances of the deceased person's
 41 death came under the authority of the coroner; however,
 42 the release does not constitute an authorization as required

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- 1 by this chapter.
- 2 (b) The alkaline hydrolysis authorization form required under
- 3 subsection (a)(1) must be signed by the funeral director who
- 4 obtains the alkaline hydrolysis authorization. The funeral director
- 5 shall execute the alkaline hydrolysis authorization form as a
- 6 witness and is not responsible for the representations made by the
- 7 authorizing agent unless the funeral director has actual knowledge
- 8 of a false or inaccurate representation. The funeral director shall
- 9 certify to the alkaline hydrolysis authority that the human remains
- 10 delivered to the alkaline hydrolysis authority are the human
- 11 remains identified by the authorizing agent on the alkaline
- 12 hydrolysis authorization form.
- 13 (c) Notwithstanding subsection (a)(3)(A), a death certificate is
- 14 not required for the performance of alkaline hydrolysis on the
- 15 human remains of a person:
- 16 (1) who died in another state; and
- 17 (2) whose human remains are transported to Indiana by:
- 18 (A) a licensed funeral director; or
- 19 (B) the agent of a licensed funeral director;
- 20 for the purpose of performance of alkaline hydrolysis at an
- 21 Indiana alkaline hydrolysis facility;
- 22 if the funeral director or funeral director's agent obtains the
- 23 documents required for the performance of alkaline hydrolysis by
- 24 the state in which the death occurred. However, if final disposition
- 25 of the human remains is to occur in Indiana, subsection (a)(3)(A)
- 26 applies.
- 27 Sec. 20. (a) If the authorizing agent is not available to execute an
- 28 alkaline hydrolysis authorization form in person, the authorizing
- 29 agent may delegate the authority to another person in writing,
- 30 including a facsimile transmission, telegram, or other electronic
- 31 transmission.
- 32 (b) A written delegation of authority of an authorizing agent
- 33 must include:
- 34 (1) the name, address, and relationship of the authorizing
- 35 agent to the decedent; and
- 36 (2) the name and address of the person to whom authority is
- 37 delegated.
- 38 (c) A person authorized under subsections (a) and (b) may serve
- 39 as the authorizing agent and execute the alkaline hydrolysis
- 40 authorization form.
- 41 (d) An alkaline hydrolysis authority is not liable for relying on
- 42 an alkaline hydrolysis authorization form executed in compliance

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1 with this section.

2 **Sec. 21. (a) Except for the information required under section**
 3 **19(a)(1)(F) of this chapter, an authorizing agent who signs an**
 4 **alkaline hydrolysis authorization form certifies that the facts on**
 5 **the alkaline hydrolysis authorization form are true and that the**
 6 **authorizing agent has authority to order the alkaline hydrolysis.**

7 **(b) An authorizing agent who signs an alkaline hydrolysis**
 8 **authorization form is personally liable for damages resulting from**
 9 **authorizing the alkaline hydrolysis.**

10 **(c) The authorizing agent is responsible for the final disposition**
 11 **of a decedent's remains after the performance of alkaline**
 12 **hydrolysis. The alkaline hydrolysis authority may hold the remains**
 13 **for not longer than the thirty (30) day period under section 35 of**
 14 **this chapter.**

15 **Sec. 22. (a) Except as provided in section 28 of this chapter, an**
 16 **alkaline hydrolysis authority may perform alkaline hydrolysis**
 17 **upon human remains upon receipt of an alkaline hydrolysis**
 18 **authorization form signed by an authorizing agent.**

19 **(b) In the absence of gross negligence or noncompliance with**
 20 **this chapter, an alkaline hydrolysis authority is not liable for:**

- 21 **(1) performing alkaline hydrolysis on human remains**
 22 **according to an alkaline hydrolysis authorization form; or**
 23 **(2) releasing or disposing of the remains after the**
 24 **performance of alkaline hydrolysis according to the**
 25 **authorization form.**

26 **Sec. 23. After an authorizing agent has executed an alkaline**
 27 **hydrolysis authorization form, the authorizing agent may revoke**
 28 **the authorization and instruct the alkaline hydrolysis authority to**
 29 **cancel the alkaline hydrolysis and to release or deliver the human**
 30 **remains to another alkaline hydrolysis authority or funeral home.**
 31 **The instructions must be provided to the alkaline hydrolysis**
 32 **authority in writing. An alkaline hydrolysis authority shall comply**
 33 **with instructions given to the authority by an authorizing agent**
 34 **under this section if the alkaline hydrolysis authority receives the**
 35 **instructions before beginning the alkaline hydrolysis of the human**
 36 **remains.**

37 **Sec. 24. (a) The alkaline hydrolysis authority shall furnish a**
 38 **receipt to the funeral director or the funeral director's**
 39 **representative who delivers human remains to the alkaline**
 40 **hydrolysis authority. The receipt must:**

- 41 **(1) be signed by both the alkaline hydrolysis authority and the**
 42 **funeral director or the funeral director's representative who**

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- delivers the human remains; and
- (2) contain the following information:
 - (A) The date and time of the delivery.
 - (B) The type of container that was delivered.
 - (C) The name of the person from whom the human remains were received and the name of the funeral home or other entity with whom the person is affiliated.
 - (D) The name of the person who received the human remains on behalf of the alkaline hydrolysis authority.
 - (E) The name of the decedent.

(b) Upon the release of remains, the alkaline hydrolysis authority shall furnish a receipt to the person who receives the remains from the alkaline hydrolysis authority. The receipt must be signed by both the alkaline hydrolysis authority and the person who receives the remains and must contain the following information:

- (1) The date and time of the release.
- (2) The name of the person who received the remains and the name of the funeral home, cemetery, or other entity with whom the person is affiliated.
- (3) The name of the person who released the remains on behalf of the alkaline hydrolysis authority.
- (4) The name of the decedent.

(c) The alkaline hydrolysis authority shall retain a copy of each receipt under this section in the authority's permanent records.

Sec. 25. (a) An alkaline hydrolysis authority shall maintain at the authority's place of business a permanent record of each alkaline hydrolysis that took place at the facility. The record must contain the name of the decedent and the date of the alkaline hydrolysis.

(b) The alkaline hydrolysis authority shall maintain a record of all remains from alkaline hydrolysis disposed of by the alkaline hydrolysis authority under section 26 of this chapter.

Sec. 26. Each alkaline hydrolysis authority shall maintain a record of all remains:

- (1) that are disposed of on the alkaline hydrolysis authority's property;
- (2) that have been properly transferred to the cemetery; and
- (3) for which the cemetery has issued a receipt acknowledging the transfer of the remains.

Sec. 27. (a) An alkaline hydrolysis authority may not require that human remains be placed in a casket before alkaline

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1 hydrolysis or that human remains be placed in a casket for the
2 performance of alkaline hydrolysis.

3 (b) An alkaline hydrolysis authority may not refuse to accept
4 human remains for alkaline hydrolysis because the human remains
5 are not embalmed.

6 (c) An alkaline hydrolysis authority may not accept a casket or
7 an alternative container if there is evidence of the leakage of body
8 fluids.

9 Sec. 28. (a) Except:

10 (1) when waived in writing by the city or county health officer
11 where the death occurred; or

12 (2) as provided in subsection (d);

13 alkaline hydrolysis may not be performed on human remains less
14 than forty-eight (48) hours after the time of death as indicated on
15 the medical certificate of death or the coroner's certificate.

16 (b) Except as provided in subsection (a), unless the alkaline
17 hydrolysis authority has received specific instructions to the
18 contrary on the alkaline hydrolysis authorization form, an alkaline
19 hydrolysis authority may schedule the performance of the alkaline
20 hydrolysis at the authority's convenience at any time after the
21 human remains have been delivered to the alkaline hydrolysis
22 authority.

23 (c) An alkaline hydrolysis authority may not use alkaline
24 hydrolysis for human remains when the authority has actual
25 knowledge that the human remains contain a material or implant
26 that may be potentially hazardous to the individual performing the
27 alkaline hydrolysis.

28 (d) The mandatory delay of forty-eight (48) hours imposed by
29 subsection (a) does not apply to the performance of alkaline
30 hydrolysis of the human remains of a person:

31 (1) who died in another state; and

32 (2) whose human remains are transported to Indiana by:

33 (A) a licensed funeral director; or

34 (B) the agent of a licensed funeral director;

35 for the purpose of alkaline hydrolysis at an Indiana alkaline
36 hydrolysis facility;

37 if the funeral director or funeral director's agent obtains the
38 documents required for the performance of alkaline hydrolysis.

39 Sec. 29. (a) An alkaline hydrolysis authority may not perform
40 the simultaneous alkaline hydrolysis of human remains of more
41 than one (1) individual within the same alkaline hydrolysis
42 chamber unless the authority has obtained the prior written

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1 consent of the authorizing agents of each individual.

2 (b) Subsection (a) does not prevent the simultaneous
3 performance of alkaline hydrolysis within the same alkaline
4 hydrolysis chamber of body parts delivered to the alkaline
5 hydrolysis authority from multiple sources, or the use of alkaline
6 hydrolysis equipment that contains more than one (1) alkaline
7 hydrolysis chamber.

8 Sec. 30. If all the recovered remains after the performance of
9 alkaline hydrolysis will not fit in the container that has been
10 selected, the remainder of the remains must be placed in a
11 separate, additional container and returned to the funeral home or
12 funeral director for return to the authorizing agent.

13 Sec. 31. (a) Remains may be shipped only by a method that has
14 an internal tracing system that provides a receipt signed by the
15 person accepting delivery.

16 (b) An alkaline hydrolysis authority must maintain an
17 identification system that ensures that the authority can identify
18 the human remains in the authority's possession throughout all
19 phases of alkaline hydrolysis.

20 Sec. 32. The authorizing agent is responsible for the decision
21 concerning final disposition of the remains in accordance with
22 sections 34 and 35 of this chapter. The funeral director is not liable
23 for an act of the authorizing agent.

24 Sec. 33. Any liquid substance remaining after the performance
25 of alkaline hydrolysis shall be disposed of by the alkaline hydrolysis
26 authority in any manner the alkaline hydrolysis authority sees fit.
27 However, an alkaline hydrolysis authority must:

- 28 (1) comply with any federal, state, or local requirements
29 governing the disposal of the remaining liquid; and
30 (2) obtain any federal, state, or local permits governing the
31 disposal of the remaining liquid.

32 Sec. 34. (a) Remains after the performance of alkaline
33 hydrolysis may be retained by the person having legal control over
34 the remains or may be disposed of in any of the following manners:

- 35 (1) Placing the remains in a grave, niche, or crypt.
36 (2) Scattering the remains in a scattering area.
37 (3) Disposing of the remains in any manner if:
38 (A) the remains are reduced to a particle size of one-eighth
39 (1/8) inch or less; and
40 (B) the disposal is made on the property of a consenting
41 owner, on uninhabited public land, or on a waterway.

42 (b) The state department of health shall adopt forms for

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1 recording the following information concerning the disposal of
2 remains on which alkaline hydrolysis has been performed on the
3 property of a consenting owner:

- 4 (1) The date and manner of the disposal of the remains.
- 5 (2) The legal description of the property where the remains
6 were disposed.

7 The owner of the property where the remains were disposed and
8 the person having legal control over the remains shall attest to the
9 accuracy of the information supplied on the forms. The owner of
10 the property where the remains were disposed shall record the
11 forms with the county recorder of the county in which the property
12 is located and shall return the form and the burial transit permit
13 described in IC 16-37-3, within ten (10) days after the remains are
14 disposed.

15 **Sec. 35. (a)** After completion of alkaline hydrolysis, if an alkaline
16 hydrolysis authority existing on cemetery property has not been
17 instructed to arrange for the interment, entombment, inurnment,
18 or scattering of the remains, the alkaline hydrolysis authority shall
19 deliver the remains to the funeral director of record not later than
20 thirty (30) days after the date of the performance of the alkaline
21 hydrolysis. The delivery may be made in person or by registered
22 mail. After delivery of the remains, the alkaline hydrolysis
23 authority is discharged from any legal obligation or liability
24 concerning the disposition of the remains.

25 (b) A funeral director may hold remains returned by an alkaline
26 hydrolysis authority for not longer than sixty (60) days after the
27 date of the performance of alkaline hydrolysis and may dispose of
28 the remains as previously arranged or, if no arrangement has been
29 made, in any legal manner at the end of sixty (60) days.

30 (c) A funeral director and alkaline hydrolysis authority shall
31 observe religious practices or preferences specified by the
32 authorizing agent.

33 **Sec. 36.** Except with the express written permission of the
34 authorizing agent, a person may not do the following:

- 35 (1) Dispose of remains in a manner or location that
36 commingles the alkaline hydrolysis remains with the remains
37 of another individual. This prohibition does not apply to the
38 scattering of remains on the ground, at sea, or in the air.
- 39 (2) Place the remains of more than one (1) individual in the
40 same temporary container or urn.

41 **Sec. 37.** An alkaline hydrolysis authority that has received an
42 executed alkaline hydrolysis authorization form and any additional

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1 documentation required under section 19 of this chapter is not
 2 liable for civil damages arising from the performance of alkaline
 3 hydrolysis on the human remains designated by the alkaline
 4 hydrolysis authorization form if the alkaline hydrolysis is
 5 performed in accordance with this chapter.

6 **Sec. 38. (a) An alkaline hydrolysis authority is not liable for civil**
 7 **damages for refusing to accept human remains or refusing to**
 8 **perform an alkaline hydrolysis until the alkaline hydrolysis**
 9 **authority receives a court order or other suitable confirmation that**
 10 **a dispute has been settled, if the authority:**

11 (1) is aware of a dispute concerning the use of alkaline
 12 hydrolysis on the human remains;

13 (2) has a reasonable basis for questioning any of the
 14 representations made by the authorizing agent; or

15 (3) refuses to accept the human remains for any other lawful
 16 reason.

17 (b) An alkaline hydrolysis authority is not required to accept
 18 human remains for alkaline hydrolysis.

19 **Sec. 39. (a) If an alkaline hydrolysis authority is aware of a**
 20 **dispute concerning the release or disposition of remains, the**
 21 **alkaline hydrolysis authority shall release the remains to the**
 22 **funeral director or funeral home until the dispute has been**
 23 **resolved.**

24 (b) An alkaline hydrolysis authority is not liable for refusing to
 25 release or dispose of remains in accordance with this section.

26 **Sec. 40. An alkaline hydrolysis authority is not responsible or**
 27 **liable for prosthetic devices or valuables delivered to the alkaline**
 28 **hydrolysis authority with or integral to human remains, unless the**
 29 **alkaline hydrolysis authority has received written instructions**
 30 **under section 19(a)(1)(H) or 19(a)(1)(I) of this chapter. An alkaline**
 31 **hydrolysis authority may not sell any nonorganic material**
 32 **identified in this section obtained as a result of alkaline hydrolysis**
 33 **or from the remains.**

34 **Sec. 41. A cemetery is not liable for remains that are dumped,**
 35 **scattered, or otherwise deposited at the cemetery in violation of**
 36 **this chapter if the action is taken without the cemetery's consent.**

37 **Sec. 42. (a) Except as provided in subsections (b), (c), and (d), a**
 38 **person who knowingly or intentionally violates this chapter**
 39 **commits a Class B misdemeanor.**

40 (b) A person who knowingly or intentionally:

41 (1) performs an alkaline hydrolysis without receipt of an
 42 alkaline hydrolysis authorization form signed by an

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1 **authorizing agent;**
2 **(2) signs an alkaline hydrolysis authorization form that the**
3 **person knows contains false or incorrect information; or**
4 **(3) violates an alkaline hydrolysis procedure under sections 28**
5 **through 31 of this chapter;**
6 **commits a Class D felony.**
7 **(c) An alkaline hydrolysis authority that knowingly represents**
8 **to an authorizing agent or the agent's designee that a temporary**
9 **container or urn contains the remains of a specific decedent when**
10 **the container or urn does not contain the remains commits a Class**
11 **D felony.**
12 **(d) A person:**
13 **(1) who recklessly, knowingly, or intentionally:**
14 **(A) professes to the public to be an alkaline hydrolysis**
15 **authority; or**
16 **(B) operates a building or structure in Indiana as an**
17 **alkaline hydrolysis facility;**
18 **without being registered under this chapter; or**
19 **(2) who recklessly, knowingly, or intentionally fails to file an**
20 **annual report required under section 16 of this chapter;**
21 **commits a Class A misdemeanor.**
22 **Sec. 43. If an alkaline hydrolysis authority:**
23 **(1) refuses to file or neglects to file an annual report under**
24 **section 16 of this chapter;**
25 **(2) fails to comply with the registration requirements under**
26 **this chapter; or**
27 **(3) refuses to comply with the record inspection requirements**
28 **under section 17 of this chapter;**
29 **the board may maintain an action in the name of the state of**
30 **Indiana to enjoin the alkaline hydrolysis authority from**
31 **performing alkaline hydrolysis.**
32 SECTION 2. IC 25-15-11 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]:
35 **Chapter 11. Alkaline Hydrolysis**
36 **Sec. 1. As used in this chapter, "alkaline hydrolysis" has the**
37 **meaning set forth in IC 23-14-31.5-1.**
38 **Sec. 2. As used in this chapter, "dissolution" has the meaning set**
39 **forth in IC 23-14-31.5-8.**
40 **Sec. 3. As used in this chapter, "dissolution chamber" has the**
41 **meaning set forth in IC 23-14-31.5-9.**
42 **Sec. 4. (a) Before January 1, 2014, the board shall adopt rules**

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1 under IC 4-22-2 to provide for alkaline hydrolysis as a method for
 2 the disposal of human remains (as defined in IC 25-15-2-18). The
 3 rules must cover the following:

- 4 (1) Regulation of facilities containing equipment designed for
 5 the final disposition of human remains through dissolution.
 6 (2) Regulation of dissolution chambers.
 7 (3) Regulation of the pulverizing of bone fragments to an
 8 unidentifiable dimension after dissolution.
 9 (4) Setting standards for disposition of human remains that
 10 result from pulverization, where the residual from alkaline
 11 hydrolysis is reduced to unidentifiable dimensions.
 12 (5) Setting standards for the dignified transportation of
 13 human remains for the purpose of placement in a dissolution
 14 chamber and setting standards for any other equipment,
 15 container, or receptacle used in alkaline hydrolysis and the
 16 disposal of remains.

17 (b) Rules adopted under this section must provide for the
 18 following:

- 19 (1) Any chamber, container, receptacle, or other equipment
 20 used in alkaline hydrolysis must be used exclusively for
 21 human remains.
 22 (2) Alkaline hydrolysis may be performed only by a funeral
 23 director licensed under this article.
 24 (3) Alkaline hydrolysis must be performed on the premises of
 25 the funeral home licensed under this article.

26 SECTION 3. IC 34-30-2-90.1 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2013]: **Sec. 90.1. IC 23-14-31.5 (Concerning**
 29 **dissolution of human remains).**

30 SECTION 4. IC 35-51-23-1, AS ADDED BY P.L.70-2011,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 23:

- 33 IC 23-1-18-10 (Concerning business corporation law).
 34 IC 23-2-2.5-37 (Concerning securities and franchises).
 35 IC 23-2-5-16 (Concerning securities and franchises).
 36 IC 23-2-6-33 (Concerning securities and franchises).
 37 IC 23-7-8-8 (Concerning civil or charitable corporations).
 38 IC 23-14-31-52 (Concerning cemetery associations).
 39 **IC 23-14-31.5 (Concerning alkaline hydrolysis).**
 40 IC 23-14-34-9 (Concerning cemetery associations).
 41 IC 23-14-36-3 (Concerning cemetery associations).
 42 IC 23-14-37-3 (Concerning cemetery associations).



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- 1 IC 23-14-38-3 (Concerning cemetery associations).
- 2 IC 23-14-44-3 (Concerning cemetery associations).
- 3 IC 23-14-46-8 (Concerning cemetery associations).
- 4 IC 23-14-47-5 (Concerning cemetery associations).
- 5 IC 23-14-48-9 (Concerning cemetery associations).
- 6 IC 23-14-49-3 (Concerning cemetery associations).
- 7 IC 23-14-51-5 (Concerning cemetery associations).
- 8 IC 23-14-54-5 (Concerning cemetery associations).
- 9 IC 23-14-56-3 (Concerning cemetery associations).
- 10 IC 23-14-57-7 (Concerning cemetery associations).
- 11 IC 23-14-58.5-5 (Concerning cemetery associations).
- 12 IC 23-17-29-10 (Concerning nonprofit corporations).
- 13 IC 23-18-12-10 (Concerning limited liability corporations).
- 14 IC 23-19-5-8 (Concerning Indiana Uniform Securities Act).
- 15 IC 23-20-1-31 (Concerning victims of securities violations).

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