

HOUSE BILL No. 1426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-11-6; IC 16-34-3-4; IC 16-37-3; IC 23-14; IC 25-15.

Synopsis: Vital records. Provides that a parent may request a certificate of birth resulting in stillbirth when the child had a gestation age of less than 20 weeks. Specifies that a burial transit permit is required for the report of death and transportation and final disposition of a deceased individual. Provides that the information concerning a birth resulting in stillbirth is not required to be entered into the Indiana death registration system if the child had a gestational age of less than 20 weeks. Removes authority to issue a provisional certificate of death. Requires that a physical copy of the burial transit permit must remain with the body or body parts until the final disposition of the body. Makes conforming changes.

Effective: July 1, 2019.

Porter, Shackelford

January 14, 2019, read first time and referred to Committee on Public Health.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1426

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

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

1 SECTION 1. IC 16-21-11-6, AS AMENDED BY P.L.213-2016,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 6. (a) If the parent or parents choose a location of
4 final disposition other than the location of final disposition that is usual
5 and customary for the health care facility, the parent or parents are
6 responsible for the costs related to the final disposition of the fetus at
7 the chosen location.
8 (b) A health care facility having possession of a miscarried fetus
9 shall provide for the final disposition of the miscarried fetus. The burial
10 transit permit requirements under IC 16-37-3 apply to the final
11 disposition of the miscarried fetus, which must be cremated or interred.
12 However:
13 (1) a person is not required to designate a name for the miscarried
14 fetus on the burial transit permit and the space for a name may
15 remain blank; and
16 (2) any information submitted under this section that may be used
17 to identify the parent or parents is confidential and must be



1 redacted from any public records maintained under IC 16-37-3.
 2 Miscarried fetuses may be cremated by simultaneous cremation.

3 (c) The local health officer shall provide the person in charge of
 4 interment with a **burial transit** permit for the disposition of the body.
 5 ~~A certificate~~ **Upon request of a parent of a stillbirth is not required to**
 6 ~~be issued for a final disposition of a miscarried fetus~~ **stillborn child**
 7 ~~having a gestational age of less than twenty (20) weeks,~~ **a local health**
 8 ~~officer shall provide to the parent a certificate of birth resulting in~~
 9 ~~stillbirth, when a burial transit permit has been completed.~~

10 (d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and
 11 IC 29-2-19-17 concerning the authorization of disposition of human
 12 remains apply to this section.

13 SECTION 2. IC 16-34-3-4, AS AMENDED BY P.L.213-2016,
 14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 4. (a) An abortion clinic or health care facility
 16 having possession of an aborted fetus shall provide for the final
 17 disposition of the aborted fetus. The burial transit permit requirements
 18 of IC 16-37-3 apply to the final disposition of an aborted fetus, which
 19 must be interred or cremated. However:

20 (1) a person is not required to designate a name for the aborted
 21 fetus on the burial transit permit and the space for a name may
 22 remain blank; and

23 (2) any information submitted under this section that may be used
 24 to identify the pregnant woman is confidential and must be
 25 redacted from any public records maintained under IC 16-37-3.

26 Aborted fetuses may be cremated by simultaneous cremation.

27 (b) The local health officer shall issue a **burial transit** permit for
 28 the disposition of the aborted fetus to the person in charge of interment
 29 for the interment of the aborted fetus. ~~A certificate of stillbirth is not~~
 30 ~~required to be issued for~~ **Upon request of a parent of** an aborted fetus
 31 with a gestational age of less than twenty (20) weeks of age, **a local**
 32 **health officer shall provide to the parent a certificate of birth**
 33 **resulting in stillbirth, when a burial transit permit has been**
 34 **completed.**

35 (c) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and
 36 IC 29-2-19-17 concerning the authorization of disposition of human
 37 remains apply to this section.

38 SECTION 3. IC 16-37-3-3, AS AMENDED BY P.L.122-2012,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 3. (a) ~~The physician last in attendance upon the~~
 41 ~~deceased or the person in charge of interment shall file a certificate of~~
 42 ~~death or of stillbirth with the local health officer of the jurisdiction in~~



1 which the death or stillbirth occurred. The local health officer shall
2 retain a copy of the certificate of death.

3 (b) Notwithstanding subsection (a), beginning January 1, 2011, for
4 a death occurring after December 31, 2010, **Except as provided in**
5 **subsection (b)**, the physician last in attendance upon the deceased or
6 the person in charge of interment shall use the Indiana death
7 registration system established under IC 16-37-1-3.1 to file a certificate
8 of death with the local health officer of the jurisdiction in which the
9 death occurred.

10 **(b) Information concerning a birth resulting in stillbirth is not**
11 **required to be entered into the Indiana death registration system**
12 **if the child had a gestational age of less than twenty (20) weeks.**

13 SECTION 4. IC 16-37-3-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. Upon receipt of a
15 properly executed certificate of death or stillbirth, ~~or, when authorized~~
16 ~~by rule of the state department, a provisional certificate of death,~~ a
17 local health officer in the county in which the death occurred shall
18 issue a **burial transit** permit for the **report of death, transportation,**
19 **and** disposal of the body.

20 SECTION 5. IC 16-37-3-11 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. The person in
22 charge of interment shall secure a **burial transit** permit for the
23 disposition of the body before any of the following occur:

- 24 (1) Disposition of the body.
- 25 (2) Removing the body from the county in which the death
26 occurred.

27 SECTION 6. IC 16-37-3-13 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) The person in
29 charge of interment shall attach one (1) copy of the burial transit permit
30 to the shipping box in which the body is transported.

31 **(b) Except for an anatomical gift that complies with**
32 **IC 29-2-16.1, a physical copy of the burial transit permit must**
33 **remain with the body and any body parts until the final disposition**
34 **of the body.**

35 SECTION 7. IC 23-14-31-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. As used in this
37 chapter, "burial transit permit" means a permit for the **report of death,**
38 transportation, and disposition of a dead human body required under
39 IC 16-37-3-10 or IC 16-37-3-12.

40 SECTION 8. IC 23-14-56-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. A cemetery owner
42 shall keep a record of each interment, entombment, and inurnment in



1 the cemetery. The record must:

2 (1) show:

3 (A) the date on which the body was received;

4 (B) the date of interment, entombment, or inurnment;

5 (C) the name and marital status of the person whose remains
6 are interred, entombed, or inurned; and

7 (D) the plot and the grave in which the interment or inurnment
8 was made or the location within the building or structure in
9 which the entombment or inurnment was made; and

10 (2) include the **burial transit permit for burial** issued by ~~the~~
11 ~~division of a local public health of Indiana~~ **officer**.

12 SECTION 9. IC 25-15-2-10 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. As used in this
14 chapter, "exempted person" means a person that does not perform any
15 funeral services other than one (1) or more of the following:

16 (1) Sells, as a seller licensed under IC 30-2-13 or an agent or a
17 representative of a seller:

18 (A) funeral merchandise described in IC 30-2-13-8 at need; or

19 (B) funeral merchandise defined in IC 30-2-13-8 under a
20 certificate of authority authorized by IC 30-2-13-33 and not
21 funeral services defined in section 17(1), 17(2), or 17(3) of
22 this chapter unless they are funeral services (as defined in
23 IC 30-2-13-8) and ratified as required by IC 30-2-13-20.

24 (2) Cremates human remains, but does not conduct a funeral
25 service in conjunction with the cremation.

26 (3) Cremates human remains or holds human remains less than
27 forty-eight (48) hours for the purpose of cremating the human
28 remains without a funeral service or memorial service in
29 conjunction with the final disposition of the cremated remains.

30 (4) Performs services for a morgue in a hospital or other facility
31 licensed under IC 16-21 that are directly related to the purposes
32 of the hospital or other facility.

33 (5) Performs services for a school of mortuary science that are
34 directly related to an educational purpose.

35 (6) Arranges, supervises, or conducts a religious or memorial
36 service for a deceased individual if:

37 (A) the human remains of the deceased individual are not
38 present at the service; and

39 (B) final disposition of the deceased individual's human
40 remains has been or will be completed under the authority of
41 a funeral director having obtained a burial **transit** permit
42 issued by the state of Indiana.



1 (7) Conducts a religious or memorial service with the human
 2 remains of the deceased individual present if the funeral is
 3 arranged and directly supervised by a funeral director.

4 (8) If the person is a cemetery, sells or offers advice concerning
 5 methods or alternatives available for final disposition of human
 6 remains.

7 SECTION 10. IC 25-15-8-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. A licensee that:

9 (1) promotes or participates in a scheme or plan in the nature of
 10 a burial association, burial certificate plan, or burial membership
 11 plan;

12 (2) after an individual has died, personally or through an agent
 13 solicits, makes, or offers to make a direct or an indirect payment
 14 of a commission for the purpose of securing the individual's
 15 human remains;

16 (3) fails to promptly surrender possession of human remains after
 17 receiving a demand from the person legally entitled to custody of
 18 the human remains;

19 (4) transports or disposes of human remains without a **burial**
 20 **transit permit or any other** permit required by law;

21 (5) takes possession of human remains without authorization from
 22 the person legally entitled to custody of the human remains;

23 (6) makes a misleading claim concerning the protective qualities
 24 of a casket, an alternative container, or an outer burial container;
 25 or

26 (7) shows a casket, an alternative container, or an outer burial
 27 container to a consumer if the casket, alternative container, or
 28 outer burial container does not have a conspicuously displayed
 29 card or brochure that lists the price of the casket, alternative
 30 container, or outer burial container and briefly describes the
 31 casket, alternative container, or outer burial container;

32 may be disciplined under IC 25-1-11.

33 SECTION 11. IC 25-15-8-25 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. A local health
 35 officer may issue a **burial transit** permit under IC 16-37-3-10 only to
 36 a funeral director acting as an agent or a funeral home licensee or
 37 another individual acting under the direct supervision of a funeral
 38 director who is an agent of a funeral home licensee.

39 SECTION 12. IC 25-15-10-6, AS ADDED BY P.L.95-2012,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 6. The holder of a courtesy card issued under this
 42 chapter is authorized to undertake the following acts of funeral



- 1 directing:
2 (1) Remove and transport unembalmed and embalmed deceased
3 human bodies:
4 (A) to Indiana from; and
5 (B) from Indiana to;
6 the state or states where the courtesy card holder is licensed as a
7 funeral director.
8 (2) Prepare and complete sections of a death certificate, **burial**
9 **transit permit**, and other disposition permits needed for
10 disposition of deceased human remains, and sign and file death
11 certificates and permits.
12 (3) Sign and file death certificates, **burial transit permits**, and
13 other disposition permits without the assistance of or being under
14 the supervision of a funeral director licensed under this article.
15 (4) Supervise and conduct funeral ceremonies in Indiana without
16 the assistance of a funeral director licensed under this article.

