

HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14; IC 25-15-11; IC 34-30-2-90.1; IC 35-52-23-6.5.

Synopsis: Dissolution of human remains. Requires a crematory that is registered after July 1, 2017, to be supervised by a funeral director. Requires that a person who operates a cremation chamber must receive training and be certified as a crematory operator. 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 the operation of alkaline hydrolysis facilities.

Effective: July 1, 2017.

Thompson

January 4, 2017, read first time and referred to Committee on Public Health.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1041

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:

- 1 SECTION 1. IC 23-14-31-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. (a) A person, a
3 corporation, a limited liability company, a partnership, or any other
4 business entity that is registered under this section may erect, maintain,
5 and operate a crematory.
6 (b) To register to erect, maintain, or operate a crematory, an
7 applicant must complete an application for registration as a crematory
8 authority on a form furnished by the board that contains the following
9 information:
10 (1) The name and address of the applicant as follows:
11 (A) If the applicant is an individual, the full name and address,
12 including both residential and business addresses, of the
13 applicant.
14 (B) If the applicant is a partnership, the full name and address
15 of each partner.
16 (C) If the applicant is a limited liability company, the full
17 name and address of each manager and member.



(D) If the applicant is a corporation, the name and address of each officer, director, and shareholder holding at least twenty-five percent (25%) of the corporation's stock.

(2) The address and location of the crematory.

(3) As required under section 23(c) of this chapter, the name and address of the funeral director who supervises the operation of the crematory.

~~(3)~~ **(4)** Any other information the board may reasonably require.

SECTION 2. IC 23-14-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) A crematory shall obtain all necessary licenses and permits from appropriate local, state, or federal agencies.

(b) A crematory may be constructed on or adjacent to a cemetery, a funeral home, or another location if allowed by local zoning ordinances.

(c) The operation of a crematory that is registered after July 1, 2017, must be under the supervision of a funeral director licensed under IC 25-15. The funeral director is responsible for the operation of the crematory concerning the laws and rules governing funeral service, cremation, and the disposition of human remains.

(d) Beginning July 1, 2018, a person who operates a cremation chamber shall receive training and be certified as a crematory operator by one (1) of the following:

(1) The Cremation Association of North America.

(2) The International Cemetery, Cremation, and Funeral Association.

(3) The National Funeral Directors Association.

(4) Any other certifying organization approved by the board.

However, the training must be in addition to any training provided by a manufacturer.

SECTION 3. IC 23-14-31.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 31.5. Alkaline Hydrolysis

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

(1) potassium hydroxide or sodium hydroxide; or

(2) a combination of potassium hydroxide and sodium hydroxide;



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

3 Sec. 2. As used in this chapter, "alkaline hydrolysis authority"
4 means the legal entity or the entity's authorized representative that
5 is registered by the board to operate an alkaline hydrolysis
6 chamber and to perform alkaline hydrolysis.

7 Sec. 2.5. As used in this chapter, "alkaline hydrolysis facility"
8 means a building or structure where a human body or part of a
9 human body is or is intended to be processed by alkaline
10 hydrolysis.

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

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

16 Sec. 5. As used in this chapter, "body part" means:

17 (1) a limb or other part of the human anatomy that is
18 removed for medical purposes, treatment, surgery, biopsy,
19 autopsy, or medical research; or

20 (2) a human body or a part of a human body that has been
21 donated to science for medical research purposes.

22 Sec. 6. As used in this chapter, "burial transit permit" means a
23 permit for the transportation and disposition of a dead human
24 body required under IC 16-37-3-11 or IC 16-37-3-12.

25 Sec. 7. As used in this chapter, "disposition" means the use of
26 alkaline hydrolysis on a dead human body or a part of a dead
27 human body.

28 Sec. 8. As used in this chapter, "dissolution" refers to alkaline
29 hydrolysis.

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

34 Sec. 10. As used in this chapter, "funeral director" means a
35 person that is licensed under IC 25-15.

36 Sec. 10.5. As used in this chapter, "human remains" means the
37 body or a part of the body of an individual, including human
38 remains that have undergone the process of alkaline hydrolysis.

39 Sec. 11. (a) As used in this chapter, "remains" means all human
40 remains recovered after the completion of the alkaline hydrolysis
41 on a human body or body part, including the residue of any foreign
42 materials, dental work, or eyeglasses that were with the human



1 remains when the alkaline hydrolysis was conducted but excluding
2 any prosthetic or medical device.

3 (b) The term does not include any liquid substance remaining
4 after alkaline hydrolysis.

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

7 Sec. 13. As used in this chapter, "scattering area" means a
8 designated area on dedicated cemetery property where remains
9 that have been removed from their container after the
10 performance of alkaline hydrolysis can be mixed with or placed on
11 top of the soil or ground cover.

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

15 Sec. 15. (a) An alkaline hydrolysis authority shall obtain all
16 necessary licenses and permits from appropriate local, state, or
17 federal agencies.

18 (b) An alkaline hydrolysis authority shall submit a registration
19 form with the board that contains the information required by the
20 board.

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

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

28 (c) If the fiscal year of an alkaline hydrolysis authority is not the
29 calendar year, the alkaline hydrolysis authority shall file the
30 annual report within seventy-five (75) days after the end of the
31 alkaline hydrolysis authority's fiscal year.

32 (d) If an alkaline hydrolysis authority files a written request for
33 an extension and demonstrates good cause for the extension, the
34 board shall grant an extension of not more than sixty (60) days for
35 filing the annual report.

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

40 Sec. 17. Upon reasonable notice, the board may inspect all
41 records relating to the registration and annual report of the
42 alkaline hydrolysis authority that is required to be filed under this



chapter.

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

(1) A person:

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

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



1 However, fewer than half of the surviving siblings have the
 2 rights under this subdivision if the siblings have used
 3 reasonable efforts to notify the other surviving siblings of
 4 their intentions and are not aware of any opposition to the
 5 final disposition instructions by more than half of the
 6 surviving siblings.

7 (7) The individual in the next degree of kinship under
 8 IC 29-1-2-1 to inherit the estate of the decedent or, if more
 9 than one (1) individual of the same degree of kinship is
 10 surviving, the majority of those who are of the same degree of
 11 kinship. However, fewer than half of the individuals who are
 12 of the same degree of kinship have the rights under this
 13 subdivision if they have used reasonable efforts to notify the
 14 other individuals who are of the same degree of kinship of
 15 their intentions and are not aware of any opposition to the
 16 final disposition instructions by more than half of the
 17 individuals who are of the same degree of kinship.

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

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

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

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

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

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

35 (ii) the coroner.

36 (B) A state appointed guardian.

37 However, alkaline hydrolysis may not be used on the human
 38 remains of an indigent decedent if a surviving family member
 39 objects to the use of alkaline hydrolysis or if use of alkaline
 40 hydrolysis would be contrary to the religious practices of the
 41 deceased individual as expressed by the individual or the
 42 individual's family.



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

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

(c) If:

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

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

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the alkaline hydrolysis authority of the determination under subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(f) An alkaline hydrolysis authority has the right to rely in good faith on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(g) If there is a dispute concerning the disposition of a decedent's remains, an alkaline hydrolysis authority is not liable for refusing to accept the remains of the decedent until the authority receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If



1 an alkaline hydrolysis authority agrees to shelter the remains of the
 2 decedent while the parties are in dispute, the alkaline hydrolysis
 3 authority may collect any applicable fees for storing the remains,
 4 including any legal fees that are incurred.

5 (h) Any cause of action filed under this section must be filed in
 6 a court with probate jurisdiction in the county where the decedent
 7 resided, unless the decedent was not a resident of Indiana.

8 (i) A spouse seeking a judicial determination under subsection
 9 (a)(3)(A) that the decedent and spouse were reconciled before the
 10 decedent's death may petition the court having jurisdiction over
 11 the dissolution or separation proceeding to make this
 12 determination by filing the petition under the same cause number
 13 as the dissolution or separation proceeding. A spouse who files a
 14 petition under this subsection is not required to pay a filing fee.

15 Sec. 19. (a) Except as provided in subsection (c), an alkaline
 16 hydrolysis authority may not perform alkaline hydrolysis on
 17 human remains until the authority has received the following
 18 information:

19 (1) An alkaline hydrolysis authorization form provided by the
 20 alkaline hydrolysis authority, signed by an authorizing agent,
 21 that contains the following information:

22 (A) The identity of the human remains and the time and
 23 date of death.

24 (B) The name of the funeral director who obtained the
 25 alkaline hydrolysis authorization.

26 (C) The name of the authorizing agent and the relationship
 27 between the authorizing agent and the decedent.

28 (D) A statement by the authorizing agent that the
 29 authorizing agent:

30 (i) has the right to authorize the use of alkaline
 31 hydrolysis on the decedent;

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

34 (iii) if the authorizing agent is aware that there is
 35 another person who has a superior priority right to that
 36 of the authorizing agent, has been unable to contact the
 37 person and has no reason to believe that the person
 38 would object to the performance of alkaline hydrolysis
 39 on the decedent.

40 (E) Authorization for the alkaline hydrolysis authority to
 41 perform alkaline hydrolysis on the human remains.

42 (F) The name of the funeral director authorized to receive



1 the remains from the alkaline hydrolysis authority or, if
2 the alkaline hydrolysis facility is on cemetery property, the
3 cemetery authorized to receive the remains.

4 (G) The manner in which final disposition of the remains
5 is to take place, if known. If the alkaline hydrolysis
6 authorization form does not specify final disposition in a
7 grave, niche, or scattering area, the form may indicate that
8 the remains will be held by the alkaline hydrolysis
9 authority for not longer than thirty (30) days from the date
10 of performance of alkaline hydrolysis before the remains
11 are released. The form may indicate that the alkaline
12 hydrolysis authority shall return remains that have not
13 been disposed of within thirty (30) days to the funeral
14 director or funeral home of record, who shall hold them
15 for not longer than sixty (60) days after the date of the
16 performance of alkaline hydrolysis before disposing of the
17 remains either as previously authorized or, if there is no
18 authorization, in any legal manner. The funeral home is
19 not liable for:

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

22 (ii) holding the remains;

23 after the sixty (60) days permitted under this clause if the
24 authorizing agent fails to claim the remains during the
25 sixty (60) day period. The funeral home must first send
26 written notice by certified mail return receipt requested to
27 the authorizing agent that explains the intentions of the
28 funeral home regarding the disposal of or holding of the
29 remains in order for the funeral home to be immune from
30 liability under this clause.

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

34 (I) A statement prohibiting the alkaline hydrolysis
35 authority from selling nonorganic material recovered from
36 the decedent.

37 (J) A statement that the authorizing agent has made
38 specific arrangements for any viewing of the decedent
39 before the performance of alkaline hydrolysis, or for a
40 service with the decedent present before the performance
41 of alkaline hydrolysis. If a viewing or service is planned,
42 the date and time of the viewing or service and whether the



1 alkaline hydrolysis authority is authorized to proceed with
2 alkaline hydrolysis upon receipt of the decedent.

3 (K) The signature of the authorizing agent, attesting to the
4 accuracy of all representations contained on the alkaline
5 hydrolysis authorization form.

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

9 (3) A copy of:

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

11 (B) a release for alkaline hydrolysis by the coroner if an
12 investigation of the circumstances of the deceased person's
13 death came under the authority of the coroner. However,
14 the release does not constitute an authorization as required
15 by this chapter.

16 (b) The alkaline hydrolysis authorization form required under
17 subsection (a)(1) must be signed by the funeral director who
18 obtains the alkaline hydrolysis authorization. The funeral director
19 shall execute the alkaline hydrolysis authorization form as a
20 witness and is not responsible for the representations made by the
21 authorizing agent unless the funeral director has actual knowledge
22 of a false or inaccurate representation. The funeral director shall
23 certify to the alkaline hydrolysis authority that the human remains
24 delivered to the alkaline hydrolysis authority are the human
25 remains identified by the authorizing agent on the alkaline
26 hydrolysis authorization form.

27 (c) Notwithstanding subsection (a)(3)(A), a death certificate is
28 not required for the performance of alkaline hydrolysis on the
29 human remains of a person:

30 (1) who died in another state; and

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

32 (A) a licensed funeral director; or

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

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

36 if the funeral director or funeral director's agent obtains the
37 documents required for the performance of alkaline hydrolysis by
38 the state in which the death occurred. However, if final disposition
39 of the human remains is to occur in Indiana, subsection (a)(3)(A)
40 applies.

41 Sec. 20. (a) If the authorizing agent is not available to execute an
42 alkaline hydrolysis authorization form in person, the authorizing



1 agent may delegate the authority to another person in writing,
 2 including a facsimile transmission, telegram, or other electronic
 3 transmission.

4 (b) A written delegation of authority of an authorizing agent
 5 must include:

6 (1) the name, address, and relationship of the authorizing
 7 agent to the decedent; and

8 (2) the name and address of the person to whom authority is
 9 delegated.

10 (c) A person authorized under subsections (a) and (b) may serve
 11 as the authorizing agent and execute the alkaline hydrolysis
 12 authorization form.

13 (d) An alkaline hydrolysis authority is not liable for relying on
 14 an alkaline hydrolysis authorization form executed in compliance
 15 with this section.

16 Sec. 21. (a) An authorizing agent who signs an alkaline
 17 hydrolysis authorization form certifies that the facts on the
 18 alkaline hydrolysis authorization form are true and that the
 19 authorizing agent has authority to order the alkaline hydrolysis.

20 (b) An authorizing agent who signs an alkaline hydrolysis
 21 authorization form is personally liable for damages resulting from
 22 authorizing the alkaline hydrolysis.

23 (c) The authorizing agent is responsible for the final disposition
 24 of a decedent's remains after the performance of alkaline
 25 hydrolysis. The alkaline hydrolysis authority may hold the remains
 26 for not longer than the thirty (30) day period under section 35 of
 27 this chapter.

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

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

34 (1) performing alkaline hydrolysis on human remains
 35 according to an alkaline hydrolysis authorization form; or

36 (2) releasing or disposing of the remains after the
 37 performance of alkaline hydrolysis according to the
 38 authorization form.

39 Sec. 23. After an authorizing agent has executed an alkaline
 40 hydrolysis authorization form, the authorizing agent may revoke
 41 the authorization and instruct the alkaline hydrolysis authority to
 42 cancel the alkaline hydrolysis and to release or deliver the human



1 remains to another alkaline hydrolysis authority or funeral home.
 2 The instructions must be provided to the alkaline hydrolysis
 3 authority in writing. An alkaline hydrolysis authority shall comply
 4 with instructions given to the authority by an authorizing agent
 5 under this section if the alkaline hydrolysis authority receives the
 6 instructions before beginning the alkaline hydrolysis of the human
 7 remains.

8 Sec. 24. (a) The alkaline hydrolysis authority shall furnish a
 9 receipt to the funeral director or the funeral director's
 10 representative who delivers human remains to the alkaline
 11 hydrolysis authority. The receipt must:

12 (1) be signed by both the alkaline hydrolysis authority and the
 13 funeral director or the funeral director's representative who
 14 delivers the human remains; and

15 (2) contain the following information:

16 (A) The date and time of the delivery.

17 (B) The type of container that was delivered.

18 (C) The name of the person from whom the human
 19 remains were received and the name of the funeral home
 20 or other entity with whom the person is affiliated.

21 (D) The name of the person who received the human
 22 remains on behalf of the alkaline hydrolysis authority.

23 (E) The name of the decedent.

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

30 (1) The date and time of the release.

31 (2) The name of the person who received the remains and the
 32 name of the funeral home, cemetery, or other entity with
 33 whom the person is affiliated.

34 (3) The name of the person who released the remains on
 35 behalf of the alkaline hydrolysis authority.

36 (4) The name of the decedent.

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

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



1 date of the alkaline hydrolysis.

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

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

7 (1) that are disposed of on the alkaline hydrolysis authority's
8 property;

9 (2) that have been properly transferred to the cemetery; and

10 (3) for which the cemetery has issued a receipt acknowledging
11 the transfer of the remains.

12 Sec. 27. (a) An alkaline hydrolysis authority may not require
13 that human remains be placed in a casket before alkaline
14 hydrolysis or that human remains be placed in a casket for the
15 performance of alkaline hydrolysis.

16 (b) An alkaline hydrolysis authority may not refuse to accept
17 human remains for alkaline hydrolysis because the human remains
18 are not embalmed.

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

22 (d) If an alternative container is used in subsection (c), the
23 container must be a receptacle or other enclosure that:

24 (1) is rigid or nonrigid;

25 (2) is made of a consumable material;

26 (3) may be closed adequately to provide a complete covering
27 for the human remains;

28 (4) is resistant to leakage or spillage;

29 (5) can be handled with ease; and

30 (6) provides protection for the health, safety, and personal
31 integrity of alkaline hydrolysis facility personnel.

32 Sec. 28. (a) Except:

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

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

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

39 (b) Except as provided in subsection (a), unless the alkaline
40 hydrolysis authority has received specific instructions to the
41 contrary on the alkaline hydrolysis authorization form, an alkaline
42 hydrolysis authority may schedule the performance of the alkaline



1 hydrolysis at the authority's convenience at any time after the
 2 human remains have been delivered to the alkaline hydrolysis
 3 authority.

4 (c) An alkaline hydrolysis authority may not use alkaline
 5 hydrolysis for human remains if the authority has actual
 6 knowledge that the human remains contain a material or implant
 7 that may be potentially hazardous to the individual performing the
 8 alkaline hydrolysis.

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

12 (1) who died in another state; and

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

14 (A) a licensed funeral director; or

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

16 for the purpose of alkaline hydrolysis at an Indiana alkaline
 17 hydrolysis facility;

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

20 Sec. 29. (a) An alkaline hydrolysis authority may not perform
 21 the simultaneous alkaline hydrolysis of human remains of more
 22 than one (1) individual within the same alkaline hydrolysis
 23 chamber unless the authority has obtained the prior written
 24 consent of the authorizing agents of each individual.

25 (b) Subsection (a) does not prevent the simultaneous
 26 performance of alkaline hydrolysis within the same alkaline
 27 hydrolysis chamber of body parts delivered to the alkaline
 28 hydrolysis authority from multiple sources, or the use of alkaline
 29 hydrolysis equipment that contains more than one (1) alkaline
 30 hydrolysis chamber.

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

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

39 (b) An alkaline hydrolysis authority shall maintain an
 40 identification system that ensures that the authority can identify
 41 the human remains in the authority's possession throughout all
 42 phases of alkaline hydrolysis.



1 **Sec. 32.** The authorizing agent is responsible for the decision
 2 concerning final disposition of the remains in accordance with
 3 sections 34 and 35 of this chapter. The funeral director is not liable
 4 for an act of the authorizing agent.

5 **Sec. 33.** Any liquid substance remaining after the performance
 6 of alkaline hydrolysis shall be disposed of by the alkaline hydrolysis
 7 authority in any manner the alkaline hydrolysis authority sees fit.
 8 However, an alkaline hydrolysis authority must:

- 9 (1) comply with any federal, state, or local requirements
 10 governing the disposal of the remaining liquid; and
- 11 (2) obtain any federal, state, or local permits governing the
 12 disposal of the remaining liquid.

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

- 16 (1) Placing the remains in a grave, niche, or crypt.
- 17 (2) Scattering the remains in a scattering area.
- 18 (3) Disposing of the remains in any manner if:
 19 (A) the remains are reduced to a particle size of one-eighth
 20 (1/8) inch or less; and
 21 (B) the disposal is made on the property of a consenting
 22 owner, on uninhabited public land, or on a waterway.

23 (b) The state department of health shall adopt forms for
 24 recording the following information concerning the disposal of
 25 remains on which alkaline hydrolysis has been performed on the
 26 property of a consenting owner:

- 27 (1) The date and manner of the disposal of the remains.
- 28 (2) The legal description of the property where the remains
 29 were disposed.

30 The owner of the property where the remains were disposed and
 31 the person having legal control over the remains shall attest to the
 32 accuracy of the information supplied on the forms. The owner of
 33 the property where the remains were disposed shall record the
 34 forms with the county recorder of the county in which the property
 35 is located and shall return the form and the burial transit permit
 36 described in IC 16-37-3 within ten (10) days after the remains are
 37 disposed.

38 **Sec. 35.** (a) After completion of alkaline hydrolysis, if an alkaline
 39 hydrolysis authority existing on cemetery property has not been
 40 instructed to arrange for the interment, entombment, inurnment,
 41 or scattering of the remains, the alkaline hydrolysis authority shall
 42 deliver the remains to the funeral director of record not later than



thirty (30) days after the date of the performance of the alkaline hydrolysis. The delivery may be made in person or by registered mail. After delivery of the remains, the alkaline hydrolysis authority is discharged from any legal obligation or liability concerning the disposition of the remains.

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

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

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

(1) Dispose of remains in a manner or location that commingles the alkaline hydrolysis remains with the remains of another individual. This prohibition does not apply to the scattering of remains on the ground, at sea, or in the air.

(2) Place the remains of more than one (1) individual in the same temporary container or urn.

(b) If a temporary container is used in subsection (a), the temporary container that is used for the remains must be a receptacle:

(1) that is composed of cardboard, plastic, or similar material;

(2) that can be secured to prevent leakage or spillage of the remains or the entrance of foreign material; and

(3) that is a single container of sufficient size to hold the remains.

Sec. 37. An alkaline hydrolysis authority that has received an executed alkaline hydrolysis authorization form and any additional documentation required under section 19 of this chapter is not liable for civil damages arising from the performance of alkaline hydrolysis on the human remains designated by the alkaline hydrolysis authorization form if the alkaline hydrolysis is performed in accordance with this chapter.

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

(1) is aware of a dispute concerning the use of alkaline



hydrolysis on the human remains;

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

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

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

Sec. 39. (a) If an alkaline hydrolysis authority is aware of a dispute concerning the release or disposition of remains, the alkaline hydrolysis authority shall not release the remains to the funeral director or funeral home until the dispute has been resolved.

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

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

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

Sec. 42. (a) A person who knowingly or intentionally:

(1) performs an alkaline hydrolysis without receipt of an alkaline hydrolysis authorization form signed by an authorizing agent;

(2) signs an alkaline hydrolysis authorization form that the person knows contains false or incorrect information; or

(3) violates an alkaline hydrolysis procedure under sections 28 through 31 of this chapter;

commits a Level 6 felony.

(b) An alkaline hydrolysis authority that knowingly represents to an authorizing agent or the agent's designee that a temporary container or urn contains the remains of a specific decedent when the container or urn does not contain the remains of that specific decedent commits a Level 6 felony.

(c) A person:

(1) who recklessly, knowingly, or intentionally:

(A) professes to the public to be an alkaline hydrolysis



1 authority; or
 2 (B) operates a building or structure in Indiana as an
 3 alkaline hydrolysis facility;
 4 without being registered under this chapter; or
 5 (2) who recklessly, knowingly, or intentionally fails to file an
 6 annual report required under section 16 of this chapter;
 7 commits a Class A misdemeanor.

8 **Sec. 43. If an alkaline hydrolysis authority:**

9 (1) refuses to file or neglects to file an annual report under
 10 section 16 of this chapter;

11 (2) fails to comply with the registration requirements under
 12 this chapter; or

13 (3) refuses to comply with the record inspection requirements
 14 under section 17 of this chapter;

15 the board may maintain an action in the name of the state of
 16 Indiana to enjoin the alkaline hydrolysis authority from
 17 performing alkaline hydrolysis.

18 SECTION 4. IC 25-15-11 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2017]:

21 **Chapter 11. Alkaline Hydrolysis**

22 **Sec. 1. As used in this chapter, "alkaline hydrolysis" has the**
 23 **meaning set forth in IC 23-14-31.5-1.**

24 **Sec. 2. As used in this chapter, "dissolution" has the meaning set**
 25 **forth in IC 23-14-31.5-8.**

26 **Sec. 3. As used in this chapter, "dissolution chamber" has the**
 27 **meaning set forth in IC 23-14-31.5-9.**

28 **Sec. 4. (a) Before January 1, 2018, the board shall adopt rules**
 29 **under IC 4-22-2 to provide for alkaline hydrolysis as a method for**
 30 **the disposal of human remains (as defined in IC 25-15-2-18). The**
 31 **rules must cover the following:**

32 (1) Regulation of facilities containing equipment designed for
 33 the final disposition of human remains through dissolution.

34 (2) Regulation of dissolution chambers.

35 (3) Regulation of the pulverizing of bone fragments to an
 36 unidentifiable dimension after dissolution.

37 (4) Setting standards for disposition of human remains that
 38 result from pulverization, where the residue from alkaline
 39 hydrolysis is reduced to unidentifiable dimensions.

40 (5) Setting standards for the dignified transportation of
 41 human remains for the purpose of placement in a dissolution
 42 chamber, and setting standards for any other equipment,



1 container, or receptacle used in alkaline hydrolysis and the
2 disposal of remains.

3 (b) Rules adopted under this section must provide for the
4 following:

5 (1) Any chamber, container, receptacle, or other equipment
6 used in alkaline hydrolysis must be used exclusively for
7 human remains.

8 (2) Alkaline hydrolysis may be performed only by a funeral
9 director licensed under this article.

10 (c) The board may adopt rules to administer and carry out the
11 purposes of IC 23-14-31.5.

12 SECTION 5. IC 34-30-2-90.1 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2017]: **Sec. 90.1. IC 23-14-31.5 (Concerning**
15 **dissolution of human remains).**

16 SECTION 6. IC 35-52-23-6.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2017]: **Sec. 6.5. IC 23-14-31.5-42 defines**
19 **crimes concerning alkaline hydrolysis.**

