



February 20, 2015

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## HOUSE BILL No. 1069

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DIGEST OF HB 1069 (Updated February 19, 2015 9:10 am - DI 77)

**Citations Affected:** IC 23-14; IC 25-15; IC 34-30; IC 35-52.

**Synopsis:** Dissolution of human remains. Requires a crematory that is registered after July 1, 2015 to be supervised by a funeral director. Requires that a person who operates a cremation chamber to 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, 2015.

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### Thompson, Brown C

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January 6, 2015, read first time and referred to Committee on Public Health.  
February 19, 2015, amended, reported — Do Pass.

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HB 1069—LS 6117/DI 107





February 20, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1069

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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 23-14-31-22 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

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- 1 (C) If the applicant is a limited liability company, the full  
 2 name and address of each manager and member.  
 3 (D) If the applicant is a corporation, the name and address of  
 4 each officer, director, and shareholder holding at least  
 5 twenty-five percent (25%) of the corporation's stock.  
 6 (2) The address and location of the crematory.  
 7 **(3) As required under section 23(c) of this chapter, the name**  
 8 **and address of the funeral director who supervises the**  
 9 **operation of the crematory.**  
 10 ~~(3)~~ **(4)** Any other information the board may reasonably require.  
 11 SECTION 2. IC 23-14-31-23 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) A crematory  
 13 shall obtain all necessary licenses and permits from appropriate local,  
 14 state, or federal agencies.  
 15 (b) A crematory may be constructed on or adjacent to a cemetery,  
 16 a funeral home, or another location if allowed by local zoning  
 17 ordinances.  
 18 **(c) The operation of a crematory that is registered after July 1,**  
 19 **2015, must be under the supervision of a funeral director licensed**  
 20 **under IC 25-15. The funeral director is responsible for the**  
 21 **operation of the crematory concerning the laws and rules**  
 22 **governing funeral service, cremation, and the disposition of human**  
 23 **remains.**  
 24 **(d) Beginning July 1, 2016, a person who operates a cremation**  
 25 **chamber shall receive training and be certified as a crematory**  
 26 **operator by one (1) of the following:**  
 27 **(1) The Cremation Association of North America.**  
 28 **(2) The International Cemetery, Cremation, and Funeral**  
 29 **Association.**  
 30 **(3) The National Funeral Directors Association.**  
 31 **(4) Any other certifying organization approved by the board.**  
 32 **However, the training must be in addition to any training provided**  
 33 **by a manufacturer.**  
 34 SECTION 3. IC 23-14-31.5 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]:  
 37 **Chapter 31.5. Alkaline Hydrolysis**  
 38 **Sec. 1. As used in this chapter, "alkaline hydrolysis" means a**  
 39 **disposition process involving the dissolution of human remains by**  
 40 **placing the remains in a dissolution chamber containing water and**  
 41 **a chemical solution that includes:**  
 42 **(1) potassium hydroxide or sodium hydroxide; or**



- 1           (2) a combination of potassium hydroxide and sodium  
2           hydroxide;  
3           and introducing heat to break down the remains until only bone  
4           fragments that may be pulverized and a liquid substance remain.  
5           Sec. 2. As used in this chapter, "alkaline hydrolysis authority"  
6           means the legal entity or the entity's authorized representative that  
7           is registered by the board to operate an alkaline hydrolysis  
8           chamber and to perform alkaline hydrolysis.  
9           Sec. 2.5. As used in this chapter, "alkaline hydrolysis facility"  
10           means a building or structure where a human body or part of a  
11           human body is or is intended to be processed by alkaline  
12           hydrolysis.  
13           Sec. 3. As used in this chapter, "authorizing agent" means a  
14           person legally entitled to order alkaline hydrolysis and the final  
15           disposition of specific human remains.  
16           Sec. 4. As used in this chapter, "board" means the state board  
17           of funeral and cemetery service established by IC 25-15-9-1.  
18           Sec. 5. As used in this chapter, "body part" means:  
19           (1) a limb or other part of the human anatomy that is  
20           removed for medical purposes, treatment, surgery, biopsy,  
21           autopsy, or medical research; or  
22           (2) a human body or a part of a human body that has been  
23           donated to science for medical research purposes.  
24           Sec. 6. As used in this chapter, "burial transit permit" means a  
25           permit for the transportation and disposition of a dead human  
26           body required under IC 16-37-3-10 or IC 16-37-3-12.  
27           Sec. 7. As used in this chapter, "disposition" means the use of  
28           alkaline hydrolysis on a dead human body or a part of a dead  
29           human body.  
30           Sec. 8. As used in this chapter, "dissolution" refers to alkaline  
31           hydrolysis.  
32           Sec. 9. As used in this chapter, "dissolution chamber" means a  
33           vessel specifically made for alkaline hydrolysis that is closed and  
34           sealed on all sides when human remains are placed inside and  
35           dissolution takes place.  
36           Sec. 10. As used in this chapter, "funeral director" means a  
37           person that is licensed under IC 25-15.  
38           Sec. 10.5. As used in this chapter, "human remains" means the  
39           body or a part of the body of an individual, including human  
40           remains that have undergone the process of alkaline hydrolysis.  
41           Sec. 11. (a) As used in this chapter, "remains" means all human  
42           remains recovered after the completion of the alkaline hydrolysis



1 on a human body or body part, including the residue of any foreign  
2 materials, dental work, or eyeglasses that were with the human  
3 remains when the alkaline hydrolysis was conducted but excluding  
4 any prosthetic or medical device.

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

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

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

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

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

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

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

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

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

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

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

42 Sec. 17. Upon reasonable notice, the board may inspect all



1 records relating to the registration and annual report of the  
 2 alkaline hydrolysis authority that is required to be filed under this  
 3 chapter.

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

7 **(1) A person:**

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

10 **(B) named in a United States Department of Defense form**  
 11 **"Record of Emergency Data" (DD Form 93) or a successor**  
 12 **form adopted by the United States Department of Defense,**  
 13 **if an individual who completed the form died while serving**  
 14 **in any branch of the United States armed forces (as defined**  
 15 **in 10 U.S.C. 1481).**

16 **(2) An individual specifically granted the authority to serve in**  
 17 **a power of attorney or a health care power of attorney**  
 18 **executed by the decedent under IC 30-5-5-16.**

19 **(3) The individual who was the spouse of the decedent at the**  
 20 **time of the decedent's death, except when:**

21 **(A) a petition to dissolve the marriage or for legal**  
 22 **separation of the decedent and spouse is pending with a**  
 23 **court at the time of the decedent's death, unless a court**  
 24 **finds that the decedent and spouse were reconciled before**  
 25 **the decedent's death; or**

26 **(B) a court determines the decedent and spouse were**  
 27 **physically and emotionally separated at the time of death**  
 28 **and the separation was for an extended time that clearly**  
 29 **demonstrates an absence of due affection, trust, and regard**  
 30 **for the decedent.**

31 **(4) The decedent's surviving adult child or, if more than one**

32 **(1) adult child is surviving, the majority of the adult children.**  
 33 **However, fewer than half of the surviving adult children have**  
 34 **the rights under this subdivision if the adult children have**  
 35 **used reasonable efforts to notify the other surviving adult**  
 36 **children of their intentions and are not aware of any**  
 37 **opposition to the final disposition instructions by more than**  
 38 **half of the surviving adult children.**

39 **(5) The decedent's surviving parent or parents. If one (1) of**  
 40 **the parents is absent, the parent who is present has authority**  
 41 **under this subdivision if the parent who is present has used**  
 42 **reasonable efforts to notify the absent parent.**



- 1           **(6) The decedent's surviving sibling or, if more than one (1)**  
 2           **sibling is surviving, the majority of the surviving siblings.**  
 3           **However, fewer than half of the surviving siblings have the**  
 4           **rights under this subdivision if the siblings have used**  
 5           **reasonable efforts to notify the other surviving siblings of**  
 6           **their intentions and are not aware of any opposition to the**  
 7           **final disposition instructions by more than half of the**  
 8           **surviving siblings.**
- 9           **(7) The individual in the next degree of kinship under**  
 10          **IC 29-1-2-1 to inherit the estate of the decedent or, if more**  
 11          **than one (1) individual of the same degree of kinship is**  
 12          **surviving, the majority of those who are of the same degree of**  
 13          **kinship. However, fewer than half of the individuals who are**  
 14          **of the same degree of kinship have the rights under this**  
 15          **subdivision if they have used reasonable efforts to notify the**  
 16          **other individuals who are of the same degree of kinship of**  
 17          **their intentions and are not aware of any opposition to the**  
 18          **final disposition instructions by more than half of the**  
 19          **individuals who are of the same degree of kinship.**
- 20          **(8) If none of the persons described in subdivisions (1)**  
 21          **through (7) are available, any other person willing to act and**  
 22          **arrange for the final disposition of the decedent's remains,**  
 23          **including a funeral home that:**
- 24                **(A) has a valid prepaid funeral plan executed under**  
 25                **IC 30-2-13 that makes arrangements for the disposition of**  
 26                **the decedent's remains; and**
- 27                **(B) attests in writing that a good faith effort has been made**  
 28                **to contact any living individuals described in subdivisions**  
 29                **(1) through (7).**
- 30          **(9) In the case of an indigent or other individual whose final**  
 31          **disposition is the responsibility of the state or township, the**  
 32          **following may serve as the authorizing agent:**
- 33                **(A) If none of the persons identified in subdivisions (1)**  
 34                **through (8) are available:**
- 35                    **(i) a public administrator, including a responsible**  
 36                    **township trustee or the trustee's designee; or**  
 37                    **(ii) the coroner.**
- 38                **(B) A state appointed guardian.**
- 39          **However, alkaline hydrolysis may not be used on the human**  
 40          **remains of an indigent decedent if a surviving family member**  
 41          **objects to the use of alkaline hydrolysis or if use of alkaline**  
 42          **hydrolysis would be contrary to the religious practices of the**





1           deceased individual as expressed by the individual or the  
2           individual's family.

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

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

11           **(c) If:**

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

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

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

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

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

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

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

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

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

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

42                   **(1) a court order; or**



1           **(2) a written agreement signed by the disputing parties;**  
 2 **that determines the final disposition of the decedent's remains. If**  
 3 **an alkaline hydrolysis authority agrees to shelter the remains of the**  
 4 **decedent while the parties are in dispute, the alkaline hydrolysis**  
 5 **authority may collect any applicable fees for storing the remains,**  
 6 **including any legal fees that are incurred.**

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

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

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

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

24           **(A) The identity of the human remains and the time and**  
 25 **date of death.**

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

28           **(C) The name of the authorizing agent and the relationship**  
 29 **between the authorizing agent and the decedent.**

30           **(D) A statement by the authorizing agent that the**  
 31 **authorizing agent:**

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

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

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

42           **(E) Authorization for the alkaline hydrolysis authority to**



- 1 perform alkaline hydrolysis on the human remains.
- 2 (F) The name of the funeral director authorized to receive
- 3 the remains from the alkaline hydrolysis authority or if the
- 4 alkaline hydrolysis facility is on cemetery property, the
- 5 cemetery authorized to receive the remains.
- 6 (G) The manner in which final disposition of the remains
- 7 is to take place, if known. If the alkaline hydrolysis
- 8 authorization form does not specify final disposition in a
- 9 grave, niche, or scattering area, the form may indicate that
- 10 the remains will be held by the alkaline hydrolysis
- 11 authority for not longer than thirty (30) days from the date
- 12 of performance of alkaline hydrolysis before the remains
- 13 are released. The form may indicate that the alkaline
- 14 hydrolysis authority shall return remains that have not
- 15 been disposed of within thirty (30) days to the funeral
- 16 director or funeral home of record, who shall hold them
- 17 for not longer than sixty (60) days after the date of the
- 18 performance of alkaline hydrolysis before disposing of the
- 19 remains either as previously authorized or, if there is no
- 20 authorization, in any legal manner. The funeral home is
- 21 not liable for:
- 22 (i) disposing of remains in any manner permitted by law
- 23 if the remains have been held; or
- 24 (ii) holding the remains;
- 25 after the sixty (60) days permitted under this clause if the
- 26 authorizing agent fails to claim the remains during the
- 27 sixty (60) day period. The funeral home must first send
- 28 written notice by certified mail return receipt requested to
- 29 the authorizing agent that explains the intentions of the
- 30 funeral home regarding the disposal of or holding of the
- 31 remains in order for the funeral home to be immune from
- 32 liability under this clause.
- 33 (H) A statement confirming the identity of the valuables
- 34 and prosthetics belonging to the decedent previously taken
- 35 and being held by the funeral director or the funeral home.
- 36 (I) A statement prohibiting the alkaline hydrolysis
- 37 authority from selling nonorganic material recovered from
- 38 the decedent.
- 39 (J) A statement that the authorizing agent has made
- 40 specific arrangements for any viewing of the decedent
- 41 before the performance of alkaline hydrolysis, or for a
- 42 service with the decedent present before the performance



1 of alkaline hydrolysis. If a viewing or service is planned,  
 2 the date and time of the viewing or service and whether the  
 3 alkaline hydrolysis authority is authorized to proceed with  
 4 alkaline hydrolysis upon receipt of the decedent.

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

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

11 (3) A copy of:

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

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

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

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

32 (1) who died in another state; and

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

34 (A) a licensed funeral director; or

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

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

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



1           **Sec. 20. (a) If the authorizing agent is not available to execute an**  
2 **alkaline hydrolysis authorization form in person, the authorizing**  
3 **agent may delegate the authority to another person in writing,**  
4 **including a facsimile transmission, telegram, or other electronic**  
5 **transmission.**

6           **(b) A written delegation of authority of an authorizing agent**  
7 **must include:**

8               **(1) the name, address, and relationship of the authorizing**  
9 **agent to the decedent; and**

10              **(2) the name and address of the person to whom authority is**  
11 **delegated.**

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

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

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

23           **(b) An authorizing agent who signs an alkaline hydrolysis**  
24 **authorization form is personally liable for damages resulting from**  
25 **authorizing the alkaline hydrolysis.**

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

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

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

37               **(1) performing alkaline hydrolysis on human remains**  
38 **according to an alkaline hydrolysis authorization form; or**

39               **(2) releasing or disposing of the remains after the**  
40 **performance of alkaline hydrolysis according to the**  
41 **authorization form.**

42           **Sec. 23. After an authorizing agent has executed an alkaline**



1 hydrolysis authorization form, the authorizing agent may revoke  
 2 the authorization and instruct the alkaline hydrolysis authority to  
 3 cancel the alkaline hydrolysis and to release or deliver the human  
 4 remains to another alkaline hydrolysis authority or funeral home.  
 5 The instructions must be provided to the alkaline hydrolysis  
 6 authority in writing. An alkaline hydrolysis authority shall comply  
 7 with instructions given to the authority by an authorizing agent  
 8 under this section if the alkaline hydrolysis authority receives the  
 9 instructions before beginning the alkaline hydrolysis of the human  
 10 remains.

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

15 **(1) be signed by both the alkaline hydrolysis authority and the**  
 16 **funeral director or the funeral director's representative who**  
 17 **delivers the human remains; and**

18 **(2) contain the following information:**

19 **(A) The date and time of the delivery.**

20 **(B) The type of container that was delivered.**

21 **(C) The name of the person from whom the human**  
 22 **remains were received and the name of the funeral home**  
 23 **or other entity with whom the person is affiliated.**

24 **(D) The name of the person who received the human**  
 25 **remains on behalf of the alkaline hydrolysis authority.**

26 **(E) The name of the decedent.**

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

33 **(1) The date and time of the release.**

34 **(2) The name of the person who received the remains and the**  
 35 **name of the funeral home, cemetery, or other entity with**  
 36 **whom the person is affiliated.**

37 **(3) The name of the person who released the remains on**  
 38 **behalf of the alkaline hydrolysis authority.**

39 **(4) The name of the decedent.**

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

42 **Sec. 25. (a) An alkaline hydrolysis authority shall maintain at**



1 the authority's place of business a permanent record of each  
 2 alkaline hydrolysis that took place at the alkaline hydrolysis  
 3 facility. The record must contain the name of the decedent and the  
 4 date of the alkaline hydrolysis.

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

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

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

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

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

15 **Sec. 27. (a)** An alkaline hydrolysis authority may not require  
 16 that human remains be placed in a casket before alkaline  
 17 hydrolysis or that human remains be placed in a casket for the  
 18 performance of alkaline hydrolysis.

19 (b) An alkaline hydrolysis authority may not refuse to accept  
 20 human remains for alkaline hydrolysis because the human remains  
 21 are not embalmed.

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

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

27 (1) is rigid or nonrigid;

28 (2) is made of a consumable material;

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

31 (4) is resistant to leakage or spillage;

32 (5) can be handled with ease; and

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

35 **Sec. 28. (a)** Except:

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

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

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

42 (b) Except as provided in subsection (a), unless the alkaline



1 hydrolysis authority has received specific instructions to the  
 2 contrary on the alkaline hydrolysis authorization form, an alkaline  
 3 hydrolysis authority may schedule the performance of the alkaline  
 4 hydrolysis at the authority's convenience at any time after the  
 5 human remains have been delivered to the alkaline hydrolysis  
 6 authority.

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

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

15 (1) who died in another state; and

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

17 (A) a licensed funeral director; or

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

19 for the purpose of alkaline hydrolysis at an Indiana alkaline  
 20 hydrolysis facility;

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

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

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

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

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

42 (b) An alkaline hydrolysis authority shall maintain an





1 identification system that ensures that the authority can identify  
 2 the human remains in the authority's possession throughout all  
 3 phases of alkaline hydrolysis.

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

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

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

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

- 19 (1) Placing the remains in a grave, niche, or crypt.
- 20 (2) Scattering the remains in a scattering area.
- 21 (3) Disposing of the remains in any manner if:
  - 22 (A) the remains are reduced to a particle size of one-eighth
  - 23 (1/8) inch or less; and
  - 24 (B) the disposal is made on the property of a consenting
  - 25 owner, on uninhabited public land, or on a waterway.

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

- 30 (1) The date and manner of the disposal of the remains.
- 31 (2) The legal description of the property where the remains
- 32 were disposed.

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

41 **Sec. 35. (a)** After completion of alkaline hydrolysis, if an alkaline  
 42 hydrolysis authority existing on cemetery property has not been



1 instructed to arrange for the interment, entombment, inurnment,  
2 or scattering of the remains, the alkaline hydrolysis authority shall  
3 deliver the remains to the funeral director of record not later than  
4 thirty (30) days after the date of the performance of the alkaline  
5 hydrolysis. The delivery may be made in person or by registered  
6 mail. After delivery of the remains, the alkaline hydrolysis  
7 authority is discharged from any legal obligation or liability  
8 concerning the disposition of the remains.

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

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

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

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

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

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

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

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

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

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

40 **Sec. 38. (a)** An alkaline hydrolysis authority is not liable for civil  
41 damages for refusing to accept human remains or refusing to  
42 perform an alkaline hydrolysis until the alkaline hydrolysis



1 authority receives a court order or other suitable confirmation that  
2 a dispute has been settled, if the authority:

- 3 (1) is aware of a dispute concerning the use of alkaline  
4 hydrolysis on the human remains;  
5 (2) has a reasonable basis for questioning any of the  
6 representations made by the authorizing agent; or  
7 (3) refuses to accept the human remains for any other lawful  
8 reason.

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

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

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

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

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

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

- 30 (1) performs an alkaline hydrolysis without receipt of an  
31 alkaline hydrolysis authorization form signed by an  
32 authorizing agent;  
33 (2) signs an alkaline hydrolysis authorization form that the  
34 person knows contains false or incorrect information; or  
35 (3) violates an alkaline hydrolysis procedure under sections 28  
36 through 31 of this chapter;

37 commits a Level 6 felony.

38 (b) An alkaline hydrolysis authority that knowingly represents  
39 to an authorizing agent or the agent's designee that a temporary  
40 container or urn contains the remains of a specific decedent when  
41 the container or urn does not contain the remains commits a Level  
42 6 felony.



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

11 Sec. 43. If an alkaline hydrolysis authority:

- 12 (1) refuses to file or neglects to file an annual report under
- 13 section 16 of this chapter;
- 14 (2) fails to comply with the registration requirements under
- 15 this chapter; or
- 16 (3) refuses to comply with the record inspection requirements
- 17 under section 17 of this chapter;

18 the board may maintain an action in the name of the state of  
19 Indiana to enjoin the alkaline hydrolysis authority from  
20 performing alkaline hydrolysis.

21 SECTION 4. IC 25-15-11 IS ADDED TO THE INDIANA CODE  
22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2015]:

24 Chapter 11. Alkaline Hydrolysis

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

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

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

31 Sec. 4. (a) Before January 1, 2016, the board shall adopt rules  
32 under IC 4-22-2 to provide for alkaline hydrolysis as a method for  
33 the disposal of human remains (as defined in IC 25-15-2-18). The  
34 rules must cover the following:

- 35 (1) Regulation of facilities containing equipment designed for
- 36 the final disposition of human remains through dissolution.
- 37 (2) Regulation of dissolution chambers.
- 38 (3) Regulation of the pulverizing of bone fragments to an
- 39 unidentifiable dimension after dissolution.
- 40 (4) Setting standards for disposition of human remains that
- 41 result from pulverization, where the residual from alkaline
- 42 hydrolysis is reduced to unidentifiable dimensions.



- 1           **(5) Setting standards for the dignified transportation of**
- 2           **human remains for the purpose of placement in a dissolution**
- 3           **chamber and setting standards for any other equipment,**
- 4           **container, or receptacle used in alkaline hydrolysis and the**
- 5           **disposal of remains.**
- 6           **(b) Rules adopted under this section must provide for the**
- 7           **following:**
- 8           **(1) Any chamber, container, receptacle, or other equipment**
- 9           **used in alkaline hydrolysis must be used exclusively for**
- 10           **human remains.**
- 11           **(2) Alkaline hydrolysis may be performed only by a funeral**
- 12           **director licensed under this article.**
- 13           **(c) The board may adopt rules to administer and carry out the**
- 14           **purposes of IC 23-14-31.5.**
- 15           SECTION 5. IC 34-30-2-90.1 IS ADDED TO THE INDIANA
- 16           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17           [EFFECTIVE JULY 1, 2015]: **Sec. 90.1. IC 23-14-31.5 (Concerning**
- 18           **dissolution of human remains).**
- 19           SECTION 6. IC 35-52-23-6.5 IS ADDED TO THE INDIANA
- 20           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21           [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. IC 23-14-31.5-42 defines**
- 22           **crimes concerning alkaline hydrolysis.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1069, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 23-14-31-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) A person, a corporation, a limited liability company, a partnership, or any other business entity that is registered under this section may erect, maintain, and operate a crematory.

(b) To register to erect, maintain, or operate a crematory, an applicant must complete an application for registration as a crematory authority on a form furnished by the board that contains the following information:

(1) The name and address of the applicant as follows:

(A) If the applicant is an individual, the full name and address, including both residential and business addresses, of the applicant.

(B) If the applicant is a partnership, the full name and address of each partner.

(C) If the applicant is a limited liability company, the full 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.**

⊕ (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, 2015]: 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, 2015, 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, 2016, 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."**

Page 2, between lines 2 and 3, begin a new paragraph and insert:

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

Page 2, line 26, delete "home"" and insert "director"".

Page 2, line 26, delete "place" and insert "person".

Page 2, line 27, delete "where:" and insert ".".

Page 2, delete lines 28 through 31, begin a new paragraph and insert:

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

Page 3, line 8, delete "A funeral home where" and insert "(a) An".

Page 3, line 8, delete "is performed" and insert "authority".

Page 3, between lines 10 and 11, begin a new paragraph and insert:

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

Page 7, line 33, delete "." and insert "or if the alkaline hydrolysis facility is on cemetery property, the cemetery authorized to receive the remains."

Page 11, line 30, after "the" insert "alkaline hydrolysis".

Page 12, between lines 10 and 11, begin a new paragraph and insert:

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

- (1) is rigid or nonrigid;**
- (2) is made of a consumable material;**
- (3) may be closed adequately to provide a complete covering**



- for the human remains;
- (4) is resistant to leakage or spillage;**
- (5) can be handled with ease; and**
- (6) provides protection for the health, safety, and personal integrity of alkaline hydrolysis facility personnel."**

Page 14, line 35, after "36." insert "(a)".

Page 14, after line 42, begin a new paragraph and insert:

**"(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."**

Page 17, delete lines 23 through 24, begin a new paragraph and insert:

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1069 as introduced.)

CLERE

Committee Vote: yeas 11, nays 1.

