

HOUSE BILL No. 1156

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-17; IC 29-2-16.

Synopsis: Anatomical gifts by minors. Provides that an individual who is at least 16 years of age may make an anatomical gift without the consent of the individual's parent or guardian.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1156



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

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

1 SECTION 1. IC 9-24-17-2, AS AMENDED BY P.L.29-2000,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 2. (a) The bureau shall verbally ask every
4 individual who:

5 (1) applies for a driver's license or an identification card issued
6 under IC 9-24-16; and
7 (2) is at least sixteen (16) years of age;
8 whether the individual desires to make an anatomical gift.

9 (b) If the individual does desire to make an anatomical gift, the
10 bureau shall assist the individual in completing the form by which the
11 individual makes the gift.

12 SECTION 2. IC 9-24-17-7, AS AMENDED BY P.L.29-2000,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2003]: Sec. 7. (a) ~~Before an individual who is less than~~
15 ~~eighteen (18) years of age may make an anatomical gift, the bureau~~
16 ~~must obtain and document the consent required under section 8 of this~~
17 ~~chapter and the consent of the individual's parent or guardian.~~



1 (b) The bureau may charge a fee to an individual making an
 2 anatomical gift under section 1 of this chapter. The fee must equal an
 3 amount necessary to cover the cost of making available a document
 4 that acknowledges the making of the gift.

5 SECTION 3. IC 29-2-16-2, AS AMENDED BY P.L.29-2000,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 2. (a) Any individual (~~†~~) of sound mind and
 8 ~~eighteen (18)~~ **at least sixteen (16)** years of age ~~or more or (2) less than~~
 9 ~~eighteen (18) years of age who obtains the consent of the individual's~~
 10 ~~parent or guardian as required under IC 9-24-17-7;~~ may give all or any
 11 part of the individual's body for any purpose specified in section 3 of
 12 this chapter, the gift to take effect upon death. An individual may limit
 13 a gift made under this chapter or IC 9-24-17 to one (1) of the purposes
 14 specified in section 3 of this chapter. An individual may refuse to make
 15 a gift of all or part of the individual's body.

16 (b) Any of the following individuals, in order of priority stated when
 17 individuals in prior classes are not available at the time of death, and
 18 in the absence of actual notice of contrary indications by the decedent
 19 or actual notice of opposition by a member of the same or a prior class,
 20 may give all or any part of the decedent's body for any purpose
 21 specified in section 3 of this chapter:

- 22 (1) the spouse;
- 23 (2) a son or daughter, at least eighteen (18) years of age;
- 24 (3) either parent;
- 25 (4) a grandparent;
- 26 (5) a brother or sister, at least eighteen (18) years of age; or
- 27 (6) a guardian of the person of the decedent at the time of his
 28 death.

29 A gift made by an individual under this subsection may be revoked by
 30 an individual in the same or prior class as the individual making the
 31 gift, if the individual doing the removal of an organ receives notice of
 32 the revocation before the organ is removed. A failure to make a gift
 33 under this subsection is not an objection to the making of a gift, and an
 34 individual in a subsequent class may make a gift under this subsection.

35 (c) If the donee has actual notice of contrary indications by the
 36 decedent or that a gift by a member of a class is opposed by a member
 37 of the same or a prior class, the donee shall not accept the gift. The
 38 individuals authorized by subsection (b) may make the gift after or
 39 immediately before death.

40 (d) A gift of all or part of a body authorizes any examination
 41 necessary to assure medical acceptability of the gift for the purposes
 42 intended.



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1 (e) The rights of the donee created by the gift are paramount to the
2 rights of others except as provided by section 7(d) of this chapter.

3 SECTION 4. IC 29-2-16-10, AS AMENDED BY P.L.29-2000,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 10. (a) As used in this section:

6 "Administrator" means a hospital administrator or a hospital
7 administrator's designee.

8 "Gift" means a gift of all or any part of the human body made under
9 this chapter.

10 "Representative" means a person who is:

11 (1) authorized under section 2(b) of this chapter to make a gift on
12 behalf of a decedent; and

13 (2) available at the time of the decedent's death when members of
14 a prior class under section 2(b) of this chapter are unavailable.

15 (b) An administrator of each hospital or the administrator's designee
16 may ask each patient who is at least ~~eighteen (18)~~ **sixteen (16)** years of
17 age if the patient is an organ or a tissue donor or if the patient desires
18 to become an organ or a tissue donor.

19 (c) The governing board of each hospital shall adopt procedures to
20 determine under what circumstances an administrator or an
21 administrator's designee may ask a patient if the patient is an organ or
22 a tissue donor or if the patient desires to become an organ or a tissue
23 donor.

24 (d) The administrator shall inform the representative of the
25 procedures available under this chapter for making a gift whenever:

26 (1) an individual dies in a hospital;

27 (2) the hospital has not been notified that a gift has been
28 authorized under section 2 of this chapter; and

29 (3) a physician determines that the individual's body may be
30 suitable of yielding a gift.

31 (e) If:

32 (1) an individual makes an anatomical gift on the individual
33 driver's license or identification card under IC 9-24-17; and

34 (2) the individual dies;

35 the person in possession of the individual driver's license or
36 identification card shall immediately produce the driver's license or
37 identification card for examination upon request, as provided in section
38 5 of this chapter.

39 (f) A gift made in response to information provided under this
40 section must be documented as described under section 4(g) of this
41 chapter.

42 (g) When a representative is informed under this section about the

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1 procedures available for making a gift, the fact that the representative
2 was so informed must be noted in the decedent's medical record.

3 (h) A person who fails to discharge the duties imposed by this
4 section is not subject to criminal or civil liability but may be subject to
5 administrative sanctions.

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