

Adopted Rejected

# COMMITTEE REPORT

YES: 11  
NO: 0

## MR. SPEAKER:

Your Committee on Public Health, to which was referred House Bill 1556, 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:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 anatomical gifts.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 29-2-16-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except where the
- 8 context clearly indicates a different meaning, the terms used in this
- 9 chapter shall be construed as follows:
- 10 (a) "Bank or storage facility" means a facility licensed, accredited,
- 11 or approved under the laws of any state for storage of human bodies or
- 12 parts thereof.
- 13 (b) "Decedent" means a deceased individual and includes a stillborn
- 14 infant or fetus.
- 15 (c) "Donor" means an individual who makes a gift of all or part of
- 16 **his the decedent's** body.

1 (d) "Hospital" means a hospital licensed, accredited, or approved  
 2 under the laws of any state. **The term** includes a hospital operated by  
 3 the United States government, a state, or a subdivision thereof, although  
 4 not required to be licensed under state laws.

5 (e) "Part" means organs, tissues, eyes, bones, arteries, blood, other  
 6 fluids, and any other portions of a human body.

7 (f) "Person" means an individual, corporation, government or  
 8 governmental subdivision or agency, business trust, estate, trust,  
 9 partnership or association, or any other legal entity.

10 (g) "Physician" or "surgeon" means a physician or surgeon licensed  
 11 or authorized to practice under the laws of any state.

12 **(h) "Procurement organization" means an organization**  
 13 **qualified to recover anatomical gifts from donors.**

14 ~~(h)~~ (i) "State" includes any state, district, commonwealth, territory,  
 15 insular possession, and any other area subject to the legislative  
 16 authority of the United States of America.

17 SECTION 2. IC 29-2-16-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The following  
 19 persons may become donees of gifts of bodies or parts thereof for the  
 20 purposes stated:

21 (1) any hospital, surgeon, or physician for medical or dental  
 22 education, research, advancement of medical or dental science,  
 23 therapy, or transplantation; ~~or~~

24 (2) any accredited medical or dental school, college or university  
 25 for education, research, advancement of medical or dental science,  
 26 or therapy; ~~or~~

27 (3) any ~~bank~~ **procurement organization** or storage facility, for  
 28 medical or dental education, research, advancement of medical or  
 29 dental science, therapy, or transplantation; or

30 (4) any specified individual for therapy or transplantation needed  
 31 by ~~him~~ **the individual**."

32 Page 1, line 2, strike "(a)".

33 Page 1, line 2, strike "may".

34 Page 1, line 3, strike "release and permit" and insert "**shall facilitate**  
 35 **permission for**".

36 Page 1, line 3, strike "a part of the body" and insert "**organs, tissues,**  
 37 **or eyes**".

38 Page 1, line 6, strike "for a part".

1 Page 1, strike lines 8 through 17.

2 Page 2, strike line 1.

3 Page 2, line 2, strike "individual described in section 4(e) of this  
4 chapter;"

5 Page 2, line 2, delete "or".

6 Page 2, line 3, delete "(C) a person described".

7 Page 2, line 3, strike "under IC 36-2-14-19."

8 Page 2, strike lines 4 through 17, begin a new line block indented  
9 and insert:

10 **"(2) The medical examiner or pathologist allows the removal**  
11 **of the organs, tissues, or eyes. If the medical examiner or**  
12 **pathologist considers withholding one (1) or more organs or**  
13 **tissues of a potential donor, the medical examiner or**  
14 **pathologist:**

15 **(A) shall be present during the removal of the organs or**  
16 **tissues;**

17 **(B) may request a biopsy of the removed organs; and**

18 **(C) after viewing the removed organs or tissues and**  
19 **determining that removal may interfere with the death**  
20 **investigation, may prohibit removal and shall provide a**  
21 **written explanation to the procurement organization.**

22 **If it is determined that prior removal will interfere with the**  
23 **death investigation, the procurement organization may**  
24 **remove the tissues and eyes after the autopsy.**

25 **(3) If the medical examiner or pathologist is required to be at**  
26 **the hospital to examine the decedent before or during the**  
27 **removal of the organs, the procurement organization shall**  
28 **reimburse the county or an entity designated by the county for**  
29 **actual costs but the amount may not exceed one thousand**  
30 **dollars (\$1,000).**

31 **(4) If requested by the medical examiner or pathologist, the**  
32 **person who removes the organs for the procurement**  
33 **organization shall provide a report detailing the condition of**  
34 **the organs and the relationship of the organs to the cause of**  
35 **death, if any."**

36 Page 2, between lines 17 and 18, begin a new paragraph and insert:

37 "SECTION 4. IC 29-2-16-6.5 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2005]: **Sec. 6.5. (a) Except for a gift made by**  
2 **a donor to a specific donee, a procurement organization that holds**  
3 **an agreement with a hospital to perform anatomical gift donation**  
4 **services for the hospital under 42 U.S.C. 1329b-8 and 42 CFR Part**  
5 **482 is considered to be the donee of all gifts from patients who have**  
6 **died in the hospital.**

7 **(b) An investigation by a coroner or a medical examiner does**  
8 **not change the rights of a procurement organization to act as the**  
9 **donee."**

10 Page 2, delete lines 18 through 42.

11 Delete pages 3 through 4.

12 Renumber all SECTIONS consecutively.

(Reference is to HB 1556 as introduced.)

**and when so amended that said bill do pass.**

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Representative Becker