

HOUSE BILL No. 1318

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-15-8-19.

Synopsis: Funeral and cemetery cease and desist orders. Establishes procedures to allow the state board of funeral and cemetery service to issue a cease and desist order to: (1) an unlicensed or unregistered person that engages in an activity that requires a license or registration; or (2) a person that commits certain violations.

Effective: July 1, 2010.

Messmer, Koch, Blanton

January 13, 2010, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1318



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 25-15-8-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. **(a) If the board**
3 **believes that a person:**
4 **(1) that is not licensed or registered under this article is**
5 **engaged in or is believed to be engaged in activities for which**
6 **a license or registration is required under this article; or**
7 **(2) has committed a violation of any of sections 21 through 26 of**
8 **this chapter; is being committed:**
9 ~~(1) the board in its own name;~~
10 ~~(2) the board in the name of the state;~~
11 ~~(3) the attorney general in the name of the state; at the request of~~
12 ~~the board; or~~
13 ~~(4) the prosecuting attorney of the county in which the violation~~
14 ~~occurs; at the request of the board; and in the name of the state;~~
15 ~~may apply for an order enjoining the violation from the circuit court of~~
16 ~~the county in which the violation occurs. may send notice of a hearing~~
17 ~~requiring the person to show cause why the person should not be~~



1 ordered to cease and desist from such activities.
 2 (b) The notice of hearing must be in writing and include the
 3 following information:
 4 (1) The date, time, and place of the hearing.
 5 (2) The alleged violation.
 6 (3) That the affected person or the person's representative
 7 may present evidence concerning the alleged violation.
 8 (c) If the board, after a hearing, determines that the activities in
 9 which the person is engaged:
 10 (1) are subject to licensing or registration under this article;
 11 or
 12 (2) violate of any of sections 21 through 26 of this chapter;
 13 the board may issue a cease and desist order that describes the
 14 individual and activities that are the subjects of the order.
 15 (d) A hearing conducted under this section must comply with
 16 IC 4-21.5.
 17 (e) A cease and desist order issued under this section is
 18 enforceable in the circuit or superior courts. A person that is
 19 enjoined under a cease and desist order and that violates the order
 20 shall be punished for contempt of court.
 21 (f) A cease and desist order issued under this section does not
 22 relieve any person from criminal prosecution.

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