

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6658**

**BILL NUMBER:** HB 1285

**NOTE PREPARED:** Dec 28, 2012

**BILL AMENDED:**

**SUBJECT:** Dissolution of Human Remains.

**FIRST AUTHOR:** Rep. Thompson

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides for alkaline hydrolysis as a means for the dissolution of human remains. The bill requires the State Board of Funeral and Cemetery Service (Funeral Board) to adopt rules governing alkaline hydrolysis for the dissolution of human remains.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Funeral Board Rules-* It is likely that the Funeral Board would be able to adopt the necessary rules required by the bill within regularly scheduled board meetings. If an additional board meeting is required, the board would receive per diem of \$50 per member and \$39 per member for subsistence, if necessary. Additional staff time would be required of the Professional Licensing Agency (PLA) to staff an additional meeting of the Funeral Board.

***Board Action-*** The Funeral Board would be able to inspect all records relating to the registration and annual report of a funeral home or funeral director that is performing alkaline hydrolysis. Authorized entities using alkaline hydrolysis for disposition of human remains would have to file an annual report on the recorded usage of alkaline hydrolysis. If a report were not filed, the Funeral Board would be able to take action against the entity that did not file a report. The Funeral Board can currently:

- (1) Permanently revoke the license.
- (2) Censure the licensee.
- (3) Issue a letter of reprimand.
- (4) Place the licensee on probation, or

(5) Assess a civil penalty in an amount not to exceed \$1,000 for each violation.

*Department of Health-* The bill would require the State Department of Health (SDOH) to adopt the forms for recording information on the disposal of human remains where alkaline hydrolysis is performed. It is likely the SDOH would be able to adopt the form within existing resources. If the form were readily available on the SDOH website, the cost for the state to print new forms would be alleviated.

*Penalty Provision:* The bill would add two new Class D felony offenses. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*Background Information-* During CY 2012, the Funeral Board was scheduled to meet five times. There are currently ten members of the Funeral Board. As of September 2012, there were 3,724 active licenses issued for funeral or cemetery service by the Funeral Board.

**Explanation of State Revenues:** *Civil Penalties:* Any civil penalties imposed on an entity by the Funeral Board that violates the provisions of the bill would be deposited in the state General Fund.

*Court Fee Revenue:* If a dispute were to arise between two or more parties with respect to the authorization of the use of alkaline hydrolysis to dispose of human remains, a civil action could be brought to a court of record within the probate jurisdiction of the county where the deceased person resided. However, under the bill, if a spouse of the deceased is seeking a judicial determination of reconciliation, all court filing fees would be waived.

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment Fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

*Criminal Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenue would likely be small.

Additionally, the bill would add a Class A and a Class B misdemeanor. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class B misdemeanor, \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Authorizing Agents-* In the case that a deceased person was indigent or is the state or township's responsibility to make final disposition, a public administrator, a township trustee, trustee's designee, the county coroner, or state-appointed guardian would be given the authority to authorize the use of alkaline hydrolysis. The provision could increase the administrative responsibilities of the above local government officials, if selected to make final disposition of a deceased person's human remains.

*Criminal Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small. A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Criminal Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

*Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment Fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:** Professional Licensing Agency; State Board of Funeral and Cemetery Service; State Department of Health; Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies; Township trustee; County coroner.

**Information Sources:** Professional Licensing Agency.

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