

# HOUSE BILL No. 1072

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-5-0.5-3; IC 25-15-9-20; IC 29-2-16.1.

**Synopsis:** Anatomical gifts. Provides that a violation of certain provisions of the uniform anatomical gift act constitutes a deceptive consumer act. Bans a procurement organization from obtaining certain licenses or registrations. Provides that a procurement organization may not select or recommend a specific licensed funeral provider to a potential donor's family. Alters who may make an anatomical gift with respect to the body of a decedent. Provides that a person may, under certain circumstances, invalidate an anatomical gift. Requires a procurement organization to: (1) notify certain licensed funeral providers before removing human remains; (2) provide certain disclosures when seeking consent from a person to make an anatomical gift; and (3) publish an annual transparency report. Prohibits a procurement organization from transporting human remains outside Indiana unless the organization has notified certain people of the organization's intent.

**Effective:** July 1, 2026.

---

---

## Genda

---

---

December 5, 2025, read first time and referred to Committee on Judiciary.

---

---



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1072

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

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

- 1 SECTION 1. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,  
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,  
4 abusive, or deceptive act, omission, or practice in connection with a  
5 consumer transaction. Such an act, omission, or practice by a supplier  
6 is a violation of this chapter whether it occurs before, during, or after  
7 the transaction. An act, omission, or practice prohibited by this section  
8 includes both implicit and explicit misrepresentations.  
9 (b) Without limiting the scope of subsection (a), the following acts,  
10 and the following representations as to the subject matter of a  
11 consumer transaction, made orally, in writing, or by electronic  
12 communication, by a supplier, are deceptive acts:  
13 (1) That such subject of a consumer transaction has sponsorship,  
14 approval, performance, characteristics, accessories, uses, or  
15 benefits it does not have which the supplier knows or should  
16 reasonably know it does not have.  
17 (2) That such subject of a consumer transaction is of a particular



1 standard, quality, grade, style, or model, if it is not and if the  
2 supplier knows or should reasonably know that it is not.

3 (3) That such subject of a consumer transaction is new or unused,  
4 if it is not and if the supplier knows or should reasonably know  
5 that it is not.

6 (4) That such subject of a consumer transaction will be supplied  
7 to the public in greater quantity than the supplier intends or  
8 reasonably expects.

9 (5) That replacement or repair constituting the subject of a  
10 consumer transaction is needed, if it is not and if the supplier  
11 knows or should reasonably know that it is not.

12 (6) That a specific price advantage exists as to such subject of a  
13 consumer transaction, if it does not and if the supplier knows or  
14 should reasonably know that it does not.

15 (7) That the supplier has a sponsorship, approval, or affiliation in  
16 such consumer transaction the supplier does not have, and which  
17 the supplier knows or should reasonably know that the supplier  
18 does not have.

19 (8) That such consumer transaction involves or does not involve  
20 a warranty, a disclaimer of warranties, or other rights, remedies,  
21 or obligations, if the representation is false and if the supplier  
22 knows or should reasonably know that the representation is false.

23 (9) That the consumer will receive a rebate, discount, or other  
24 benefit as an inducement for entering into a sale or lease in return  
25 for giving the supplier the names of prospective consumers or  
26 otherwise helping the supplier to enter into other consumer  
27 transactions, if earning the benefit, rebate, or discount is  
28 contingent upon the occurrence of an event subsequent to the time  
29 the consumer agrees to the purchase or lease.

30 (10) That the supplier is able to deliver or complete the subject of  
31 the consumer transaction within a stated period of time, when the  
32 supplier knows or should reasonably know the supplier could not.  
33 If no time period has been stated by the supplier, there is a  
34 presumption that the supplier has represented that the supplier  
35 will deliver or complete the subject of the consumer transaction  
36 within a reasonable time, according to the course of dealing or the  
37 usage of the trade.

38 (11) That the consumer will be able to purchase the subject of the  
39 consumer transaction as advertised by the supplier, if the supplier  
40 does not intend to sell it.

41 (12) That the replacement or repair constituting the subject of a  
42 consumer transaction can be made by the supplier for the estimate



the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

(A) the name misrepresents the supplier's geographic location;



- 1 (B) calls to the local telephone number are routinely forwarded
- 2 or otherwise transferred to a supplier's business location that
- 3 is outside the local calling area; and
- 4 (C) the supplier's business location is located in a county that
- 5 is not contiguous to a county in the local calling area.
- 6 (17) The violation by a supplier of IC 24-3-4 concerning
- 7 cigarettes for import or export.
- 8 (18) The act of a supplier in knowingly selling or reselling a
- 9 product to a consumer if the product has been recalled, whether
- 10 by the order of a court or a regulatory body, or voluntarily by the
- 11 manufacturer, distributor, or retailer, unless the product has been
- 12 repaired or modified to correct the defect that was the subject of
- 13 the recall.
- 14 (19) The violation by a supplier of 47 U.S.C. 227, including any
- 15 rules or regulations issued under 47 U.S.C. 227.
- 16 (20) The violation by a supplier of the federal Fair Debt
- 17 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
- 18 rules or regulations issued under the federal Fair Debt Collection
- 19 Practices Act (15 U.S.C. 1692 et seq.).
- 20 (21) A violation of IC 24-5-7 (concerning health spa services), as
- 21 set forth in IC 24-5-7-17.
- 22 (22) A violation of IC 24-5-8 (concerning business opportunity
- 23 transactions), as set forth in IC 24-5-8-20.
- 24 (23) A violation of IC 24-5-10 (concerning home consumer
- 25 transactions), as set forth in IC 24-5-10-18.
- 26 (24) A violation of IC 24-5-11 (concerning real property
- 27 improvement contracts), as set forth in IC 24-5-11-14.
- 28 (25) A violation of IC 24-5-12 (concerning telephone
- 29 solicitations), as set forth in IC 24-5-12-23.
- 30 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 31 vehicles), as set forth in IC 24-5-13.5-14.
- 32 (27) A violation of IC 24-5-14 (concerning automatic
- 33 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 34 (28) A violation of IC 24-5-15 (concerning credit services
- 35 organizations), as set forth in IC 24-5-15-11.
- 36 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 37 vehicle subleasing), as set forth in IC 24-5-16-18.
- 38 (30) A violation of IC 24-5-17 (concerning environmental
- 39 marketing claims), as set forth in IC 24-5-17-14.
- 40 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 41 solicitation), as set forth in IC 24-5-19-11.
- 42 (32) A violation of IC 24-5-21 (concerning prescription drug



discount cards), as set forth in IC 24-5-21-7.

(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

(35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.

(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.

(38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.

(39) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.

(40) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.

(41) A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.

(42) A violation of IC 15-21 (concerning sales of dogs by retail pet stores), as set forth in IC 15-21-7-4.

(43) A violation of IC 24-4-23 (concerning the security of information collected and transmitted by an adult oriented website operator), as set forth in IC 24-4-23-14.

**(44) A violation of IC 29-2-16.1 (concerning anatomical gifts), as set forth in IC 29-2-16.1-24.**

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in



1 reliance upon the oral or written representations of the manufacturer,  
 2 the person from whom the supplier acquired the product, any testing  
 3 organization, or any other person provided that the source thereof is  
 4 disclosed to the consumer.

5 (f) For purposes of subsection (b)(12), a supplier that provides  
 6 estimates before performing repair or replacement work for a customer  
 7 shall give the customer a written estimate itemizing as closely as  
 8 possible the price for labor and parts necessary for the specific job  
 9 before commencing the work.

10 (g) For purposes of subsection (b)(15) and (b)(16), a telephone  
 11 company or other provider of a telephone directory or directory  
 12 assistance service or its officer or agent is immune from liability for  
 13 publishing the listing of an alternate business name or assumed  
 14 business name of a supplier in its directory or directory assistance data  
 15 base unless the telephone company or other provider of a telephone  
 16 directory or directory assistance service is the same person as the  
 17 supplier who has committed the deceptive act.

18 (h) For purposes of subsection (b)(18), it is an affirmative defense  
 19 to any action brought under this chapter that the product has been  
 20 altered by a person other than the defendant to render the product  
 21 completely incapable of serving its original purpose.

22 SECTION 2. IC 25-15-9-20 IS ADDED TO THE INDIANA CODE  
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 24 1, 2026]: **Sec. 20. (a) A procurement organization (as defined in**  
 25 **IC 29-2-16.1-1) or an entity controlled by a procurement**  
 26 **organization may not:**

27 **(1) obtain or operate under a funeral home or branch location**  
 28 **license issued under this article; or**

29 **(2) obtain or operate under a crematory registration under**  
 30 **IC 23-14-31.**

31 **(b) A procurement organization may not select or recommend**  
 32 **a specific licensed funeral provider for a donor family, except to**  
 33 **provide a neutral, rotating list of geographically relevant providers**  
 34 **created in cooperation with the board.**

35 **(c) The board may adopt rules under IC 4-22-2 to implement**  
 36 **this section.**

37 SECTION 3. IC 29-2-16.1-1, AS AMENDED BY P.L.50-2021,  
 38 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2026]: **Sec. 1.** The following definitions apply throughout this  
 40 chapter:

41 **(1) "Adult" means an individual at least eighteen (18) years of**  
 42 **age.**



- 1 (2) "Agent" means an individual who is:
  - 2 (A) authorized to make health care decisions on behalf of
  - 3 another person by a health care power of attorney under
  - 4 IC 30-5-5-16 or a health care representative under IC 16-36-7;
  - 5 or
  - 6 (B) expressly authorized to make an anatomical gift on behalf
  - 7 of another person by a document signed by the person.
- 8 (3) "Anatomical gift" means a donation of all or part of a human
- 9 body to take effect after the donor's death for the purpose of
- 10 transplantation, therapy, research, or education.
- 11 (4) "Bank" or "storage facility" means a facility licensed,
- 12 accredited, or approved under the laws of any state for storage of
- 13 human bodies or parts of human bodies.
- 14 (5) "Decedent":
  - 15 (A) means a deceased individual whose body or body part is
  - 16 or may be the source of an anatomical gift; and
  - 17 (B) includes:
    - 18 (i) a stillborn infant; and
    - 19 (ii) except as restricted by any other law, a fetus.
- 20 (6) "Disinterested witness" means an individual other than a
- 21 spouse, child, sibling, grandchild, grandparent, or guardian of the
- 22 individual who makes, amends, revokes, or refuses to make an
- 23 anatomical gift or another adult who exhibited special care and
- 24 concern for the individual. This term does not include a person to
- 25 whom an anatomical gift could pass under section 10 of this
- 26 chapter.
- 27 (7) "Document of gift" means a donor card or other record used
- 28 to make an anatomical gift, including a statement or symbol on:
  - 29 (A) a driver's license;
  - 30 (B) an identification card;
  - 31 (C) a resident license to hunt, fish, or trap; or
  - 32 (D) a donor registry.
- 33 (8) "Donor" means an individual whose body or body part is the
- 34 subject of an anatomical gift.
- 35 (9) "Donor registry" means:
  - 36 (A) a data base maintained by:
    - 37 (i) the bureau of motor vehicles; or
    - 38 (ii) the equivalent agency in another state;
  - 39 (B) the Donate Life Indiana Registry maintained by the
  - 40 Indiana Donation Alliance Foundation; or
  - 41 (C) a donor registry maintained in another state;
  - 42 that contains records of anatomical gifts and amendments to or





revocations of anatomical gifts.

(10) "Driver's license" means a license or permit issued by the bureau of motor vehicles to operate a vehicle.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means an individual appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(14) "Identification card" means an identification card issued by the bureau of motor vehicles.

**(15) "Licensed funeral provider" means a:**

**(A) funeral home or funeral home branch licensed under IC 25-15; or**

**(B) crematory registered under IC 23-14-31.**

**(16) "Local health department" means a local health department established under IC 16-20.**

~~(15)~~ **(17) "Minor"** means an individual under eighteen (18) years of age.

~~(16)~~ **(18) "Organ procurement organization"** means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

~~(17)~~ **(19) "Parent"** means an individual whose parental rights have not been terminated.

~~(18)~~ **(20) "Part"** means an organ, an eye, or tissue of a human being. The term does not mean a whole body.

~~(19)~~ **(21) "Pathologist"** means a physician:

**(A) certified by the American Board of Pathology; or**

**(B) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology.**

~~(20)~~ **(22) "Person"** means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.



- 1 ~~(21)~~ **(23)** "Physician" or "surgeon" means an individual authorized  
 2 to practice medicine or osteopathy under the laws of any state.  
 3 ~~(22)~~ **(24)** "Procurement organization" means an eye bank, organ  
 4 procurement organization, or tissue bank.  
 5 ~~(23)~~ **(25)** "Prospective donor" means an individual who is dead or  
 6 near death and has been determined by a procurement  
 7 organization to have a part that could be medically suitable for  
 8 transplantation, therapy, research, or education. The term does not  
 9 include an individual who has made an appropriate refusal.  
 10 ~~(24)~~ **(26)** "Reasonably available" means:  
 11 (A) able to be contacted by a procurement organization  
 12 without undue effort; and  
 13 (B) willing and able to act in a timely manner consistent with  
 14 existing medical criteria necessary for the making of an  
 15 anatomical gift.  
 16 ~~(25)~~ **(27)** "Recipient" means an individual into whose body a  
 17 decedent's part has been or is intended to be transplanted.  
 18 ~~(26)~~ **(28)** "Record" means information that is inscribed on a  
 19 tangible medium or that is stored in an electronic or other medium  
 20 and is retrievable in perceivable form.  
 21 ~~(27)~~ **(29)** "Refusal" means a record created under section 6 of this  
 22 chapter that expressly states the intent to bar another person from  
 23 making an anatomical gift of an individual's body or part.  
 24 ~~(28)~~ **(30)** "Sign" means, with the present intent to authenticate or  
 25 adopt a record:  
 26 (A) to execute or adopt a tangible symbol; or  
 27 (B) to attach to or logically associate with the record an  
 28 electronic symbol, sound, or process.  
 29 ~~(29)~~ **(31)** "State" means a state of the United States, the District  
 30 of Columbia, Puerto Rico, the United States Virgin Islands, or any  
 31 territory or insular possession subject to the jurisdiction of the  
 32 United States.  
 33 ~~(30)~~ **(32)** "Technician" means an individual determined to be  
 34 qualified to remove or process parts by an appropriate  
 35 organization that is licensed, accredited, or regulated under  
 36 federal or state law. The term includes an eye enucleator.  
 37 ~~(31)~~ **(33)** "Tissue" means a part of the human body other than a  
 38 organ or an eye. The term does not include blood or other bodily  
 39 fluids unless the blood or bodily fluids are donated for the  
 40 purpose of research or education.  
 41 ~~(32)~~ **(34)** "Tissue bank" means a person that is licensed,  
 42 accredited, or regulated under federal or state law to engage in the



recovery, screening, testing, processing, storage, or distribution of tissue.

~~(33)~~ **(35)** "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

SECTION 4. IC 29-2-16.1-8, AS AMENDED BY P.L.26-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Subject to subsections (b) and (c), unless barred by section 6 or 7 of this chapter, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who are reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under section 3(2) of this chapter immediately before the decedent's death.

(2) The spouse of the decedent.

(3) Adult children of the decedent.

(4) Parents of the decedent.

(5) Adult siblings of the decedent.

(6) A guardian appointed by a court under IC 29-3-5-3.

(7) Adult grandchildren of the decedent.

(8) Grandparents of the decedent.

(9) An adult who exhibited special care and concern for the decedent.

(10) Any other person having the authority to dispose of the decedent's body.

(a) Except as provided in subsections (b) and (d), and unless barred by section 6 or 7 of this chapter, the following persons, in the priority indicated, have the authority to make an anatomical gift with respect to a decedent, including the manner, purpose, and scope of the anatomical gift:

(1) A person:

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

(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 101) and completed the form.

(2) An agent of the decedent.



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

3 (A) a petition to dissolve the marriage or for legal  
4 separation of the decedent and spouse is pending with a  
5 court at the time of the decedent's death, unless a court  
6 finds that the decedent and spouse were reconciled before  
7 the decedent's death; or

8 (B) a court determines the decedent and spouse were  
9 physically and emotionally separated at the time of death  
10 and the separation was for an extended time that clearly  
11 demonstrates an absence of due affection, trust, and regard  
12 for the decedent.

13 (4) The decedent's surviving adult child or, if more than one  
14 (1) adult child is surviving, the majority of the adult children.  
15 However, a minority of the adult children have the rights  
16 under this subdivision if:

17 (A) the minority has used reasonable efforts to notify the  
18 other adult children of their intentions to make an  
19 anatomical gift; and

20 (B) less than half of the other adult children express  
21 opposition.

22 (5) The decedent's surviving parent or parents. If one (1) of  
23 the parents is absent, the parent who is present has the rights  
24 under this subdivision if the parent who is present has used  
25 reasonable efforts to notify the absent parent.

26 (6) The decedent's surviving sibling or, if more than one (1)  
27 sibling is surviving, the majority of the surviving siblings.  
28 However, a minority of the siblings have the rights under this  
29 subdivision if:

30 (A) the minority has used reasonable efforts to notify the  
31 other siblings of their intentions to make an anatomical  
32 gift; and

33 (B) less than half of the other siblings express opposition.

34 (7) A guardian appointed by a court under IC 29-3-5-3.

35 (8) The individual in the next degree of kinship under  
36 IC 29-1-2-1 to inherit the estate of the decedent or, if more  
37 than one (1) individual of the same degree survives, the  
38 majority of those who are of the same degree of kinship.  
39 However, a minority of the individuals who are of the same  
40 degree of kinship have the rights under this subdivision if:

41 (A) the minority has used reasonable efforts to notify the  
42 other individuals who are of the same degree of kinship of



1           their intentions to make an anatomical gift; and

2           (B) less than half of the other individuals who are of the  
3           same degree of kinship express opposition.

4       (9) If no other person has exercised rights under this  
5       subsection, a stepchild (as defined in IC 6-4.1-1-3(f)) of the  
6       decedent, or if more than one (1) stepchild survives the  
7       decedent, the majority of the stepchildren. However, a  
8       minority of the stepchildren have the rights under this  
9       subdivision if:

10           (A) the minority has used reasonable efforts to notify the  
11           other stepchildren of their intentions to make an  
12           anatomical gift; and

13           (B) less than half of the stepchildren express opposition.

14       (10) The person appointed to administer the decedent's estate  
15       under IC 29-1.

16       (11) If no other person has exercised rights under this  
17       subsection, a funeral home that:

18           (A) has a valid prepaid funeral plan executed under  
19           IC 30-2-13 that makes arrangements for the making of an  
20           anatomical gift; and

21           (B) attests in writing that a good faith effort has been made  
22           to contact any living persons described in subdivisions (1)  
23           through (10).

24       (12) In the case of an indigent or other individual whose final  
25       disposition is the responsibility of the state or township, the  
26       following:

27           (A) If none of the persons identified in subdivisions (1)  
28           through (11) is available:

29               (i) a public administrator, including a responsible  
30               township trustee or the trustee's designee; or

31               (ii) the coroner.

32           (B) A state appointed guardian.

33       (b) If there is more than one (1) member of a class listed in  
34       subsection (a)(1); (a)(3); (a)(4); (a)(5); (a)(6); (a)(7); or (a)(8) entitled  
35       to make an anatomical gift, an anatomical gift may be made by a  
36       member of the class unless that member or a person to whom the gift  
37       may pass under section 10 of this chapter knows of an objection by  
38       another member of the class. If an objection is known, the gift may be  
39       made only by a majority of the members of the class who are  
40       reasonably available.

41       (b) If:

42           (1) the death of the decedent appears to have been the result



1 of:

2 (A) murder (IC 35-42-1-1);

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

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

6 (2) the coroner, in consultation with the law enforcement  
7 agency investigating the death of the decedent, determines  
8 that there is a reasonable suspicion that a person described in  
9 subsection (a) committed the offense;

10 the person referred to in subdivision (2) has no rights under  
11 subsection (a) with respect to the decedent.

12 (c) A person may not make an anatomical gift if, at the time of the  
13 decedent's death, a person in a prior class under subsection (a) is  
14 reasonably available to make or to object to the making of an  
15 anatomical gift.

16 (c) The coroner, in consultation with the law enforcement  
17 agency investigating the death of the decedent, shall inform the  
18 cemetery owner or crematory authority of the determination under  
19 subsection (b)(2).

20 (d) If:

21 (1) the decedent had filed a protection order against a person  
22 described in subsection (a); and

23 (2) the protection order is currently in effect;

24 the person has no rights under subsection (a).

25 (e) A law enforcement agency shall determine if the protection  
26 order is in effect. If the law enforcement agency cannot determine  
27 the existence of a protection order that is in effect, the law  
28 enforcement agency shall consult the protective order registry  
29 established by IC 5-2-9-5.5.

30 (f) If a person vested with rights under subsection (a) does not  
31 exercise the rights not later than seventy-two (72) hours after the  
32 person receives notification of the death of the decedent, the rights  
33 are forfeited and pass to the next person described in subsection  
34 (a). However, this subsection does not affect section 9(b) of this  
35 chapter.

36 (g) A funeral home has the right to rely, in good faith, on the  
37 representations of a person listed in subsection (a) that any other  
38 individuals of the same degree of kinship have been notified of the  
39 intention to make an anatomical gift.

40 (h) If there is a dispute concerning the making of an anatomical  
41 gift, a funeral home is not liable for refusing to accept the remains  
42 of the decedent until the funeral home receives:



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

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

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

18           SECTION 5. IC 29-2-16.1-9, AS ADDED BY P.L.147-2007,  
 19           SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20           JULY 1, 2026]: Sec. 9. (a) A person authorized to make an anatomical  
 21           gift under section 8 of this chapter may make an anatomical gift by a  
 22           document or may make an anatomical gift by a document of gift signed  
 23           by the person making the gift or by that person's oral communication  
 24           that is electronically recorded or is contemporaneously reduced to a  
 25           record and signed by the individual receiving the oral communication.

26           (b) Subject to subsection (c), an anatomical gift by a person  
 27           authorized under section 8 of this chapter may be amended or revoked  
 28           orally or in a record by any member of a prior class who is reasonably  
 29           available. If more than one (1) member of the prior class is reasonably  
 30           available, the gift made by a person authorized under section 8 of this  
 31           chapter may be:

32               (1) amended only if a majority of the reasonably available  
 33               members agree to the amending of the gift; or

34               (2) revoked only if a majority of the reasonably available  
 35               members agree to the revoking of the gift or if they are equally  
 36               divided as to whether to revoke the gift.

37           (c) A revocation under subsection (b) is effective only if, before an  
 38           incision has been made to remove a part from the donor's body or  
 39           before invasive procedures have begun to prepare the recipient, the  
 40           procurement organization, transplant hospital, or physician or  
 41           technician knows of the revocation.

42           **(d) A person authorized to make an anatomical gift under**



1 section 8 of this chapter may petition a court with probate  
 2 jurisdiction in the county where the remains of the individual who  
 3 is the subject of the petition are located, or the county in which the  
 4 individual died, to invalidate an anatomical gift if:

5 (1) the gift is evidenced solely by an indication on a driver's  
 6 license or identification card under IC 9-24-17 or by an entry  
 7 in a donor registry;

8 (2) the person has priority; and

9 (3) a written objection is communicated to the procurement  
 10 organization before recovery commences.

11 (e) A petition under subsection (d) fails if:

12 (1) a majority of the reasonably available members of the  
 13 same priority class listed in section 8 of this chapter oppose  
 14 the objection; or

15 (2) the donor made the gift through another method described  
 16 in section 4 of this chapter.

17 (f) After considering the petition filed under subsection (d), the  
 18 court with probate jurisdiction shall issue an order that does one  
 19 (1) of the following:

20 (1) Invalidates the anatomical gift if the court with probate  
 21 jurisdiction determines that the criteria in subsection (d) are  
 22 met.

23 (2) Requires the anatomical gift to be recovered if the  
 24 conditions in subsection (e) are met.

25 (g) The court with probate jurisdiction may modify or waive  
 26 notice and a hearing if the court determines that a delay would  
 27 have a serious adverse effect on:

28 (1) the medical viability of the individual; or

29 (2) the viability of the individual's anatomical gift of an organ,  
 30 tissue, or an eye.

31 SECTION 6. IC 29-2-16.1-11.5 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) Except as provided in  
 34 subsection (b), before removing human remains from the place of  
 35 death, a procurement organization shall notify a licensed funeral  
 36 provider selected by the person with the right of disposition under  
 37 IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, or IC 29-2-19-17 of  
 38 the procurement organization's intent to remove the human  
 39 remains.

40 (b) A procurement organization may remove human remains  
 41 from the place of death without following subsection (a) if  
 42 providing notice would jeopardize organ viability.





SECTION 7. IC 29-2-16.1-11.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 11.7. (a) When seeking authorization for an anatomical gift from a person authorized to make an anatomical gift under this chapter, a procurement organization shall make a clear and conspicuous oral or written disclosure that includes the following:**

**(1) An explanation of the difference between organ donation and tissue or eye donation, including common tissues recovered.**

**(2) A statement that tissues may be transferred to or processed by third party for profit or nonprofit entities, which may receive revenue or other consideration.**

**(3) A statement that the procurement organization may receive compensation or cost recovery related to the transfers described in subdivision (2).**

**(4) A description of how making an anatomical gift can impact the release of remains, embalming, cremation, or viewing.**

**(b) The disclosure described in subsection (a) must be acknowledged by the person authorized to make an anatomical gift under this chapter and, if the disclosure was made orally, the disclosure must be memorialized by the procurement organization.**

**(c) Not later than July 1, 2027, the Indiana department of health shall adopt rules under IC 4-22-2 establishing minimum standards for disclosure under this section.**

SECTION 8. IC 29-2-16.1-17, AS AMENDED BY P.L.26-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 17. (a) A person who acts in accordance with this chapter is not liable for the act in a civil action or administrative proceeding.**

**(b) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.**

**(c) In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section ~~8(a)(2)~~, 8(a)(3), 8(a)(4), 8(a)(5), ~~8(a)(7)~~, **8(a)(6)**, or 8(a)(8) or ~~8(a)(9)~~ of this chapter relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.**

**(d) A health care provider is immune from civil liability for following a donor's unrevoked anatomical gift directive under this**



chapter or IC 9-24-17.

(e) A hospital or a recovery agency is immune from civil liability for determining in good faith and in compliance with this section that:

(1) an individual made a written anatomical gift; or

(2) an individual subsequently made a written revocation of an anatomical gift.

(f) A person who, in good faith reliance upon a will, card, or other document of gift, and without actual notice of the amendment, revocation, or invalidity of the will, card, or document:

(1) takes possession of a decedent's body or performs or causes to be performed surgical operations upon a decedent's body; or

(2) removes or causes to be removed organs, tissues, or other parts from a decedent's body;

is not liable in damages in any civil action brought against the donor for that act.

SECTION 9. IC 29-2-16.1-18, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. (a) **Except as provided in section 9 of this chapter**, a document of gift is valid if executed in accordance with:

(1) this chapter;

(2) the laws of the state or country where it was executed; or

(3) the laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(b) If a document of gift is valid under this chapter, the law of this state governs the interpretation of the document of gift.

(c) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

SECTION 10. IC 29-2-16.1-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 22. (a) **Except as provided in subsection (c), a procurement organization may not remove or transport human remains outside of Indiana for evaluation or recovery without first notifying:**

(1) the licensed funeral provider selected by the person with the right of disposition under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, or IC 29-2-19-17; and

(2) the local health department of the county where the death occurred;

**of the procurement organization's intent to remove or transport the human remains.**



(b) Notice under subsection (a):

(1) must include:

(A) the location where the procurement organization intends to take the human remains; and

(B) the expected date and time of transport; and

(2) may be delivered electronically.

(c) Subsection (a) does not apply to the transport of organs or tissues separate from the remainder of the human body after a lawful recovery.

SECTION 11. IC 29-2-16.1-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 23. (a) Not later than April 1 of each year, a procurement organization operating in Indiana shall publish a public report that discloses the following with respect to the previous calendar year:**

(1) Aggregate counts of organ, tissue, and eye donations recovered from Indiana decedents.

(2) Aggregate revenues and expenses associated with:

(A) organ recovery; and

(B) tissue or eye recovery.

The information described in clause (A) must be reported separately from the information described in clause (B).

(3) A list of third party entities to which tissues were transferred for processing or distribution, identified by organization type (for profit or nonprofit).

(b) The report required by this section must protect the confidentiality of individually identifiable health information under state and federal law.

(c) A procurement organization shall do the following with respect to a report required by this section:

(1) Post the report on the procurement organization's public website.

(2) File the report with the Indiana department of health.

SECTION 12. IC 29-2-16.1-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 24. A procurement organization that violates:**

(1) section 11.5 of this chapter;

(2) section 11.7 of this chapter;

(3) section 22 of this chapter; or

(4) section 23 of this chapter;

commits a deceptive act that is actionable under IC 24-5-0.5 and



1      **subject to the remedies and penalties under IC 24-5-0.5.**

