

SENATE BILL No. 129

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1-15; IC 12-20; IC 23-14-31-26; IC 31-16-17-1; IC 36-2-14-15.5.

Synopsis: Final disposition of indigent decedent. Transfers the township trustee's responsibility for the final disposition of an indigent decedent to the county coroner. Makes conforming changes.

Effective: July 1, 2018.

Buck

January 3, 2018, read first time and referred to Committee on Local Government.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 129

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

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

1 SECTION 1. IC 5-2-6.1-15, AS AMENDED BY P.L.129-2009,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 15. (a) If a victim of a violent crime dies as a
4 result of the crime, the division may pay the reasonable expenses
5 incurred for funeral, burial, or cremation.

6 (b) The division shall adopt guidelines to determine when the
7 payment of expenses under subsection (a) is appropriate. In adopting
8 guidelines under this subsection, the division shall consider the
9 availability of other sources of compensation, including township
10 assistance (**before July 1, 2018**), **county burial assistance under**
11 **IC 36-2-14-15.5 (after June 30, 2018)**, and federal programs.

12 SECTION 2. IC 12-20-16-12 IS REPEALED [EFFECTIVE JULY
13 1, 2018]. Sec. ~~12~~: (a) This section does not apply if the county coroner
14 assumes jurisdiction of an unclaimed body under IC 36-2-14-16.

15 (b) If:
16 (1) an individual dies in a township without leaving:
17 (A) money;



- 1 (B) real or personal property;
 2 (C) other assets that may be liquidated; or
 3 (D) other means necessary to defray funeral expenses; and
 4 (2) the individual is not a resident of another township in Indiana;
 5 the township trustee, as administrator of township assistance, shall
 6 provide a person to superintend and authorize either the funeral and
 7 burial or cremation of the deceased individual. If the township trustee
 8 determines that the deceased individual is a resident of another
 9 township in Indiana, the township trustee shall notify the trustee of that
 10 township, who shall then provide a person to superintend and authorize
 11 either the funeral and burial or cremation of the deceased individual.
 12 (c) The necessary and reasonable expenses of the funeral and burial
 13 or cremation, including a burial plot, shall be paid in the same manner
 14 as other claims for township assistance. A trustee shall determine the
 15 cost for the items and services required by law for the funeral and
 16 burial of an individual, including a burial plot, and for the cremation of
 17 an individual, and include in the township's township assistance
 18 standards the maximum funeral and burial or cremation amount to be
 19 paid from township assistance funds. The trustee may deduct from the
 20 maximum amount the following:
 21 (1) Any monetary benefits that the deceased individual is entitled
 22 to receive from a state or federal program.
 23 (2) Any money that another person provides on behalf of the
 24 deceased individual.
 25 (d) If an individual described in subsection (b) is a resident of a
 26 state institution at the time of the individual's death, the division that
 27 has administrative control of the state institution shall reimburse the
 28 township trustee for the necessary and reasonable expenses of the
 29 funeral and burial or cremation of the deceased individual. The
 30 township trustee shall submit to the division that has administrative
 31 control of the state institution an itemized claim for reimbursement of
 32 the necessary and reasonable funeral and burial or cremation expenses
 33 incurred by the township trustee.
 34 (e) If an individual described in subsection (b) is a resident of a
 35 special institution governed by IC 16-33 at the time of the individual's
 36 death, the state department of health shall reimburse the township
 37 trustee for the necessary and reasonable expenses of the funeral and
 38 burial or cremation of the deceased individual. The township trustee
 39 shall submit to the state department of health an itemized claim for
 40 reimbursement of the necessary and reasonable funeral and burial or
 41 cremation expenses incurred by the township trustee.
 42 (f) A township trustee who provides funeral and burial or cremation



1 benefits to a deceased individual is entitled to a first priority claim; to
 2 the extent of the cost of the funeral and burial or cremation benefits
 3 paid by the township trustee, against any money or other personal
 4 property held by the coroner under IC 36-2-14-11.

5 (g) The township trustee may not cremate a deceased individual if:

6 (1) the deceased individual; or

7 (2) a surviving family member of the deceased individual;

8 has objected in writing to cremation:

9 (h) If a township trustee provides a funeral under this section, the
 10 cost of the funeral may not be more than the cost of the least expensive
 11 funeral, including any necessary merchandise and embalming,
 12 available from the funeral director under the funeral director's price list
 13 disclosed to the Federal Trade Commission.

14 SECTION 3. IC 12-20-25-22, AS AMENDED BY P.L.73-2005,
 15 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) Sections 22 through 28 of
 17 this chapter create an exclusive administrative remedy for the payment
 18 of unpaid claims of creditors for the following goods and services that
 19 were provided under the authority of IC 12-2-1 (before its repeal) or
 20 this article before the township became a controlled township:

21 (1) Food, including prepared food and special dietary food.

22 (2) Clothing.

23 (3) Shelter.

24 (4) Water, gas, and electric services for lighting, heating, and
 25 cooking.

26 (5) Household supplies, including first aid and medical supplies
 27 for injury and illness.

28 (6) Medical and surgical attendance.

29 (7) Nursing care prescribed by a physician.

30 (8) School lunches.

31 (9) Transportation to allow a township assistance recipient to seek
 32 or accept employment.

33 (10) Feed for livestock.

34 (11) ~~Funeral and~~ Cemetery expenses.

35 **(12) Funeral expenses incurred before July 1, 2018.**

36 ~~(12)~~ **(13)** Any other goods or services provided under this article.

37 (b) A creditor that has a claim described in subsection (a) against
 38 the township trustee must file a statement of claims with the
 39 management committee not more than ninety (90) days after notice is
 40 given under section 24 or 25 of this chapter.

41 (c) The statement of claims must itemize each claim the creditor has
 42 against the township. The state board of accounts shall prescribe the



1 form of the statement of claims. The state board of accounts shall
2 establish standards for the submission of supporting documentation for
3 claims.

4 SECTION 4. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
5 SECTION 106, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The definitions in this section
7 apply to a report that is required to be filed under this section.

8 (b) As used in this section, "case contact" means any act of service
9 in which a township employee has reason to enter a comment or
10 narrative into the record of an application for township assistance
11 under this article regardless of whether the applicant receives or does
12 not receive township assistance funds.

13 (c) As used in this section, "total number of households containing
14 township assistance recipients" means the sum to be determined by
15 counting the total number of individuals who file an application for
16 which assistance is granted. A household may be counted only once
17 during a calendar year regardless of the number of times assistance is
18 provided if the same individual makes the application for assistance.

19 (d) As used in this section, "total number of recipients" means the
20 number of individuals who are members of a household that receives
21 assistance on at least one (1) occasion during the calendar year. An
22 individual may be counted only one (1) time during a calendar year
23 regardless of the:

- 24 (1) number of times assistance is provided; or
25 (2) number of households in which the individual resides during
26 a particular year.

27 (e) As used in this section, "total number of requests for assistance"
28 means the number of times an individual or a household separately
29 requests any type of township assistance.

30 (f) The township trustee shall file an annual statistical report on
31 township housing, medical care, utility assistance, food assistance,
32 burial assistance, food pantry assistance, services related to
33 representative payee programs, services related to special
34 nontraditional programs, and case management services with the state
35 board of accounts. The township trustee shall provide a copy of the
36 annual statistical report to the county auditor. The county auditor shall
37 keep the copy of the report in the county auditor's office. Except as
38 provided in subsection (k), the report must be made on a form provided
39 by the state board of accounts. The report must contain the following
40 information:

- 41 (1) The total number of requests for assistance.
42 (2) The total number of each of the following:



- 1 (A) Recipients of township assistance.
 2 (B) Households containing recipients of township assistance.
 3 (C) Case contacts made with or on behalf of:
 4 (i) recipients of township assistance; or
 5 (ii) members of a household receiving township assistance.
 6 (3) The total value of benefits provided to recipients of township
 7 assistance.
 8 (4) The total value of benefits provided through the efforts of
 9 township staff from sources other than township funds.
 10 (5) The total number of each of the following:
 11 (A) Recipients of township assistance and households
 12 receiving utility assistance.
 13 (B) Recipients assisted by township staff in receiving utility
 14 assistance from sources other than township funds.
 15 (6) The total value of benefits provided for the payment of
 16 utilities, including the value of benefits of utility assistance
 17 provided through the efforts of township staff from sources other
 18 than township funds.
 19 (7) The total number of each of the following:
 20 (A) Recipients of township assistance and households
 21 receiving housing assistance.
 22 (B) Recipients assisted by township staff in receiving housing
 23 assistance from sources other than township funds.
 24 (8) The total value of benefits provided for housing assistance,
 25 including the value of benefits of housing assistance provided
 26 through the efforts of township staff from sources other than
 27 township funds.
 28 (9) The total number of each of the following:
 29 (A) Recipients of township assistance and households
 30 receiving food assistance.
 31 (B) Recipients assisted by township staff in receiving food
 32 assistance from sources other than township funds.
 33 (10) The total value of food assistance provided, including the
 34 value of food assistance provided through the efforts of township
 35 staff from sources other than township funds.
 36 (11) The total number of each of the following:
 37 (A) Recipients of township assistance and households
 38 provided health care.
 39 (B) Recipients assisted by township staff in receiving health
 40 care assistance from sources other than township funds.
 41 (12) The total value of health care provided, including the value
 42 of health care assistance provided through the efforts of township



- 1 staff from sources other than township funds.
- 2 (13) **In the case of an annual statistical report for a calendar**
- 3 **year beginning before December 31, 2018**, the total number of
- 4 funerals, burials, and cremations.
- 5 (14) **In the case of an annual statistical report for a calendar**
- 6 **year beginning before December 31, 2018**, the total value of
- 7 funerals, burials, and cremations, including the difference
- 8 between the:
- 9 (A) actual value of the funerals, burials, and cremations; and
- 10 (B) amount paid by the township for the funerals, burials, and
- 11 cremations.
- 12 (15) The total of each of the following:
- 13 (A) Number of nights of emergency shelter provided to the
- 14 homeless.
- 15 (B) Number of nights of emergency shelter provided to
- 16 homeless individuals through the efforts of township staff from
- 17 sources other than township funds.
- 18 (C) Value of the nights of emergency shelter provided to
- 19 homeless individuals by the township and the value of the
- 20 nights of emergency shelter provided through the efforts of the
- 21 township staff from sources other than township funds.
- 22 (16) The total of each of the following:
- 23 (A) Number of referrals of township assistance applicants to
- 24 other programs.
- 25 (B) Value of the services provided by the township in making
- 26 referrals to other programs.
- 27 (17) The total number of training programs or job placements
- 28 found for recipients of township assistance with the assistance of
- 29 the township trustee.
- 30 (18) The number of hours spent by recipients of township
- 31 assistance at workfare.
- 32 (19) The total value of the services provided by workfare to the
- 33 township and other agencies.
- 34 (20) The total amount of reimbursement for assistance received
- 35 from:
- 36 (A) recipients;
- 37 (B) members of recipients' households; or
- 38 (C) recipients' estates;
- 39 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- 40 (21) The total amount of reimbursement for assistance received
- 41 from medical programs under IC 12-20-16-2(e).
- 42 (22) The total of each of the following:



- 1 (A) Number of individuals assisted through a representative
 2 payee program.
 3 (B) Amount of funds processed through the representative
 4 payee program that are not township funds.
 5 (23) The total of each of the following:
 6 (A) Number of individuals assisted through special
 7 nontraditional programs provided through the township
 8 without the expenditure of township funds.
 9 (B) Amount of funds used to provide the special nontraditional
 10 programs that are not township funds.
 11 (24) The total of each of the following:
 12 (A) Number of hours an investigator of township assistance
 13 spends providing case management services to a recipient of
 14 township assistance or a member of a household receiving
 15 township assistance.
 16 (B) Value of the case management services provided.
 17 (25) The total number of housing inspections performed by the
 18 township.
 19 If the total number or value of any item required to be reported under
 20 this subsection is zero (0), the township trustee shall include the
 21 notation "0" in the report where the total number or value is required
 22 to be reported.
 23 (g) The state board of accounts shall compare and compile all data
 24 reported under subsection (f) into a statewide statistical report. The
 25 department shall summarize the data compiled by the state board of
 26 accounts that relate to the fixing of township budgets, levies, and tax
 27 rates and shall include the department's summary within the statewide
 28 statistical report prepared under this subsection. Before July 1 of each
 29 year, the state board of accounts shall file the statewide statistical
 30 report prepared under this subsection with the executive director of the
 31 legislative services agency in an electronic format under IC 5-14-6.
 32 (h) The state board of accounts shall forward a copy of:
 33 (1) each annual report forwarded to the board under subsection
 34 (f); and
 35 (2) the statewide statistical report under subsection (g);
 36 to the department and the division of family resources.
 37 (i) The division of family resources shall include in the division's
 38 periodic reports made to the United States Department of Health and
 39 Human Services concerning the Temporary Assistance for Needy
 40 Families (TANF) and Supplemental Security Income (SSI) programs
 41 information forwarded to the division under subsection (h) concerning
 42 the total number of recipients of township assistance and the total



1 dollar amount of benefits provided.

2 (j) The department may not approve the budget of a township trustee
3 who fails to file an annual report under subsection (f) in the preceding
4 calendar year.

5 (k) This section does not prevent the electronic transfer of data
6 required to be reported under IC 12-2-1-40 (before its repeal) or this
7 section if the following conditions are met:

8 (1) The method of reporting is acceptable to both the township
9 trustee reporting the information and the governmental entity to
10 which the information is reported.

11 (2) A written copy of information reported by electronic transfer
12 is on file with the township trustee reporting information by
13 electronic means.

14 (l) The information required to be reported by the township trustee
15 under this section shall be maintained by the township trustee in
16 accordance with IC 5-15-6.

17 SECTION 5. IC 23-14-31-26, AS AMENDED BY P.L.190-2016,
18 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 26. (a) Except as provided in subsection (c), the
20 following persons, in the priority listed, have the right to serve as an
21 authorizing agent:

22 (1) A person:

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

25 (B) named in a United States Department of Defense form
26 "Record of Emergency Data" (DD Form 93) or a successor
27 form adopted by the United States Department of Defense, if
28 the decedent died while serving in any branch of the United
29 States Armed Forces (as defined in 10 U.S.C. 1481) and
30 completed the form.

31 (2) An individual specifically granted the authority to serve in a
32 power of attorney or a health care power of attorney executed by
33 the decedent under IC 30-5-5-16.

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

36 (A) a petition to dissolve the marriage or for legal separation
37 of the decedent and spouse is pending with a court at the time
38 of the decedent's death, unless a court finds that the decedent
39 and spouse were reconciled before the decedent's death; or

40 (B) a court determines the decedent and spouse were
41 physically and emotionally separated at the time of death and
42 the separation was for an extended time that clearly



- 1 demonstrates an absence of due affection, trust, and regard for
2 the decedent.
- 3 (4) The decedent's surviving adult child or, if more than one (1)
4 adult child is surviving, the majority of the adult children.
5 However, less than half of the surviving adult children have the
6 rights under this subdivision if the adult children have used
7 reasonable efforts to notify the other surviving adult children of
8 their intentions and are not aware of any opposition to the final
9 disposition instructions by more than half of the surviving adult
10 children.
- 11 (5) The decedent's surviving parent or parents. If one (1) of the
12 parents is absent, the parent who is present has authority under
13 this subdivision if the parent who is present has used reasonable
14 efforts to notify the absent parent.
- 15 (6) The decedent's surviving sibling or, if more than one (1)
16 sibling is surviving, the majority of the surviving siblings.
17 However, less than half of the surviving siblings have the rights
18 under this subdivision if the siblings have used reasonable efforts
19 to notify the other surviving siblings of their intentions and are
20 not aware of any opposition to the final disposition instructions by
21 more than half of the surviving siblings.
- 22 (7) The individual in the next degree of kinship under IC 29-1-2-1
23 to inherit the estate of the decedent or, if more than one (1)
24 individual of the same degree is surviving, the majority of those
25 who are of the same degree. However, less than half of the
26 individuals who are of the same degree of kinship have the rights
27 under this subdivision if they have used reasonable efforts to
28 notify the other individuals who are of the same degree of kinship
29 of their intentions and are not aware of any opposition to the final
30 disposition instructions by more than half of the individuals who
31 are of the same degree of kinship.
- 32 (8) If none of the persons described in subdivisions (1) through
33 (7) are available, or willing, to act and arrange for the final
34 disposition of the decedent's remains, a stepchild (as defined in
35 IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild
36 survives the decedent, then a majority of the surviving
37 stepchildren. However, less than half of the surviving stepchildren
38 have the rights under this subdivision if they have used reasonable
39 efforts to notify the other stepchildren of their intentions and are
40 not aware of any opposition to the final disposition instructions by
41 more than half of the stepchildren.
- 42 (9) The person appointed to administer the decedent's estate under



- 1 IC 29-1.
 2 (10) If none of the persons described in subdivisions (1) through
 3 (9) are available, any other person willing to act and arrange for
 4 the final disposition of the decedent's remains, including a funeral
 5 home that:
 6 (A) has a valid prepaid funeral plan executed under IC 30-2-13
 7 that makes arrangements for the disposition of the decedent's
 8 remains; and
 9 (B) attests in writing that a good faith effort has been made to
 10 contact any living individuals described in subdivisions (1)
 11 through (9).
 12 (11) In the case of an indigent or other individual whose final
 13 disposition is the responsibility of the state or a township (**before**
 14 **July 1, 2018**) or county (**after June 30, 2018**), the following may
 15 serve as the authorizing agent:
 16 (A) If none of the persons identified in subdivisions (1)
 17 through (10) are available:
 18 (i) a public administrator, including a ~~responsible~~ township
 19 trustee or the trustee's designee; or
 20 (ii) the coroner.
 21 (B) A state appointed guardian.
 22 However, an indigent decedent may not be cremated if a
 23 surviving family member objects to the cremation or if cremation
 24 would be contrary to the religious practices of the deceased
 25 individual as expressed by the individual or the individual's
 26 family.
 27 (12) In the absence of any person under subdivisions (1) through
 28 (11), any person willing to assume the responsibility as the
 29 authorizing agent, as specified in this article.
 30 (b) When a body part of a nondeceased individual is to be cremated,
 31 a representative of the institution that has arranged with the crematory
 32 authority to cremate the body part may serve as the authorizing agent.
 33 (c) If:
 34 (1) the death of the decedent appears to have been the result of:
 35 (A) murder (IC 35-42-1-1);
 36 (B) voluntary manslaughter (IC 35-42-1-3); or
 37 (C) another criminal act, if the death does not result from the
 38 operation of a vehicle; and
 39 (2) the coroner, in consultation with the law enforcement agency
 40 investigating the death of the decedent, determines that there is a
 41 reasonable suspicion that a person described in subsection (a)
 42 committed the offense;



1 the person referred to in subdivision (2) may not serve as the
2 authorizing agent.

3 (d) The coroner, in consultation with the law enforcement agency
4 investigating the death of the decedent, shall inform the crematory
5 authority of the determination referred to in subsection (c)(2).

6 (e) If a person vested with a right under subsection (a) does not
7 exercise that right not later than seventy-two (72) hours after the person
8 receives notification of the death of the decedent, the person forfeits the
9 person's right to determine the final disposition of the decedent's
10 remains, and the right to determine final disposition passes to the next
11 person described in subsection (a).

12 (f) A crematory authority owner has the right to rely, in good faith,
13 on the representations of a person listed in subsection (a) that any other
14 individuals of the same degree of kinship have been notified of the
15 final disposition instructions.

16 (g) If there is a dispute concerning the disposition of a decedent's
17 remains, a crematory authority is not liable for refusing to accept the
18 remains of the decedent until the crematory authority receives:

19 (1) a court order; or

20 (2) a written agreement signed by the disputing parties;

21 that determines the final disposition of the decedent's remains. If a
22 crematory authority agrees to shelter the remains of the decedent while
23 the parties are in dispute, the crematory authority may collect any
24 applicable fees for storing the remains, including legal fees that are
25 incurred.

26 (h) Any cause of action filed under this section must be filed in the
27 probate court in the county where the decedent resided, unless the
28 decedent was not a resident of Indiana.

29 (i) A spouse seeking a judicial determination under subsection
30 (a)(3)(A) that the decedent and spouse were reconciled before the
31 decedent's death may petition the court having jurisdiction over the
32 dissolution or separation proceeding to make this determination by
33 filing the petition under the same cause number as the dissolution or
34 separation proceeding. A spouse who files a petition under this
35 subsection is not required to pay a filing fee.

36 SECTION 6. IC 31-16-17-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any individual:

38 (1) whose father or mother provided the individual with necessary
39 food, shelter, clothing, medical attention, and education until the
40 individual reached sixteen (16) years of age; and

41 (2) who is financially able due to the individual's own property,
42 income, or earnings;



1 shall contribute to the support of the individual's parents if either parent
 2 is financially unable to furnish the parent's own necessary food,
 3 clothing, shelter, and medical attention. The individual shall also
 4 provide financial support for the parent's burial if the parent's burial is
 5 provided under IC 12-20-16-12 (before July 1, 2018) or
 6 IC 36-2-14-15.5 (after June 30, 2018).

7 SECTION 7. IC 36-2-14-15.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2018]: **Sec. 15.5. (a) If:**

10 **(1) an individual dies in a county without leaving:**

11 **(A) money;**

12 **(B) real or personal property;**

13 **(C) other assets that may be liquidated; or**

14 **(D) other means necessary to defray funeral expenses; and**

15 **(2) the individual is not a resident of another county in**
 16 **Indiana;**

17 **the coroner shall provide a person to superintend and authorize**
 18 **either the funeral and burial or cremation of the deceased**
 19 **individual. If the coroner determines that the deceased individual**
 20 **is a resident of another county in Indiana, the coroner shall notify**
 21 **the coroner of that county, who shall then provide a person to**
 22 **superintend and authorize either the funeral and burial or**
 23 **cremation of the deceased individual.**

24 **(b) The necessary and reasonable expenses of the funeral and**
 25 **burial or cremation, including a burial plot, shall be paid in the**
 26 **same manner as other claims from the county general fund. A**
 27 **coroner shall determine the cost for the items and services required**
 28 **by law for the funeral and burial of an individual, including a**
 29 **burial plot, and for the cremation of an individual, and include in**
 30 **the county general fund the maximum funeral and burial or**
 31 **cremation amount to be paid from the county general fund. The**
 32 **coroner may deduct from the maximum amount the following:**

33 **(1) Any monetary benefits that the deceased individual is**
 34 **entitled to receive from a state or federal program.**

35 **(2) Any money that another person provides on behalf of the**
 36 **deceased individual.**

37 **(c) If an individual described in subsection (a) is a resident of a**
 38 **state institution at the time of the individual's death, the division**
 39 **that has administrative control of the state institution shall**
 40 **reimburse the coroner for the necessary and reasonable expenses**
 41 **of the funeral and burial or cremation of the deceased individual.**
 42 **The coroner shall submit to the division that has administrative**



1 control of the state institution an itemized claim for reimbursement
2 of the necessary and reasonable funeral and burial or cremation
3 expenses incurred by the coroner.

4 (d) If an individual described in subsection (a) is a resident of a
5 special institution governed by IC 16-33 at the time of the
6 individual's death, the state department of health shall reimburse
7 the coroner for the necessary and reasonable expenses of the
8 funeral and burial or cremation of the deceased individual. The
9 coroner shall submit to the state department of health an itemized
10 claim for reimbursement of the necessary and reasonable funeral
11 and burial or cremation expenses incurred by the coroner.

12 (e) The coroner may not cremate a deceased individual if:

13 (1) the deceased individual; or

14 (2) a surviving family member of the deceased individual;
15 has objected in writing to cremation.

16 (f) If a coroner provides a funeral under this section, the cost of
17 the funeral may not be more than the cost of the least expensive
18 funeral, including any necessary merchandise and embalming,
19 available from the funeral director under the funeral director's
20 price list disclosed to the Federal Trade Commission.

