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FISCAL IMPACT STATEMENT

LS 7056

BILL NUMBER: HB 1229

NOTE PREPARED: Jan 17, 2015

BILL AMENDED:

SUBJECT: Anatomical Gifts.

FIRST AUTHOR: Rep. Bacon

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Registration of Organ Procurers-* The bill requires an individual who harvests human bone, skin, tissue, heart valves, ligaments, or tendons to register with the Medical Licensing Board (MLB).

Anatomical Gift Procedures- The bill provides that if a person authorized to make an anatomical gift objects to the making of an anatomical gift, neither the hospital nor the procurement organization may contact the person at a later time to ask the person to allow the anatomical gift. The bill requires that before obtaining consent for an anatomical gift of a decedent, the hospital or procurement organization shall provide the person authorized to make an anatomical gift with written information concerning the procedures that will take place in or on the decedent's body.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Registration of Organ Procurers-* The MLB meets approximately 11 times per year. It is likely the MLB could adopt the required rules necessary to establish standards of practice for the human organ organizations within the course of regularly scheduled meetings. The PLA information technology staff may need to make changes to the PLA's licensing database. There are currently 4 organ procurement entities and 6 tissue procurement entities domiciled in Indiana. Given the potentially low number of individuals to be registered, the additional staff time required to input their information would likely be negligible.

Explanation of State Revenues: *Anatomical Gift Procedures-* Existing provisions within state probate law provide immunity to an entity/person that would follow the requirements of anatomical gift procedures

proposed in this bill. However, if an entity/person did not follow the bill's requirements, then it is possible additional civil actions could occur. 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.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- A service fee (\$10) is collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected: MLB, PLA.

Local Agencies Affected: Trial courts.

Information Sources: Professional Licensing Agency website: www.in.gov/pla; Angela Toth, The Corydon Group; www.organdonor.gov.

Fiscal Analyst: Chris Baker, 317-232-9851.