INDIANA FUNERAL DIRECTORS ASSOCIATION

2024-2025 BOOK OF FACTS

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INDIANA FUNERAL DIRECTORS ASSOCIATION

2024-2025 Book of Facts

A Service of the Association for the Membership and the Profession

Indiana Funeral Directors Association

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INDIANA FUNERAL
EDUCATION FOUNDATION

WHAT DOES THE EDUCATION FOUNDATION DO YOU ASK?

- Support the funeral service practitioners of today - helping them to better serve their communities.
- Secure the future of the profession by helping recruit and train those wanting a career in funeral service.

What is an Isaac Ball Fellow?
An Isaac Ball Fellow is one who has contributed at least $1,000 to the Indiana Educational Foundation. These contributors are the cornerstones of the Foundation. This level of commitment is named after Isaac Ball, the first president of the Indiana Funeral Directors Association who served from 1881-1882. The donation can be made either as a lump sum or in installments. The funds are placed in a separate and permanent endowment fund. Only the interest earned from the fund is used. The earnings fund a funeral service scholarship or other work of the Foundation as authorized by the Foundation board.
Distinguished $2500 | Diamond $5,000 | Emeritus $10,000

There are many ways to contribute to the Indiana Funeral Education Foundation:

- Monetary Donation
  - Become an Isaac Ball Fellow for $1,000 and then continue on to become: Distinguished $2,500, Diamond $5,000, Emeritus $10,000
- Donate to the Silent Auction at Convention
- Play in the Annual Jerrit Clayton Classic Golf Outing
- Be a sponsor at the Annual Jerrit Clayton Classic Golf Outing

EDUCATION FOUNDATION SCHOLARSHIPS
The Indiana Funeral Education Foundation is committed to excellence in funeral service education and is proud to offer five (5) $2,000 **Professional Development Scholarships**. These scholarships are available to **any** member of IFDA – licensed and un-licensed firm staff, individual, senior, and associate members.

The Indiana Funeral Education Foundation also awards four (4) **Student Scholarships** for a total amount of $12,500.

These annual scholarships are made possible by generous donations to the foundation. Isaac Ball Fellows are named when a donation(s) of $1000 or more is made by an individual or company. The Indiana Funeral Education Foundation currently has over 170 Isaac Ball Fellows.

IFDA

INDIANA FUNERAL DIRECTORS ASSOCIATION

Award of Excellence

The **IFDA Award of Excellence** was established to recognize those firms that have not only adopted excellence as their standard of service, but that can document their efforts to prove that they are the best of the best.

It pays tribute to those who accept the challenge to do more than talk about excellence, but who can show that they are setting and maintaining the highest professional standards in the areas of compliance, community involvement, professional development, and family service.

The standards are high, as they should be, but they are designed to be achievable by any size firm with any size budget. The award can and should involve every member of the firm, not just the owner. In fact, firms are encouraged to show how their employees are involved in the various activities that contribute to the firm's pursuit of excellence.

Firms document their efforts by means of a scrap book or notebook that can be displayed at the IFDA convention. The completed entries will serve as encouragement to other firms to join the Award of Excellence Program. More importantly however, it will set your firm apart in your community. You will give families a tangible reason to select your firm.

The program consists of 5 categories of activities. Some items within these categories are required. Other categories allow the firm to choose a certain number of items to be completed from a list of options.

The award year runs from January 1 to December 31. Entries must be received by the IFDA office by March 31, 2023. An independent committee will judge all entries for compliance with the requirements and certify that the firm has earned the award. The Award of Excellence is *not* a competition. Any firm that completes and documents the requirements will receive the Award of Excellence.

As a recipient of the honor, the firm will be recognized at the IFDA convention and will receive a handsome sculpture commemorating their achievement. They may designate a person to receive the award or choose to accept it as a group. IFDA will provide a photograph of the presentation and also assist the firm in crafting a press release for local media.

Recipients of the award are challenged to recertify the next year through continued activities and the initiation of new activities. To continue to receive the recognition, funeral homes must re-enter and re-certify each year.

For more information go to:

https://associationdatabase.com/aws/IFDA/pt/sp/forms

SUBMISSION DUE MARCH 28, 2025

DIRECTOR'S SELECT
RETIREMENT PLAN

The Director's Select Retirement Plan (DSRP) was created by a licensed funeral director to serve the retirement needs of funeral homeowners and their employees. The Plan gives every funeral home, regardless of size, the opportunity to provide a competitive and rewarding retirement plan, that from a cost perspective, has only been available to the largest businesses.

We offer a free cost analysis to any existing plan provider to show you how DSRP's use of Fiduciary principles provides best practices in selecting investments and managing expenses. DSRP has no commissions, no front-end or back-end charges, no trailing or 12b-1 fees and no surrender charges or hidden fees. All expenses are transparent and disclosed. The analysis will compare any existing plan whether a 401(k), Simple, SEP, IRA or Profit-Sharing Plan.

Many retirement plans are not managed by an accredited Fiduciary. Fortunately, that trend is reversing. **The Department of Labor's (DOL) new Conflict of Interest Rule requires that all investment recommendations must be in the exclusive best interest of the plan participants and that the advisor must avoid and disclose any conflicts of interest in making his/her recommendations and disclose all compensation**. **The DOL began enforcing this rule on April 10, 2017. As a plan sponsor, you are responsible for all aspects of your retirement plan, including the investment advice you receive and the expenses of the plan. All plan sponsors are also named fiduciaries to the plan. You should consider having a cost analysis performed on your existing plan to be sure you are meeting your fiduciary duty to your plan participants.** This analysis will also be a valuable addition to your compliance file in case you need to demonstrate your commitment to your Fiduciary duties.

DSRP is sponsored by Financial Management, Inc. (FMI), a Registered Investment Advisory firm that is also CEFEX® (Center for Fiduciary Excellence) certified. Every one of FMI's advisors is an Accredited Investment Fiduciary (AIF®) or an Accredited Investment Advisor Analyst (AIFA®). Multiple FMI advisors are also Certified Pension Consultants (PPC®). You can be confident that FMI will make recommendations and analysis consistent with the Fiduciary standards of excellence and best practices.

For more information call 800-719-2796.

DSRP is endorsed by IFDA, since 2008, and would be happy to provide referrals that we have worked with.



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CONTINUING EDUCATION

10 CE hours required to renew license

- 5 of the 10 hours must be in-person
- 4 of the 10 hours must be Indiana law
  - Preneed burial services or merchandise under IC 30-2-13
  - The practice of funeral service under IC 25-15-2-22
  - The cremation act under IC 23-14-31
  - The cemetery act under IC 23-14
- OSHA is required every year
  - It does NOT count toward the 10 CE hours needed to renew your license

June 13, 2024



Greetings to all members of IFDA. It is an honor to be able to address you as your President, and I am humbled to be able to serve you all.

I spoke at our convention about the importance of telling our story, because it is a story to be proud of. Caring for the dead, and those they leave behind is a sacred duty and we should be proud of the work we do. I want you to know that I have taken my own advice and gone to different churches, service clubs, and even with the families I meet and have spoken about the importance of embalming and memorialization and the reaction I have gotten has been incredible. I encourage you all to do the same, educating people about death care and what we can accomplish in the preparation room before the need arises will only benefit you in the future.

As for the Association, we are as strong as we have ever been, and that is due to you all, its members. Without our members we would have no IFDA, so thank you all for continuing to support this great association.

As your President, I encourage you to take advantage of all the IFDA has to offer. Download the app to stay current with IFDA, attend your free district meetings, register for OSHA training, and read through your *Book of Facts*, it is an incredibly valuable resource. I also encourage you all to participate in MasterChoice, it is the best pre-need investment tool available to you and the returns speak for themselves. If you have questions about how MasterChoice works, do not hesitate to call the IFDA office, it is full of great people who are eager to answer your questions. As dollars become harder to come by, it has never been more important to make yourself whole after servicing a pre-funded funeral contract.

Lastly, I encourage you all to practice self-care. As caregivers, we pour all of ourselves into the families we meet, the bodies we prepare, and the funerals we run, yet we often neglect to care for ourselves. What we do day in and day out is no easy task, the long days, long nights, and weekends that never quit, take a toll on us all. The IFDA, through Hightower, has partnered with EAP, which offers free counseling for a myriad of different topics. There is no reason not to take advantage of this, and take care of yourself and those in your family.

Please know I have the utmost respect for all of you and the calling you have committed your life to. Know that I am humbled to serve you as your President, and am willing to take a phone call from any of you with any concerns or questions you may have. We are strong because of YOU, the member, and we will only continue to grow stronger as more and more funeral homes recognize the incredible value of IFDA.

Thank you,

Colin Yoder

Colin Yoder

Indiana Funeral Directors Association

Statement of Mission

The mission of the Indiana Funeral Directors Association is to proactively advocate, educate, and support Indiana funeral service.

AREAS OF PRIORITY

Professional & Workforce Development
Attract, develop, and provide opportunities for current and future practitioners

Education
Advocate relevance & shape path to funeral service

Professional Resources
Provide membership useful tools to better care for communities

Partnerships
Engage dialogues/relationships with public, end-oflife stakeholders, legislature, and regulatory

"Marketing" Funeral Service
Tell our story/shape public narrative/understanding and value of funeral service


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2
3
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8
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Lake
Porter
La Porte
St. Joseph
Elkhart
LaGrange
Steuben
Noble
De Kalb
Marshall
Kosciusko
Starke
Whitley
Allen
Jasper
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Newton
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Hunt-
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Wells
Adams
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Grant
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ford
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Warren
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Tipton
Madison
Delaware
Randolph
Fountain
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Boone
Hamilton
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Wayne
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Parke
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Marion
Hancock
Rush
Fayette
Union
Morgan
Johnson
Shelby
Franklin
Vigo
Clay
Owen
Decatur
Sullivan
Monroe
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Bartholomew
Dearborn
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Knox
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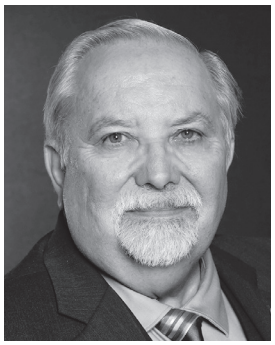
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ARTICLE I. Name, Location, Purpose and Restrictions.

1. Name. The name of the association is the Indiana Funeral Directors Association, a nonprofit corporation incorporated under the laws of the State of Indiana.

2. Location. The principal office of the association shall be located in the State of Indiana.

3. Purposes. The purposes of the association include: (a) providing opportunities for dialogue, education, advancement and improvement of all aspects of funeral service through meetings, seminars, communications, publications, and other programs and activities; (b) articulating and advocating the needs and interests of funeral service before legislative, administrative, and judicial branches of local, state, and national governments; (c) cooperating on behalf of funeral service with suppliers, distributors, dealers, insurers, and clients directly and through their associations in matters involving the business and governmental affairs of the industry; and (d) promulgating policies and conducting activities for the betterment of all those individuals or firms involved in some aspect of funeral service.

4. Restrictions. All policies and activities of the association shall be consistent with: (a) applicable federal, state and local antitrust, trade regulation or other legal requirements; and (b) applicable tax-exemption requirements including the requirements that the association not be organized for profit and that no part of its net earnings inure to the benefit of any private individual.

ARTICLE II. Membership.

1. Membership Qualifications. Membership in this association shall consist of the following classifications: Establishment membership, Individual Professional membership, Senior membership, Student Intern membership, Honorary membership, and Associate membership.

a. Establishment Membership. An entity licensed and operating as a funeral home by the State of Indiana is qualified to apply for and be admitted as an Establishment member. "Entity" as it relates to this class of membership is defined as any corporation, partnership, limited liability company, sole proprietorship, etc., operating, recognized by and other- wise admitted to do business in the State of Indiana; and licensed as a funeral home in the State of Indiana.

For the purposes of participation in association activities and election to an association office, any employee of an Establishment member who holds a valid Indiana funeral director's license shall be considered a member of the association although only one designated representative may vote on behalf of the Establishment. In the event a person, corporation, partnership, limited liability company, sole proprietor, etc., owns, controls, manages, or operates, one or more entities, and in the event it elects to have any entity under its control or management, apply for Establishment membership, the dues for such proposed Establishment member shall be based upon the total number of death certificates obtained in the previous year for all entities under the control, operation, ownership, or management, of such person or entity. Should a dispute occur concerning the definition of a member firm, the Board of Directors shall establish the necessary criteria for membership.

b. Individual Professional Membership. Any person who is licensed as an embalmer or funeral director and practicing in the State of Indiana and not employed by a member firm shall be eligible for Individual Professional membership in the association for purposes of receiving association mailings and attendance at association meetings, but shall have no voting rights.

c. Senior Membership. Any individual licensee upon retirement becomes eligible for membership in the association as a Senior member at age 65, but shall have no voting rights.

d. Student-Intern Membership. Any funeral service student or intern registered with the Indiana State Board of Funeral and Cemetery Services shall be eligible for this membership, for the duration of their internship, but shall have no voting rights.

e. Honorary Membership. Each past president of the association shall be granted an honorary life membership in the association. Other individuals shall become eligible for Honorary membership if this privilege is extended to them by the Board of Directors. An Honorary member shall pay no dues, and shall have no voting rights.

f. Associate Membership. The Board shall establish an annual fee to be charged to and paid by an organization or individual desiring to be recognized as an IFDA Associate. An individual, supplier, vendor, or organization having an active supporting interest in, or otherwise associated with funeral service in the State of Indiana who is not licensed to practice funeral service in Indiana may be granted Associate status after paying the requisite annual fee established by the Board of Directors. IFDA Associates shall be entitled to receive all official association publications, but shall not be entitled to voting status or participation in association programs except where specifically authorized by action of the Board of Directors.

2. Voting Rights. Organizations or individuals holding an Establishment membership shall have full voting rights as members of the association. Each voting member shall be entitled to one vote. No other membership classifications shall have or enjoy voting rights.

3. Applications for Membership. All requests for memberships shall be made on the proper forms and shall be accompanied by a payment of the annual dues or fees, and any assessments as determined by the Board of Directors. Any member may resign by filing a written resignation with the Board of Directors; however, no dues, fees or assessments shall be refunded.

4. Termination of Membership. Membership in this association shall be terminated for any of the following causes: a) failure to pay annual dues, fees, or assessments on or before the date they are due; or (b) revocation or suspension of the license of the member by the State Board of Funeral and Cemetery Service; or (c) a ruling of termination by the Ethics Committee. Any such ethics charge brought against a member may be submitted for hearing before the Executive Committee in accordance with the code of ethics enforcement procedures; however, in all cases the member shall receive fair opportunity to hear the charges and to present a defense against them prior to action being taken.

ARTICLE III. Membership Dues.

1. Dues, Fees and Assessments. Dues, fees and any assessments for each classification of membership shall be established by the Board of Directors, and may be changed on proper action by the Board. Membership dues are payable annually for the calendar year or fiscal year as determined by the Board.

2. Delinquency. Dues are payable January 1 of each year and delinquent after 30 days. Membership is suspended 30 days after notification of delinquency. Membership is reinstated upon payment of dues, fees, and any assessments due.

3. Refund. No dues, fees or assessments will be refunded.

4. Dues Increase. Membership dues shall be subject to an annual automatic increase for all membership categories, based on the preceding year's CPI not to exceed 5%. If a larger increase is necessary, the Board must approve the larger increase.

ARTICLE IV. Board of Directors.

1. Grant of Authority and Term of Office. The governing body of the association is the Board of Directors, which has the authority and is responsible for the supervision, control and direction of the association. Only those persons who satisfy the criteria for eligibility to serve as a director shall be eligible for election to, and service on, the Board of Directors. The term of office of all members of the Board of Directors shall be for the fiscal year, June 1 to May 31.

2. Composition of the Board of Directors. The Board of Directors shall consist of the following voting members:

a. The officers of the association as shown in Article V;

b. The immediate past president of the association together with three (3) past association presidents selected by the Past Presidents Club. The immediate past president and one of the three past presidents selected in accordance with Article X shall be members of the Executive Committee, with such member to be so designated by the Past Presidents Club, but to serve a term of only one year.

c. The nine district directors; and

d. The NFDA Policy Board representative, if that person is not already serving on the Board, but as a non-voting member; and

e. The executive director, but as an ex-officio (nonvoting) member.

f. No person may hold more than one office at the same time.

3. Election and Term of Office for District Directors. District directors from even numbered districts shall be elected preceding the association annual meeting held in even years. District directors from odd numbered districts shall be elected preceding the association annual meeting held in odd years. District directors shall serve a term of two (2) years and may be nominated for and elected for additional terms.

At least 60 days prior to the district meetings, the membership shall be advised as to which of the districts is scheduled to nominate and elect district directors and a form shall be made available for the purpose of making a nomination.

To be eligible for election for district director, a member must be nominated with the forms provided by the association office and the names of the nominee and nominator shall be stated on such forms. In order to be valid, any such nomination must be returned to the association's offices at least forty-five (45) days prior to the first district meeting. The nominee and the nominator's place of employment must be in the same district scheduled for action to nominate and elect a district director, and the nominee and the nominator shall be an Indiana licensee of an Establishment member in good standing with the association.

At least thirty (30) days prior to the date of the first district meeting, an official ballot shall be sent to all voting members in the voting district established as of such date and shall be returned within 15 days in order to be valid. All votes shall be by secret written ballot and voting by proxy is prohibited. The results of the elections shall be announced at the district meetings of those districts holding elections.

In the event of a tie vote as between two nominees for the same office, the winner shall be determined by a runoff election to be held at the district meeting in which the election is taking place. If only one qualified person is nominated as a candidate for election to district director for any district; no election shall be held and the one nominated person shall automatically become the district director for his district as though elected as above set forth.

4. Vacancies. If a vacancy occurs among the district directors for any reason, the Board of Directors, by majority vote, shall fill the vacancy and the newly-elected director shall serve and complete the term of his or her predecessor.

If a vacancy occurs among the elected officers for any reason, the remaining current officers shall move up in succession until the next election, and a secretary-treasurer shall be appointed by the Board. Should the office of the immediate past president of the association become vacant for any reason, the Board shall appoint the most recent eligible immediate past president who is willing to assume the position for the remainder of the unexpired term.

5. Meetings. The Board of Directors shall meet at least annually at whatever time and place it selects. The presence of 51% of the seated board members constitutes a quorum. A majority of Board members where a quorum is present is necessary to make a decision except where some other number is required by law or by these bylaws. Proxy voting is not permitted. Mail voting, electronic mail or voting by telephone is permitted.

6. Notice of Meetings. Notice of meetings of the Board of Directors, stating the place, day and hour of the meeting shall be given to each member of the Board of Directors at least five (5) days before the date of the meeting. Notice of any meeting of the Board of Directors may be waived in writing, filed with the executive director, or by attendance in person. Meetings of the Board of Directors may be called by the president, the president-elect, or by any eight (8) members of the Board of Directors.

7. Removal. A Board member may be removed for cause by a two-thirds (2/3) vote of the Board of Directors.

8. Compensation. Board members do not receive compensation for their services but may receive reimbursement for actual travel expenses under travel policies adopted by the Board.

9. Attendance at Meetings. All members of the Board of Directors are expected to attend all meetings of the Board of Directors. A director's absence for two consecutive meetings shall be considered as cause for removal in the absence of just cause for not being in attendance.

10. Qualifications for Membership on Board of Directors. All officers and directors of the association must be, as of the date of commencement of a term of office and continuing throughout such term:

g. An individual licensed by the State of Indiana under Indiana Code 25-15, et seq.; and

h. An individual directly affiliated with a funeral home licensed under Indiana Code 25-15 and an Establishment member in good standing either as an employee, consultant, officer and/or director.

ARTICLE V. Officers.

1. The officers of the association are: President; President-elect, Vice President; and Secretary-Treasurer.

2. Qualifications. In order to be eligible for nomination and election as an officer of the association, such individual must have been previously elected to and have served as a district director of the association. In the event no individual is nominated for an association office who meets this criteria, nomination and election to office shall be from among the general membership of those otherwise eligible to hold office.

3. Election and Term of Office. The president-elect; the vice-president; and the secretary-treasurer shall be elected for a one (1) year term at the association's annual meeting. The president-elect elected in the preceding year shall automatically assume the office of the president and no election shall be held for that office. All officers shall serve for a term of one (1) year.

At least ninety (90) days before the date of the annual meeting, the membership shall be advised as to those offices for whom candidates are to be nominated and elected and shall make available a form to be used for the purpose of making nominations. In the event no individual is nominated for election to a particular office then, within 10 days following the last date nominations were to have been submitted, the Board shall nominate at least one member in good standing for election to each office to be filled.

Any voting member in good standing may submit the name of another voting member in good standing for nomination for election. In order to be valid, any such nomination must be made on association approved forms and must be returned to the association's office at least sixty (60) days prior to the association's annual meeting.

At least forty-five (45) days prior to the date of the association's annual meeting an official ballot shall be sent to all voting members established as of such date. All votes shall be by secret written ballot and voting by proxy is prohibited. All ballots must be mailed as directed and postmarked at least twenty (20) days before the annual meeting. The results of the election shall be communicated to the voting members no less than five (5) days prior to the annual meeting. In the event of a tie vote as between two nominees for the same office, the winner shall be determined by a runoff election at the annual business meeting. In order to be elected to office in an election in which three or more persons are running for the same office, a nominee may be elected by receiving a plurality of more than 50% of the votes cast. In the event no nominee receives the designated plurality of more than 50%, then in such event a runoff election shall be held and the winner chosen by a majority of those voting members present at the annual meeting. If there is no nominee for an office at the time of election at the annual meeting, nominations may be received from the floor to fill the office and the election shall be by the majority of voting members present. The nominee must be willing to serve.

However, if the election is uncontested, no mail ballots will be distributed and the members at the association's annual meeting shall direct the current president to declare such officer(s) elected.

All ballots employed in any election shall be designed in such a manner as to insure secret voting. All ballots shall be submitted in such a manner as to provide for the actual ballot to be marked and sealed inside a separate and distinct envelope and thereafter submitted in a separate envelope; on the outside of the latter envelope, the voting member must affix his/her signature, Indiana funeral director's license number and Establishment member name. After verification of a voting member's status and eligibility to vote, the signed envelopes containing the sealed ballot envelopes shall be discarded and destroyed after the election.

The Board shall determine the validity of any ballot submitted by mail or in person and shall have the right to select and appoint a disinterested person or firm to serve as its auditor for the purpose of supervising and insuring the validity of the election process and/or any ballot submitted in conjunction therewith. The decision of the Board in relation to its duties as prescribed herein shall be final.

4. Duties. The officers perform those duties that are usually and customarily performed by those offices or those that are assigned to them by the Board of Directors. In addition, the president of the association acts as chairman of the Board of Directors, the president-elect acts in place of the president when the president is not available or unable to perform his duties, the secretary-treasurer is the financial officer and record keeping officer of the association and the executive director, appointed or terminated by the Board of Directors, pursuant to Article VI, is the executive officer of the Corporation. The president, the secretary-treasurer and the executive director shall each report to the membership at the annual convention concerning the activities of the association.

ARTICLE VI. Staff and Consultants.

1. Executive Director. The Board of Directors is empowered to employ or retain a salaried staff head who shall have the title of Executive Director and whose terms and conditions of employment shall be specified by the Board through the Executive Committee by means of a written contract. The executive director is the chief executive officer of the association responsible for all management functions.

He/she shall manage and direct all activities of the association and any subsidiary organizations as prescribed by the Board of Directors and shall be responsible to the Board of Directors.

He/she shall employ or terminate any additional staff members necessary to carry on the work of the association, fix their compensation within the approved budget, define duties of the staff, supervise and evaluate their performance, establish their titles and delegate those responsibilities of management as shall, in his/her judgment, be in the best interest of the association. It shall be his/her duty to keep a record of the proceedings of the Corporation, serve as an ex-officio member of the Board of Directors and all committees, to edit and superintend all publications of the association, to conduct all correspondence and day-to-day business of the association, and perform those duties related to the association as may be prescribed by the Board of Directors.

In consultation with the Executive Committee, he/she shall retain consultants or other paid advisory services to the association. He/she shall turn over to his/her successor without delay all papers and property belonging to the association committed to his/her care.

2. General Counsel. The general counsel for the Corporation is appointed or terminated by the executive director in consultation with the Executive Committee.

3. Auditor. The financial records of the association shall be audited annually by a certified public accountant who is appointed or terminated by the executive director in consultation with the Executive Committee.

ARTICLE VII. Committees.

1. Standing Committees. The following shall be the standing committees of the association:

a. Executive Committee. The Executive Committee shall consist of seven (7) members, including the president as chairman, the president-elect, the vice-president, the secretary-treasurer, the immediate past-president, one (1) past president selected by the Past Presidents Club, and the executive director as ex-officio member. The Executive Committee shall retain consultants upon recommendation of the executive director, negotiate the executive director's contract, and hear appeals from the Ethics Committee and perform such other duties as may be delegated to it by the Board of Directors. A majority of the Executive Committee shall constitute a quorum at any duly called meeting of the committee. The president may call such meetings of the Executive Committee as the business of the association may require, or a meeting shall be called by the president-elect upon request of three (3) members of the Executive Committee. The executive director shall ensure that adequate notice is given to all members of the Executive Committee for all its meetings. Any vacancy occurring on the Executive Committee shall be filled by the Board of Directors.

b. Ethics Committee. The Ethics Committee shall be appointed to administer and enforce the association Code of Ethics in accordance with the enforcement procedures approved by the Board of Directors. As a condition of membership, all members shall agree to abide by the association Code of Ethics, submit to the authority of the Ethics Committee, and to abide by its decisions subject to any appeal to the Executive Committee.

2. Appointed Committees. The president with the approval of the Board of Directors, shall appoint such other committees, subcommittees, or task forces as are necessary and which are not in conflict with other provisions of these bylaws.

ARTICLE VIII. Meetings.

1. Annual Membership Meeting. The association shall hold an annual meeting of the membership at the place and on the date that the Board of Directors approves. The presence of ten percent (10%) of the voting members of the association at the annual meeting constitutes a quorum; provided, however, a quorum shall not exist if a majority of those voting members present represent only one (1) district. A majority of voting members where a quorum is present is necessary to make a decision except where some other number is required by law or by these bylaws. Proxy voting is not permitted.

2. Special Meetings. Special meetings of the association membership may be called by the Board of Directors at any time. Upon written request of ten percent (10%) of the voting members of the association to the executive director, the president shall also call a special meeting of the membership. At a special meeting a quorum shall not exist if a majority of those members present represent only one (1) district. Proxy voting is not permitted.

3. Notice. The Board of Directors must give association members reasonable notice including a description of business to be discussed at all annual and special meetings.

4. Rules of Order. All meetings and proceedings of this association shall be regulated and controlled according to recognized rules of order for parliamentary procedure except as may be otherwise provided by these bylaws, the Articles of Incorporation or the act of the legislature. The president may appoint a parliamentarian to assist at annual meetings and special meetings.

ARTICLE IX. Districts.

1. Districts. This association shall have the general supervision of all districts which shall be organized under it and shall decide all questions referred to it by such districts. Such decision shall be made by the Board of Directors and the same shall be final.

The association is divided into nine (9) districts, as follows:

District 1 - Jasper, Lake, LaPorte, Newton, Porter, Pulaski, and Stark counties;

District 2 - Elkhart, Fulton, Kosciusko, Marshall, and St. Joseph counties;

District 3 - Adams, Allen, Blackford, DeKalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Wells, and Whitley counties;

District 4 - Benton, Boone, Carroll, Cass, Clinton, Fountain, Hamilton, Howard, Miami, Montgomery, Tippecanoe, Tipton, Warren, and White counties;

District 5 - Decatur, Delaware, Fayette, Franklin, Henry, Jay, Madison, Randolph, Rush, Union, and Wayne counties;

District 6 - Clay, Daviess, Greene, Knox, Martin, Owen, Parke, Putnam, Sullivan, Vermillion, and Vigo counties;

District 7 - Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby counties;

District 8 - Bartholomew, Brown, Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, and Washington counties;

District 9 - Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick counties.

2. District Officers. The officer for each district of this association is the district director.

3. District Meetings. There shall be annual district meetings for the membership of the association in the districts at a date and time as specified by the Board of Directors. The district director is responsible for preparing the meeting site and having the necessary equipment available for all sessions.

ARTICLE X. Past Presidents Club.

The association's Past Presidents Club shall be comprised of all past presidents of this association and members in good standing with this association. The Past Presidents Club shall hold an annual meeting. They shall select one (1) of its members to serve a one (1) year term as secretary-treasurer of the Indiana Funeral Education Foundation.

Any past president selected to serve on the Board of Directors by the Past Presidents Club must be active in funeral service and affiliated with an Establishment member.

The Past Presidents Club shall also select three members to serve on the association's Board of Directors in accordance with the provisions of Article IV, Section 2, of these bylaws. Such members shall be selected for staggered terms of two years so that one (1) new member is selected in the even year and two (2) new members are selected in the odd year. Also, annually, the Past Presidents Club shall select, from among those past presidents most recently elected as director, one director who is to serve as a member of the Executive Committee and who is to serve a one year term thereon and who may not be selected to consecutive terms thereon.

ARTICLE XI. Delegates to Convention.

To the extent the association is entitled to have delegates attend any meeting or convention of any national organization of funeral directors, the delegates of this association to such meeting shall be the president, president elect, vice president, secretary-treasurer and any other member of the Board of Directors who will be attending such meeting. The president shall appoint from the general membership such additional delegates and alternates as maybe necessary to fill the authorized delegate's quota to which this association is entitled.

ARTICLE XII. Indemnification of Directors, Officers and Employees.

The Corporation shall indemnify its directors, officers, employees, agents, and consultants in the manner and to the extent required by Indiana Code 23-17-16-1, et seq., as the same now exists and as may be later amended. In addition, the Board of Directors is specifically empowered to broaden the indemnity provisions specified by law when, in its sole discretion, it determines that a broader indemnity would be just, reasonable, and in the best interest of the Corporation in the matter presented.

ARTICLE XIII. Amendment to these Bylaws.

1. Amendments. These bylaws may be amended at any annual meeting of this association by a two-thirds (2/3) vote of the voting members present, provided that no amendment shall be presented or acted upon until it has first been submitted to the Board of Directors and subsequently published in an official publication of this association thirty (30) days prior to the annual meeting at which it is presented for adoption.

2. Amendment-By-Mail. At the discretion of the Board of Directors, a proposition to amend these bylaws may, either by direct mail or by publication in the official publication of the association, be presented to the membership of the association in which their vote may be recorded and returned on ballots within fifteen (15) days upon mailing, and upon receiving affirmative votes of two-thirds (2/3) of the eligible voters, provided that a majority of all eligible association members have cast a mail ballot, it shall become a part of the bylaws.

ARTICLE XIV. Dissolution.

The Corporation shall use its funds only to accomplish the objectives and purposes specified by these bylaws and no part of said funds shall inure or be distributed to the members of the association. On dissolution of the association, any funds remaining shall be distributed to the successor organization or organizations, if any, or to one or more regularly organized and qualified charitable, educational, scientific, or philanthropic organization to be selected by the Board of Directors.

INDIANA FUNERAL DIRECTORS ASSOCIATION

INDIANA FUNERAL DIRECTORS ASSOCIATION

Indiana Funeral Directors Association
1879
(Owns 75% of Hightower)

Hightower Services, Inc.
1983

Indiana Education Foundation
1983
(Owns 25% of Hightower)

INDIANA FUNERAL DIRECTORS ASSOCIATION

HIGHTOWER
SERVICES, INC.

INDIANA FUNERAL
EDUCATION FOUNDATION

1881 *Isaac Ball, *Terre Haute*
1882 *Isaac Ball, *Terre Haute*
1883 *Charles Kregelo, *Indianapolis*
1884 *Charles T. Whitsett, *Indianapolis*
1885 *C.L.Woll, *Logansport*
1886 *O.G. Davis, *Williamsburg*
1887 *Frank W. Flanner, *Indianapolis*
1888 *M.L. Meeks, *Muncie*
1889 *Dexter Gardner, *Vincennes*
1890 *J.G. Chambers, *Madison*
1891 *H.R. Downing, *Richmond*
1892 *Rodney Strain, *Logansport*
1893 *James W. Buchanan, *Marion*
1894 *D.C. Barnhill, *Crawfordsville*
1895 *J.H. Fetter, *Peru*
1896 *Frank Munchoff, *Anderson*
1897 *Miss Fannie Gardner, *Vincennes*
1898 *J.H. McCully, *Idaville*
1899 *J.H. McCully, *Idaville*
1900 *J.N. Frist, *Clinton*
1901 *M.F. Parsons, *Greensburg*
1902 *A.V. Weisinger, *Mount Vernon*
1903 *E.E. Davis, *Alexandria*
1904 *W.H. Hiss, *Plainfield*
1905 *M.B. Stultz, *Huntington*
1906 *George C. Wyatt, *Rushville*
1907 *George L. Watson, *Cayuga*
1908 *H.M. Purviance, *Huntington*
1909 *Edwin R. Hisey, *Indianapolis*
1910 *I.D. Emmons, *Columbus*
1911 *W.A. Rushton, *Plainfield*
1912 *Mont Boord, *Covington*
1913 *B.K. Adams, *Peru*
1914 *Ivory C. Tolle, *Lebanon*
1915 *Folger P. Wilson, *Richmond*
1916 *W.F. Evans, *Brownsburg*
1917 *C.R. Wilson, *Mooresville*
1918 *H.P. Martin, *Terre Haute*
1919 *Chas C. LaFollete, *Thorntown*
1920 *James M. Chappell, *Kendallville*
1921 *Clyde E. Titus, *Indianapolis*
1922 *J. Frank Hamilton, *Westport*
1923 *Harley E. Hickman, *Terre Haute*
1924 *Floyd E. Williams, *Gary*
1925 *Harry M. Allen, *Peru*
1926 *Paul H. Buchanan, *Indianapolis*
1927 *Floyd S. Culp, *Goshen*
1928 *Frank A. LePell, *Valparaiso*
1929 *Charles Herrlich, *New Palestine*
1930 *James A. Coffing, *Attica*
1931 *Bert S. Gadd, *Indianapolis*
1932 *Bert S. Gadd, *Indianapolis*
1933 *Bert S. Gadd, *Indianapolis*
1934 *Hallard A. Flynn, *Chesterton*
1935 *Jesse F. Phillippi, *Zionsville*
1936 *Dwight R. Baker, *Dayton*
1937 *Dwight R. Baker, *Dayton*
1938 *Herbert R. Wald, *Indianapolis*
1939 *Morris H. Sleeth, *Shelbyville*
1940 *Frank M. McNeely, *Indianapolis*
1941 *Frank J. Evans, *Noblesville*
1942 *Clarence C. Piepho, *Muncie*
1943 *John H. Blackwell, *Indianapolis*
1944 *Harold E. Rozelle, *Anderson*
1945 *Ralph McMullan, *Kempton*
1946 *Ralph McMullan, *Kempton*
1947 * Donald C. Ulrich, *Dillsboro*
1948 *Verlan L. Poindexter, *Washington*
1949 *J. Harold Fife, *East Chicago*
1950 *Raymond E. Needham, *Marion*
1951 *Harry W. Moore, *Indianapolis*
1952 *Kenneth G. Alexander, *Evansville*
1953 *Harry E. Danielson, *Plymouth*
1954 *Earl C. Hollis, *South Bend*
1955 *Frank W. Moore, *Rushville*
1956 *Gene E. Laird, *Amboy*
1957 *Earl K. Parson, *Muncie*
1958 *F. Walter Voss, *Seymour*
1959 *Bernard A. Dziadowicz, *Hammond*
1960 *Charles W. Pemberton, *Lynnville*
1961 *P.L. Myers, *Lebanon*
1962 *Howard J. Cook, *Sunman*
1963 *Myron C. Hutchins, *Kendallville*
1964 *Harold M. Schmutzler, *Huntingburg*
1965 *Kenneth Plummer, *Bedford*
1966 *Lloyd E. Hartzler, *Elkhart*
1967 *Gerald. E. McHatton, *Warsaw*
1968 *Harold. D. Unger, *Indianapolis*
1969 *Millard H. Rullman, *Aurora*
1970 *Max McClanahan, *Jasonville*
1971 *George L. Bocken, *Hammond*
1972 *George R. Sansom, *Evansville*
1973 *John B. Hutchins, *Kendallville*
1974 *W. Thomas Porter, *Greensburg*
1975 Robert E. Lee, *Bedford*
1976 *Frank N. Waltermann, *Richmond*
1977 Robert B. Shelby, *Covington*
1978 *Max Frain, *Winamac*
1979 James Boultinghouse, *Rockport*
1980 James Little, *Beech Grove*
1981 *William Welsheimer, *South Bend*
1982 David H. Cook, *Brookville*
1983 *Michael St. Pierre, CFSP, *Indianapolis*
1984 *Ken Grandstaff, *Roann*
1985 *Russell B. Johnson, *Anderson*
1986 Michael T. Butts, *Terre Haute*
1987 *William B. Scott, *Jeffersonville*
1988 *Kenneth Parson, *Muncie*
1989 *Gerald V. Rees, *Hobart*
1990 *Richard E. Tudor, *Franklin*
1991 *Maurice L. Sefton, *Indianapolis*
1992 Elden B. LaHayne, *Hammond*
1993 *Leonard Urban, *Connersville*
1994 John Noffze, *Alexandria*
1995 Dan Frain, *Winamac*
1996 *Jerrit Clayton, CFSP, *Zionsville*
1997 Gary Eastlund, *Syracuse*
1998 Terry Davidson, *Delphi*
1999 Michael Owens, CFSP, *Alexandria*
2000 Sam Frain, CFSP, *Winamac*
2001 Ron Deremiah, CFSP, *Indianapolis*
2002 David McCoy, *Hammond*
2003 Brian Vaughan, CFSP, *Indianapolis*
2004 Angela Sallee, CFSP, *Indianapolis*
2005 Timothy Yoder, *Goshen*
2006 Lynn Haverstock, CFSP, *Michigan City*
2007 Darrell Holtzclaw, CFSP, *Indianapolis*
2008 *Dr. Charles French, CFSP, *Brazil*
2009 James Todd, *Rushville*
2010 *W. Edward Porter, CFSP, *Indianapolis*
2011 Paul St. Pierre, *Greenwood*
2012 Dan Hurt, CFSP, *Jamestown*
2013 Richard Ferguson, *Seymour*
2014 David Andrew Clayton, CFSP, *Zionsville*
2015 Alan Earl, *Argos*
2016 Wallace Hooker, CFSP, *Wingate*
2017 Scott Stodghill, *Ft. Branch*
2018 Norman Juday, *LaPorte*
2019 Richard Owen, *Syracuse*
2020 C. Gregory Childs, *Churubusco*
2021 Nichelle Neal Dalton, *Martinsville*
2022 Nichelle Neal Dalton, *Martinsville*
2023 Jon Ballard, *Daleville*
2024 Scott Smith, *Columbia City*



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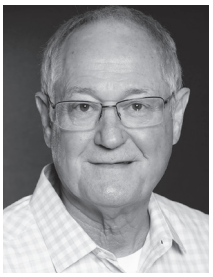
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Brian Blalock
Fifth Third Bank
MasterChoice Investment Banker



Derek Bitter
Fifth Third Bank
MasterChoice Investment Banker



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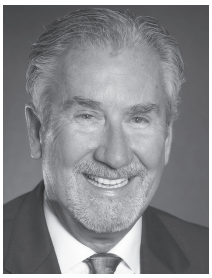
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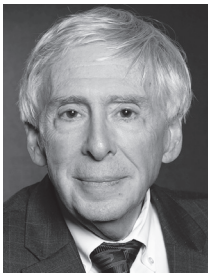
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HIGHTOWER
SERVICES, INC.

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Hightower Services, Inc.
An Indiana For-Profit Corporation
Incorporated June 22, 1983

Hightower Services, Inc., an Indiana For-Profit Corporation, was incorporated June 22, 1983, and is directed by a board of ten (10) members plus one (1) IFDA Liaison member. Each board member serves a 3-year term.

The mission of Hightower Services, Inc is to financially support the mission of the Indiana Funeral Directors Association and the Indiana Funeral Education Foundation through endorsed programs management and investment opportunities.

AREAS OF PRIORITY

- Investment Management
- New Pre-Need & Cemetery Perpetual Care Clients
- Endorsed Program Marketing
- Financial Support of Funeral Service Education & Professional Development

BYLAWS OF *HIGHTOWER SERVICES, INC.*
(Date of Incorporation: June 22, 1983)

ARTICLE I. Purposes.

The purposes of the corporation are:

1. To promote the welfare of the funeral profession and the public which it serves; to advance the profession of funeral directing and embalming and to advance the theory and practice of such profession and the allied arts and sciences; to enhance the status of funeral directors and embalmers; to assist in maintaining high standards of technical and ethical practice by members of the corporation; to provide a vehicle through which group insurance of all types, qualified pension plans, accounting and money management systems as appropriate, and other group benefits may be made available to the members of the corporation; to hold meetings, educational programs, and conferences for the mutual improvement and education of funeral directors and embalmers; to provide funeral directors and embalmers with information, counsel and assistance in all matters relating to the practice of funeral directing and embalming by any and all means consistent with the public interest; to enhance public relations of the profession with the public in general; to cooperate with other groups and individuals in or related to the practice of the profession in the common endeavor to advance funeral service as a profession.

2. To carry on and conduct for profit, in any capacity, any other lawful business not expressly prohibited by the Indiana General Corporation Act, and any and all acts amendatory thereof.

ARTICLE II. Offices.

The principal office of the corporation shall be located at the same address as the principal office of the Indiana Funeral Directors Association, which is 1305 West 96th Street, Suite A, Indianapolis, Indiana 46260.

ARTICLE III. Stockholders.

1. Annual Meeting. A meeting of the stockholders shall be held annually at a time and place to coincide with the annual membership meeting of the Indiana Funeral Directors Association, Inc., for the purpose of electing a Board of Directors, appointing a liaison person to represent the Indiana Funeral Directors Association by attendance at the Hightower Services, Inc. Board of Directors meetings; the liaison person has no voting privileges on the Hightower Services, Inc. board of Directors, and for the transaction of such other business as may come before the meeting. At the annual stockholders meeting, Hightower Services, Inc. Board of Directors shall appoint a liaison person to represent Hightower Service by attendance at the Indiana Funeral Directors Association Board of Directors meetings; the liaison person has no voting privileges on the Indiana Funeral Directors Association, Inc. Board of Directors. Notice of the annual meeting shall be mailed not less than ten (10) nor more than sixty (60) days prior thereto to each stockholder at his last known address as the same appears on the records of the corporation.

2. Special Meetings. Special meetings of the stockholders may be called within or without the State of Indiana and shall be held whenever called by the President, the Board of Directors, or by any stockholder holding a majority of the stock of the corporation. Notice of the time, place and purpose of the meeting shall be mailed by the President in timely fashion to each stockholder at his last known address as the same appears on the records of the corporation.

3. Waiver of Notice. Whenever any notice is required to be given to any stockholder or director of the corporation under the provisions of these Bylaws or under the provisions of the Articles of Incorporation, a waiver thereof in writing signed by the person or persons entitled to such notice or by attendance in person shall be deemed equivalent to the giving of such notice.

4, Quorum. At any meeting of the stockholders, a majority (51%) of the outstanding shares of the corporation entitled to vote, represented in person or

by proxy, shall constitute a quorum at a meeting of the stockholders, except where otherwise provided for by statute or the Articles of Incorporation of the corporation or by these Bylaws.

5. Proxies. Voting by proxy is prohibited.

6. Order of Business. The order of business at all meetings of stockholders shall be as follows:

A. Proof of notice of meeting or waiver of notice and roll call.

B. Reading of minutes of preceding meeting.

C. Report of Officers.

D. Report of Committees.

E. Election of Directors.

F. Unfinished Business.

G. New Business.

The order of business to be followed at any meeting may be changed by vote of the majority in interest of the stockholders present or represented by proxy at such meeting.

7. Informal Action by Stockholders. Unless otherwise provided by law, any action required to be taken at a meeting of the stockholders, or any other action which may be taken at a meeting of the stockholders, may be taken; without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the stockholders entitled to vote with respect to the subject matter thereof.

8. Adjournments. If at any annual or special meeting a quorum shall fail a majority in interest of the stockholders present, at the time and place of such meeting may adjourn the meeting from time to time, without further notice, until a quorum shall attend, and thereupon any business may be transacted which might have been transacted at the meeting as originally called.

9. Organization. The Chairman of the Board shall preside at all meetings of the corporation. In his absence, the President shall preside and in his absence, a chairman appointed by a majority in interest of the stockholders present shall call the meeting to order. In the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

ARTICLE IV. Board of Directors.

1. General Powers. The business and affairs of the corporation shall be managed by its Board of Directors. The directors shall at all times act as a board, and may adopt such rules and regulations for the conduct of their meetings and the management of the corporation, as they may deem proper and not inconsistent with these Bylaws and the laws of the State of Indiana. They may employ such agents and representatives as they deem proper to accomplish the purposes of the corporation.

2. Number, Tenure and Election. Shall be as stated in the Articles of Incorporation of this Corporation; provided, however, that the number of Directors shall be ten (10). Directors shall be appointed for staggered terms of three (3) years and individuals so appointed shall consist of not more than three (3) representatives from the northern, middle and southern districts of the State of Indiana and otherwise be participants in programs developed and offered by the Corporation. No director of such Association, the Indiana Funeral Directors Association, Inc. or the Indiana Funeral Education Foundation shall be qualified to serve as a director. The Executive Director of the Indiana Funeral Directors Association, Inc. shall also be a director.

3. Vacancy. Any director may resign his office by giving written notice to the Corporation; in such case, of vacancy for other reasons, the Board of Directors shall appoint a member of the Indiana Funeral Directors Association, Inc., to serve the unexpired portion of the vacated term.

4. Meetings. The Board of Directors shall meet as designated by the Chairman of the Board at a place and as often as may be required to conduct the business of the corporation; provided, however, that proper notice of such meeting is given to all directors. If a majority of the directors shall be present at any such meeting, any business may be transacted without any previous notice.

5. Quorum. The directors shall act only as a board. The number of directors in attendance at a duly called meeting of the board shall constitute a quorum as long as such number is in accordance with applicable state law. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the directors.

6. Order of Business. The Board of Directors may from time to time determine the order of business of its meetings.

7. Presiding Officers. At all meetings of the Board, the Chairman of the Board, or in his absence the President and in his absence a chairman chosen by the directors present shall preside.

8. Resignation and Removal. A director may resign at any time by giving written notice to the Board, the President or the Secretary of the corporation. Any director may be removed for cause by vote of the stockholders or by action of the Board. Prior to any steps taken toward removal, the director has the right to hear the charges against him and to respond to those charges. In case of any vacancy, the Board shall appoint a replacement until the original term has been served.

9. Compensation. No compensation shall be paid to directors, as such, for their services, but by resolution of the Board, a fixed sum and expenses for actual attendance at each regular or special meeting of the Board may be authorized. Nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefore.

10. Presumption of Assent. The director of the corporation who is present at a meeting of the directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

ARTICLE V. Officers.

1. Executive Officers, Term of Office. The officers of the Corporation shall consist of a Chairman, Vice-Chairman, President, a Secretary and a Treasurer. The Board of Directors may, by resolution, create and define the duties of other officers of the Corporation and such committees, all as authorized by the Articles of Incorporation, and may elect or appoint such persons as are necessary to fill such offices or committee positions. The Executive Director of the Indiana Funeral Directors Association shall serve as President for a term determined by the Board of Directors of the Corporation and all other officers shall be elected at the start of the Corporation's fiscal year.

2. Chairman of Board. The Chairman of the Board shall preside over all meetings of the Board of Directors, meetings of the stockholders and any special meetings.

3. President. The President shall be the principal executive officer of the corporation and, subject to the control of the directors, shall have direct charge of the business and staff of the corporation, and shall do and perform such other duties as from time to time may be assigned to him/her by the Board.

4. Treasurer. The Treasurer shall attend the Budget and Finance Committee meetings at all times. If required by the directors, the Treasurer shall give a bond for the faithful discharge of his/her duties in such sum and with such surety or sureties, as the directors shall determine. He shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for monies due and payable to the corporation from any source whatsoever, and deposit all such monies in the name of the corporation in such banks, trust com-

panies or other depositories as shall be selected in accordance with these Bylaws and in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him/her by the President or by the directors. The financial records of the corporation shall be audited annually by a qualified certified public accountant.

5. Secretary. The Secretary shall keep the minutes of all proceedings of the Board of Directors and all committees and the minutes of all meetings of the stockholders in books provided for that purpose; he/she shall have charge of the stock certificate books and such other books and papers as the Board may direct, and he/she shall in general perform all the duties incident to the officeof Secretary, subject to the control of the Board; he/she shall also performsuch other duties as may be assigned to him/her by the Board.

ARTICLE VI. Contracts, Loans, Checks and Deposits.

1. Contracts. The directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

2. Loans. No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the directors. Such authority may be general or confined to specific instances.

3. Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the directors.

4. Deposits. All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the directors may select.

ARTICLE VII. Certificates for Shares and Their Transfer.

1. Certificates for Shares. Certificates representing shares of the corporation shall be in such form as shall be determined by the directors. Such certificates shall be signed by the President and by the Secretary or by other officers authorized by law and by the directors. All certificates for shares shall be consecutively numbered or otherwise identified. The name and address of the stockholders, the number of shares and date of issue, shall be entered on the stock transfer books of the corporation. All certificates surrendered to the corporation for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost, destroyed or mutilated certificate, a new one may be issued therefore upon such terms and indemnityto the corporation as the directors may prescribe.

2. Transfers of Shares.

A. Upon surrender of the corporation or the transfer agent of the corporation of a certificate for shares duly endorsed or accompanied by proper evidence of succession, assignment or authority to transfer, it shall be the duty of the corporation to issue a new certificate to the person entitled thereto, and cancel the old certificate; every such transfer shall be entered on the transfer book of the corporation which shall be kept as its principal office.

B. The corporation shall be entitled to treat the holder of record of any share as the holder in fact thereof, and, accordingly, shall not be bound to recognize any equitable or other claim to or interest in such share of the part of any other person whether or not it shall have express or other notice thereof, except as expressly provided by the laws of this state.

3. Restriction of Transfer. At all times and irrevocably, seventy-five percent (75%) of the total number of stock in the corporation shall be held by the Indiana Funeral Directors Association, Inc., a nonprofit organization located in the State of Indiana. Every shareholder or stockholder, before selling such stock belonging to him, shall offer to sell the same to the corporation at the fair book value of such stock at the time such offer is made, and in case of disagreement as to what such book value is at such time, such matter in dispute shall be arbitrated. Any attempted sale of such stock to a person or persons ineligible to own stock in this corporation shall be void. The corporation reserves the right to purchase at book value any share or shares of stock which may by any means or method become the property of persons, corporations, or associations ineligible to be stockholders in this corporation.

4. Regulations. The Board of Directors may make such other rules and regulations as it may deem expedient concerning the issue, transfer and registration of stock for the corporation, provided they are not inconsistent with these Bylaws and the Articles of Incorporation.

ARTICLE VIII. Fiscal Year.

The fiscal year of the corporation shall begin on the 1st day of June in each year and end on the 31st day of May in the succeeding year.

ARTICLE IX. Dividends and Working Capital.

The directors may from time to time declare, and the corporation may pay, dividends on its outstanding shares in the manner and upon the terms and conditions provided by law and the Articles of Incorporation of the corporation. The Board of Directors may fix a sum which may be set aside or reserved, over and above the stock paid in as working capital, for the corporation and from time to time may increase, diminish or vary the same in its absolute discretion and judgment.

ARTICLE X. Seal.

The corporate seal shall have engraved thereon the name of the corporation and the word "seal" which seal shall be in charge of the Secretary to be used as directed by the Board.

ARTICLE XI. Amendments to Bylaws.

The Board of Directors of the corporation shall have power, without the assent or vote of the shareholders, to make, alter, amend or repeal the Code of Bylaws of the corporation, but the affirmative vote of a number of directors equal to a majority of the number who would constitute a full Board of Directors at the time of such action shall be necessary to take any action for the making, alteration, amendment or repeal of the Code of Bylaws.

ARTICLE XII. Indemnification of Directors, Officers and Employees.

1. Actions by Third Parties. The Corporation shall indemnify any director, officer or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that he is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or other agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation and even if determined to be negligent in the performance of his duties, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. No indemnification, except for attorneys' fees, shall be made in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for willful acts or willful misconduct in the performance of duty to the Corporation. The termination of any action, suit or proceeding by judgment, order, settle

ment, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was lawful.

2. Actions by or in the Right of the Corporation. The Corporation shall indemnify any person who was or is a party or threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation, and even if determinedto be negligent in the performance of his duties.

3. Indemnification as a Matter of Right. Any such director, officer, employee or agent who has been wholly successful, on the merits or otherwise, with respect to any claim, suit or proceeding of the character described here-in shall be entitled to indemnification as a matter of right. Except as provided in the preceding sentence, eligibility for indemnification hereunder may be determined, but need not be, by the Board of Directors (or a committeethereof). Such a resolution shall be valid in the case of a director(s) or officer(s) who is a director(s) notwithstanding the presence of such director(s)or officer(s) who is a director(s) at the meeting of the Board of Directors of the Corporation (or committee thereof) which acts upon or in reference to such indemnification and notwithstanding his or their participation in such action, if the fact of such interest shall be fully disclosed or known by theBoard of Directors and the Board (or committee thereof) shall nevertheless authorize, approve or ratify such indemnification. The directors may requestindependent legal counsel (who may be regular counsel of the Corporation)to deliver to it their written opinion as to whether such director, officer, employee or agent has met such standards.

4. Advancement of Expenses. The Corporation may advance expenses incurred in defending a civil or criminal action to, or where appropriate may, at its expense, undertake the defense of, any such director, officer, employee or agent upon receipt of an undertaking by or on behalf of such person to repay such expenses if it should ultimately be determined that he is not entitled to indemnification under this Article.

5. Claims to Which this Article Applies. The provisions of this Article shall be applicable to claims, actions, suits or proceedings made or commenced before or after the adoption hereof and whether arising from acts or omissions occurring before or after the adoption hereof.

6. Indemnification by this Article Not Exclusive. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled by law or under the Articles of Incorporation or any agreement, vote of stockholder or disinterested directors as a matter of law, or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

7. Insurance. The Corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Article.



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INDIANA FUNERAL
EDUCATION FOUNDATION

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The mission of the Indiana Funeral Education Foundation is to support the membership of the Indiana Funeral Directors Association with lifelong learning through professional development scholarships and student scholarships for those entering the funeral profession.

BYLAWS OF THE
INDIANA FUNERAL EDUCATION FOUNDATION, INC.
(Date of Incorporation: June 12, 1983)

ARTICLE I. Name, Seal and Offices.

1. Name. The name of this Corporation is the Indiana Funeral Education Foundation, Inc.
2. Seal. The seal of the Corporation shall be circular in form and shall bear on its outer edge the words "Indiana Funeral Education Foundation, Inc."
3. Offices. The principal office of the Corporation shall be located at the same address as the principal office of the Indiana Funeral Directors Association, Inc., which is Suite A, 1305 West 96th Street, Indianapolis, Indiana 46260.

ARTICLE II. Purposes.

The purposes for which this Corporation is formed are to develop, promote and foster and engage in educational and other similar activities permissible under Section 501(c) (3) of the Internal Revenue Code of 1954 for the benefit of the Indiana Funeral Directors Association, Inc., a nonprofit corporation qualified under Section 501(c) (6) of the Internal Revenue Code; to provide for and promote and raise funds for and provide financial assistance to qualified organizations; to engage in fund raising efforts and other activities of a similar nature to provide for a financial basis from which to conduct its activities.

ARTICLE III. Members and Meetings of Members.

1. Membership. The membership of the Corporation shall be composed of and include all members in good standing with voting rights in the Indiana Funeral Directors Association, Inc., (hereinafter referred to as the "IFDA"). The determination of a member's good standing shall be based on the membership records of the said Association.
2. Rights of Members. The right of a member to vote and all his right, title, and interest in or to the Corporation shall cease on the termination of his membership. No member shall be entitled to share in the distribution of the corporate assets upon the dissolution of the Corporation.
3. Annual Meeting. The annual meeting of the Corporation shall be held in conjunction with the annual meeting of the IFDA, at a time and place determined by the Board of Directors for the purpose of establishing Directors, and for the transaction of such other business as may properly come before the meeting. Notice of the time and place of the annual meeting shall be served by the Executive Director of the IFDA by mail or by publication in the IFDA publication not less than ten (10) or more than sixty (60) days prior to such meeting to the last known address of each member.
4. Special Meetings. Special meetings of the members, other than those regulated by statute, may be called at any time by the Chairman of the Board or President and must be called on receipt of the written request of one-third (1/3) of the members of the Corporation.
5. Quorum. At any meeting of the members of the Corporation, the presence of a majority of the members in person or by proxy shall be necessary to constitute a quorum for all purposes except as otherwise provided by law, and the act of a majority of the members present at any meeting at which there is a quorum shall be the act of the full membership except as may be otherwise specifically provided by statute or by the bylaws. In the absence of a quorum, or when a quorum is present, a meeting may be adjourned from time to time by vote of a majority of the members present in person without notice other than by announcement at the meeting and without further notice to any absent member.
At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally notified.
6. Waiver of Notice. Whenever under the provisions of any law or under the provisions of the Certificate of Incorporation or bylaws of this Corporation, the Corporation or the Board of Directors or any committee thereof is authorized to take any action after notice to the members of the Corporation or after the lapse of a prescribed period of time, such action may be taken without notice and without the lapse of any period of time, if at any time before or after such action be completed, such requirements be waived in writing by the person or persons entitled to such notice or entitled to participate in the action to be taken or by his attorney there unto authorized.
7. Removal of Directors or Officers. Any Director or officer may be removed from office by the affirmative vote of two-thirds (2/3) of the full membership or by a majority vote of the Board of Directors at any time for conduct detrimental to the interests of the Corporation, for lack of sympathy with its objectives, or for refusal to render reasonable assistance in carrying out its purposes. Any such officer or Director proposed to be removed shall be entitled to at least five (5) days notice in writing by mail of the meeting at which such removal is to be voted upon and shall be entitled to appear before and be heard at such meeting.
8. Compensation and Expenses. Members of the Board of Directors shall not receive any stated salary or other compensation for their services as such. The Board of Directors shall have power in its discretion to contract for and to pay to members rendering unusual or special services to the Corporation special compensation appropriate to the value of such services.

ARTICLE IV. Board of Directors.

1. Composition. The business and property of the Corporation shall be controlled by a Board of Directors. The number of Directors shall be thirteen (13). Three (3) of the Directors shall be appointed for staggered terms of three (3) years. Three (3) Program Directors or person directly in charge of the Indiana Mortuary Colleges shall serve as board members. Three (3) individuals to be selected from suppliers to funeral service and allied professions shall serve as voting members of the board for staggered terms of three (3) years. The IFDA Executive Director shall submit for nominations the appropriate number of qualified people to fill terms, as necessary and the said appointments shall be ratified by a majority vote of the Board of Directors. One board member may be appointed by the IFDA Past President's Club to serve a one-year appointment. The IFDA President may appoint a recognized Isaac Ball Fellow to serve a one-year term of office. One member may be a public service member. The officers of the Corporation shall consist of a Chairman, Vice Chairman, a Secretary and a Treasurer. No board members may serve more than two terms. The IFDA Executive Director shall serve as a voting member of the Board of Directors.

2. Number. The number of Directors of the Corporation shall be thirteen (13) members.
3. Chairman. At all meetings of the Board of Directors, the Chairman of the Board shall preside. In case the Chairman of the Board is unable to or unwilling to preside, the Vice Chairman shall preside.
4. Resignation. Any Director may resign at any time by giving written notice of such resignation to the Board of Directors.
5. Vacancies. Any vacancy in the Board of Directors occurring during the year may be filled for the unexpired portion of the term by the Directors then serving, by affirmative vote of the majority thereof. Any Director so elected by the Board of Directors shall hold office until the next succeeding annual meeting of the members of the Corporation or until the election and qualification of his successor.
6. Quorum. At all meetings of the Board of Directors, five (5) directors shall be necessary and sufficient to constitute a quorum for the transaction of business and the act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as otherwise specifically provided by statute or by these bylaws.
7. Contracts and Services. The Directors and officers of the Corporation may be interested directly or indirectly in any contract relating to or incidental to the operations conducted by the Corporation, and may freely make contracts, enter into transactions, or otherwise act for and on behalf of the Corporation, notwithstanding that they may also be acting as individuals, or as directors of trusts, or as agents for other persons or corporations, or may be interested in the same matters as members, Directors, or otherwise; provided, however, that any contract, transaction, or act on behalf of the Corporation in a matter in which the Directors or officers are personally interested as members, Directors, or otherwise shall be at arm's length and not violative of the proscriptions in the Certificate of Incorporation against the Corporation's use or application of its funds for private benefit; and provided further that no contract, transaction, or act shall be taken on behalf of the Corporation if such contract, transaction, or act is a prohibited transaction or would result in the denial of the tax exemption under Section 503 or Section 507 of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended. In no event, however, shall any person or other entity dealing with Directors or officers be obligated to inquire into the authority of the Directors and officers to enter into and consummate any contract, transaction, or other action.
8. Compensation. Directors and officers shall not receive any stated salary or other compensation for their services as such. The Board of Directors shall have power in its discretion to contract for and to pay to Directors or officers rendering unusual or exceptional services to the Corporation special compensation appropriate to the value of such services.
9. Powers. All the corporate powers, except such as are otherwise provided for in these bylaws and in the laws of the State of Indiana, shall be and are hereby vested in and shall be exercised by the Board of Directors. Unless otherwise expressly restricted, the Directors shall hold, manage, and apply the Foundation's funds at such times and in such manner and amounts as they determine advisable to carry out the uses and purposes of the Foundation as set forth herein, including but not limited to the payment of operating expenses of the Foundation.
The Directors are specifically empowered to invest and reinvest any donations of money received or income therefrom or to use the same to pay the current operating expenses of the Corporation. The Directors shall not use or apply the funds in any manner not permitted under Section 501(c)(3) of the Internal Revenue Code of 1954. The Board of Directors may by general resolution delegate to committees of their own number, to officers of the Corporation, or to committees of the IFDA such powers as they may see fit.
10. Duties. The Board of Directors, pursuant to the Indiana Not-For-Profit Corporation Act of 1971 shall present at the annual meeting of members a report, verified by the President and Secretary-Treasurer or by a majority of the Directors, showing in appropriate detail the following:

a. the assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year immediately preceding the annual meeting as available;
b. the principal changes in assets and liabilities, including trust funds, during the year immediately preceding the date of the report;
c. the revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the year immediately preceding the date of the report;
d. the expenses or disbursements of the Corporation, for both general and restricted purposes, during the year immediately preceding the date of the report;
e. the number of members of the Corporation as to the date of the report, together with a statement of increase or decrease in such number during the year immediately preceding the date of the report, and a statement of the place where the names and addresses of the current members may be found.

The annual report of Directors shall be filed with the records of the Corporation and an abstract thereof entered in the minutes of the proceeding of the annual meeting of members.

No Director or officer acting hereunder shall be answerable or liable for any action taken, or omitted by him, in good faith, nor for the acts of any agent, employee or attorney selected by the Directors with reasonable care, nor for the acts or omissions of any other Directors; nor shall any Director or officer be individually or personally liable for any of the obligations of the Directors acting as such. Each Director shall be fully protected in acting upon any instrument, certificate, or paper believed by him to be genuine and to be signed or presented by the proper person or persons; and no Director shall be under any duty to make any investigation or inquiry as to any statement contained in such writing and may accept the same as conclusive evidence of the truth and accuracy of the statements contained therein. Neither the IFDA nor any of its Directors, officers, or members shall be liable in any respect for any acts or omissions of any Director or of the Board of Directors, even where one or more of the Directors may be an officer or Director if IFDA or associated in any other manner with IFDA.

ARTICLE V. Officers.
1. Number. The officers of the Corporation shall be the Chairman of the Board, Vice Chairman, Secretary and Treasurer and such other officers with such powers and duties not inconsistent with these bylaws as may be appointed and determined by the Board of Directors.
2. Election, Term of Office, and Qualifications shall be as stated in these bylaws.
3. Vacancies. In case any office of the Corporation becomes vacant by death, resignation, retirement, disqualification, or any other cause, the majority of the Directors then in office may elect an officer to fill such vacancy until the next annual meeting.
4. Duties of the Secretary and the Treasurer. The Secretary and the Treasurer shall, in general, perform all the duties incident to the office of Secretary and commonly associated with it and all the duties incident to the office of Treasurer and commonly associated with it, subject to the control of the Board of Directors. There shall be no bond required. The financial records of the Foundation shall be audited not less often than annually by a certified public accountant selected by the Board of Directors.

ARTICLE VI. Agents and Representatives.
The management staff of the IFDA is hereby designated to provide all necessary administrative support of the Indiana Funeral Service Foundation, Inc., and shall act as agent and representative of the Corporation with such powers and to perform such acts or duties on behalf of the Corporation as

the Board of Directors may see fit, so far as may be consistent with these bylaws, to the extent authorized by law reasonable compensation may be received for such services.

The Board of Directors, except as in these bylaws otherwise provided, may authorize any officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to a specific instance; and unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement, or to pledge its credit, or render it liable for any purpose or to any amount.

ARTICLE VII. Fiscal Year.
The fiscal year of the Corporation shall commence June 1 of each year and end on May 31.

ARTICLE VIII. Prohibition Against Sharing in Corporate Earnings
No member, Director, officer or employee of or member of a committee of or a person connected with the Corporation, or any other private individual shall receive at any time any of the net earnings or pecuniary profits from the operations of the Corporation, provided that this shall not prevent the payment to any such person of such reasonable compensation for services rendered to or for the Corporation in effecting any of its purposes as shall be fixed by the Board of Directors; and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Corporation. All members of the Corporation shall be deemed to have expressly consented and agreed that upon such dissolution or winding up of the affairs of the Corporation, whether voluntary or involuntary, the assets of the Corporation, after all debts have been satisfied, then remaining in the hands of the Board of Directors shall be distributed, transferred, conveyed, delivered, and paid over, in such amounts as the Board of Directors may determine or as may be determined by a court of competent jurisdiction upon application of the Board of Directors, exclusively to charitable, religious, scientific, testing for public safety, literary, or educational organizations which would then qualify under the provisions of Section 501(c) (3) of the Internal Revenue Code and its Regulations as they now exist or as they may be amended.

ARTICLE IX. Prohibition on Lobbying and Political Activities
Except as otherwise allowed by the Internal Revenue Code of 1954 or other applicable law or regulations, the Foundation shall not engage in carrying on propaganda or otherwise attempting to influence legislation and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

ARTICLE X. Amendments.
1. By Directors. The Board of Directors shall have power to make, alter, amend and repeal the bylaws of the Corporation by affirmative vote of a majority of the Board, provided, however, that the action is proposed at a regular or special meeting of the Board and adopted at a subsequent regular meeting, except as otherwise provided by law. All bylaws made by the Board of Directors may be altered, amended, or repealed by the members.
2. By Members. The bylaws may be altered, amended or repealed at any meeting of members of the Corporation by a majority vote of all members, represented either in person or by proxy, provided that the proposed action is inserted in the notice of such meeting.

ARTICLE XI. Exempt Activities.
Notwithstanding any other provision of these bylaws, no member, Director, officer, employee, or representative of this Corporation shall take any action or carry on any activity by or on behalf of the Corporation not permitted to be taken or carried on by an organization exempt under Section 501(c) (3) of the International Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

This fellowship, or commitment status, is named after Isaac Ball, the first IFDA President, who took office in 1880. Today, the Isaac Ball Fellows are those recognized leaders in Indiana funeral service who have demonstrated their commitment to the future of our profession by their gifts totaling $1,000 or more. A commemorative tree has been installed at the IFDA office to recognize these individuals.

1999

Jerrit Clayton (Distinguished 2006, Diamond 2011, Emeritus 2021)

J. Michael Blackwell

Ron Deremiah

Robert Hagemier

Michael W. Owens, CFSP (Distinguished 2023)

Millard Rullman

George Todd (Distinguished)

2000

Gary Eastlund

William Inman

John Stretch, Jr.

2001

Andy Clayton (Distinguished 2013)

Darrell Holtzclaw (Diamond Emeritus 2001)

Mark Shoemaker

Brian Vaughan

2002

Jim Boultinghouse (Distinguished 2024)

David Cook

Levinson Restaurant Corporation (Out of Business)

2003

Charles French (Distinguished 2007)

Elden B. LaHayne (Distinguished 2008, Diamond 2013, Emeritus 2015)

Larry Miller (Distinguished 2007, Diamond Emeritus 2010)

John D. Yoder

Tim Yoder (Distinguished 2008, Diamond 2017)

2004

Jeff Gooch

Lynn Haverstock (Distinguished 2006)

Richard Hickrod

Marion County Funeral Directors Assn. (Distinguished 2007)

Harvey McAdams

Ernie Mills

Rodney Nay (Distinguished 2010)

Jerry Ziemer

2005

Robin Yoder

2006

Nicholas T. French

Susan L. French

Rodney W. Qualkinbush

Robert J. Richman

Curtis Rostad (Distinguished 2007, Diamond 2008, Emeritus 2010)

James A. Todd (Distinguished 2013, Diamond 2024)

William Welsheimer Sr

2007

Charles Butler

David A. Hall

Roger Nay

Indiana Burial Vault Association

Indiana Funeral Supply Sales Club

2008

John Braboy

James Meredith

JoAnn Metzger

Max Metzger

Steven "Pat" Myers (Diamond 2014)

Ed Porter (Distinguished 2010, Diamond 2011)

Joel Reinoehl

Douglas Rostad

Mike St. Pierre

Jeffrey Stout

2009

Brad Billings

Dan Hurt (Distinguished 2013)

Jim Krause

Jim Meng

Gerald Rees

Richard Weaver (Distinguished 2017)

Carl Yoder

2010

Rick Ferguson

Norm Knuth

Robert Miller

Paul St. Pierre

Angela Sallee

William E. Shirley

2011

Eddie Beagles

William J. Bieker

Todd DeVerter

Alan Earl (Distinguished 2024)

James R. Grayson

Wallace P. Hooker, CFSP (2023 Distinguished)

Norman Juday

Brad L. Myers

P.L. Myers

Ronald Reed

Larry Servies

Robert B. Shelby (Distinguished 2024)

Jack Spurgeon

Scott Stodghill

2012

John A. Brazzell

Randall L. Danielson

Janice Hanselman

Carl W. Morgan

Margaret L. Myers

Tom Parker

Robert Porter

Elbert Shaw

Timothy R. Taylor

Marcus Youngblood

M. Lon Youngblood

2013

Chuck Agugliaro

Rex Cowart

Oscar Grundy

Arnold Kluesner

Dale Knouse (Distinguished 2018, Diamond 2024)

Elden V. LaHayne

Mary Anne LaHayne (Distinguished 2016, Diamond 2020, Emeritus 2022)

David Lydick

William J. Meredith

Justin Parker

Renee' Parker (Diamond 2018)

Keith Webster (Distinguished 2023)

2014

Matthew Coon

Evan Osborne

Debbie Porter

2015

Paul Filter

Butler Coach (Distinguished 2018, Diamond 2020, Emeritus 2024)

Chandler Funeral Homes, LLC - Whitaker Chapel (Distinguished 2023)

2016

Dr. Andrew Boersma

C. Gregory Childs

Jon Maxwell Frain (Distinguished 2022)

Ronald King (Diamond 2023, Emeritus 2024)

Lowell E. May

Swarens Funeral Home

2017

Charlie Harris

Richard & Kimberly Owen

Dannon Todd

Mary Martha Todd

Richard & Kimberly Owen (Distinguished 2023)

Colin L. Yoder (Distinguished 2023)

Becher & Kluesner Funeral Home

Gehlbach & Royse Funeral Home

Grandstaff-Hentgen Funeral Service (Steven D. Hentgen)

Guy & Allen Funeral Home (*Roosevelt Allen* & Pasty L. Allen)

Lincoln Ridge Funeral Home

Moster Motuary

Sheets & Childs Funeral Home (Miles D. Wilson)

Shoemaker Funeral Home

Smith Bizzell & Warner Funeral Home

2018

Nichelle Neal Dalton (Distinguished 2019, Diamond 2022)

Kathleen Matuszak, MPA (Diamond 2023)

Susan Jane Todd

Doan & Mills Funeral Home

Indiana Donor Network

Lester Jenkins & Sons Funeral Home

State Auto Insurance (Distinguished 2019)

2019

Robert Boetticher, Sr.
G.L. Chandler (Distinguished 2024)
James Fletcher
Richard E. Gerts
Mike Keller
Jack E. Lechner, Jr.
Kayla M. Nay
Rondald W. Randolph
Lori J Sheeler, CFSP (Distinguished 2024)
John M. Storey
Jeffrey A. Stout
Lucinda J. Todd
Brian C. Waters
Ted L. Waters
Josh Webb
Raymond E. White, Jr. (Distinguished 2023)
Cincinnati Equitable Life Insurance (Distinguished 2019)
Matthews Aurora Funeral Solutions
Maus Funeral Homes
St. Joseph Funeral Home
Werry Funeral Homes, Inc.

2020

George M. Ballard
Paulane Butler (Distinguished 2024)
Malcolm King
Sigmon Myers
Costin Funeral Chapel

2021

Ronald Hooker (Distinguished 2021)
Erlewein Mortuary (Distinguished 2024)
Oleska-Pastrick Funeral Home

2022

Eric MD Bell
Jeffrey D. Bowman
Dawn McCray-Calvelage
Dane & B.J. Erlewein
Matthew Grecu
Dan Greenlaw
Gregory A. Guffin, CFSP
Joe Hammond
Brian Heimbach
Tonya L. Knouse
L.C. May
Stanley R. May
Nathan McCullough (Distinguished 2024)
William G. & Sonya Miller
Suzanne Moyer
Reinhold Mueller
Steve & Becky Pedigo
John and Teri Roscka
Douglas F. Shelby
Robert C. Stone
Christopher and Marcia Wells
Atlantic Coast Life Insurance Company (Distinguished 2023)
Day & Carter Mortuary (Distinguished 2024)
Undertaking: The Podcast

2023

Dorothea Ballard
George M. (Marty) Ballard
Gina Ballard
Jon Ballard
Ryan Ballard
James Betkowski
Dorinda A. Dietz
Robert J. Falcon
Lexi Gass
Josh Groeber
Harold F. Grubbs
Michael Guffin
Jeff & Jamie Lemler
Bradley & Mayely Matuszak
Thomas R. Schneider
Taron W. Smith
Jason C. Stroup
Tyler J. Tutterow
Jonathon Zwick
Cruz Family Funeral Homes
Geisen Funeral Homes
Indiana Funeral Care (Distinguished 2023, Diamond 2024)
LaHayne Funeral Home
Newcomer Cremations, Funerals & Receptions (Distinguished 2023)
C&J Financial, LLC

2024

Diana J. Boersma, Ph.D.
Chris Branson
Kenneth Croumlich
Ronald J. Denney
Troy Oscar Grundy
Delmar C. Hasler
Julie Hesson
Robert Lee
Miko McRoy
Jay W. Oglesby (Distinguished 2024, Diamond 2024)
Steve K. Pedigo
Donald W. Simpson, CFSP, MBIE
Larry & Linda Thompson
Jerry VanWienen
Jim Weldy
James "Jim" Zabel
Baran & Son, Inc.
Boersma Funeral Home, LLC
Bozell Funeral Homes
Carlisle-Branson Funeral Service & Crematory
Colvin Funeral Homes
Fife Funeral Home, Inc.
Haskell & Morrison Funeral Home
Newhard Funeral Homes
Staab Funeral Homes
Yoder-Culp Funeral Home
Funeral Directors Life

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Individual Professional Members..... 55
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Acevez Funeral Home, Inc.
4918 Magoun Ave.
East Chicago, IN 46312
P: (219) 398-1418 | F: (219) 398-1430
www.acevezfuneralhome.com

Acevez Funeral Home
4404 Cameron Ave.
Hammond, IN 46327
P: (219) 931-2800 | F: (219) 931-6440
www.acevezfuneralhome.com/

Adams Family Funeral Homes & Crematory
110 E. Howard St.
Crothersville, IN 47229
P: (812) 793-2571 | F: (866) 611-1605
www.adamsfuneralhomeonline.com

Adams Family Funeral Homes & Crematory Henryville
209 S. Ferguson Street
Henryville, IN 47126
P: (812) 294-1300 | F: (866) 611-1605
www.adamsfuneralhomeonline.com

Adams Family Funeral Homes & Crematory Scottsburg
138 Westavia Blvd
Scottsburg, IN 47170
P: (812) 752-7526 | F: (866) 611-1605
www.adamsfuneralhomeonline.com

Albertson's Metro Mortuary
1775 N Sherman Drive, Suite D
Indianapolis, IN 46218
P: (317) 650-9993 | F: (317) 375-3806
www.albertsonsmortuary.com

Alford's Mortuary Inc.
1222 Napier St.
South Bend, IN 46601
P: (574) 282-2477 | F: (574) 282-2492
www.alfordsmortuaryinc.com

Allen Funeral Home
136 S Elm Street
Bunker Hill, IN 46914
P: (765) 473-6674 | F: (765) 473-5996
flowersleedyallen.com/

Anderson-Poindexter Memory Chapel
89 C Street NW
Linton, IN 47441
P: (812) 847-9614 | F: (812) 847-4833
www.andersonpoindexter.com

Andres-Wuestefeld Funeral Home
25615 State Road 1
Guilford, IN 47022
P: (812) 576-4301 | F: (812) 576-0588
www.andres-wuestefeldfh.com

Archer Weston Funeral Home
501 E. Clinton
Frankfort, IN 46041
P: (765) 659-3329
goodwinfuneralhome.com

Armes-Hunt Funeral Home & Cremation Services
415 S Main Street
Fairmount, IN 46928
P: (765) 661-0923 | F: (765) 948-3210
www.armeshuntfuneralhome.com

Armes-Hunt Funeral Home & Cremation Services - College Park Chapel
4601 S. Western Ave.
Marion, IN 46953
P: (765) 573-6500 | F: (765) 573-6501
www.armeshuntfuneralhome.com

Armes-Hunt Funeral Home & Cremation Services - Jones-Smith Chapel
259 N. Main St.
Upland, IN 46989
P: (765) 998-2101
www.jones-smithfuneralhome.com

ARN Funeral & Cremation Services
11411 N. Michigan Road
Zionsville, IN 46077
P: (317) 873-4776 | F: (317) 873-4876
www.arnmortuary.com

B&G Mortuary Services
965 High Street
Charlestown, IN 47111
P: (502) 773-5469 | F: (812) 256-2939
www.bgmortuary.com/

Bailey-Love Mortuary
35 W Park Drive
Huntington, IN 46750
P: (260) 356-1710
www.baileylove.com

Baird-Freeman Funeral Home
221 N. Meridian
Portland, IN 47371
P: (260) 726-7171 | F: (260) 726-7172
www.bairdfreeman.com

Ballard and Sons Funeral Homes
118 South 5th
Middletown, IN 47356
P: (765) 354-2051 | F: (765) 354-4144
www.ballardandsons.com

Ballard and Sons Funeral Homes - Daleville
8212 S. Walnut St.
Daleville, IN 47334
P: (765) 378-3242
www.ballardandsons.com

Baran & Son, Inc.
1235 119th St.
Whiting, IN 46394
P: (219) 659-4400 | F: (219) 659-4470
www.baranfh.com

Barkes, Weaver & Glick Funeral Homes and Crematory
1029 Washington St.
Columbus, IN 47201
P: (812) 372-2515 | F: (812) 373-9982
www.barkesweaverglick.com

Barkes, Weaver & Glick Funeral Homes and Crematory
4205 Jonathan Moore Pike
Columbus, IN 47201
P: (812) 342-4467
www.barkesweaverglick.com

Barnes and Rice Funeral Home
111 E. High Street
Rockville, IN 47872
P: (765) 569-6116 | F: (765) 569-6161
barnesandrice.com

Bartholomew Funeral Home
102 Monroe St.
Valparaiso, IN 46383
P: (219) 462-4102 | F: (219) 462-4313
www.bartholomewnewhard.com

Bass & Gasper Funeral Home
402 E. Bennett St.
Westport, IN 47283
P: (812) 591-2571 | F: (812) 591-2586
www.bassgasper.com

Beanblossom-Cesar Funeral Home
201 N. Oak Street
Corydon, IN 47112
P: (812) 738-2116 | F: (812) 738-2117
www.cesarfuneralhome.com

Becher Funeral Home, Inc.
625 Main St.
Ferdinand, IN 47532
P: (812) 367-1590 | F: (812) 367-1847
www.becherfuneralhome.com

Becher-Kluesner Funeral Home Inc.
214 E. 7th St.
Jasper, IN 47546
P: (812) 482-4141 | F: (812) 482-1193
www.becherkluesner.com

Becher-Kluesner Funeral Home, Inc.
3221 N. Newton St
Jasper, IN 47546
P: (812) 482-4141
www.becherkluesner.com

Bell Mortuary & Crematory
2310 W. Washington
Indianapolis, IN 46222
P: (317) 637-4308 | F: (317) 861-8067
www.bellmortuary.com

Bell Mortuary and Crematory/Shangrila Chapel
1444 W US Highway 52
Fountaintown, IN 46130
P: (317) 861-6153
www.bellmortuary.com

Billings Funeral Home
812 Baldwin Street
Elkhart, IN 46514
P: (574) 264-2425 | F: (574) 264-3336
www.billingsfuneralhome.com

Blake & Wagler Funeral Home
430 N Main Street
Montgomery, IN 47558
P: (812) 486-2699 | F: (812) 295-2499
blakefuneralhomes.com

Blake Funeral Home
300 Church Street
Loogootee, IN 47553
P: (812) 295-2100 | F: (812) 295-2499
www.blakefuneralhomes.com/

Bocken Funeral Home, Inc.
7042 Kennedy Ave
Hammond, IN 46323
P: (219) 844-1600 | F: (219) 844-1639
www.bockenfunerals.com

Boersma Funeral Home, LLC
90 E. Grove St.
Wheatfield, IN 46392
P: (219) 956-2220 | F: (219) 956-4250
www.boersmafuneralhome.com

Boone County Crematory
1502 N Lebanon Street
Lebanon, IN 46052
P: (765) 482-0620 | F: (765) 482-4633
www.myersmortuary.com/

Boone Funeral Home of Evansville
5330 Washington Ave
Evansville, IN 47715
P: (812) 473-5300 | F: (812) 474-6135
www.boonefuneralhome.net

Boultinghouse Funeral Home
527 Main St.
Rockport, IN 47635
P: (812) 649-4546 | F: (812) 649-5407
www.Boultinghousefuneralhome.com

Boultinghouse Funeral Home - Youngblood Chapel
36 E. Market St.
Chrisney, IN 47611
P: (812) 362-7671
www.Boultinghousefuneralhome.com

Boyd and Sons Funeral Home
54965 Charles Ave
South Bend, IN 46628
P: (574) 635-2693
www.boydandsonfuneralhome.com

Bozell Funeral Homes
1010 N. Main St.
Lapel, IN 46051
P: (765) 534-3131 | F: (765) 534-4244
www.bozellfuneralhome.com

Bozell Funeral Homes - Brown-Butz-Diedring Chapel
515 E. 53rd St.
Anderson, IN 46013
P: (765) 644-6658 | F: (765) 644-7568
www.bozellfuneralhome.com/

Bozell Funeral Homes - Condo Chapel
130 S. Main St.
Wilkinson, IN 46186
P: (765) 781-2435 | F: (765) 781-3234
www.bozellfuneralhome.com/

Bozell Funeral Homes - Lahm Chapel
211 E. State St.
Pendleton, IN 46064
P: (765) 778-2136 | F: (765) 778-2137
www.bozellfuneralhome.com/

Bradley's Colonial Chapel
1005 E. Main St.
Boonville, IN 47601
P: (812) 897-1459 | F: (812) 897-1588
www.bradleyscc.com

Braman & Son Memorial Chapel
108 S Main Street
Knox, IN 46534
P: (574) 772-3030 | F: (874) 772-3031
www.bramanfuneralhome.com/index.php

Braman and Bailey Funeral Home
6020 S Oakwood
North Judson, IN 46366
P: (574) 896-2007
www.bramanfuneralhome.com/index.php

Brosmer-Kemple Funeral Home
9640 W. St. Rd. 56
French Lick, IN 47432
P: (812) 936-9955 | F: (812) 936-9994
www.brosmer-kemplefuneralhome.com

Browning Funeral Home
738 E Diamond Ave.
Evansville, IN 47711
P: (812) 425-2896 | F: (812) 401-3959
www.browningfuneral.com

Brust Funeral Home
400 N. Court Street
Sullivan, IN 47882
P: (812) 268-0238 | F: (812) 268-0825
www.brustfamilyfh.com

Buchanan Funeral Home, Inc.
115 N. Second St.
Austin, IN 47102
P: (812) 794-3236 | F: (812) 794-2387
www.buchananfuneralhome.net

Burdan Funeral Home, Inc.
12901 Wicker Ave.
Cedar Lake, IN 46303
P: (219) 374-5518 | F: (219) 374-5519
www.burdanfuneralhome.com

Burkhart Funeral Home, Inc.
201 W Wabash Ave
Crawfordsville, IN 47933
P: (765) 362-5510 | F: (765) 362-5526
www.BurkhartFH.com

Burkholder Chapel
419 N. Chestnut Street
Seymour, IN 47274
P: (812) 522-2517 | F: (812) 522-2517
www.burkholderfuneralchapel.com

Burns Funeral Home & Crematory
10101 Broadway
Crown Point, IN 46307
P: (219) 769-0044 | F: (219) 662-0217
www.burnsfuneral.com

Burns Funeral Home - Hobart
701 E. 7th Street
Hobart, IN 46342
P: (219) 942-1117
www.burnsfuneral.com

Burns-Kish Funeral Home
8415 Calumet Ave.
Munster, IN 46321
P: (219) 836-5000 | F: (219) 836-2412
www.burnskish.com

Burns-Kish Funeral Home
5840 Hohman Avenue
Hammond, IN 46320
P: (219) 932-0260
www.burnskish.com

Bussell Family Funerals
1621 E. Greyhound Pass
Carmel, IN 46032
P: (317) 587-2001 | F: (317) 587-2036
www.bussellfamilyfunerals.com

Callahan & Hughes Funeral Home
605 S. 25th St.
Terre Haute, IN 47803
P: (812) 232-1365 | F: (812) 232-1367
www.callahanandhughes.com

Calumet Park Funeral Chapel
7535 Taft Street
Merrillville, IN 46410
P: (219) 736-5840 | F: (219) 685-5128
www.calumetparkcemetery.com

Calumet Park Funeral Chapel - Hobart
370 N County Line Road
Hobart, IN 46342
P: (219) 940-3791 | F: (219) 940-9794
www.calumetparkcemetery.com

Carlisle-Branson Funeral Service & Crematory
39 E. High Street
Mooresville, IN 46158
P: (317) 831-2080 | F: (317) 834-2080
www.carlislebranson.com/

Carnahan Baidinger & Walter Funeral Home
6992 St Rd 1
Spencerville, IN 46788
P: (260) 238-4488
www.cbwfuneralhome.com

Chandler Funeral Home, LLC
203 E. Temperance St.
Ellettsville, IN 47429
P: (812) 876-6075 | F: (812) 876-1323
www.chandlerfh.com

Chandler Funeral Home - Whitaker Chapel
2 E Main Street
Gosport, IN 47433
P: (812) 879-4245 | F: (812) 879-4991
www.Chandlerfh.com

Chapman Funeral Home
431 W. Harrison Ave
Clarksville, IN 47129
P: (812) 283-7110 | F: (812) 283-7114
www.chapmanfuneralhome.net

Chastain Funeral Home
705 W. Warren St.
Mitchell, IN 47446
P: (812) 849-2600 | F: (812) 849-3323
www.chastainfuneralhome.com

ChurchFunerals Direct
233 N Main St
Andrews, IN 46702
P: (800) 308-3590
churchfuneralsdirect.com/

Clinton County Crematory
P: (765) 654-5533
goodwinfuneralhome.com/

Cobb Funeral Home
3525 S Michigan Street
South Bend, IN 46601
P: (574) 291-6500
www.cobbfuneralhomes.com/

Coleman-Hicks Funeral Home and Crematory
101 S. Karwick Road
Michigan City, IN 46361
P: (219) 872-8412 | F: (219) 872-8445
www.colemanhicks.com

Collins Funeral Home, Inc.
465 W. McClain Ave.
Scottsburg, IN 47170
P: (812) 752-3232 | F: (812) 752-3044
www.collinsfuneralhome.net

Colvin Funeral Home, Inc.
425 N. Main St.
Princeton, IN 47670
P: (812) 385-5221 | F: (812) 385-5026
www.colvinfuneralhome.com

Community Family Funeral Home
101 W Main Street
Richmond, IN 47374
P: (765) 983-2040 | F: (765) 983-1912
www.communityfamilyfh.com

Community Funeral Care, Carmichael Chapel
831 E Jefferson Blvd
Fort Wayne, IN 46804
P: (260) 422-5359
http://www.communityfamilyfh.com/

Conkle Funeral Home, Inc.
4925 W. 16th St.
Speedway, IN 46224
P: (317) 241-6333 | F: (317) 241-3768
www.conklefuneralhome.com

Conkle Funeral Home, Inc. - Avon Chapel
76 N. Avon Ave
Avon, IN 46123
P: (317) 272-4600 | F: (317) 272-7321
www.conklefuneralhome.com/

Cook Rosenberger Funeral Home
929 Main St.
Brookville, IN 47012
P: (765) 647-4611 | F: (765) 647-6554
www.cookrosenberger.com

Cook Rosenberger Funeral Home
107 Vine St.
Sunman, IN 47041
P: (812) 623-2200 | F: (765) 647-4611
www.cookresonberger.com

Corn-Colvin Funeral Home
323 N. Main St.
Oakland City, IN 47660
P: (812) 749-4021 | F: (812) 385-5026
www.corncolvinfuneralhome.com

Costin Funeral Chapel, Inc.
539 E. Washington St.
Martinsville, IN 46151
P: (765) 342-5775 | F: (765) 342-6664
www.costinfuneralchapel.com

Cottrell-Gooch Funeral Home
287 Main St.
Rosedale, IN 47874
P: (765) 548-2680 | F: (765) 569-0041
www.goochfuneralhome.com/

Cox Funeral Home
218 S. Meridian St.
Jasonville, IN 47438
P: (812) 665-9490 | F: (812) 665-9491
www.coxfuneralhomejasonville.com

Cree Funeral Home
188 W Main Street
Camden, IN 46917
P: (574) 686-2611
www.creefuneralhome.com/

Cremation Services of Kosciusko County
4356 N State Road 15
Warsaw, IN 46582
P: (574) 267-8890
www.titusfuneralhome.com/

Cremation Society of Indiana
4115 Shelby Street
Indianapolis, IN 46227
P: (317) 783-3357 | F: (317) 885-9478
www.wilsonstpierre.com

Cresthaven Funeral Home
3522 Dixie Hwy
Bedford, IN 47421
P: (812) 275-6886 | F: (812) 279-1519
www.cresthavenfh.com/

Cruz Family Funeral Home
1109 Lincolnway West
Oceola, IN 46561
P: (574) 674-8460
www.cruzfamilyfh.com/

Culberson Funeral Home
51 S. Washington St.
Hagerstown, IN 47346
P: (765) 489-5511 | F: (765) 489-5936
www.culbersonfh.com

Cutler Funeral Home and Cremation Center
2900 Monroe St.
LaPorte, IN 46350
P: (219) 362-2828 | F: (219) 362-0464
www.cutlerfuneral.com

Danilewicz Funeral Service Inc.
403 Lincolnway West
South Bend, IN 46601
P: (574) 289-1660 | F: (574) 289-1660

Davidson - Shirey Funeral Home
121 N. Union St.
Delphi, IN 46923
P: (765) 564-2211 | F: (765) 564-2209
www.davidsonshireyfh.com/

Dawalt Funeral Homes, Inc.
204 E. Market St.
Salem, IN 47167
P: (812) 883-3541 | F: (812) 883-9645
www.dawaltfuneralhome.com

Day & Carter Mortuary, Inc.
1133 Lincoln Avenue
Bedford, IN 47421
P: (812) 275-3389 | F: (812) 275-7025
www.daycarter.com

Day & Genda Funeral Home
608 N Main Street
Frankfort, IN 46041
P: (765) 659-3356 | F: (765) 654-6092
www.gendafuneralhome.com

Day & Genda Funeral Home - Bodine Chapel
450 N. State Rd. 39
Rossville, IN 46065
P: (765) 379-3411 | F: (765) 654-6092
www.gendafuneralhome.com

Day & Genda Funeral Home - Mulberry Chapel
204 N Glick Street
Mulberry, IN 46058
P: (765) 296-3311 | F: (765) 654-6092
www.gendafuneralhome.com

Day & Genda Funeral Home - Reinke Chapel
105 N. Center St.
Flora, IN 46929
P: (574) 967-4114 | F: (765) 654-6092
www.gendafuneralhome.com

Deaton-Clemens Funeral Home - Bourbon
115 S Main St
Bourbon, IN 46504
P: (574) 342-5395
www.deatonclemensfh.com/

Deaton-Clemens Van Gilder Funeral Home
300 W. Madison Street
Plymouth, IN 46563
P: (574) 936-2534 | F: (574) 936-3790
www.vangilderfuneralhome.com

Deibels Funeral Home
601 Gordon Rd
Monticello, IN 47960
P: (574) 583-2378
www.deibelsfh.com/

DeMoney-Grimes Funeral Home
600 Countryside Dr.
Columbia City, IN 46725
P: (260) 244-5122 | F: (260) 244-6206
www.demoneygrimes.com

Denbo Funeral Home
628 Hwy 64 W
English, IN 47118
P: (812) 338-2558 | F: (812) 338-2526
www.denbo-dillmanfuneralhomes.com

Dickerson Funeral Home
303 N. Main St.
Veedersburg, IN 47987
P: (765) 294-2000 | F: (765) 294-0026
www.dickersonfuneralhome.com

Dillman-Green Funeral Home
121 Water Street
Marengo, IN 47140
P: (812) 365-2155
www.denbo-dillmanfuneralhomes.com/obits

Divine Mercy Funeral Home
3500 Lake Avenue
Fort Wayne, IN 46805
P: (260) 426-2044 | F: (260) 422-7418
divinemercyfuneralhome.com

Dixon Memorial Chapel LLC
1910 Belleview Pl
Indianapolis, IN 46222
P: (317) 974-9255 | F: (317) 875-1791
www.dixonmemorialchapel.net

Doan & Mills Funeral Home
790 National Road West
Richmond, IN 47374
P: (765) 966-0596 | F: (765) 935-9026
www.doanmillsfuneralhome.com

Downing & Glancy Funeral Home
100 N. Washington St
Geneva, IN 46740
P: (260) 368-7676 | F: (765) 728-2414
www.glancyfuneralhomes.com

Duesterberg-Fredrick Funeral Home
521 Vigo Street
Vincennes, IN 47591
P: (812) 882-8721 | F: (812) 882-5804
www.duesterbergfredrick.com

Duesterberg-Fredrick Wampler Shaw Chapel
118 N. Washington Street
Bicknell, IN 47512
P: (812) 735-3388
duesterbergfredrick.com

Dunnichay Funeral Home
1113 S. Anderson
Elwood, IN 46036
P: (765) 552-2501 | F: (765) 552-3820
www.dunnichayfuneralhome.com

Dykes Funeral Home, Inc.
2305 N Campbell St
Valparaiso, IN 46383
P: (219) 462-3125 | F: (219) 462-3126
www.facebook.com/DykesFuneralHome

E.M. Coots' Sons Funeral Home
120 W. Maple St.
Jeffersonville, IN 47130
P: (812) 282-1356 | F: (812) 282-1310
www.cootsfuneralhome.com

Earl-Grossman Funeral Home
208 N. Michigan St.
Argos, IN 46501
P: (574) 892-5113 | F: (574) 892-5114
www.earlgrossmanfuneral.com

Earl-Love Funeral Home
811 E. Rochester St.
Akron, IN 46910
P: (574) 893-4235 | F: (574) 893-7198
www.earllovefuneralhome.com

Ed Lee Mortuary
620 E Viola Ave
Washington, IN 47501
P: (812) 254-3612
www.edleemortuary.com/

Edmonds & Evans Funeral Home
517 Broadway
Chesterton, IN 46304
P: (219) 926-1330 | F: (219) 926-6822
www.ee-fh.com

Edmonds & Evans Funeral Home
6941 Central Ave.
Portage, IN 46368
P: (219) 762-1330
www.ee-fh.com

Eikenberry-Eddy Funeral Home
84 West Main Street
Peru, IN 46970
P: (765) 473-5545 | F: (765) 472-7954
www.eddyfuneralhome.com

Elkhart Cremation Services
2100 W Franklin St
Elkhart, IN 46516
P: (574) 389-8828 | F: (574) 389-8813
www.elkhartcremation.com/

Ellis Funeral Home
1021 East Lewis St
Fort Wayne, IN 46803
P: (260) 422-6958 | F: (260) 420-5067
www.ellisfh.com/

Elmwood Funeral Chapel
11300 W. 97th Lane
St. John, IN 46373
P: (219) 365-3474 | F: (219) 365-4769
www.elmwoodchapel.com

Elmwood Funeral Chapel & Crematory
9931 Lincoln Plaza Way
Cedar Lake, IN 46303
P: (219) 374-9300
www.elmwoodchapel.com/

Emmanuel Funeral Home and Cremation Services
3025 East Michigan Blvd
Trail Creek, IN 46360
P: (219) 785-7424
www.emmanuelfuneralandcremation.com

Erlewein Mortuary
1484 W. US 40
Greenfield, IN 46140
P: (317) 467-4918 | F: (317) 467-4928
www.erleweinmortuary.com

Eskew-Eaton Funeral Home, Inc.
302 E. Main Cross St.
Edinburgh, IN 46124
P: (812) 526-5353 | F: (812) 526-8893
www.eskeweatonfuneralhome.com/

Fagen-Miller Funeral Home
2828 Highway Ave.
Highland, IN 46322
P: (219) 838-4824 | F: (219) 838-3006
www.fagenmiller.com

Fagen Miller Funeral Home - St John
8580 Wicker Ave.
St. John, IN 46373
P: (219) 365-2674 | F: (219) 365-6056
www.fagenmiller.com/

Fagen-Miller Funeral Home - Dyer
1920 Hart St.
Dyer, IN 46311
P: (219) 865-2881 | F: (219) 838-3006
www.fagenmiller.com/

FairHaven Funeral Home & Cremation Services
6557 N Clinton Street
Fort Wayne, IN 46825
P: (260) 424-5000 | F: (260) 424-5001
www.fairhavenfortwayne.com

Family & Friends Funeral Home, Inc.
9700 N. St. Rd. 55
Wingate, IN 47994
P: (765) 275-2322 | F: (765) 275-2330
www.familyandfriendsfh.com

Ferguson & Glancy Funeral Home
201 W. Main
Van Buren, IN 46991
P: (765) 934-2211
www.glancyfuneralhomes.com

Fife Funeral Home, Inc.
4201 Indianapolis Blvd.
East Chicago, IN 46312
P: (219) 398-3210 | F: (844) 272-1860
www.fifefuneralhome.com

Fisher Funeral Chapel & Cremation Services
1801 Chase Rd.
Logansport, IN 46947
P: (574) 753-6301 | F: (574) 753-0211
www.fisherfuneralchapel.com

Fisher Funeral Chapel & Cremation Services
914 Columbia Street
Lafayette, IN 47901
P: (765) 742-1117 | F: (765) 742-0061
www.fisherfuneralchapel.com

Fitch-Denney Funeral Home
455 Ridge Ave
Greendale, IN 47025
P: (812) 537-2080 | F: (812) 537-0733
www.fitchdenney.com

Fitzpatrick Funeral Home
220 North 3rd Street
West Terre Haute, IN 47885
P: (812) 533-3324 | F: (812) 533-3403
www.fitzpatrickfunerals.com

Flanner Buchanan - Montcalm
2020 Montcalm Street
Indianapolis, IN 46202
P: (317) 620-5634
flannerbuchanan.com/

Flanner Buchanan - Broad Ripple
1305 E Broad Ripple Ave
Indianapolis, IN 46220
P: (317) 475-4475
flannerbuchanan.com/locations/broad-ripple/

Flanner Buchanan - Carmel
325 E Carmel Drive
Carmel, IN 46032
P: (317) 848-2929
flannerbuchanan.com/locations/carmel/

Flanner Buchanan - Decatur Township
5463 Kentucky Ave
Indianapolis, IN 46221
P: (317) 856-2627
flannerbuchanan.com/locations/decatur-township/

Flanner Buchanan - Floral Park
425 N Holt Road
Indianapolis, IN 46222
P: (317) 241-9311
flannerbuchanan.com/locations/floral-park/

Flanner Buchanan - Geist
7855 Cork Rd
Indianapolis, IN 46236
P: (317) 454-7078
flannerbuchanan.com/locations/geist/

Flanner Buchanan - Hamilton Memorial Park
4180 Westfield Rd
Noblesville, IN 46060
P: (317) 896-9770
flannerbuchanan.com/locations/hamilton-memorial-park-2/

Flanner Buchanan - Memorial Park
9350 E Washington Street
Indianapolis, IN 46229
P: (317) 898-4462
flannerbuchanan.com/locations/memorial-park-cemetery/

Flanner Buchanan - Oaklawn Memorial Gardens
9700 Allisonville Rd
Indianapolis, IN 46250
P: (317) 849-3616
flannerbuchanan.com/locations/oaklawn-memorial-gardens/

Flanner Buchanan - Speedway
2950 N High School Road
Indianapolis, IN 46224
P: (317) 387-7020
flannerbuchanan.com/locations/speedway/

Flanner Buchanan - Washington Park East
10722 E Washington St
Indianapolis, IN 46229
P: (317) 899-7115
flannerbuchanan.com/locations/washington-park-east-cemetery/

Flanner Buchanan - Washington Park North
2706 Kessler Blvd W Dr
Indianapolis, IN 46208
P: (317) 251-5959
flannerbuchanan.com/locations/washington-park-north/

Flanner Buchanan - Zionsville
105 W Pine Street
Zionsville, IN 46077
P: (317) 873-3366
flannerbuchanan.com/locations/zionsville/

Flinn & Maguire Funeral Home
2898 N. Morton Street
Franklin, IN 46131
P: (317) 736-5528 | F: (317) 736-5993
www.flinnmaguire.com

Flowers-Leedy Funeral Home
105 W. Third Street
Peru, IN 46970
P: (765) 473-6674 | F: (765) 473-5996
flowersleedyallen.com

Frain Mortuary Inc.
305 E. Main St.
Winamac, IN 46996
P: (574) 946-3222 | F: (877) 940-3222
www.frainmortuary.com

Frain Mortuary - Querry-Ulbricht Chapel
230 S. Brooks St.
Francesville, IN 47946
P: (219) 567-9551 | F: (877) 940-3222
www.frainmortuary.com

Frain Mortuary - Querry-Ulbricht Chapel
318 E. Pearl Street
Medaryville, IN 47957
P: (219) 843-4672 | F: (877) 940-3222
www.frainmortuary.com

Frank L. Keszei Funeral Home Inc. Essling Chapel
1117 Indiana Avenue
LaPorte, IN 46350
P: (219) 362-2722 | F: (219) 362-4752
www.esslingfuneralhome.com

Frazier Funeral Home & Cremation Services
621 Halleck Street
Demotte, IN 46310
P: (219) 987-2323 | F: (219) 987-2324
www.frazierfuneralhome.net

Fredrick and Son McClure-Utt Funeral Homes and Crematory - Vincennes
313 Church St.
Vincennes, IN 47591
P: (812) 882-6896 | F: (812) 882-3832
www.fredrickandson.com

Fredrick and Son McClure-Utt Funeral Homes and Crematory - Bicknell Chapel
109 E 6th Street
Bicknell, IN 47512
P: (812) 735-3646 | F: (812) 735-2635
www.fredrickandson.com/

Fredrick and Son McClure-Utt Funeral Homes and Crematory - Oaktown Chapel
100 W Main
Oaktown, IN 47561
P: (812) 745-2255 | F: (822) 735-2635
www.fredrickandson.com/

Freeman Family Funeral Homes & Crematory
819 S. Harrison
Shelbyville, IN 46176
P: (317) 392-2555 | F: (317) 392-2577
www.freemanfamilyfuneralhomes.com

Freeman Family Funeral Homes & Crematory
124 E. North Street
Morristown, IN 46161
P: (765) 763-6321 | F: (317) 392-2577
www.freemanfamilyfuneralhomes.com

French Funeral Home, LLC
421 E. National Ave.
Brazil, IN 47834
P: (812) 446-2206 | F: (812) 448-2707
www.frenchfuneralhome.com

Frurip-May Funeral Home
309 W. Michigan St.
LaGrange, IN 46761
P: (260) 463-3131 | F: (260) 463-4244
www.fruripmayfuneralhome.com

Fuller Funeral Home
109 W. Hammond St.
Dale, IN 47523
P: (812) 937-2181
www.fullersfh.com

Garr Funeral Home
7806 Highway 311
Sellersburg, IN 47172
P: (812) 246-3344 | F: (812) 246-8805
garrfuneralservices.com

Gehlbach & Royse Funeral Home
318 E. Chestnut Street
Corydon, IN 47112
P: (812) 738-4131 | F: (812) 738-4132
www.gehlbachandroyse.com

Gehlbach & Royse Funeral Home
7420 S. R. 64
Georgetown, IN 47122
P: (812) 951-2131 | F: (812) 738-4132
www.gehlbachandroyse.com

Geisen Funeral, Cremation & Reception Centre
606 E. 113th Avenue
Crown Point, IN 46307
P: (219) 663-2500 | F: (219) 662-7771
www.geisenfuneralhome.com

Geisen-Carlisle Funeral & Cremation Services
613 Washington St.
Michigan City, IN 46360
P: (219) 874-4214 | F: (219) 874-4216
www.geisenfuneralhome.com

Geisen-Pruzin Funeral & Cremation Services
6360 Broadway
Merrillville, IN 46410
P: (219) 980-9070
www.geisenfuneralhome.com/

Gill Funeral Home
308 E Walnut St
Washington, IN 47501
P: (812) 254-5650
www.creefuneralhome.com/

Giovanini Funeral Home
408 Vine Street
Clinton, IN 47842
P: (765) 832-2433 | F: (765) 832-1030
giovaninifuneralhome.com

Glancy-H. Brown & Son Funeral Home
203 N. Matilda St
Warren, IN 46792
P: (260) 375-3110 | F: (765) 728-2424
www.glancyfuneralhomes.com

Glenn E George Funeral Home
106 E Franklin
Saint Paul, IN 47272
P: (765) 525-4211 | F: (317) 398-2421
www.glennegeorgeandson.com/

Glenn E. George and Son Funeral Home
437 Amos Rd
Shelbyville, IN 46176
P: (317) 398-4599 | F: (317) 398-2421
www.glennegeorgeandson.com/

Gooch Funeral Home
112 W. Howard St.
Rockville, IN 47872
P: (765) 569-0040 | F: (765) 569-0041
www.goochfuneralhome.com

Good Family Funeral Home
1200 W. 18th St.
Rochester, IN 46975
P: (574) 223-1200 | F: (574) 223-1400
www.goodfamilyfh.com

Goodwin Funeral Home, Inc.
200 S. Main St.
Frankfort, IN 46041
P: (765) 654-5533 | F: (765) 659-1228
www.goodwinfuneralhome.com

Goodwin Sievers Funeral Home
524 Broadway
Vincennes, IN 47591
P: (812) 882-5900 | F: (812) 882-9239
www.goodwinsieversfh.com

Goodwin Sievers Funeral Home - Vincennes
505 Main St.
Vincennes, IN 47591
P: (812) 882-1167 | F: (812) 882-4292
www.goodwinsieversfh.com/

Goodwin Sievers Funeral Home - Washington
2020 State Street
Washington, IN 47501
P: (812) 254-5111 | F: (812) 882-9239
www.goodwinsieversfh.com/

Goodwin-Cale & Harnish Memorial Chapel
3220 East State Road 124
Bluffton, IN 46714
P: (260) 824-3852 | F: (260) 824-3867
www.goodwincaleharnish.com/

Grady Funeral Home
111 E Monroe St
Williamsport, IN 47993
P: (765) 762-3464 | F: (765) 762-1109
www.gradyfuneralhome.com

Grady Funeral Home
110 S High St
W Lebanon, IN 47991
P: (765) 762-3464
www.gradyfuneralhome.com/

Grandstaff-Hentgen Funeral Service
1241 Manchester Ave
Wabash, IN 46992
P: (260) 571-3245 | F: (260) 563-8870
www.grandstaff-hentgen.com

Grandstaff-Hentgen Bender Chapel
207 W. Main Street
North Manchester, IN 46962
P: (260) 982-4393 | F: (260) 982-6576
www.grandstaff-hentgen.com

Grandstaff-Hentgen Roann Chapel
335 S. Chippewa Road
Roann, IN 46974
P: (765) 833-5591 | F: (260) 563-8870
www.grandstaff-hentgen.com

Grayson Funeral Home
893 High Street
Charlestown, IN 47111
P: (812) 256-2424 | F: (812) 256-2003
www.graysonfuneralhomes.com

Grayson Funeral Home - New Washington
206 Main Street
New Washington, IN 47162
P: (812) 293-3834
www.graysonfuneralhomes.com/

Greater South Side Crematory, Inc.
481 W Main Street
Greenwood, IN 46142
P: (317) 881-0331 | F: (317) 632-0344
www.stpierrefamilyfuneral.com/

Greiner Funeral Home
2005 N. 13th Street
Terre Haute, IN 47804
P: (812) 234-8200 | F: (812) 234-8277
www.greinerfuneralhome.com

Grundy Memorial Chapel Inc.
2357 Dr. Martin Luther King Jr. St.
Indianapolis, IN 46208
P: (317) 925-2323 | F: (317) 924-9822
www.grundyfuneralhome.com/

Gundrum Funeral Home, Inc
1603 East Broadway
Logansport, IN 46947
P: (574) 753-3138 | F: (574) 735-3908
www.gundrumcares.com

Guy & Allen Funeral Directors, Inc.
2959 W. 11th Ave.
Gary, IN 46404
P: (219) 949-6325 | F: (219) 949-9813
www.guyandallenfuneral.com

H.E. Johnson & Son
108 S. West St.
Angola, IN 46703
P: (260) 665-2211 | F: (260) 668-3711
www.hejohnsonfh.com

Haggard Hirschy & Zelt FuneralHome
225 W. Adams St
Decatur, IN 46733
P: (260) 724-7167 | F: (260) 724-7168
www.hshfuneralhome.com

Hague & Zabel Funeral Homes
809 W. Walnut St.
Brownstown, IN 47220
P: (812) 358-4548
www.hagueandzabel.com

Hague Funeral Home
P.O. Box 280
Medora, IN 47260
P: (812) 966-2681
www.hagueandzabel.com

Hahn Funeral Homes
505 W. 8th Street
Mishawaka, IN 46544
P: (574) 255-1474 | F: (574) 257-8271
hahnfuneralhomes.com

Hahn-Groeber Funeral Home
1104 Columbia Street
Lafayette, IN 47901
P: (765) 742-7873 | F: (765) 742-0487
www.hahngroeberfuneralhome.com

Hahn-Groeber Funeral Homes
321 East South St
Linden, IN 47955
P: (765) 339-4321 | F: (765) 742-0487
www.hahngroeberfuneralhome.com

Hahn-Groeber Funeral Homes
102 W Luin Street
Oxford, IN 47971
P: (765) 385-2119 | F: (765) 742-0487
www.hahngroeberfuneralhome.com

Hampton-Gentry Funeral Home
106 Shaw Street
Plainfield, IN 46168
P: (317) 839-6573 | F: (317) 839-2528
www.hamptongentry.com

Hanley & Sons Funeral Home, Inc.
23421 SR #23
South Bend, IN 46614
P: (574) 287-4181 | F: (574) 287-0417
www.hanleyandsonsfuneralhomes.com

Hanley & Sons Funeral Home - Walkerton Chapel
1216 Roosevelt Rd
Walkerton, IN 46574
P: (574) 586-7715 | F: (574) 287-0417
www.hanleyandsonsfuneralhomes.com/

Harper & Dunnichay Funeral Home
305 E Sigler St.
Frankton, IN 46044
P: (765) 754-7761 | F: (765) 552-3820
www.dunnichayfuneralhome.com/

Harper Funeral Homes, LLC
530 North Main Street
Avilla, IN 46710
P: (260) 897-3411 | F: (260) 897-3412
www.harperfuneralhomes.com

Harper Funeral Homes - Albion Chapel
771 Trail Ridge Road
Albion, IN 46701
P: (260) 636-2101
www.harperfuneralhomes.com

Hartley Funeral Home Arcadia Chapel
120 E. Main Street
Arcadia, IN 46030
P: (317) 984-3614
www.hartleyfuneralhomes.com

Hartley Funeral Home Cicero Chapel
209 W. Jackson St.
Cicero, IN 46034
P: (317) 984-3614 | F: (317) 984-3076
www.hartleyfuneralhomes.com

Hartzler Funeral Home
305 W. Rochester St.
Akron, IN 46910
P: (574) 893-4423 | F: (574) 598-2371
www.hartzlerfuneralservices.com

Haskell & Morrison Funeral Home
208 Ferry St.
Vevay, IN 47043
P: (812) 427-2424 | F: (812) 427-2425
www.haskellandmorrison.com

Hasler & Stout Funeral Home
112 E. Main St.
Greentown, IN 46936
P: (765) 628-3344 | F: (765) 628-3346
www.stoutandson.com/

Haverly Funeral Chapel
1016 West Main Street
Mitchell, IN 47446
P: (812) 849-4242 | F: (812) 849-3323
www.chastainfuneralhome.com/

Haverstock Funeral Home
602 Maple Ave
LaPorte, IN 46350
P: (219) 362-3333 | F: (219) 362-1031
www.haverstockfuneralhome.com/

Helton & Harris Funeral Homes
102 S Indiana St
Danville, IN 46122
P: (317) 745-4411 | F: (317) 745-5983
www.heltonandharrisfuneralhomes.com/

Helton & Harris Funeral Homes
4712 Pennsylvania Street
Clayton, IN 46118
P: (317) 539-4567 | F: (317) 745-5983
www.heltonandharrisfuneralhomes.com/

Hendryx Mortuary New Palestine Chapel
19 E. Main Street
New Palestine, IN 46163
P: (317) 861-4349
HendryxMortuary.com

Hendryx Mortuary, Inc.
11636 East Washington St.
Indianapolis, IN 46229
P: (317) 894-7421 | F: (317) 894-7315
www.hendryxfuneralservice.com

Heritage Funeral Care
34 W. Main Street
Knightstown, IN 46148
P: (765) 345-2146 | F: (765) 345-2147
www.heritagefuneralcares.com

Hess Funeral Home & Cremation Services
603 S Detroit Street
LaGrange, IN 46761
P: (260) 336-4659
www.hessfuneralhome.com/

Hillside Funeral Home & Cremation Center
8941 Kleinman Road
Highland, IN 46322
P: (219) 838-0800 | F: (219) 513-9272
www.hillsidefhcares.com

Hinsey-Brown Funeral Service, Inc.
3406 S. Memorial Dr.
New Castle, IN 47362
P: (765) 529-7100 | F: (765) 529-8742
www.hinsey-brown.com

Hinsey-Brown Funeral Service, Inc. - Knightstown Chapel
7355 S St. Rd. 109
Knightstown, IN 46148
P: (765) 345-7400 | F: (765) 345-2424
www.hinsey-brown.com

Hinton & Williams Funeral Home, Inc.
4859 Alexander Ave.
East Chicago, IN 46312
P: (219) 397-0971 | F: (219) 397-1020

Hippensteel Funeral Home Inc
1608 Schuyler Ave
Lafayette, IN 47904
P: (765) 742-7302 | F: (765) 742-4317
www.hippensteelfuneralservice.com

Hite Funeral Home
403 S. Main St.
Kendallville, IN 46755
P: (260) 347-1653 | F: (260) 347-2154
www.hitefuneralhome.com

Holmes Memorial Chapel
642 W. Silver St.
Sullivan, IN 47882
P: (812) 268-0000 | F: (812) 268-1690
www.holmesmemorialchapel.com

Huber Funeral Home
129 N. 6th St.
Cannelton, IN 47520
P: (812) 547-2251
www.huberfuneralhome.net

Huber Funeral Home
1139 12th St.
Tell City, IN 47586
P: (812) 547-2251 | F: (812) 547-6750
www.huberfuneralhome.net

Hughes-Taylor Funeral Homes, Inc.
107 W. Mulberry St.
Salem, IN 47167
P: (812) 883-4206
www.hughestaylor.net

Hughes-Taylor Funeral Homes Inc - Pekin
323 E St Rd 60
Pekin, IN 47165
P: (812) 967-2123
www.hughestaylor.net/

Hughes-Taylor Funeral Homes, Inc. - Borden
225 W Main St
Borden, IN 47167
P: (812) 967-2123
www.hughestaylor.net/

Hunt & Son Funeral Home, Inc.
107 N. Grant Ave.
Crawfordsville, IN 47933
P: (765) 362-0440 | F: (765) 362-0441
www.huntandson.com

Indiana Funeral Care & Crematory
8151 Allisonville Road
Indianapolis, IN 46250
P: (317) 636-6464 | F: (317) 288-5221
www.indianafuneralcare.com

Indiana Funeral Care - Greenwood
2433 East Main Street
Greenwood, IN 46143
P: (317) 348-1570
www.indianafuneralcare.com/

Integrity Funeral Care
2901 S. Washington St.
Marion, IN 46953
P: (765) 664-5030 | F: (765) 668-7310
www.ifccares.com

Integrity Funeral Service & Cremation
352 E South St
Wheatfield, IN 46392
P: (219) 956-3042
www.integrityfuneral.care

Jackson Funeral Chapel
250 N. McKinley Ave.
Rensselaer, IN 47978
P: (219) 866-5123 | F: (219) 866-3894
www.jacksonfuneral.com

Jackson Funeral Service
200 Third St SW
Demotte, IN 46310
P: (219) 987-5300 | F: (219) 987-6894
www.jacksonfuneral.com

Jessen Funeral Home & Simple Cremation - Franklin Chapel
197 E Jefferson St
Franklin, IN 46131
P: (317) 346-6155
www.jessenfuneralhome.com/

Jessen Funeral Home & Simple Cremation - Whiteland Chapel
729 N US Hwy 31
Whiteland, IN 46184
P: (317) 535-6880
www.jessenfuneralhome.com/

Jewell-Rittman Family Funeral Home, Inc.
3855 25th St.
Columbus, IN 47203
P: (812) 372-9923 | F: (812) 372-9924
www.jewellrittmanfamily.com

Johnson Funeral Home
2005 S. Main Street
Vallonia, IN 47281
P: (812) 358-3341 | F: (812) 358-3341
www.JohnsonFH.net

Johnson-Danielson Funeral Home
1100 N. Michigan St.
Plymouth, IN 46563
P: (574) 936-2829 | F: (574) 936-6160
www.johnson-danielson.com

Jones Family Funeral and Cremation Service
4165 E Allison Rd
Mooresville, IN 46158
P: (317) 831-0200 | F: (317) 831-0204
www.jonesfamilymortuary.com

Jones Funeral Home
25 Jefferson Street
Heltonville, IN 47436
P: (812) 834-5058 | F: (812) 834-0711

Kaniewski Funeral Homes, Inc.
3545 N Bendix Drive
South Bend, IN 46628
P: (574) 277-4444 | F: (574) 277-9776
www.kaniewski.com

Kaniewski Funeral Homes, Inc.
201 S. Filbert Street
New Carlisle, IN 46552
P: (574) 654-3221 | F: (574) 277-9776
www.kaniewski.com

Keller Mortuary Services
801 N. Main St.
Lapel, IN 46051
P: (317) 501-7508 | F: (888) 893-4056
kellermortuary.com/

Keplinger-Barry Funeral Home Inc
509 N High Street
Hartford City, IN 47348
P: (765) 348-0610 | F: (765) 348-0166
keplingerfuneralhome.com

Kercheval Funeral Home
306 E. 10th St.
Sheridan, IN 46069
P: (317) 758-4406 | F: (317) 758-5135
www.kerchevalfuneralhome.com

King Memorial Home
101 N. Tucker St.
Mentone, IN 46539
P: (574) 353-7975 | F: (574) 598-2371
www.hartzlerfuneralservices.com

Kish Funeral Home & Cremation Services
10000 Calumet Ave.
Munster, IN 46321
P: (219) 924-3333 | F: (219) 924-5314
www.kishfuneralhome.net

Koehler Funeral Home, Inc.
304 E. Main St.
Boonville, IN 47601
P: (812) 897-1460 | F: (812) 897-8968
www.koehlerfuneralhome.com

Koehler Funeral Home - Perigo Chapel
7022 Heim Rd.
Chandler, IN 47610
P: (812) 925-3960

Kosanke Funeral Home
309 S Mian St
Kouts, IN 46347
P: (219) 766-2224
www.moellerfuneralhome.com/

Kroeger Funeral Home, Inc.
711 E. Market St.
Logansport, IN 46947
P: (574) 722-6000 | F: (574) 753-5898
www.kroegerfuneralhome.com

L.C. May Funeral Services, Inc.
2024 S Madison Avenue
Anderson, IN 46016
P: (765) 643-0744 | F: (765) 643-0075
www.lcmayfuneralservices.com

LaHayne Funeral Home, Inc.
6955 Southeastern Ave.
Hammond, IN 46324
P: (219) 845-3600 | F: (219) 845-6351
www.lahaynefuneralhome.com

Laird-Eddy Funeral Home
201 N Main Street
Amboy, IN 46911
P: (765) 395-7271 | F: (765) 472-7954
www.eddyfuneralhome.com

Lakeshore Funeral Services, Inc
2295 Washington Street
Gary, IN 46407
P: (219) 614-0575 | F: (219) 980-1113
www.lakeshorefuneralsvc.com/

Lamb-Basham Memorial Chapel, Inc.
226 E. Washington St.
Oakland City, IN 47660
P: (812) 749-4024 | F: (812) 749-4025
www.lambbasham.com

Lauck & Veldhof Funeral & Cremation Services
1458 S. Meridian St.
Indianapolis, IN 46225
P: (317) 636-6655 | F: (317) 384-1361
www.lauckfuneralhome.com

Lavenia & Summers Home for Funerals
5811 East 38th Street
Indianapolis, IN 46218
P: (317) 547-5814 | F:
www.laveniasummers.com/

Lawson-Miller Chapel
1702 E. National Ave.
Brazil, IN 47834
P: (812) 446-2591
www.frenchfuneralhome.com

Legacy Cremation & Funeral Services - Anderson
504 W Ninth Street
Anderson, IN 46016
P: (765) 356-4028
legacycremationfuneral.com/

Legacy Cremation & Funeral Services - Indianapolis
1604 W Morris Street
Indianapolis, IN 46221
P: (317) 637-3733
legacycremationfuneral.com/

Legacy Cremation & Funeral Services ‚Äì Lawrence
5215 Shadeland Ave
Indianapolis, IN 46226
P: (317) 562-0145
legacycremationfuneral.com/

Legacy Cremation & Remembrance Center
1274 Lincolnway South
Ligonier, IN 46767
P: (260) 894-3161 | F: (260) 894-3119
www.yeagerfuneralhome.com

Legacy Funeral Center
921 Main St
Jeffersonville, IN 47130
P: (813) 283-8269 | F: (812) 282-5672
www.legacyindiana.com/

Lester Jenkins & Sons Funeral Home
421 S. Seminary St.
Bloomfield, IN 47424
P: (812) 384-4212 | F: (812) 384-3080
www.jenkinsfuneralhomes.com

Lester Jenkins & Sons Funeral Home, Inc.
110 Walnut Street
Lyons, IN 47443
P: (812) 659-2222
www.jenkinsfuneralhomes.com/

Light Memorial & Funeral Chapel
585 E Main Street
Monrovia, IN 46157
P: (888) 255-8040 | F: (800) 880-6950
www.lightmemorial.com

Lily Cremation & Burial
2700 Willowcreek Road
Portage, IN 46368
P: (219) 793-9800 | F: (219) 762-3424
www.geisenfuneralhome.com/

Liming Family Funeral Home
306 Main Street
Shirley, IN 47384
P: (765) 737-6715
limingfamilyfuneralhome.com

Lincoln Ridge Funeral Home
7607 W. Lincoln Highway
Crown Point, IN 46307
P: (219) 322-6616 | F: (219) 322-6616
lincolnridgefuneralhome.com/

Love Funeral Home, Inc.
14345 Greene St. NE
Palmyra, IN 47164
P: (812) 364-6121 | F: (812) 364-0321
www.lovefuneralhomeinc.com

M.C. Smith Funeral Home
153 E. Washington St.
Knox, IN 46534
P: (574) 772-4211 | F: (574) 772-3731
www.mcsmithfh.com/

Machledt & Servies Funeral Home, Inc.
301 E Green Street
Waveland, IN 47989
P: (765) 435-2261 | F: (765) 522-1311
www.machledtservies.com

Magnolia Cremations
2517 Veterans Parkway
Jeffersonville, IN 47130
P: (812) 913-0044
www.magnoliacremations.com/

Markland Funeral Home, Inc
327 N. High St.
Rising Sun, IN 47040
P: (812) 438-3111 | F: (812) 438-2041
www.marklandfuneralhome.com

Marshall & Erlewein Funeral Home
1993 Cumberland Street
Dublin, IN 47335
P: (765) 478-5161 | F: (765) 478-4642
www.marshallanderleweinfuneralhome.com

Marshall & Erlewein Funeral Home - Lewisville Chapel
115 W. US Hwy 40
Lewisville, IN 47352
P: (765) 987-8445
www.marshallanderleweinfuneralhome.com

Matthews Mortuary
690 E. 56th Street
Brownsburg, IN 46112
P: (317) 852-4296 | F: (317) 852-8503
www.matthewsmortuary.com

Maus Funeral Home
704 S. Council St.
Attica, IN 47918
P: (765) 764-4418 | F: (765) 762-6392
www.mausfuneralhome.com

Maus Funeral Home
206 N. Water St.
Hillsboro, IN 47949
P: (765) 798-5555 | F: (765) 762-6392
wwwmausfuneralhome.com

McAdams Mortuary, Inc.
500 SW 1st St.
Paoli, IN 47454
P: (812) 723-4634 | F: (812) 723-4634
www.mcadamsmortuary.com

McDonald Funeral Home, Inc
231 Falls Avenue
Wabash, IN 46996
P: (260) 563-3755
www.mcdonaldfunerals.com/

McDonald Funeral Home Lafontaine Chapel
104 S Main Street
LaFontaine, IN 46940
P: (765) 981-4141
www.mcdonaldfunerals.com/

McElhaney-Hart Funeral Home
715 N. Jefferson St.
Huntington, IN 46750
P: (260) 356-3320 | F: (260) 356-3321
www.mcelhaneyhartfuneralhome.com

McElhaney Funeral Home - Roanoke Chapel
240 Crestwood Dr
Roanoke, IN 46783
P: (260) 356-3320
www.mcelhaneyhartfuneralhome.com/

McHatton - Sadler Funeral Chapels
2290 Provident Ct
Warsaw, IN 46580
P: (574) 267-7123
mchattonsadlerfuneralchapels.com/

McHatton - Sadler Funeral Chapels
105 First Street
Pierceton, IN 46562
P: (574) 267-7123
mchattonsadlerfuneralchapels.com/

McKee Mortuary
1401 State Road 114 West
North Manchester, IN 46962
P: (260) 982-6700 | F: (260) 982-8426
www.mckeemortuary.com

Meacham Funeral Service
648 W State Street
Albany, IN 47320
P: (765) 789-6122
www.meachamfuneralservice.com/

Memory Lane Memorial Park and Funeral Chapel
6305 W. Lincoln Highway
Crown Point, IN 46307
P: (219) 322-2050 | F: (219) 322-2051
www.memorylanepark.com

Meng Family Funeral Home
616 E Elnora St
Odon, IN 47562
P: (812) 636-9999 | F: (812) 636-9910
www.mengfuneralhome.com

Meredith-Clark Funeral Home
179 E. Mulberry St.
Morgantown, IN 46160
P: (812) 597-4670 | F: (812) 597-5470
www.Meredith-Clark.com

Meyers Funeral Home
1150 SR 46 E
Batesville, IN 47006
P: (812) 934-2701
www.meyersfuneralhomes.com

Midwest Funeral Home & Cremation Society
1415 W Coliseum Blvd
Fort Wayne, IN 46808
P: (260) 496-9600
www.midwestfuneralhome.com/

Midwest Funeral Home & Cremation Society
4602 Newaygo Rd
Fort Wayne, IN 46808
P: (260) 348-0588 | F: (260) 484-0062
www.midwestfuneralhome.com

Miller-Roscka Funeral Home
6368 E. US 24
Monticello, IN 47960
P: (574) 583-8488 | F: (574) 583-8814
www.miller-rosckafh.com

Miller-Stewart Funeral Home
1003 S. Main Street
Middlebury, IN 46540
P: (574) 825-2930 | F: (574) 825-2935
www.millerstewartfuneralhome.com

Miller, Moster, Robbins Funeral Home, Inc.
1704 N Grand Ave
Connersville, IN 47331
P: (765) 825-5641
www.millermosterrobbins.com

Mills Funeral Home
405 E. Main Street
Centerville, IN 47330
P: (765) 855-5342 | F: (765) 935-9026
www.doanmillsfuneralhome.com

Mishler Funeral Home, Inc.
2030 State Road 331
Bremen, IN 46506
P: (574) 546-2861 | F: (574) 546-3113
www.mishlerfuneralhomes.com

Mishler Funeral Home
461 W. 900 N
Milford, IN 46542
P: (574) 658-4197 | F: (574) 658-4695
www.mishlerfuneralhomes.com

Moeller Funeral Home
104 Roosevelt Rd.
Valparaiso, IN 46383
P: (219) 462-0535 | F: (219) 464-9582
www.moellerfuneralhome.com

Morgan & Nay Funeral Centre
325 Demaree Drive
Madison, IN 47250
P: (812) 265-5577 | F: (812) 273-0678
www.morgan-nay.com

Morgan & Nay Funeral Centre - Hanover Chapel
278 E Main Street
Hanover, IN 47243
P: (812) 866-2411 | F: (812) 273-0678
www.morgan-nay.com/

Moster Mortuary
334 N. Main St.
Rushville, IN 46173
P: (765) 932-3914 | F: (765) 932-1308
www.mostermortuary.com

Murphy-Parks Funeral Service
703 S. Harrison
Shelbyville, IN 46176
P: (317) 398-6697 | F: (317) 398-6698
www.murphyparks.com

Murray-Weaver Funeral Home, Galveston Chapel
401 S. California Street
Galveston, IN 46932
P: (574) 699-6266 | F: (574) 310-8737
www.murrayweaver.com

Murray-Weaver Funeral Home, Walton Chapel
401 N Main St
Walton, IN 46994
P: (574) 699-6266 | F: (574) 310-8737
www.murrayweaver.com/

Myers & Hunt Mortuary
116 West Plum Street
Thorntown, IN 46071
P: (765) 482-0620 | F: (765) 482-4633
www.myersmortuary.com

Myers Mortuary Inc.
1502 N. Lebanon St.
Lebanon, IN 46052
P: (765) 482-0620 | F: (765) 482-4633
www.myersmortuary.com

Nass & Son Inc. Funeral Home
208 N. Main St.
Huntingburg, IN 47542
P: (812) 683-2233 | F: (812) 683-5886
www.nassandson.com

Naville & Seabrook Funeral Homes
1119 East Market St.
New Albany, IN 47150
P: (812) 944-6455 | F: (812) 944-1294
www.nsfuneralhomes.com

Naville & Seabrook Funeral Homes - Oak Street Chapel
1846 E Oak Street
New Albany, IN 47150
P: (812) 945-2304 | F: (812) 945-9978
www.nsfuneralhomes.com

Neal & Summers Mortuary
110 E. Poston Rd.
Martinsville, IN 46151
P: (765) 342-8439 | F: (765) 342-0051
www.nealandsummers.com

Needham-Storey-Wampner Funeral Service
1341 N. Baldwin Ave.
Marion, IN 46952
P: (765) 664-5030 | F: (765) 668-3002
www.nswcares.com

Needham-Storey-Wampner Funeral Service Rybolt Chapel
314 N Washington St
Swayze, IN 46986
P: (765) 664-5030 | F: (765) 992-4725
www.nswcares.com

Needham-Storey-Wampner Funeral Service Storey Chapel
400 E. Main St.
Gas City, IN 46933
P: (765) 674-8036
www.nswcares.com

Nelson Memorial Gardens, Inc.
1338 Eliza Street
Fort Wayne, IN 46803
P: (260) 422-5577
www.nelsonmemorialgardens.com/

Newcomer Cremations, Funerals & Receptions
925 East Hanna St
Indianapolis, IN 46227
P: (317) 737-1545 | F: (317) 737-1544
www.newcomerindianapolis.com

Newcomer Cremations, Funerals & Receptions
3309 Ballard Lane
New Albany, IN 47150
P: (812) 949-9900 | F: (812) 949-1961
www.newcomerkentuckiana.com

Newhard Funeral Home
58 W. Walnut St.
Westville, IN 46391
P: (219) 785-2581 | F: (219) 462-4313
www.newhardfuneralhome.com

Newkirk's Funeral Home
8195 E Main Street
Dugger, IN 47848
P: (812) 648-2642 | F: (812) 648-2392
www.brustfamilyfh.com/

Noffze Funeral Home
501 N. Harrison Street
Alexandria, IN 46001
P: (765) 724-4488 | F: (765) 724-4412
owensmemorialservices.com

Norman Funeral Home
604 Main St.
Hope, IN 47246
P: (812) 546-4770 | F: (812) 546-1113
www.normanfuneralhome.net

Northern Indiana Funeral Care
1319 Magnavox Way
Fort Wayne, IN 46804
P: (260) 456-0890
www.northernindianafuneralcare.com

O.D. Harris & Sons Funeral Home - Monroe City
1001 Main Street
Monroe City, IN 47557
P: (812) 743-2522 | F: (812) 354-8829
www.odharrisfuneralhome.com/

O.D. Harris & Sons Funeral Home
705 E. Walnut Street
Petersburg, IN 47567
P: (812) 354-8844 | F: (812) 354-8829
odharrisfuneralhome.com

O'Riley - Branson Funeral Service & Crematory
6107 S. East St.
Indianapolis, IN 46227
P: (317) 787-8224 | F: (317) 787-8225
www.orileyfuneralhome.com

Oakley-Hammond Funeral Home
5342 E. Washington St.
Indianapolis, IN 46219
P: (317) 357-1159 | F: (317) 359-1445
www.oakleyhammond.com

Oberlin-Turnbull Funeral Home
3985 E. Church Street
Hamilton, IN 46742
P: (260) 488-2164 | F: (419) 636-6565
www.oberlinturnbull.com

Ochs-Tetrick Funeral Home
187 E. Jefferson St.
Orleans, IN 47452
P: (812) 865-2590 | F: (812) 865-2591
www.ochstetrick.net

Osborne Funeral Home
702 Gum St
Evansville, IN 47713
P: (812) 422-3314 | F: (812) 422-8868
www.osbornefh.com

Ott/Haverstock Funeral Chapel
418 Washington St.
Michigan City, IN 46360
P: (219) 872-7291 | F: (219) 872-7292
www.otthaverstock.com

Owens Funeral Home
412 N. Harrison Street
Alexandria, IN 46001
P: (765) 724-4411 | F: (765) 724-4412
www.owensmemorialservices.com

Owens-Noffze Funeral Home
1009 W. Walnut St.
Summitville, IN 46070
P: (765) 536-2727 | F: (765) 724-4412
owensmemorialservices.com

Palmer Funeral Home Guisinger Chapel
3718 S Michigan St
South Bend, IN 46614
P: (574) 291-5880
www.palmerfuneralhomes.com/

Palmer Funeral Home Bubb Chapel
3910 N. Main St.
Mishawaka, IN 46545
P: (574) 255-3126 | F: (574) 258-5925
www.bubbfuneralchapel.com

Palmer Funeral Home Hickey Chapel
17131 Cleveland Rd
South Bend, IN 46635
P: (574) 289-1000
www.palmerfuneralhomes.com/

Palmer Funeral Home Lakeville Chapel
601 N. Michigan Street
Lakeville, IN 46536
P: (574) 784-3119
www.palmerfuneralhomes.com/

Palmer Funeral Home North Liberty Chapel
202 N Main Street
North Liberty, IN 46554
P: (574) 656-8362
www.palmerfuneralhomes.com/

Palmer Funeral Home River Park
2528 Mishawaka Ave
South Bend, IN 46615
P: (574) 289-2848
www.palmerfuneralhomes.com/

Palmer Funeral Home Welsheimer Chapel North
17033 Cleveland Rd.
South Bend, IN 46635
P: (574) 272-2244
www.palmerfuneralhomes.com/

Palmer Funeral Home West Chapel
2702 Lincoln Way West
South Bend, IN 46628
P: (574) 232-6565
www.palmerfuneralhomes.com/

Parson Mortuary, Inc.
801 W. Adams St.
Muncie, IN 47305
P: (765) 747-1100 | F: (765) 282-9011
www.parsonmortuary.com

Parson Mortuary, Inc.
800 W Adams St
Muncie, IN 47305
P: (765) 747-1100
www.parsonmortuary.com/

Pemberton-Bradley Funeral Home
315 Main Street
Lynville, IN 47619
P: (812) 922-3241 | F: (812) 897-1588
www.bradleyscc.com/

Phillips & Meyers Funeral Home
1025 Franklin Ave
Brookville, IN 47012
P: (765) 647-5311
www.millermosterrobbins.com/

Pierre Funeral Home, Inc.
2601 W. Franklin St.
Evansville, IN 47712
P: (812) 423-6471 | F: (812) 423-6473
www.pierrefuneralhome.com

Pinnington Funeral & Cremation Services
502 N. Main St.
Auburn, IN 46706
P: (260) 925-3918 | F: (260) 925-5817
www.pinningtonfh.com

Pitman-Richman Funeral Home
200 S. Hartford St.
Eaton, IN 47338
P: (765) 396-3243 | F: (765) 396-3243
www.watersfuneralhomes.com

Porter-Oliger-Pearson Funeral Home
302 N. Franklin St.
Greensburg, IN 47240
P: (812) 663-2192 | F: (812) 663-2857
www.popfuneralhome.com

Porter & Hunt Funeral Home & Crematory - Jamestown Chapel
315 W Main Street
Jamestown, IN 46247
P: (765) 676-6220 | F: (765) 676-4162
www.robertporterfuneralhome.com/

Porter & Hunt Funeral Home & Crematory - North Salem Chapel
6 South California Street
North Salem, IN 46247
P: (765) 676-6220 | F: (765) 676-4162
www.robertporterfuneralhome.com/

Queen-Lee Chapel
431 High St.
Shoals, IN 47581
P: (812) 247-3101 | F: (812) 247-2268
www.queenlee.com/

R. Mason Brother Memorial Chapel
1001 Lincoln Ave
Evansville, IN 47714
P: (812) 421-8692

Randall & Roberts Funeral Home
1685 Westfield Rd
Noblesville, IN 46062
P: (317) 773-2584 | F: (317) 773-8194
www.randallroberts.com

Randall & Roberts Fishers Mortuary
12010 Allisonville Road
Fishers, IN 46038
P: (317) 842-5310 | F: (317) 842-5316
www.randallroberts.com

Randall & Roberts Funeral Home
1150 Logan Street
Noblesville, IN 46060
P: (317) 773-2584 | F: (317) 773-8194
www.randallroberts.com

Rannells Funeral Home - Koontz Lake Chapel
7984 North 23
Walkerton, IN 46574
P: (574) 586-2120 | F: (574) 867-3121
www.rannellsfuneralhome.com

Rannells Funeral Home - Hamlet Chapel
102 W Davis St
Hamlet, IN 46532
P: (574) 586-2120 | F: (574) 586-2263
www.rannellsfuneralhome.com

Rans Funeral Homes & Crematory - Marocco Chapel
119 E. Market St
Logansport, IN 46947
P: (574) 753-6282
www.ransfuneralhomes.com/

Rans Funeral Homes & Crematory - Harrison Chapel
304 S. Chicago St.
Royal Center, IN 46978
P: (574) 643-2265 | F: (574) 807-6799
www.ransfuneralhomes.com

Rans Funeral Homes & Crematory - Metzger Chapel
123 E. Main
Kewanna, IN 46939
P: (574) 653-2265
www.ransfunefalhomes.com

Raven Choate Robinson Funeral Home
1202 W Kem Rd
Marion, IN 46952
P: (765) 664-6271
www.ravenchoate.com/

Redpath-Fruth Funeral Home
225 Argonne Road
Warsaw, IN 46580
P: (574) 268-0225 | F: (574) 268-0222
www.redpathfruthfuneralhome.com

Rees Funeral Home, Inc.
600 W. Old Ridge Rd.
Hobart, IN 46342
P: (219) 942-2109 | F: (219) 942-2375
www.reesfuneralhomes.com

Rees Funeral Homes, Inc. - Brady Chapel
3781 Central Ave.
Lake Station, IN 46405
P: (219) 962-1606 | F: (219) 963-2757
www.reesfuneralhomes.com

Rees Funeral Homes, Inc. - Olson Chapel
5341 Central Ave.
Portage, IN 46368
P: (219) 762-3013 | F: (219) 763-4219
reesfuneralhomes.com

Rendina Funeral Home
5100 Cleveland Street
Gary, IN 46408
P: (219) 980-1141 | F: (219) 980-1142
www.calumetparkcemetery.com

Ridgelawn Funeral Home
4201 W. Ridge Rd.
Gary, IN 46408
P: (219) 980-5555 | F: (219) 980-5522
www.ridgelawnfuneralhome.com

Rieth-Rohrer-Ehret Funeral Home
311 S Main Street
Goshen, IN 46526
P: (574) 533-9547 | F: (574) 544-5166
www.rrefh.com/

Rieth-Rohrer-Ehret-Lienhart Funeral Home
117 W. Waterford St.
Wakarusa, IN 46573
P: (574) 862-2235 | F: (574) 544-5166
www.rrefh.com

Riggle-Waltermann Mortuary
32 South 11th Street
Richmond, IN 47374
P: (765) 966-7684 | F: (765) 962-2175
www.riggle-waltermann.com

Riverview Funeral Home
421 W Canal St
Peru, IN 46970
P: (765) 327-2674
www.riverviewfhperu.com/

Robert D Loose Funeral Home
200 W. 53rd St.
Anderson, IN 46013
P: (765) 649-5255 | F: (765) 649-5263
www.loosefuneralhomes.com

Root Funeral Home, Inc.
312 E. Seventh St.
Michigan City, IN 46360
P: (219) 874-6209 | F: (219) 874-6200
www.therootfuneralhome.com

Rose City Funeral Home - Macer-Hall Marcum Chapel
2011 Broad Street
New Castle, IN 47362
P: (765) 529-5900
www.rosecityfunerals.com

Rozelle-Johnson Funeral Service
229 S. Rangeline Rd
Anderson, IN 46012
P: (765) 643-7474 | F: (765) 643-7490
www.rozelle-johnson.com

Rullman Hunger Funeral Home
219 Mechanic St.
Aurora, IN 47001
P: (812) 926-1450 | F: (812) 926-4421
www.rullmans.com

Sanders Funeral Care
203 S 1st Street
Kingman, IN 47952
P: (765) 397-3499 | F: (765) 359-1697
www.sandersfuneralcare.com

Sanders Priebe Funeral Care
315 S. Washington St.
Crawfordsville, IN 47933
P: (765) 362-6849 | F: (765) 359-1697
www.sandersfuneralcare.com

Sanders Shoemaker Funeral Care
202 Bratton Rd.
Waynetown, IN 47990
P: (765) 234-2224 | F: (765) 359-1697
www.sandersfuneralcare.com

Sawyer-Pickett Funeral Home
115 S. State St.
North Vernon, IN 47265
P: (812) 346-4495 | F: (812) 346-4701
www.sawyerfuneralservice.com

Schneider Funeral Home
512 Main St.
Mt. Vernon, IN 47620
P: (812) 838-4331 | F: (812) 838-9155
www.schneiderfuneralhome.com

Schoppenhorst Funeral Home
301 8th Street
Clay City, IN 47841
P: (812) 939-2112
www.frenchfuneralhome.com

Scott Funeral Home, Inc.
2515 Veterans Parkway
Jeffersonville, IN 47130
P: (812) 283-8161 | F: (812) 282-5672
www.scottfuneralhome.com

Seals Funeral Home & Cremation Services, Inc.
122 W. Staat St.
Fortville, IN 46040
P: (317) 485-5144 | F: (317) 485-5145
www.sealsfuneralhome.com

Servies & Morgan Funeral Home
102 E. Washington St.
Roachdale, IN 46172
P: (765) 522-1311 | F: (765) 522-1480
www.serviesmorgan.com

Servies & Morgan Funeral Home - Ladoga
203 N Washington St
Ladoga, IN 47954
P: (765) 522-1311 | F: (765) 522-1480
www.stpierrefamilyfuneral.com/

Sheets & Childs Funeral Home, Inc.
206 N. Main St.
Churubusco, IN 46723
P: (260) 693-2907 | F: (260) 693-1652
www.sheetsandchilds.net

Sheets Funeral Home & Cremation Services
604 E. Commercial Ave.
Lowell, IN 46356
P: (219) 696-0921 | F: (219) 696-1795
www.sheetsfuneral.com

Shirley & Stout Funeral Home & Crematory - Jefferson St. Chapel
414 W. Jefferson Street
Kokomo, IN 46901
P: (765) 453-4400 | F: (765) 454-6400
www.stoutandson.com/

Shirley & Stout Funeral Home & Crematory - Lincoln Road Chapel
1315 W. Lincoln Rd.
Kokomo, IN 46902
P: (765) 453-4400 | F: (765) 455-9893
www.stoutandson.com/

Simple Cremation Evansville
3101 N Green River Rd, Ste 320
Evansville, IN 47715
P: (812) 303-6151
www.koehlerfuneralhome.com/

Simple Cremation Indianapolis
P: (317) 361-4516
www.koehlerfuneralhome.com/

Simplicity Funeral & Cremation Care - Avon
641 N. 1050 East
Indianapolis, IN 46234
P: (317) 882-0772 | F: (317) 885-9478
www.stpierrefamilyfuneral.com

Simplicity Funeral & Cremation Care - Indianapolis
7520 Madison Ave
Indianapolis, IN 46227
P: (317) 882-0772 | F: (317) 885-9478
www.stpierrefamilyfuneral.com

Simplicity Funeral & Cremation Care - Zionsville
125 W Sycamore St
Zionsville, IN 46077
P: (317) 344-3600 | F: (317) 344-0380
www.stpierrefamilyfuneral.com.

Simplicity Funeral Care
1608 Schuyler Ave
Lafayette, IN 47904
P: (765) 742-7302 | F: (765) 742-4317
www.hippensteelfuneralservice.com

Singleton & St. Pierre Funeral & Cremation Services
7602 Madison Ave
Indianapolis, IN 46227
P: (317) 882-0771 | F: (317) 881-1234
www.stpierrefamilyfuneral.com

Smith - McQuiston & Webster Funeral Home
321 US 27 South
Fountain City, IN 47341
P: (765) 847-2612 | F: (765) 847-2420
www.smithmcquistonwebster.com

Smith & Sons Funeral Home, Inc.
207 N. Main St.
Columbia City, IN 46725
P: (260) 244-7601 | F: (260) 244-7111
www.smithandsonsfuneralhome.com

Smith & Sons Miller Chapel
208 N. Maple St.
South Whitley, IN 46787
P: (260) 723-5221
www.smithandsonsfuneralhome.com/

Smith, Bizzell & Warner Inc.
4209 Grant St.
Gary, IN 46408
P: (219) 887-1852 | F: (219) 887-7620
www.smithbizzellwarnerfuneralhome.com

Smits Funeral Home
2121 Pleasant Springs Lane
Dyer, IN 46311
P: (219) 322-7300 | F: (219) 322-9797
www.smitsfh.com

Solan-Pruzin Funeral Home and Crematory
14 Kennedy Avenue
Schererville, IN 46375
P: (219) 322-7766 | F: (219) 322-7887
www.solanpruzinfuneralhome.com

Solan-Pruzin Funeral Home and Crematory
7109 Calumet Ave.
Hammond, IN 46324
P: (219) 931-5762 | F: (219) 937-1381
www.solanpruzinfuneralhome.com

Soller-Baker Funeral Homes, Inc.
400 Twychenham Blvd.
Lafayette, IN 47909
P: (765) 474-1111 | F: (765) 477-1292
www.soller-baker.com

Soller-Baker Funeral Home - West Lafayette Chapel
1184 Sagamore Parkway West
West Lafayette, IN 47906
P: (765) 474-1111 | F: (765) 477-1292
www.soller-baker.com

Springer-Voorhis-Draper Funeral Home
202 S. Illinois St.
Monticello, IN 47960
P: (574) 583-5777 | F: (574) 583-9777
www.springerfuneralhome.com

Sproles Family Funeral Home
2400 S. Memorial Drive
New Castle, IN 47362
P: (765) 521-2400 | F: (765) 521-2495
www.sprolesfamilycares.com

Sprowl Funeral & Cremation Care
1134 W 30th St
Indianapolis, IN 46208
P: (317) 384-1859 | F: (800) 824-4185
sprowlfuneral.com/

Spurgeon Funeral Home, Inc.
206 E. Commerce St.
Brownstown, IN 47220
P: (812) 358-2252 | F: (812) 358-2252
www.spurgeonfh.com

St. Joseph Funeral Home
824 S. Mayflower Rd
South Bend, IN 46619
P: (574) 288-4685 | F: (574) 288-4687
www.SJFH.Net

Star Cremation
2020 Montcalm St
Indianapolis, IN 46202
P: (844) 644-7827
starcremation.com/

Stegall-Berheide-Orr Funeral Home
222 N. 10th St.
Richmond, IN 47375
P: (765) 962-9526 | F: (765) 962-6580
www.stegallberheideorr.com

Steinke Funeral Home
403 N. Front St.
Rensselaer, IN 47978
P: (219) 866-5151 | F: (219) 866-7920
www.steinkefuneralhome.com

Steinke Funeral Home - Morocco
101 E Beaver
Morocco, IN 47963
P: (219) 866-5151 | F: (219) 866-7920
www.steinkefuneralhome.com

Stemm-Lawson-Peterson Funeral Home
1531 Cobblestone Blvd.
Elkhart, IN 46514
P: (574) 293-6411 | F: (574) 293-1053
www.stemmlawsonpeterson.com

Stillinger Family Funeral Home
1780 W. Main St
Greenfield, IN 46140
P: (317) 462-5536 | F: (317) 462-5876
www.stillingerfamily.com

Stodghill Funeral Home, Inc.
500 E. Park St.
Ft. Branch, IN 47648
P: (812) 753-4601 | F: (812) 753-3076
www.stodghillfuneralhome.com

Stout & Son Funeral Home
200 E. Main St.
Russiaville, IN 46979
P: (765) 883-5122 | F: (765) 883-5069
www.stoutandson.com

Stout & Son Funeral Home
44 Michigan Rd.
Burlington, IN 46915
P: (765) 566-3343
www.stoutandson.com/

Stout & Son Funeral Home
204 N Church Street
Sharpsville, IN 46068
P: (765) 963-2500 | F: (765) 883-5069
www.stoutandson.com/

Sunset Memorial Park, Funeral Home & Crematory
1800 St. George Rd
Evansville, IN 47711
P: (812) 477-5316 | F: (812) 477-5047
www.sunsetevansville.com

Sunset's Covington Chapel
420 3rd Street
Covington, IN 47932
P: (765) 793-4500 | F: (217) 442-2227
www.sunsetfuneralhome.com

Sunset's DeVerter Chapel
215 N. Division St.
Cayuga, IN 47928
P: (765) 492-4331 | F: (765) 492-9831
www.deverterfuneralhome.com

Swarens Funeral Home, Inc.
1405 Hwy 64 NW
Ramsey, IN 47166
P: (812) 347-2417 | F: (812) 347-2416
www.swarensfuneralhome.com

Swartz Family Community Mortuary & Memorial Center
300 S Morton Street
Franklin, IN 46131
P: (317) 738-0202 | F: (317) 736-0210
www.swartzmortuary.com

Swartz Family Church and Chapel - Funeral and Cremation Services
2020 South SR 135, Ste 105
Greenwood, IN 46143
P: (317) 881-0202 | F: (317) 736-0210
www.swartzmortuary.com

The Funeral Chapel
3000 E. Third Street
Bloomington, IN 47401
P: (812) 333-4400 | F: (812) 333-4445
www.thefuneralchapel.net

The Meeks Mortuary
415 E Washington St
Muncie, IN 47305
P: (765) 288-6669
www.meeksmortuary.com

The Meeks Mortuary, Mt. Pleasant Chapel
7901 W Isanogel Rd
Muncie, IN 47304
P: (765) 288-6669
www.meeksmortuary.com

Thoma/Rich, Lemler Funeral Home
308 W. Washington St.
Bluffton, IN 46714
P: (260) 824-3850 | F: (260) 824-5202
www.thomarich.com

Thomas Funeral Home
1277 C.R. 56
Garrett, IN 46738
P: (260) 357-0444 | F: (260) 357-0555
www.thomasfuneralhome.org

Thompson-Lengacher & Yoder Funeral Home
950 N Main Street
Nappanee, IN 46550
P: (574) 773-3173 | F: (574) 773-5754
www.tlyfh.com

Thompson-Lengacher & Yoder Funeral Home
501 N Elkhart St
Wakarusa, IN 46573
P: (574) 862-4506 | F: (574) 773-5754
www.tlyfh.com/

Thorne-George Family Funeral Homes, Inc.
818 18th Street
Bedford, IN 47421
P: (812) 275-4433 | F: (812) 275-4560
www.fergusonlee.com

Tippecanoe Funeral and Cremation Services
1671 W 350 N
West Lafayette, IN 47906
P: (765) 490-4234
tippecanoememorygardens.com/

Titus Funeral Home, Inc.
2000 E. Sheridan St.
Warsaw, IN 46580
P: (574) 267-3104 | F: (574) 267-8789
www.titusfuneralhome.com

Titus Funeral Home, Owen Chapel
8056 E 500 N
North Webster, IN 46555
P: (574) 834-1200
www.owenfamilyfuneralhome.com

Titus Funeral Home, Owen Chapel
1001 S. Huntington St.
Syracuse, IN 46567
P: (574) 457-4002 | F: (574) 457-4210
www.owenfamilyfuneralhome.com

Titzer Family Funeral Homes
100 E. Columbia St.
Evansville, IN 47711
P: (812) 424-9288 | F: (812) 424-9280
www.titzerfuneralhomes.com

Titzer Family Funeral Homes - Simpson Chapel
510 W. Jennings Street
Newburgh, IN 47630
P: (812) 853-8314 | F: (812) 424-9280
www.titzerfuneralhomes.com

Titzer Family Funeral Homes - Volkman Chapel
220 W Elm Street
Elberfeld, IN 47613
P: (812) 983-4211
www.titzerfuneralhomes.com

Todd Funeral Centre & Crematory
1600 S. State Rd. 3
Rushville, IN 46173
P: (765) 932-3070 | F: (765) 807-3083
www.toddfuneralhome.com

Usher Funeral Home
2313 W. Washington St.
Indianapolis, IN 46222
P: (317) 632-9352 | F: (317) 261-1243
www.usherfuneralhome.com

Voss & Sons Funeral Service
316 N Chestnut St
Seymour, IN 47274
P: (812) 522-5558 | F: (812) 522-8264
www.vossfuneralservice.com/

Wade Funeral Home, Inc.
119 S. Vine St.
Haubstadt, IN 47639
P: (812) 768-5210 | F: (812) 768-6802
www.wadefhinc.com

Walker & Glancy Funeral Home
109 W. Windsor St.
Montpelier, IN 47359
P: (765) 728-2414 | F: (765) 728-2424
www.glancyfuneralhomes.com

Walker Funeral Home
248 East South Street
Winchester, IN 47394
P: (765) 584-3231 | F: (765) 584-3302
www.walkerswinchester.com

Walley-Mills-Zimmerman Funeral Home, Inc.
700 E. Jackson Blvd.
Elkhart, IN 46516
P: (574) 295-2323 | F: (574) 293-9744
www.wmzfh.com

Wanatah Funeral Chapel
309 N. Main
Wanatah, IN 46390
P: (219) 733-2313 | F:
www.moellerfuneralhome.com/

Waterman-Westbrook & Clause Funeral Home
1129 S Prairie St
Elkhart, IN 46516
P: (574) 295-6006
www.watermanfh.com/

Waters Funeral Home Inc.
501 W. Washington St.
Hartford City, IN 47348
P: (765) 499-7176 | F: (765) 348-0710
www.watersfuneralhomes.com

Weathers Funeral Home
106 S. Shelby St.
Salem, IN 47167
P: (812) 883-6155 | F: (812) 883-6395
www.weathersfuneralhome.com

Weicht Funeral Home, Inc.
207 N. West St.
Angola, IN 46703
P: (260) 665-3111 | F: (260) 665-3112
www.weichtfh.com

Weigel Funeral Home
151 W. George St.
Batesville, IN 47006
P: (812) 934-3201 | F: (812) 934-3701
www.weigelfh.com

Welch & Cornett Funeral Home
140 E. Vincennes St.
Linton, IN 47441
P: (812) 847-2986 | F: (812) 847-4583
www.waltonfuneralservice.com/

Welch & Cornett Funeral Home
23 S. Jefferson Street
Worthington, IN 47471
P: (812) 875-3081 | F: (812) 875-3082
www.waltonfuneralservice.com/

Wells & Cruz Funeral Home
503 W. 3rd St.
Mishawaka, IN 46544
P: (574) 255-1519 | F: (574) 255-1320
www.goethalswells.com

Werry Funeral Home
615 Brewery Street
New Harmony, IN 47631
P: (812) 682-4261 | F: (812) 682-4260
www.werryfuneralhomes.com

Werry Funeral Home - Poseyville
16 E. Fletchall Ave.
Poseyville, IN 47633
P: (812) 874-2418 | F: (812) 874-2438
www.werryfuneralhomes.com

West & Parrish & Pedigo Funeral Home
105 N. Montgomery St
Spencer, IN 47460
P: (812) 829-2791 | F: (812) 829-8812
www.waltonfuneralservice.com/

Whetsel Funeral Service
1503 S. Park Ave.
Alexandria, IN 46001
P: (765) 724-9388 | F: (765) 724-9396
whetselfuneralservice.com

White Funeral Home & Cremation
921 W. 45th Avenue
Griffith, IN 46319
P: (219) 924-4100 | F: (219) 924-2448
whitefuneralhomeofgriffith.com

White-Love Funeral Home
525 S 2nd St
Chesterton, IN 46304
P: (219) 926-1309 | F: (219) 926-4244
www.whitelovefuneralhome.com

Williamson, Spencer & Penrod Funeral Homes
208 N. Commerce St.
Portland, IN 47371
P: (260) 726-7111 | F: (260) 726-7112
www.williamsonspencer.com

Williamson, Spencer & Penrod Funeral Homes
190 S. Union St.
Pennville, IN 47369
P: (260) 731-8811 | F: (260) 726-7112
www.williamsonspencer.com

Wilson Shook Funeral Home Thornburg Chapel
2048 N 1000 W
Parker City, IN 47368
P: (765) 468-6616
wilsonshookfh.com

Wilson Shook Funeral Home - Dunkirk
317 N Main Street
Dunkirk, IN 47336
P: (765) 768-7704
www.wilsonshookfh.com/dunkirk-memorial-chapel

Wilson Shook Funeral Home Fraze Brooks Memorial Chapel
432 Pearl St
Union City, IN 47390
P: (765) 964-4131
wilsonshookfh.com

Wilson Shook Funeral Home Thomas Memorial Chapel
108 E Sherman St
Lynn, IN 47355
P: (765) 874-2406
wilsonshookfh.com

Wilson St. Pierre Funeral Service & Crematory
P.O. Box 47978
Indianapolis, IN 46247
P: (317) 632-9431 | F: (317) 687-0663
www.stpierrefamilyfuneral.com

Wilson St. Pierre Funeral Service - Franklin Township Chapel
5950 E Thompson Rd
Indianapolis, IN 46237
P: (317) 783-3653 | F: (317) 783-3671
www.stpierrefamilyfuneral.com

Wilson St. Pierre Funeral Service - Greenwood Chapel
481 W Main Street
Greenwood, IN 46142
P: (317) 881-2514 | F: (317) 888-3031
www.stpierrefamilyfuneral.com

Yeager Funeral Home
1589 Lincolnway South
Ligonier, IN 46767
P: (260) 894-4900 | F: (260) 894-4979
www.yeagerfuneralhome.com

Yoder-Culp Funeral Home, Inc.
1911 S. Main St.
Goshen, IN 46526
P: (574) 533-3153 | F: (574) 533-6501
www.yoderculpfuneralhome.com

Young Family Funeral Home
222 S. State Street
Kendallville, IN 46755
P: (260) 347-0950 | F: (260) 347-1651
www.youngfamilyfuneralhome.com

Young Family Funeral Home - Hudson
612 N Main Street
Hudson, IN 46747
P: (260) 587-3733 | F: (260) 347-1651
www.youngfamilyfuneralhome.com

Young Family Funeral Home - Wolcottville
100 Cemetery St
Wolcottville, IN 46795
P: (260) 854-2251 | F: (260) 347-1561
www.youngfamilyfuneralhome.com

Young-Nichols Funeral Home, Inc.
216 W. Jefferson St.
Tipton, IN 46072
P: (765) 675-4780 | F: (765) 675-7799
www.young-nichols.com

Zahoran Funeral Home, Inc.
1826 S. Kemble Ave
South Bend, IN 46613
P: (574) 287-7125 | F: (574) 287-8922
www.zahoran.com

Ziemer Funeral Home - East Chapel
800 S Hebron Ave
Evansville, IN 47714
P: (812) 477-1515
www.ziemerfuneralhome.com/

Ziemer Funeral Home - Central Chapel
626 First Avenue
Evansville, IN 47710
P: (812) 425-8135 | F: (812) 426-6514
www.ziemerfuneralhome.com

Ziemer Funeral Home - North Chapel
6300 N First Avenue
Evansville, IN 47710
P: (812) 426-1611 | F: (812) 426-6516
www.ziemerfuneralhome.com

Zoercher-Gillick Funeral Home
920 10th St.
Tell City, IN 47586
P: (812) 547-2511 | F: (812) 547-6877
www.zoercher-gillickfuneralhome.com

Zwick & Jahn Funeral Home
520 N. 2nd Street
Decatur, IN 46733
P: (260) 724-9164 | F: (260) 724-9897
www.zwickjahn.com

Zwick & Jahn Funeral Home - Jacobs Chapel
111 S. Water St.
Monroeville, IN 46773
P: (260) 724-9164
www.zwickjahn.com

Zwick & Jahn Funeral Home - Yager-Kirchhofer Chapel
365 West Main
Berne, IN 46711
P: (260) 729-9164

Akron
Earl-Love Funeral Home
Hartzler Funeral Home

Albany
Meacham Funeral Service

Albion
Harper Funeral Homes - Albion Chapel

Alexandria
Noffze Funeral Home
Owens Funeral Home
Whetsel Funeral Service

Amboy
Laird-Eddy Funeral Home

Anderson
Bozell Funeral Homes - Brown-Butz-Diedring Chapel
L.C. May Funeral Services, Inc.
Legacy Cremation & Funeral Services - Anderson
Robert D Loose Funeral Home
Rozelle-Johnson Funeral Service

Andrews
ChurchFunerals Direct

Angola
H.E. Johnson & Son
Weicht Funeral Home, Inc.

Arcadia
Hartley Funeral Home Arcadia Chapel

Argos
Earl-Grossman Funeral Home

Attica
Maus Funeral Home

Auburn
Pinnington Funeral & Cremation Services

Aurora
Rullman Hunger Funeral Home

Austin
Buchanan Funeral Home, Inc.

Avon
Conkle Funeral Home, Inc. - Avon Chapel

Batesville
Meyers Funeral Home
Weigel Funeral Home

Bedford
Cresthaven Funeral Home
Day & Carter Mortuary, Inc.
Thorne-George Family Funeral Homes, Inc.

Berne
Zwick & Jahn Funeral Home - Yager-Kirchhofer Chapel

Bicknell
Duesterberg-Fredrick Wampler Shaw Chapel
Fredrick and Son McClure-Utt Funeral Homes and Crematory - Bicknell Chapel

Bloomfield
Lester Jenkins & Sons Funeral Home

Bloomington
The Funeral Chapel

Bluffton
Goodwin-Cale & Harnish Memorial Chapel
Thoma/Rich, Lemler Funeral Home

Boonville
Bradley's Colonial Chapel
Koehler Funeral Home, Inc.

Borden
Hughes-Taylor Funeral Homes, Inc. - Borden

Bourbon
Deaton-Clemens Funeral Home - Bourbon

Brazil
French Funeral Home, LLC
Lawson-Miller Chapel

Bremen
Mishler Funeral Home, Inc.

Brookville
Cook Rosenberger Funeral Home
Phillips & Meyers Funeral Home

Brownsburg
Matthews Mortuary

Brownstown
Hague & Zabel Funeral Homes
Hague Funeral Home
Spurgeon Funeral Home, Inc.

Bunker Hill
Allen Funeral Home

Burlington
Stout & Son Funeral Home

Camden
Cree Funeral Home

Cannelton
Huber Funeral Home

Carmel
Bussell Family Funerals
Flanner Buchanan - Carmel

Cayuga
Sunset's DeVerter Chapel

Cedar Lake
Burdan Funeral Home, Inc.
Elmwood Funeral Chapel & Crematory

Centerville
Mills Funeral Home

Chandler
Koehler Funeral Home - Perigo Chapel

Charlestown
B&G Mortuary Services
Grayson Funeral Home

Chesterton
Edmonds & Evans Funeral Home
White-Love Funeral Home

Chrisney
Boultinghouse Funeral Home - Youngblood Chapel

Churubusco
Sheets & Childs Funeral Home, Inc.

Cicero
Hartley Funeral Home Cicero Chapel

Clarksville
Chapman Funeral Home

Clay City
Schoppenhorst Funeral Home

Clayton
Helton & Harris Funeral Homes

Clinton
Giovanini Funeral Home

Columbia City
DeMoney-Grimes Funeral Home
Smith & Sons Funeral Home, Inc.

Columbus
Barkes, Weaver & Glick Funeral Homes and Crematory
Barkes, Weaver & Glick Funeral Homes and Crematory
Jewell-Rittman Family Funeral Home, Inc.

Connersville
Miller, Moster, Robbins Funeral Home, Inc.

Corydon
Beanblossom-Cesar Funeral Home
Gehlbach & Royse Funeral Home

Covington
Sunset's Covington Chapel

Crawfordsville
Burkhart Funeral Home, Inc.
Hunt & Son Funeral Home, Inc.
Sanders Priebe Funeral Care

Crothersville
Adams Family Funeral Homes & Crematory

Crown Point
Burns Funeral Home & Crematory
Geisen Funeral, Cremation & Reception Centre
Lincoln Ridge Funeral Home
Memory Lane Memorial Park and Funeral Chapel

Dale
Fuller Funeral Home

Daleville
Ballard and Sons Funeral Homes - Daleville

Danville
Helton & Harris Funeral Homes

Decatur
Haggard Hirschy & Zelt FuneralHome
Zwick & Jahn Funeral Home

Delphi
Davidson - Shirey Funeral Home

Demotte
Frazier Funeral Home & Cremation Services
Jackson Funeral Service

Dublin
Marshall & Erlewein Funeral Home

Dugger
Newkirk's Funeral Home

Dunkirk
Wilson Shook Funeral Home - Dunkirk

Dyer
Fagen-Miller Funeral Home - Dyer
Smits Funeral Home

East Chicago
Acevez Funeral Home, Inc.
Fife Funeral Home, Inc.
Hinton & Williams Funeral Home, Inc.

Eaton
Pitman-Richman Funeral Home

Edinburgh
Eskew-Eaton Funeral Home, Inc.

Elberfeld
Titzer Family Funeral Homes - Volkman Chapel

Elkhart
Billings Funeral Home
Elkhart Cremation Services
Stemm-Lawson-Peterson Funeral Home
Walley-Mills-Zimmerman Funeral Home, Inc.
Waterman-Westbrook & Clause Funeral Home

Ellettsville
Chandler Funeral Home, LLC

Elwood
Dunnichay Funeral Home

English
Denbo Funeral Home

Evansville
Boone Funeral Home of Evansville
Browning Funeral Home
Osborne Funeral Home
Pierre Funeral Home, Inc.
Simple Cremation Evansville
Sunset Memorial Park, Funeral Home & Crematory
Titzer Family Funeral Homes
Ziemer Funeral Home - Central Chapel
Ziemer Funeral Home - East Chapel
Ziemer Funeral Home - North Chapel

Fairmount
Armes-Hunt Funeral Home & Cremation Services

Ferdinand
Becher Funeral Home, Inc.

Fishers
Randall & Roberts Fishers Mortuary

Flora
Day & Genda Funeral Home - Reinke Chapel

Fort Wayne
Community Funeral Care, Carmichael Chapel
Divine Mercy Funeral Home
Ellis Funeral Home
FairHaven Funeral Home & Cremation Services
Midwest Funeral Home & Cremation Society
Midwest Funeral Home & Cremation Society
Nelson Memorial Gardens, Inc.
Northern Indiana Funeral Care

Fortville
Seals Funeral Home & Cremation Services, Inc.

Fountain
Smith - McQuiston & Webster Funeral Home

Fountaintown
Bell Mortuary and Crematory/Shangrila Chapel

Francesville
Frain Mortuary - Querry-Ulbricht Chapel

Frankfort
Archer Weston Funeral Home
Day & Genda Funeral Home
Goodwin Funeral Home, Inc.

Franklin
Flinn & Maguire Funeral Home
Jessen Funeral Home & Simple Cremation - Franklin Chapel
Swartz Family Community Mortuary & Memorial Center

Frankton
Harper & Dunnichay Funeral Home

French Lick
Brosmer-Kemple Funeral Home

Fort Branch
Stodghill Funeral Home, Inc.

Galveston
Murray-Weaver Funeral Home, Galveston Chapel

Garrett
Thomas Funeral Home

Gary
Guy & Allen Funeral Directors, Inc.
Lakeshore Funeral Services, Inc
Rendina Funeral Home
Ridgelawn Funeral Home
Smith, Bizzell & Warner Inc.

Gas City
Needham-Storey-Wampner Funeral Service
Storey Chapel

Geneva
Downing & Glancy Funeral Home

Georgetown
Gehlbach & Royse Funeral Home

Goshen
Rieth-Rohrer-Ehret Funeral Home
Yoder-Culp Funeral Home, Inc.

Gosport
Chandler Funeral Home - Whitaker Chapel

Greendale
Fitch-Denney Funeral Home

Greenfield
Erlewein Mortuary
Stillinger Family Funeral Home

Greensburg
Porter-Oliger-Pearson Funeral Home

Greentown
Hasler & Stout Funeral Home

Greenwood
Greater South Side Crematory, Inc.
Indiana Funeral Care - Greenwood
Swartz Family Church and Chapel - Funeral and Cremation Services
Wilson St. Pierre Funeral Service - Greenwood Chapel

Griffith
White Funeral Home & Cremation

Guilford
Andres-Wuestefeld Funeral Home

Hagerstown
Culberson Funeral Home

Hamilton
Oberlin-Turnbull Funeral Home

Hamlet
Rannells Funeral Home - Hamlet Chapel

Hammond
Acevez Funeral Home
Bocken Funeral Home, Inc.
Burns-Kish Funeral Home
LaHayne Funeral Home, Inc.
Solan-Pruzin Funeral Home and Crematory

Hanover
Morgan & Nay Funeral Centre - Hanover Chapel

Hartford City
Keplinger-Barry Funeral Home Inc
Waters Funeral Home Inc.

Haubstadt
Wade Funeral Home, Inc.

Heltonville
Jones Funeral Home

Henryville
Adams Family Funeral Homes & Crematory Henryville

Highland
Fagen-Miller Funeral Home
Hillside Funeral Home & Cremation Center

Hillsboro
Maus Funeral Home

Hobart
Burns Funeral Home - Hobart
Calumet Park Funeral Chapel - Hobart
Rees Funeral Home, Inc.

Hope
Norman Funeral Home

Hudson
Young Family Funeral Home - Hudson

Huntingburg
Nass & Son Inc. Funeral Home

Huntington
Bailey-Love Mortuary
McElhaney Funeral Home - Roanoke Chapel
McElhaney-Hart Funeral Home

Indianapolis
Albertson's Metro Mortuary
Bell Mortuary & Crematory
Cremation Society of Indiana
Dixon Memorial Chapel LLC
Flanner Buchanan - Broad Ripple
Flanner Buchanan - Decatur Township
Flanner Buchanan - Floral Park
Flanner Buchanan - Geist
Flanner Buchanan - Memorial Park
Flanner Buchanan - Montcalm
Flanner Buchanan - Oaklawn Memorial Gardens
Flanner Buchanan - Speedway
Flanner Buchanan - Washington Park East
Flanner Buchanan - Washington Park North
Grundy Memorial Chapel Inc.
Hendryx Mortuary, Inc.
Indiana Funeral Care & Crematory
Lauck & Veldhof Funeral & Cremation Services
Lavenia & Summers Home for Funerals
Legacy Cremation & Funeral Services - Indianapolis
Legacy Cremation & Funeral Services, Lawrence
Newcomer Cremations, Funerals & Receptions
O'Riley - Branson Funeral Service & Crematory
Oakley-Hammond Funeral Home
Simplicity Funeral & Cremation Care - Avon
Simplicity Funeral & Cremation Care - Indianapolis
Singleton & St. Pierre Funeral & Cremation Services
Sprowl Funeral & Cremation Care
Star Cremation
Usher Funeral Home
Wilson St. Pierre Funeral Service - Franklin Township Chapel
Wilson St. Pierre Funeral Service & Crematory

Jamestown
Porter & Hunt Funeral Home & Crematory - Jamestown Chapel

Jasonville
Cox Funeral Home

Jasper
Becher-Kluesner Funeral Home Inc.
Becher-Kluesner Funeral Home, Inc.

Jeffersonville
E.M. Coots' Sons Funeral Home
Legacy Funeral Center
Magnolia Cremations
Scott Funeral Home, Inc.

Kendallville
Hite Funeral Home
Young Family Funeral Home

Kewanna
Rans Funeral Homes & Crematory - Metzger Chapel

Kingman
Sanders Funeral Care

Knightstown
Heritage Funeral Care
Hinsey-Brown Funeral Service, Inc. - Knightstown Chapel

Knox
Braman & Son Memorial Chapel
M.C. Smith Funeral Home

Kokomo
Shirley & Stout Funeral Home & Crematory - Jefferson St. Chapel
Shirley & Stout Funeral Home & Crematory - Lincoln Road Chapel

Kouts
Kosanke Funeral Home

Ladoga
Servies & Morgan Funeral Home - Ladoga

Lafayette
Fisher Funeral Chapel & Cremation Services
Hahn-Groeber Funeral Home
Hippensteel Funeral Home Inc
Simplicity Funeral Care
Soller-Baker Funeral Homes, Inc.

LaFontaine
McDonald Funeral Home Lafontaine Chapel

LaGrange
Frurip-May Funeral Home
Hess Funeral Home & Cremation Services

Lake Station
Rees Funeral Homes, Inc. - Brady Chapel

Lakeville
Palmer Funeral Home Lakeville Chapel

Lapel
Bozell Funeral Homes
Keller Mortuary Services

LaPorte
Cutler Funeral Home and Cremation Center
Frank L. Keszei Funeral Home Inc. Essling Chapel
Haverstock Funeral Home

Lebanon
Boone County Crematory
Myers Mortuary Inc.

Lewisville
Marshall & Erlewein Funeral Home - Lewisville Chapel

Ligonier
Legacy Cremation & Remembrance Center
Yeager Funeral Home

Linden
Hahn-Groeber Funeral Homes

Linton
Anderson-Poindexter Memory Chapel
Welch & Cornett Funeral Home

Logansport
Fisher Funeral Chapel & Cremation Services
Gundrum Funeral Home, Inc
Kroeger Funeral Home, Inc.
Rans Funeral Homes & Crematory - Marocco Chapel

Loogootee
Blake Funeral Home

Lowell
Sheets Funeral Home & Cremation Services

Lynn
Wilson Shook Funeral Home Thomas Memorial Chapel

Lynville
Pemberton-Bradley Funeral Home

Lyons
Lester Jenkins & Sons Funeral Home, Inc.

Madison
Morgan & Nay Funeral Centre

Marengo
Dillman-Green Funeral Home

Marion
Armes-Hunt Funeral Home & Cremation Services - College Park Chapel
Integrity Funeral Care
Needham-Storey-Wampner Funeral Service
Raven Choate Robinson Funeral Home

Martinsville
Costin Funeral Chapel, Inc.
Neal & Summers Mortuary

Medaryville
Frain Mortuary - Querry-Ulbricht Chapel

Mentone
King Memorial Home

Merrillville
Calumet Park Funeral Chapel
Geisen-Pruzin Funeral & Cremation Services

Michigan City
Coleman-Hicks Funeral Home and Crematory
Geisen-Carlisle Funeral & Cremation Services
Ott/Haverstock Funeral Chapel
Root Funeral Home, Inc.

Middlebury
Miller-Stewart Funeral Home

Middletown
Ballard and Sons Funeral Homes

Milford
Mishler Funeral Home

Mishawaka
Hahn Funeral Homes
Palmer Funeral Home Bubb Chapel
Wells & Cruz Funeral Home

Mitchell
Chastain Funeral Home
Haverly Funeral Chapel

Monroe
O.D. Harris & Sons Funeral Home - Monroe City

Monroeville
Zwick & Jahn Funeral Home - Jacobs Chapel

Monrovia
Light Memorial & Funeral Chapel

Montgomery
Blake & Wagler Funeral Home

Monticello
Deibels Funeral Home
Miller-Roscka Funeral Home
Springer-Voorhis-Draper Funeral Home

Montpelier
Walker & Glancy Funeral Home

Mooresville
Carlisle-Branson Funeral Service & Crematory
Jones Family Funeral and Cremation Service

Morgantown
Meredith-Clark Funeral Home

Morocco
Steinke Funeral Home - Morocco

Morristown
Freeman Family Funeral Homes & Crematory

Mt. Vernon
Schneider Funeral Home

Mulberry
Day & Genda Funeral Home - Mulberry Chapel

Muncie
Parson Mortuary, Inc.
Parson Mortuary, Inc.
The Meeks Mortuary
The Meeks Mortuary, Mt. Pleasant Chapel

Munster
Burns-Kish Funeral Home
Kish Funeral Home & Cremation Services

Nappanee
Thompson-Lengacher & Yoder Funeral Home

New Albany
Naville & Seabrook Funeral Homes
Naville & Seabrook Funeral Homes - Oak Street Chapel
Newcomer Cremations, Funerals & Receptions

New Carlisle
Kaniewski Funeral Homes, Inc.

New Castle
Hinsey-Brown Funeral Service, Inc.
Rose City Funeral Home - Macer-Hall Marcum Chapel
Sproles Family Funeral Home

New Harmony
Werry Funeral Home

New Palestine
Hendryx Mortuary New Palestine Chapel

New Washington
Grayson Funeral Home - New Washington

Newburgh
Titzer Family Funeral Homes - Simpson Chapel

Noblesville
Flanner Buchanan - Hamilton Memorial Park
Randall & Roberts Funeral Home
Randall & Roberts Funeral Home

North Judson
Braman and Bailey Funeral Home

North Liberty
Palmer Funeral Home North Liberty Chapel

North Manchester
Grandstaff-Hentgen Bender Chapel
McKee Mortuary

North Salem
Porter & Hunt Funeral Home & Crematory - North Salem Chapel

North Vernon
Sawyer-Pickett Funeral Home

North Webster
Titus Funeral Home, Owen Chapel

Oakland City
Corn-Colvin Funeral Home
Lamb-Basham Memorial Chapel, Inc.

Oaktown
Fredrick and Son McClure-Utt Funeral Homes and Crematory - Oaktown Chapel

Oceola
Cruz Family Funeral Home

Odon
Meng Family Funeral Home

Orleans
Ochs-Tetrick Funeral Home

Oxford
Hahn-Groeber Funeral Homes

Palmyra
Love Funeral Home, Inc.

Paoli
McAdams Mortuary, Inc.

Parker City
Wilson Shook Funeral Home Thornburg Chapel

Pekin
Hughes-Taylor Funeral Homes Inc - Pekin

Pendleton
Bozell Funeral Homes - Lahm Chapel

Pennville
Williamson, Spencer & Penrod Funeral Homes

Peru
Eikenberry-Eddy Funeral Home
Flowers-Leedy Funeral Home
Riverview Funeral Home

Petersburg
O.D. Harris & Sons Funeral Home

Pierceton
McHatton - Sadler Funeral Chapels

Plainfield
Hampton-Gentry Funeral Home

Plymouth
Deaton-Clemens Van Gilder Funeral Home
Johnson-Danielson Funeral Home

Portage
Edmonds & Evans Funeral Home
Lily Cremation & Burial
Rees Funeral Homes, Inc. - Olson Chapel

Portland
Baird-Freeman Funeral Home
Williamson, Spencer & Penrod Funeral Homes

Poseyville
Werry Funeral Home - Poseyville

Princeton
Colvin Funeral Home, Inc.

Ramsey
Swarens Funeral Home, Inc.

Rensselaer
Jackson Funeral Chapel
Steinke Funeral Home

Richmond
Community Family Funeral Home
Doan & Mills Funeral Home
Riggle-Waltermann Mortuary
Stegall-Berheide-Orr Funeral Home

Rising Sun
Markland Funeral Home, Inc

Roachdale
Servies & Morgan Funeral Home

Roann
Grandstaff-Hentgen Roann Chapel

Rochester
Good Family Funeral Home

Rockport
Boultinghouse Funeral Home
Barnes and Rice Funeral Home
Gooch Funeral Home

Rosedale
Cottrell-Gooch Funeral Home

Rossville
Day & Genda Funeral Home - Bodine Chapel

Royal Center
Rans Funeral Homes & Crematory - Harrison Chapel

Rushville
Moster Mortuary
Todd Funeral Centre & Crematory

Russiaville
Stout & Son Funeral Home

Saint Paul
Glenn E George Funeral Home

Salem
Dawalt Funeral Homes, Inc.
Hughes-Taylor Funeral Homes, Inc.
Weathers Funeral Home

Schererville
Solan-Pruzin Funeral Home and Crematory

Scottsburg
Adams Family Funeral Homes & Crematory Scottsburg
Collins Funeral Home, Inc.

Sellersburg
Garr Funeral Home

Seymour
Burkholder Chapel
Voss & Sons Funeral Service

Sharpsville
Stout & Son Funeral Home

Shelbyville
Freeman Family Funeral Homes & Crematory
Glenn E. George and Son Funeral Home
Murphy-Parks Funeral Service

Sheridan
Kercheval Funeral Home

Shirley
Liming Family Funeral Home

Shoals
Queen-Lee Chapel

South Bend
Alford's Mortuary Inc.
Boyd and Sons Funeral Home
Cobb Funeral Home
Danilewicz Funeral Service Inc.
Hanley & Sons Funeral Home, Inc.
Harper Funeral Homes, LLC
Kaniewski Funeral Homes, Inc.
Palmer Funeral Home Guisinger Chapel
Palmer Funeral Home Hickey Chapel
Palmer Funeral Home River Park
Palmer Funeral Home Welsheimer Chapel North
Palmer Funeral Home West Chapel
St. Joseph Funeral Home
Zahoran Funeral Home, Inc.

South Whitley
Smith & Sons Miller Chapel

Speedway
Conkle Funeral Home, Inc.

Spencer
West & Parrish & Pedigo Funeral Home

Spencerville
Carnahan Baidinger & Walter Funeral Home

St. John
Elmwood Funeral Chapel
Fagen Miller Funeral Home - St John

Sullivan
Brust Funeral Home
Holmes Memorial Chapel

Summitville
Owens-Noffze Funeral Home

Sunman
Cook Rosenberger Funeral Home

Swayzee
Needham-Storey-Wampner Funeral Service
Rybolt Chapel

Syracuse
Titus Funeral Home, Owen Chapel

Tell City
Huber Funeral Home
Zoercher-Gillick Funeral Home

Terre Haute
Callahan & Hughes Funeral Home

Thorntown
Myers & Hunt Mortuary

Tipton
Young-Nichols Funeral Home, Inc.

Trail Creek
Emmanuel Funeral Home and Cremation Services

Union City
Wilson Shook Funeral Home Fraze Brooks Memorial Chapel

Upland
Armes-Hunt Funeral Home & Cremation Services - Jones-Smith Chapel

Vallonia
Johnson Funeral Home

Valparaiso
Bartholomew Funeral Home
Dykes Funeral Home, Inc.
Moeller Funeral Home

Van Buren
Ferguson & Glancy Funeral Home

Veedersburg
Dickerson Funeral Home

Vevay
Haskell & Morrison Funeral Home

Vincennes
Duesterberg-Fredrick Funeral Home
Fredrick and Son McClure-Utt Funeral Homes and Crematory - Vincennes
Gardner & Brockman Funeral Home
Goodwin Sievers Funeral Home

Wabash
Grandstaff-Hentgen Funeral Service
McDonald Funeral Home, Inc

Wakarusa
Rieth-Rohrer-Ehret-Lienhart Funeral Home
Thompson-Lengacher & Yoder Funeral Home

Walkerton
Hanley & Sons Funeral Home - Walkerton Chapel
Rannells Funeral Home - Koontz Lake Chapel

Walton
Murray-Weaver Funeral Home, Walton Chapel

Wanatah
Wanatah Funeral Chapel

Warren
Glancy-H. Brown & Son Funeral Home

Warsaw
Cremation Services of Kosciusko County
McHatton - Sadler Funeral Chapels
Redpath-Fruth Funeral Home
Titus Funeral Home, Inc.

Washington
Ed Lee Mortuary
Gill Funeral Home
Goodwin Sievers Funeral Home

Waveland
Machledt & Servies Funeral Home, Inc.

Waynetown
Sanders Shoemaker Funeral Care

West Lafayette
Soller-Baker Funeral Home - West Lafayette Chapel
Tippecanoe Funeral and Cremation Services

West Lebanon
Grady Funeral Home

West Terre Haute
Fitzpatrick Funeral Home

Westport
Bass & Gasper Funeral Home

Westville
Newhard Funeral Home

Wheatfield
Boersma Funeral Home, LLC
Integrity Funeral Service & Cremation

Whiteland
Jessen Funeral Home & Simple Cremation - Whiteland Chapel

Whiting
Baran & Son, Inc.

Wilkinson
Bozell Funeral Homes - Condo Chapel

Williamsport
Grady Funeral Home

Winamac
Frain Mortuary Inc.

Winchester
Walker Funeral Home

Wingate
Family & Friends Funeral Home, Inc.

Wolcottville
Young Family Funeral Home - Wolcottville

Worthington
Welch & Cornett Funeral Home

Zionsville
ARN Funeral & Cremation Services
Flanner Buchanan - Zionsville
Simplicity Funeral & Cremation Care - Zionsville

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samfrain@gmail.com

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kcgoins@cinergymetro.net

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The Case of the Preneed Transfer

There appears to be a lot of confusion over the whole subject of preneed transfers from one funeral home to another. Maybe it's time to review the law.

This topic came up again when a member called to say that a nearby competitor had stopped by asking for the preneed files on two individuals who had transferred their contracts to him. In the spirit of cooperation, he gave the files to him and then called the preneed insurance company involved and indeed it was confirmed that the policies had already been transferred to the competitor's funeral home. Something didn't seem right to him, so he called IFDA.

Another funeral home called some months back when he found out a consumer had transferred their preneed contracts to a competitor and he didn't know anything about it. He questioned whether or not someone should have told him.

The pertinent law is IC 30-2-13-13 (page 70 SUBJECT TO CHANGE) which gives the purchaser the absolute right to transfer a preneed contract to a "successor seller." (A) (1) (b) says that this can be done "preneed" (before the named individual dies) or "at-need (the person has died and the family wants to use a different funeral home).

But both cases above involve a transfer prior to the person's death— a transfer from your funeral home to your competitor's. The law is very clear that the purchaser must initiate this process with a written notice to the currently designated seller (your funeral home) to the successor seller (your competitor) and the trustee (that could be MasterChoice for instance or a preneed insurance company).

Now admittedly, the consumer is unlikely to know how to do this, but I'm sure your competitor will be more than happy to assist them. If the purchaser comes to you first, you can have them sign a statement saying that they want to transfer from your firm to the other.

In the event your competitor was not furnished with a copy of the contract, he has the right to review the contract before accepting it. Remember, a firm accepting a preneed transfer is required to maintain the guarantee and provide all services and merchandise specified for the amount held in trust or the value of the insurance policy. (It doesn't happen very often, but we have had a couple of funeral homes refuse a transfer because the original contract was heavily discounted or the amount held in trust will produce a large shortfall. Several firms have refused NPS preneed transfers because the policies are "frozen" at face value.)

Once your competitor accepts the designation as successor seller, you are then required to relinquish all rights to the contract and release all funds to the successor seller. Of course for that last part usually nothing much really happens. With MasterChoice and the preneed insurance companies, the computer records are simply changed to show the successor funeral home. Money and policies really don't go anywhere.

Finally, the trustee (again, MasterChoice for instance or the preneed insurance company) must confirm the transfer to the seller (you) the successor seller (your competitor) and the purchaser. That completes the process.

So in both cases above, you can see that several things were done incorrectly. The first funeral home should never have given the preneed files to the competitor without a written transfer request from the consumer. He should have been suspicious when the competitor told him the consumer had "transferred" their preneed contract to him- past tense—already done.

And in both cases, the preneed insurance company broke the law by transferring the policies to the name of the competitor funeral home without notifying the original funeral home and they may have also broken the law if they did not have a written notice requesting the transfer, signed by the consumer, in the first place. If everyone is following the law, you cannot "lose" a preneed without knowing it.

One final situation we sometimes run into. A funeral home assisting a family in transferring their preneed contract from (typically) a cemetery or combo is told that the casket and/or vault funds are deposited in an escrow account and cannot be transferred. They tell you they will transfer the service portion of the contract, but that they will deliver the casket and/or vault at the time of need. We've talked about this before too, and we'll give you the answer again, but it will have to wait until the next issue.

The Case of the Preneed Transfer—Part 2

In part 1 we talked about preneed transfers and ended with the situation where a funeral home assisting a family in transferring their preneed contract from (typically) a cemetery or combo, is told that the casket and/or vault funds are deposited in an escrow account and cannot be transferred. They tell you they will transfer the rest of the contract, but that they will deliver the casket and/or vault to you at the time of need.

First let's deal with whether or not they can do this. The law is clear. When a consumer transfers a preneed contract, the entire contract transfers. The seller does not have the right to retain any portion of the contract. IC 30-2-13-13 (c)(3) says the seller shall *"release from trust or escrow...all property being held as consideration..."* If that is not clear enough, 832 IAC refers back to IC 30-2-13 and says that they *"may not hold back or retain the right to make future delivery of any item of service or merchandise."*

So if a seller tells you they cannot (or will not) transfer a portion of the contract, simply point them to these laws and tell them they are required to transfer the entire contract.

Now let's deal with why they would want to do this. You probably have already guessed that it has to do with money. It's a good deal for them and a bad deal for you. Even though they are losing the preneed contract, they want a chance to still make money from it.

Suppose they sold a $1,000 casket (wholesale) for $2,000. They place the money into their escrow account so they can take off the interest every year for cemetery maintenance. If they can earn 3% on the money they have an income of $60 per year. Not a lot by itself, but multiply that by a couple hundred preneed contracts, and you get the idea. So by keeping that portion of the preneed contract, they preserve their income stream.

But there is more. They will also most likely make money when they deliver the casket. Let's suppose the cost of the casket is going up 5% a year. At

that rate, it will take over 14 years for their $1,000 profit to be eroded by the increasing cost. That is a lot longer than the term of the average preneed. That means they still make money on the casket sale and you don't.

But what happens if the money is transferred to you? By law, they only have to transfer the original amount deposited, $2,000. Remember, in an escrow account they have removed all interest earned. Suppose by now, the wholesale cost has risen to $1,100. You will still make $900 if the person were to die today. But you will place the money into trust, so it will begin to earn money. Based on the (net of all fees) rate of 5.34% 3 year average return or 8.84% 5 year average return from the MasterChoice Income Plus Fund, you will probably begin to gain on the casket cost. You will make money on the casket sale, not the other guy.

One final point. There are no specific forms necessary to do a preneed transfer. The consumer can initiate the process with a letter stating they want to transfer their contract or a funeral home can devise a simple form for the consumer to sign. When the successor seller agrees to the transfer, there is nothing wrong in you having them sign a form acknowledging that they accept the designation as successor seller thus relieving you of your responsibility to service the contract. When you release your copy of the preneed to them, you can ask them to sign a receipt.

But we have seen some firms develop rather elaborate agreements they expect the successor seller to sign before they will release the preneed contract. The law does not allow the seller to place conditions on the transfer or to withhold a transfer based on the seller's refusal to sign such agreements. If you run into this situation or have any questions, please give us a call.

The Case of the Previously Issued Policy

It's a close call as to which raises more preneed questions, preneed transfers or previously issued policies. Let's take it step by step.

Let's first make sure everyone is together on this from the start. This has nothing to do with preneed insurance policies issued by companies such as Forethought or Homesteaders. By a "previously-issued" policy (or "previously *existing*" policy— the law uses both terms) we are talking about a regular life insurance policy a consumer may own from companies such as Met Life, Prudential, New York Life, etc.

Typically these are whole life policies, which means that (usually) a premium must be paid each year to keep the policy in effect and the company pays a set amount known as the face value upon death. These policies do not grow in value like a preneed policy does. Instead, they typically accumulate a growing cash value.

For Medicaid purposes, this policy is considered an asset and can prevent someone from qualifying for nursing home assistance. The consumer is left with two options – cash-in the policy and accept the cash value, which is usually a fraction of the face value, or use the policy itself to fund a preneed funeral.

Let's take the cash-in option first. It may make sense. Suppose the person has a $50,000 policy which has accumulated a $15,000 cash value. They could easily fund a funeral for that amount, have a regular guaranteed preneed contract, no longer have to worry about paying the premium, and qualify for Medicaid assistance.

But suppose they have a $20,000 policy with a cash value of $1,500. Cashing it in wouldn't make much sense.

Instead they can use the $20,000 policy to fund the funeral as provided for by the Preneed Act. It's more work for the funeral home and there are a couple of landmines to avoid, but you just might be able to fund a complete funeral rather than winding up with a direct cremation or Medicaid burial.

Let's pause here. We know of many cases where the funeral home simply had themselves named as owners and/or beneficiaries of the policy. Even if the funeral director's intent was pure, he has not only failed to meet Medicaid requirements for the family and violated the Preneed Act, he has set himself up for charges of criminal fraud. He has taken someone's insurance policy, assigned it to himself, and offered nothing in return. Don't stop here! There is more to this process! So let's take it step by step, the correct way.

1. Assist the consumer in selecting the services and merchandise they desire just like any other preneed situation. Complete a *Statement of Funeral Goods and Services Selected*. At the same time...

2. Execute a preneed contract with the consumer for the goods and service selected. Show the policy as the funding mechanism. Make sure the consumer understands that services and merchandise are not fully guaranteed if the policy proceeds are less than the funeral costs at the time of need. Also make sure they understand that if the person is on Medicaid, excess funds revert to the state.

   When you use MasterChoice, we supply you with a contract form because you are establishing the preneed contract with us. In this case, you need a contract with the same legal elements, but MasterChoice will not be involved. So go to the IFDA website and download our generic trust agreement designed just for this situation.

   The insurance company may want a copy of this contract before they complete Steps 3 and 4. So at the same time...

3. The ownership of the policy must be irrevocably assigned to the funeral home. Contact the insurance company on behalf of the consumer and assist them in completing the necessary forms to have this done. At the same time...

4. Irrevocably change the beneficiary to the funeral home as well.

   The first hurdle you may encounter is the insurance company saying this is illegal. A funeral home cannot be the owner and/or beneficiary of a policy. But Indiana changed the law in 1999 making this process legal if done properly under the Preneed Act. Tell them that. If they still don't believe you, go to the IFDA website and send them a copy of Bo's opinion and a letter from the Indiana Department of Insurance confirming that this is legal under Indiana law. If they still don't cooperate, tell them you are filing a formal complaint with the Department of Insurance. If that still does not work, file the complaint on behalf of the consumer. I think by now, we have most of the major companies convinced, but you might still find a hold out. Eventually they will comply with the law. *(IFDA is not a party to this transaction, and we do not work for the consumer. We cannot file the complaint for you on their behalf. But if you do not receive adequate assistance from the IDOI, please give us a call.)*

   The second hurdle is a company saying they can't irrevocably assign ownership but they can irrevocably assign proceeds to the funeral home. That does not work and that is not what the law says. Medicaid will not accept this. If the consumer is still owner, they could still take out a loan on the policy or attempt to change the beneficiary. Ownership must be assigned to the funeral home so that the consumer has no control over the policy. If you have this problem, see paragraph above. At the same time...

5. The policy must be held in trust just like a preneed insurance policy or the funds from a MasterChoice contract. The law allows (in these instances only) that your funeral home can act as Trustee to hold the policy. A form to do this is also on our website. Download and complete it.

6. The law requires that you make a list of all such policies held in trust. Nothing fancy needed here, just a list in the event you are inspected by the state board.

7. At the same time... well, that's it. It's a single process with multiple steps.

One suggestion: try leave some room between the amount of the contract and the face value of the policy. Remember, your costs will go up, but the insurance policy will not grow. So if you have a $10,000 funeral and a $10,000 policy, the family will immediately have a shortfall problem. If you have a $10,000 funeral and a $20,000 policy, your prices can go up $1000 a year for 10 years before you have a financial issue where the family will have to either downgrade the funeral or put in money of their own. Again, if the person is on Medicaid, any excess goes back to the State.

Two more scenarios you may encounter. The consumer may still be paying an annual premium on the policy (it's not a "paid-up" policy). Feel free to hate this situation. If they stop paying the premium, the policy could lapse, and their funeral contract becomes worthless. (Remember, you are not guaranteeing to perform services beyond the amount you receive on the policy). Make sure they understand this. Will someone in a nursing home be capable of keeping their policy current? Will a family member make sure this is done every year? Believe it or not, a nursing home resident with no other funds and no family is having their life insurance policy premium paid by the funeral home— $47 a year out of the funeral home's pocket, so that the preneed contract will remain funded. The funeral director thinks that's a better option than to let the policy lapse and have to bury the person for the Medicaid burial allowance.

And if you really want something to hate, have a family try to fund a $10,000 funeral with a $1,500 policy they refuse to cash in and $8,500 in cash. How do you determine what is guaranteed and what is not?

If you still have questions, give IFDA a call. That's why we are here.

But That is Not What We Want

We now continue our series on preneed situations and this issue we tackle the question of families who now want to change preneed arrangements.

Mr. and Mrs. Jones prearranged their funerals with you years ago because they had no children and wanted to make sure their wishes were carried out and that they were buried together in the local cemetery. They selected full services, 18 gauge caskets, and mid-priced vaults. Mr. Jones died a few years ago and everything went off without a hitch.

Now Mrs. Jones has died and the only family left are a niece and a nephew. They arrive at the funeral home and announce that they do not want to have a visitation, funeral or service of any kind. Instead they want a direct cremation and the ashes buried with her husband. Certainly not what Mr. and Mrs. Jones had in mind. Oh, and of course they want the price difference to be refunded to them. It will cover the cost of their trip to Indiana to pay their respects to their dear auntie and give them some spending money to boot.

Across town, your competitor is also dealing with a preneed family. There, John's parents had prearranged very modest services. But now his father has died and John, who has been very successful in business, wants to bury his father in a solid bronze casket rather than the simple 20 gauge originally chosen.

So does the law allow a family to disregard the preneed arrangements and do whatever they want?

The simple answer is yes. A preneed contract is pretty much one-sided. You are required to provide the services and merchandise selected, but the family is not bound to do what was arranged for. If a preneed client wants to insure that they receive what they have arranged for, they should execute a Funeral Planning Declaration that names a designee that they trust to carry out their wishes despite any family pressure to do otherwise.

So it is perfectly acceptable for John to upgrade his father's casket, as long as his mother, the legal next-of-kin, does not object.

Likewise, the family you are serving has the right to downgrade services. But here is where it can get kind of messy.

Suppose you personally knew Mrs. and Mrs. Jones and kind of promised them that prearranging was a way to insure they would get what they wanted. You now feel a little uncomfortable knowing that you did not live up to your word. Worse, you feel the attitude of the niece and nephew is almost criminal— like they are stealing from the dead.

You do have a good card to play here to thwart the distant relatives. The law does not say you must refund any excess funds to the family (Note: This applies if the contract was written after 1999. In addition, if the person was on Medicaid, any excess goes back to the state anyway.)

You have the option of saying, "You can choose whatever services you want, but I am not required to refund any money to you. Your aunt arranged for a funeral and I am prepared to provide it. I can't force you to abide by her wishes, but I can take away any financial incentive for you to deny her the services she wanted."

There is precedent for this in the business world. If your restaurant dinner includes the vegetable of the day—asparagus, and you hate asparagus, don't expect the restaurant to take $2 off your tab if you refuse it.

Lest they think you are simply denying them a refund to pad your own pocket, or you do not feel entitled to keep the money, you tell them that you will donate the excess to the Salvation Army. Their aunt may not get the service she wanted but least the community she lived in will benefit.

You also have the right to take this on a case-by-case basis. You can consider many factors. Is this a local family that will speak ill of you in the community? Are they downgrading services for a good reason other than financial gain? (The person has outlived all their friends so they want a graveside service rather than a full church funeral, for instance.) Will you ever serve or even see this family again?

Some readers may totally disagree with this answer. You might think our moral compass has run amok and you would never consider keeping a dime. Some of you still refund any excess from preneed accounts even if it was derived from good investing.

We are not judging what is right or wrong here. We are not suggesting you go against your conscience. Your conscience may be urging you to refund the money or it may be urging you to protect the interests of a sweet little old lady. In fact, we are urging you to *let your conscience be your guide*. Our point is that since the law is silent, that is the only guide you have.

I Changed My Mind

This is the last in our series on Preneed issues. It doesn't happen very often, but it's a difficult situation when it does. An upset preneed client tells you that they want their money back.

Why? We've seen several scenarios. They read an article about funeral ripoffs, are worried about being a victim themselves, and want their money refunded. Or they read something about the Illinois trust problem or the NPS debacle and want to cancel their preneed contract. Or they are worried about running out of money in their later years and see their funeral contract as money they can use now. Or they got their year-end trust interest statement and are upset about having to pay taxes.

Regardless the reason, they share one thing in common. And here we must be blunt. Most of these situations could have been eliminated or mitigated by spending an extra five minutes at the time of sale. Now, instead of an

ounce of prevention, it is going to take a pound of cure. Instead of giving a reminder or a reassurance you have an upset client and they are not going to like the bottom line answer— all preneed contracts in Indiana are irrevocable. They can't get their money back.

So let's take some of these situations and review what should be said at the time of sale so you can (in most cases) avert a situation with an angry client.

Afraid of a rip-off
Be open and candid. Admit that there have been both trust failures and insurance failures. *"But I have carefully investigated the trust or insurance company I use (I hope that is true!) and are confident that they will be around for the next 20-30 years and beyond. But even if they were to fail, Indiana law protects you. I have to provide the services and merchandise selected regardless of what happens to your money. If I were to sell my business, the person buying it is required by law to honor your contract. Nothing in this world is foolproof, but Indiana preneed laws are fundamentally different than many other states and are meant to protect you."*

The trust tax letter
Explain to the client that the IRS requires that trusts report interest earned to them (its IRS Ruling 87-127 if someone asks). *"Yes, it is strange and seems unfair because its money you can't spend, but that is what the government requires. If nothing else, the letter assures you that we deposited your money in trust just like we said we would and it's still there. No one has messed with it. Also remember that regardless of the amount of interest you see it earning, your funeral service is guaranteed."* Now if this is a concern, here are some options:

1. If the person is going on Title XIX Medicaid, they will not be paying taxes anyway, so you can simply disregard the letter.

2. If they don't have to file taxes and don't even want to see the letter they can sign a form (from MasterChoice) saying so and the trustee will not send the letter to them.

3. If they do have to pay taxes and don't think the IRS is being fair here, you can put the money in a tax-free fund. They will still get the letter (because there could be circumstances where another state might try taxing the interest), but generally they won't have to pay taxes on the interest.

They may forget and call you the first time they get the letter, but now you simply have to remind them of what you told them and it should be a non-issue.

They want to spend the money
Be very clear that after 30 days, their contract becomes irrevocable.

"Irrevocable means that although you can transfer the contract (trust or insurance) to another funeral home if you were to move, you cannot get a refund. There is good reason for that. To qualify for Medicaid assistance now or in the future, the funeral trust must be written that way."

There is one last issue we have had come up in regard to this. The person who has a prearrangement decides they want to downgrade their own funeral services and have you refund the difference to them now. Again, the contract is irrevocable and money cannot be removed from trust, whether using MasterChoice or preneed insurance. The best you can advise them now is that they should state their wishes to their family. They can downgrade services at need and any overage will be dealt with at the time.

To assist you in making these issues clear to your clients, MasterChoice has a one-page explanation of preneed trusts in Indiana that you can leave with your clients after they have prearranged. It explains these issues in plain language and will supplement what you have told them. It's available free to our members on our website under "Online Forms."

One More Time... Vaults
This law became effective July 1, 2008, but we find that a significant number of funeral homes are not in compliance.

IC 23-14-77 (The Cemetery Act)
Sec. 1. A person who sells or otherwise furnishes to another person a vault that:
will be used to encase the remains of a deceased individual; and
is not airtight and watertight; shall inform the other person in writing that the vault is not airtight and watertight before the person sells or otherwise furnishes the vault to the other person.

IC 30-2-13-13-12.5 (The Preneed Act)
…If the merchandise or cash advance items include a vault (as defined in IC 23-14-33-33) that:
will be used to encase the remains of a deceased individual; and is not airtight and watertight;

The contract must include a written statement indicating that the vault is not airtight and watertight.

Funeral directors generally consider vaults to be air and/or watertight and grave boxes, grave liners, or other outer burial containers not to be air and/or watertight. But Indiana law does not make that distinction. Indiana law defines any type of underground container as a vault. Allegations of consumers being misled on the protection provided by the container they purchased prompted this law.

To comply with this law, you should add this or a similarly worded sentence to your *"Statement of Funeral Goods and Services Selected."*

The vault you are purchasing is not airtight and/or watertight. – OR – We do not claim that the vault you are purchasing is airtight and/or watertight.

If the container they are purchasing is a "sealed" vault, we recommend that you still provide the above statement to avoid having your funeral home becoming the provider of a warranty under the Magnusson-Moss Act. While you are at it, let's make sure no one things the casket is airtight or watertight either. We recommend that this disclaimer be included on your General Price List (GPL) and even your merchandise price lists (CPL and OBCPL).

Our funeral home makes no representations or warranties that the casket or vault you are purchasing is airtight and/or watertight.

The only warranties, expressed or implied, granted in connection with the vault, casket, or other merchandise you select are the express written warranties, if any, granted by the manufacturer.

Our funeral home hereby expressly disclaims all warranties, expressed or implied, relating to any or all of these items including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

One More Time... Memorial and graveside services
We repeatedly get questions as to where in the law it says a funeral director must be present at a funeral or graveside service... especially when cremated remains are involved. Unfortunately, Indiana laws are sometimes not written in a straightforward manner. Nevertheless, the law is clear. We just have to look at several statutes to get the complete answer.

The first relevant statute is IC 25-15-2-17 which defines those acts which are regarded as practicing funeral service. Section (3) includes *"arrang-*

ing, supervising, or conducting a funeral service." So clearly, conducting a funeral requires a funeral director's license and a funeral director must be present to supervise.

The section goes on to state that this requirement does not include the actual interment performed by cemetery personnel—the *"physical acts associated with interment."* This draws the line as to when "funeral services" end and when the cemetery takes over. Once the service is concluded and the cemetery workers take over, the presence of a funeral director is no longer required.

Then IC 25-15-2-11 defines funeral as a *"a memorial service or ceremony for a deceased individual where human remains or cremated remains are present or a memorial visitation or viewing of the human remains of a deceased individual."* This confirms that whenever a service or ceremony of any kind is held, regardless of location, a funeral director must be present if the body is present, whether the body has been cremated or not. Note that the definition includes a visitation or viewing. Yes, a funeral director must be present then too.

This is further confirmed in IC 25-15-2-10. This statute specifies those people and activities which are exempt from having a license. Included in section (6) would be anyone (like a minister) who *"arranges, supervises or conducts a religious or memorial service for a deceased individual if the human remains of the deceased are not present at the service…"* Section (7) addresses the alternative when the body is present. The exemption extends to a person who *"Conducts a religious or memorial service with the human remains present if the funeral is arranged and directly supervised by a funeral director."* So that makes it even clearer. If the body is not present, anyone can arrange and conduct a service. If the body is present, a funeral director must be present.

That this includes cremated remains if further confirmed in IC 25-15-2-18 which defines human remains as *"any part of the body of a deceased individual. The term includes human remains that have been cremated."* Cremated remains are therefore considered to be human remains.

So put together, the statutes clearly answer the question: If a service is held without a body and without the cremated remains, no funeral director is required. If a service is held and the body or the cremated remains are present then the services must be directly supervised by a funeral director.

Obviously we don't know how the law would be enforced if a family decides to have a memorial service on their own without the use of a funeral director, so we think all you can do is advise them of what the law says. Once churches and cemeteries are made aware of the statutes, we would hope that they would choose to follow the law and require the presence of a funeral director at all memorial and graveside services where the cremated remains are present.

One More Time—License vs Courtesy Card

A. *If you live in Indiana and have an Indiana Funeral Director's license:*

You must be affiliated with an Indiana licensed funeral home in order to practice funeral service. [IC 25-15-8-6]

If you want to make a removal, file a death certificate, conduct a funeral, or conduct a graveside service in Kentucky, Michigan, or Ohio, you must apply for a Courtesy Card in that state. Contact their state licensing board.

Illinois does not offer a Courtesy Card to out-of-state funeral directors. You cannot legally perform any funeral service functions in Illinois.

B. *If you live in another state and have an Indiana Funeral Director's license:*

You cannot perform any acts of funeral service in Indiana unless you are affiliated with an Indiana licensed funeral home. [IC 25-15-8-6] You are not eligible to apply for an Indiana Courtesy Card. (You can have one or the other, but not both.)

C. *If you do not have an Indiana funeral director's license but are licensed as a funeral director in Kentucky, Ohio, or Michigan:*

You must obtain an Indiana Courtesy Card in order to make a removal, file a death certificate, conduct a funeral service, or conduct a graveside service in Indiana. IC 25-15-10-8 - see page 49 of the Book of Fact (page number subject to change) Contact the Indiana State Board of Funeral and Cemetery Services to apply. Go to www.pla.IN.gov.

"Affiliated" as used here means that you have notified the state board that you are acting as an agent of that funeral home. [IC 25-15-8-6] In addition, you must have your license displayed in that funeral home.

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SUMMARY OF PRACTICE ACT

The practice of the profession is a regulated profession in the State of Indiana.

All regulation and licensing is conducted by the State Board of Cemetery and Funeral Services.

All funeral directors and funeral homes are required to be licensed. Certain persons are exempt from licensing; they are:

- A seller of funeral merchandise, at need;
- A seller of funeral merchandise, preneed, only if the sale is ratified by a licensed person;
- A person who only cremates human remains;
- A person who performs services for a morgue;
- A person who performs services for a school of mortuary science;
- A person who conducts a funeral where the remains are not present and final disposition of remains will be conducted under the authority of a licensed person;
- A person who conducts a religious or memorial service where the human remains are present, but only if the funeral is arranged and directly supervised by a licensed person; and
- A cemetery that sells or offers advice concerning methods of final disposition.
- Licensing Requirements.
- Funeral Home Licensees must:
- Operate the funeral home in compliance with Board rules;
- Disclose the name and principal address of the applicant, including the names of officers and directors for corporate applicants;
- Disclose the location of the funeral home;
- Identify the licensed funeral director who manages the funeral home; and
- Comply with other Board requirements and pay the license fee.
- Funeral Home Branch Location Licensees must:
- Possess a valid funeral home license; and
- Pay the fee set by the Board.
- Funeral Director Intern Licensees must:
- Be 18 years of age;
- Have a degree from an accredited high school;
- Prove no conviction of an act otherwise a ground for discipline, and no commission of a crime that has a direct bearing on ability to practice competently;
- Meet with academic requirements for mortuary science;
- Take and pass the Board's examination; and
- Pay the license fee set by the Board.

Funeral Director Licensees must:

- Be 18 years of age;
- Prove no conviction of an act otherwise a ground for discipline and no commission
- of a crime that has a direct bearing on the ability to practice competently;
- Meet the academic requirements for mortuary science;
- Pass the Board's examination;
- Have 1 year of continuous professional experience under the direct supervision of a funeral director licensee;
- Pay the licensee fee set by the Board; and
- Licenses expire and must be renewed every two years.

Continuing Education
Funeral Director Licensees must obtain 10 hours of accredited continuing education in any two-year period plus OSHA training once each year. This gives a total of 12 hours in the two-year period. Out of the 10 continuing education hours 4 of those hours must be on Indiana law.

The synopsis of the section of the Indiana Code concerning the Practice Act is for general information purposes only and is not intended to give legal advice or provide a controlling interpretation on facts that may prompt a reader to inquire concerning the application of the law. It is always recommended that full disclosure of all facts be presented to counsel in order that a qualified opinion may be provided concerning the applicability of the statute to any person or event under consideration.

Chapter 4. Continuing Education

IC 25-1-4-0.2 "Approved organization"
Sec. 0.2. As used in this chapter, «approved organization» refers to the following:
(1) United States Department of Education.
(2) Council on Post-Secondary Education.
(3) Joint Commission on Accreditation of Hospitals.
(4) Joint Commission on Healthcare Organizations.
(5) Federal, state, and local government agencies.
(6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
(7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
(10) Any other organization or individual approved by the board.

IC 25-1-4-0.3 "Board"
Sec. 0.3. As used in this chapter, «board» means any of the entities described in IC 25-0.5-4.

IC 25-1-4-0.5 "Continuing education"
Sec. 0.5. As used in this chapter, «continuing education» means an orderly process of instruction:
(1) that is approved by:
(A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
(B) for a real estate appraiser:
(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.
The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

IC 25-1-4-0.6 "Practitioner"
Sec. 0.6. As used in section 3 of this chapter, «practitioner» means an individual who holds:
(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;
issued by the board regulating the profession in question.

IC 25-1-4-0.7 Computation of designated time periods
Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:
(1) a Saturday;
(2) a Sunday;
(3) a legal holiday under a state statute; or
(4) a day that the office in which the act is to be done is closed during regular business hours.
(b) A period runs until the end of the next day after a day described in subsection (a) (1) through (a) (4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.
(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:
(1) the person is personally served with the notice; or
(2) a notice for the person is deposited in the United States mail.
(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

IC 25-1-4-1 Requirement
Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

IC 25-1-4-2 Promotion
Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits
Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:
(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the con-

tinuing education requirements required by the board, after which the board will forward the sworn statement to the agency (established by IC 25-1-5-3).

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board or agency (established by IC 25-1-5-3) with copies of the certificates of completion upon the board's or agency's request for a compliance audit.

(b) This subsection does not apply to an individual licensed under IC 25-34.1. Following every license renewal period, the agency with consultation from the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

(c) This subsection applies only to individuals licensed under IC 25-34.1. Following every license renewal period for a broker's license issued under IC 25-34.1, the agency in consultation with the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

IC 25-1-4-3.2 Distance learning methods; active duty requirements

Sec. 3.2. (a) A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists, and dentists.

(b) An individual who is called to active duty (as defined by IC 25-1-12-2) must be allowed to fulfill all continuing education requirements for professional or occupational licenses administered through the Indiana professional licensing agency by distance learning methods.

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

IC 25-1-4-5 Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b) (2) (A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a) (3);

if the practitioner supplies proof of compliance with this chapter under subsection (b) (1) or IC 25-1-8-6, if applicable.

IC 25-1-4-6 Failure to comply; denial of license renewal or reinstatement; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars ($1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

IC 25-1-4-7 Credit hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b) (2) or 6(b) (2) of this chapter may not apply to the practitioner›s credit hour requirement for the license period in which the credit hours are acquired.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

Sec. 1. The following terms are defined for this chapter:

(1) "Board" means the appropriate entity described in IC 25-0.5-8.

(2) "Director" refers to the director of the division of consumer protection.

(3) "Division" refers to the division of consumer protection, office of the attorney general.

(4) "Law enforcement agency" has the meaning set forth in IC 35-47-15-2.

(5) "Licensee" means a person who is:

(A) licensed, certified, or registered by an entity described in IC 25-0.5-8; and

(B) the subject of a complaint filed with the division.

(6) "Person" means an individual, a partnership, a limited liability company, or a corporation.

(7) "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the entities described in IC 25-0.5-8.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

IC 25-1-7-3 Investigation of complaints

Note: This version of section effective 7-1-2023. See also preceding version of this section, effective until 7-1-2023.

Sec. 3. (a) Except as provided in subsections (b), (c), and (d), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation.

(d) The Indiana board of veterinary medicine and the division shall enter into a memorandum of understanding that establishes a process for sharing information between the division and the Indiana board of veterinary medicine concerning complaints received and the investigation of complaints of violations of IC 25-38.1. The memorandum of understanding shall include, without limitation, a process for providing information to the state veterinarian on behalf of the Indiana board of veterinary medicine, including complaints received, investigations conducted on behalf of the Indiana board of veterinary medicine, and case dispositions.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general›s office acting in their official capacity, a complaint may be filed by any person, including members of any of the entities described in IC 25-0.5-8.

IC 25-1-7-5 Duties and powers of director

Note: This version of section effective 7-1-2023. See also preceding version of this section, effective until 7-1-2023.

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b), 3(c), or 3(d) of this chapter, the director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

IC 25-1-7-6 Statement of settlement; period to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director›s recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board›s final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) Except as provided in section 3(b) or 3(c) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general›s intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general, the Indiana professional licensing agency, or any person not a party to the complaint may not disclose or further a disclosure of information concerning the complaint unless the disclosure is:

(1) required under law;

(2) required for the advancement of an investigation; or

(3) made to a law enforcement agency that has jurisdiction or is reasonably believed to have jurisdiction over a person or matter involved in the complaint.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

IC 25-1-7-14 Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that the person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

(1) file complaints under subsection (a) (1);

(2) issue show cause orders under subsection (a) (2); and

(3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

(1) funeral home license;

(2) funeral director license;

(3) embalmer license; or

(4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are assessed. These costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photo duplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

(10) Administrative law judges.

(11) Real estate review appraisals.

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board"

Sec. 1. As used in this chapter, «board» means any of the entities described in IC 25-0.5-12.

IC 25-1-11-2 "Practitioner"

Sec. 2. (a) As used in this chapter, «practitioner» means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

(b) The term includes a person that held:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or
(5) an inactive license;
issued by the board regulating a profession when the alleged violation of this chapter occurred.

IC 25-1-11-3 "License"

Sec. 3. As used in this chapter, «license» includes a license, certificate, registration, or permit.

IC 25-1-11-4 "Person"

Sec. 4. As used in this chapter, «person» means an individual, a partnership, a corporation, or a limited liability company.

IC 25-1-11-5 Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:
(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;
(C) advertised services or goods in a false or misleading manner; or
(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
(2) a practitioner has been convicted of a crime that:
(A) has a direct bearing on the practitioner's ability to continue to practice competently; or
(B) is harmful to the public;
(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
(9) a practitioner has allowed a license issued by a board to be:
(A) used by another person; or
(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or
(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction›s disciplinary action under subsection (a) (7).

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner›s expense, if the practitioner›s physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:
(1) Permanently revoke a practitioner's license.
(2) Suspend a practitioner's license.
(3) Censure a practitioner.
(4) Issue a letter of reprimand.
(5) Place a practitioner on probation status and require the practitioner to:
(A) report regularly to the board upon the matters that are the basis of probation;
(B) limit practice to those areas prescribed by the board;
(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;
(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner; or
(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).
(6) Assess a civil penalty against the practitioner for not more than one thousand dollars ($1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.
(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a) (6), the board shall consider a practitioner›s ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner›s license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner›s inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a) (5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

IC 25-1-11-13 Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner›s license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public›s health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) The board may summarily suspend the license of an individual licensed under IC 25-34.1 for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations or omissions in at least three (3) transactions. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(d) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board›s findings or orders.

IC 25-1-11-17 Surrender of practitioner license; surrender prohibited if attorney general opposes

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner›s license instead of having a hearing before the board. The practitioner may not surrender the practitioner›s license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner›s license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

IC 25-1-11-18 Costs; practitioners subject to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner›s ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner›s inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.
(11) Real estate review appraisals, if applicable.

IC 25-1-11-19 Refusal to issue license; probationary license; requirements

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

IC 25-1-11-20 Appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

ARTICLE 15. EMBALMERS AND FUNERAL DIRECTORS

Chapter 2. Definitions

IC 25-15-2-1 Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

IC 25-15-2-2 "Alternative container"

Sec. 2. «Alternative container» means a rigid or nonrigid receptacle or other enclosure that:

(1) is made of a nonmetallic material; and

(2) does not have ornamentation or an inner lining.

IC 25-15-2-3 "Board"

Sec. 3. «Board» means the state board of funeral and cemetery service.

IC 25-15-2-3.5 "Branch location"

Sec. 3.5. As used in this chapter, «branch location» means a physical structure:

(1) that is owned or leased by a person, not in conjunction with any other person, who owns and operates a licensed funeral home in the same or adjoining county;

(2) where human remains are prepared for a viewing, a funeral, or final disposition after initial preparation in a funeral home;

(3) where memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and

(4) where funerals that are not primarily for religious or worship purposes are conducted or held.

IC 25-15-2-4 "Casket"

Sec. 4. «Casket» means a rigid enclosure that:

(1) is made of wood, metal, or other material;

(2) is ornamented;

(3) has a fixed or nonfixed inner lining; and

(4) is designed to encase human remains.

IC 25-15-2-5 "Consumer"

Sec. 5. «Consumer» means a person that:

(1) during an individual's lifetime; or

(2) after an individual's death;

discusses, offers to purchase, or purchases funeral goods or funeral services for the individual's human remains.

IC 25-15-2-6 "Cremate"

Sec. 6. «Cremate» means to incinerate human remains and to mechanically or manually reduce the bone fragments of the remains to unidentifiable bone fragments.

IC 25-15-2-7 "Disposition"

Sec. 7. «Disposition» means:

(1) interment of human remains in the earth in an established cemetery;

(2) interment of human remains in a mausoleum or columbarium;

(3) disposal of cremated human remains on the property of a consenting owner, on uninhabited public land, or on a waterway;

(4) burial of human remains at sea;

(5) delivery of human remains within the jurisdiction of the anatomical education program (IC 21-44-2) to a school, college, or physician entitled by law to receive the human remains for the promotion of science and art of medicine or dentistry; or

(6) other final disposal of human remains.

IC 25-15-2-8 "Embalmer"

Sec. 8. «Embalmer» means a person who is licensed as an embalmer under this article.

IC 25-15-2-9 "Embalming"

Sec. 9. «Embalming» means the temporary preservation and disinfection of human remains by the internal or external application of chemicals or by other methods in preparation for disposition.

IC 25-15-2-10 "Exempted person"

Sec. 10. As used in this chapter, «exempted person» means a person that does not perform any funeral services other than one (1) or more of the following:

(1) Sells, as a seller licensed under IC 30-2-13 or an agent or a representative of a seller:

(A) funeral merchandise described in IC 30-2-13-8 at need; or

(B) funeral merchandise defined in IC 30-2-13-8 under a certificate of authority authorized by IC 30-2-13-33 and not funeral services defined in section 17(1), 17(2), or 17(3) of this chapter unless they are funeral services (as defined in IC 30-2-13-8) and ratified as required by IC 30-2-13-20.

(2) Cremates human remains, but does not conduct a funeral service in conjunction with the cremation.

(3) Cremates human remains or holds human remains less than forty-eight (48) hours for the purpose of cremating the human remains without a funeral service or memorial service in conjunction with the final disposition of the cremated remains.

(4) Performs services for a morgue in a hospital or other facility licensed under IC 16-21 that are directly related to the purposes of the hospital or other facility.

(5) Performs services for a school of mortuary science that are directly related to an educational purpose.

(6) Arranges, supervises, or conducts a religious or memorial service for a deceased individual if:

(A) the human remains of the deceased individual are not present at the service; and

(B) final disposition of the deceased individual's human remains has been or will be completed under the authority of a funeral director having obtained a burial permit issued by the state of Indiana.

(7) Conducts a religious or memorial service with the human remains of the deceased individual present if the funeral is arranged and directly supervised by a funeral director.

(8) If the person is a cemetery, sells or offers advice concerning methods or alternatives available for final disposition of human remains.

IC 25-15-2-11 "Funeral"

Sec. 11. «Funeral» means a memorial service or ceremony for a deceased individual where human remains or cremated remains are present or a memorial visitation or viewing of the human remains of a deceased individual.

IC 25-15-2-12 "Funeral director"

Sec. 12. «Funeral director» means an individual who has a funeral director license issued under this article.

IC 25-15-2-13 "Funeral director intern"

Sec. 13. «Funeral director intern» means an individual who has a funeral director intern license issued under this article.

IC 25-15-2-14 "Funeral goods"

Sec. 14. «Funeral goods» means goods, other than clothing, flowers, gravemarkers, and urns, that are sold or offered for sale directly to a consumer for use in connection with funeral services.

IC 25-15-2-15 "Funeral home"

Sec. 15. «Funeral home» means a physical structure where:

(1) human remains are prepared for a funeral or final disposition;

(2) human remains are held for disposition;

(3) there is an embalming room in compliance with licensure requirements of this article where at least one (1) of the following takes place:

(A) The embalming of human remains.
(B) The prevention of the spread of infectious or contagious disease from human remains.
(C) The aspiration of internal body fluids and gasses from human remains.
(D) The temporary storage of non-casketed human remains awaiting final disposition.
(E) The dressing, final preparation, and casketing of human remains;
(4) memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and
(5) funerals whose primary function is not for a religious or worship purpose are conducted or held.

IC 25-15-2-16 "Funeral home licensee"

Sec. 16. «Funeral home licensee» means a person that has a funeral home license issued under this article.

IC 25-15-2-17 "Funeral services"

Sec. 17. As used in this chapter, «funeral services» means:
(1) accepting, holding, caring for, or preparing human remains for a funeral or final disposition, including embalming (where authorized) and the practice of restorative arts;
(2) at need counseling of survivors of a deceased individual on:
(A) the services, methods, and alternatives for final disposition of human remains; and
(B) the requirements of federal and state law applicable to the sale of funeral services and merchandise;
(3) arranging, supervising, or conducting a funeral service in conjunction with the memorialization or the disposition of human remains, (however, "funeral services" does not include interment services performed in a cemetery by cemetery personnel), including attendance at services held in cemeteries or crematories where third persons are directly responsible for the physical acts associated with interment or final disposition of human remains;
(4) selling or offering to sell funeral merchandise described in IC 30-2-13-8 to a consumer at the time of need or in advance of need;
(5) selling or offering to sell funeral services described in IC 30-2-13-8 at the time of need or in advance of need;
(6) managing a funeral home or branch location licensed under IC 25-15-4-1 or IC 25-15-4-1.1; and
(7) arranging for the final disposition of human remains in compliance with public health and safety laws and in a manner that prevents the spread of infectious disease.

IC 25-15-2-18 "Human remains"

Sec. 18. «Human remains» means any part of the body of a deceased individual. The term includes human remains that have been cremated.

IC 25-15-2-19 "Licensee"

Sec. 19. «Licensee» means a person that has been issued a license under this article.

IC 25-15-2-20 "Outer burial container"

Sec. 20. «Outer burial container» means any container that is designed for placement in a grave around a casket or alternative container. The term includes a burial vault, grave box, or grave liner.

IC 25-15-2-21 "Person"

Sec. 21. «Person» includes a partnership, limited liability company, corporation, trust, or other business association.

IC 25-15-2-22 "Practice of funeral service"

Sec. 22. As used in this chapter, «practice of funeral service» means:
(1) the application of the principles, methods, and techniques of mortuary science to the delivery of funeral services;
(2) the counseling of individuals concerning methods and alternatives for the final disposition of human remains;
(3) the prevention of the spread of infectious and contagious disease from human remains; and
(4) compliance, in the delivery of funeral merchandise and services, with laws relating to health, public safety, and the environment.

IC 25-15-2-23 "Practitioner"

Sec. 23. «Practitioner» means an individual who is a funeral director, an embalmer, or a funeral director intern.

Chapter 4. Minimum Qualifications; Reciprocity

IC 25-15-4-1 Funeral home licenses

Sec. 1. To qualify for a funeral home license, a person who is an applicant must:
(1) operate a funeral home that complies with the rules of the board;
(2) disclose:
(A) the name of the applicant and if the applicant is an individual, the principal address of residence of the applicant;
(B) the location of the funeral home;
(C) if the applicant is not an individual, the names and principal address of residence of the directors or other executive officers of the applicant;
(D) the name of the manager in charge of the funeral home; and
(E) any other information required by the board; and
(3) pay the fee set by the board.

IC 25-15-4-1.1 Branch location licenses

Sec. 1.1. To qualify for a branch location license, a person who is an applicant must:
(1) possess a funeral home license issued under section 1 of this chapter;
(2) operate a branch location that meets the requirements of the board; and
(3) pay the fee set by the board.

IC 25-15-4-2 Funeral director intern licenses

Sec. 2. (a) To qualify for a funeral director intern license, an applicant must:
(1) be an individual who is at least eighteen (18) years of age;
(2) submit proof that the applicant has not been convicted of:
(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; and
(B) a crime that has a direct bearing on the applicant's ability to practice competently;
(3) have a diploma from an accredited high school;
(4) have successfully completed either:
(A) a course of education consisting of:
(i) thirty (30) semester hours or forty-five (45) quarter hours of college level work in a regionally accredited postsecondary educational institution that includes course work in the subjects of English, the humanities, science, business, and other electives that apply toward a baccalaureate degree from the postsecondary educational institution; and
(ii) four (4) academic quarters, or its equivalent, in an accredited college, school, or department of mortuary science approved by the board; or
(B) a twenty-one (21) month program in an accredited college, school, or department of mortuary science that has been approved by the board; and
(5) pay the fee set by the board for a funeral director intern license.
(b) The board may require an applicant for a funeral director intern license to pass an examination before issuing a license to the applicant.

IC 25-15-4-3 Funeral director licenses

Sec. 3. (a) An applicant must qualify under subsection (b) to be licensed as a funeral director. However, subject to IC 25-15-8-10, an individual qual-

ified under subsection (c) or (d) shall be treated as a qualified individual.

(b) To qualify for a funeral director license, an applicant must:

(1) be an individual who is at least eighteen (18) years of age;

(2) submit proof that the applicant has not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently;

(3) have a diploma from an accredited high school;

(4) have successfully completed either:

(A) a course of education consisting of:

(i) thirty (30) semester hours or forty-five (45) quarter hours of college level work in a regionally accredited postsecondary educational institution that includes course work in the subjects of English, humanities, science, business, and other electives that apply toward a baccalaureate degree from the postsecondary educational institution; and

(ii) four (4) academic quarters or the equivalent in an accredited college, school, or department of mortuary science approved by the board; or

(B) a twenty-one (21) month program in an accredited college, school, or department of mortuary science approved by the board;

(5) pass the examination required by the board for a funeral director license;

(6) under the direct supervision of a funeral director licensee, have at least one (1) year of continuous experience in the practice of funeral service; and

(7) pay the licensing fee set by the board for a funeral director licensee.

(c) An individual may be licensed as a funeral director if, on June 30, 1985, the individual had a funeral director license and an embalmer license issued by the state board of embalmers and funeral directors.

(d) An individual may be a funeral director if, on June 30, 1985, the individual had a funeral director license issued by the state board of embalmers and funeral directors.

IC 25-15-4-4 Embalmer licenses

Sec. 4. An individual may be an embalmer only if, on June 30, 1985, the individual had an embalmer license issued by the state board of embalmers and funeral directors.

IC 25-15-4-5 Funeral director licenses; exemption from examination for persons licensed in other states

Sec. 5. An applicant for a funeral director license, who is licensed in another state with requirements that are substantially equal to the requirements in section 3(b) of this chapter, as determined by the board, may be exempted by the board from the examination requirement under section 3(b) (5) of this chapter or the one (1) year supervised practice period requirement under section 3(b) (6) of this chapter.

IC 25-15-4-6 Inactive funeral director license; application; violations

Sec. 6. (a) A funeral director may submit a written application to the board requesting that the funeral director›s license be classified as inactive. On receipt of the application, the board shall grant the request by placing the license on inactive status until reinstated to active status.

(b) A person holding an inactive license may not engage in the practice of funeral service.

(c) A person who engages in the practice of funeral service with an inactive license is subject to IC 25-15-8-24.

Chapter 5. Examination

IC 25-15-5-1 Time; place

Sec. 1. At least one (1) of each type of examination required under IC 25-15-4 must be held annually. These examinations may be conducted at any place in Indiana set by the board.

IC 25-15-5-3 Failure of examination; taking next examination; additional fees and education requirements

Sec. 3. Any qualified applicant who fails an examination and is refused a license may take the next scheduled examination upon payment of an additional fee set by the board under IC 25-15-9-8. However, if an applicant fails more than one (1) funeral director intern license examination or more than one (1) funeral director license examination, the board may require the applicant to submit proof to the board that the applicant has met the additional education requirements set by the board before the board allows the applicant to take another examination under this article.

Chapter 6. Expiration of Licenses; Renewal of Licenses; Continuing Education

IC 25-15-6-1 Time of expiration

Sec. 1. (a) Subject to IC 25-1-2-6(e) and except as provided in subsection (b), a license issued under this article expires on the date established by the licensing agency under IC 25-1-6-4.

(b) A funeral director intern license expires two (2) years after it is issued by the board.

IC 25-15-6-2 Funeral homes; renewal of licenses

Sec. 2. The board shall renew the license of a funeral home licensee that pays the registration fee set by the board.

IC 25-15-6-3 Funeral directors or embalmers; renewal of licenses

Sec. 3. The board shall renew the license of a funeral director or embalmer who:

(1) pays the fee; and

(2) meets the continuing education requirements;

set by the board.

IC 25-15-6-4 Funeral directors or embalmers; reinstatement of expired license

Sec. 4. (a) The board shall reinstate the expired license of:

(1) a funeral director;

(2) an embalmer;

(3) a funeral director intern; or

(4) a funeral home;

that applies for reinstatement of the license not later than three (3) years after the date the license expired and meets the requirements for reinstatement under IC 25-1-8-6(c).

(b) If the license of:

(1) a funeral director;

(2) an embalmer;

(3) a funeral director intern; or

(4) a funeral home;

has been expired for more than three (3) years, the board shall reinstate the license if the holder of the license applies for reinstatement of the license and meets the requirements for reinstatement under IC 25-1-8-6(d).

IC 25-15-6-5 Funeral directors; continuing education credits

Sec. 5. (a) The board shall require a funeral director to obtain ten (10) hours of continuing education credit in any two (2) year period in order to renew or reinstate a license under this chapter. The board shall require that continuing education credit be earned in board approved courses or programs on one (1) or more of the following subjects:

(1) Embalming and restorative arts.

(2) Prevention of the spread of infectious disease and compliance with mandatory public health requirements.

(3) Federal and state laws and rules regulating the embalming and funeral professions.

(4) Funeral home management.

(5) Religion.

(6) Natural science.

(7) Grief counseling and the psychological effect of death on survivors.

(b) Continuing education hours earned as a prerequisite to the issuance or maintenance of a professional license other than a funeral director license may not be counted in determining compliance with this section.

IC 25-15-6-5.1 Revocation, suspension, or expiration of funeral home and branch location license

Sec. 5.1. When a person›s funeral home license is revoked, suspended, or expired, the person›s branch location license that arises from that funeral home license is revoked, suspended, or expired.

IC 25-15-6-7 Inactive license continuing education exemption; reactivation requirements; practice under inactive license; sanction

Sec. 7. (a) A funeral director who holds an inactive funeral director license under IC 25-15-4-6 is exempt from continuing education requirements of section 5 of this chapter.

(b) An individual may reactivate an inactive funeral director›s license by completing all hours of continuing education required of licensed funeral directors for each year that the license has been classified as inactive. If an individual›s license has been inactive for four (4) or more years, the board shall require the individual to pass an examination under IC 25-15-4 before reinstating the individual›s license to active status.

(c) An individual who resumes the practice of funeral service or the provision of funeral services to the public under an inactive funeral director license (as described in IC 25-15-4-6) violates this article and the board shall revoke the individual's inactive license.

Chapter 7. Transfer and Assignment of Licenses; Name Changes; Ownership Changes

IC 25-15-7-1 Transferability of licenses

Sec. 1. A license issued under this article is not transferable from one (1) person to another.

IC 25-15-7-2 Funeral home licenses; location

Sec. 2. A funeral home license applies only to one (1) location and is not transferable from one (1) location to another.

IC 25-15-7-3 Funeral homes; changing, transferring, or assigning name

Sec. 3. The board may not prohibit a funeral home licensee from:

(1) changing the licensee's name; or

(2) transferring or assigning the licensee's name to another funeral home licensee.

IC 25-15-7-4 Shares of funeral home corporations; transfers

Sec. 4. The board may not prohibit a shareholder or a corporation that is a funeral home licensee from transferring or assigning any part of the shareholder›s ownership of the corporation to another person.

IC 25-15-7-5 Assets of funeral homes and branch locations; transfers of interest

Sec. 5. The board may not prohibit a person from transferring or assigning any interest that the person has in the assets of a funeral home or branch location, other than a funeral home or branch location license, to another person.

Chapter 8. Grounds for Discipline; Sanctions by Board; Violations

IC 25-15-8-1 Grounds for discipline of licensees

Sec. 1. (a) A licensee that:

(1) promotes or participates in a scheme or plan in the nature of a burial association, burial certificate plan, or burial membership plan;

(2) after an individual has died, personally or through an agent solicits, makes, or offers to make a direct or an indirect payment of a commission for the purpose of securing the individual's human remains;

(3) fails to promptly surrender possession of human remains after receiving a demand from the person legally entitled to custody of the human remains;

(4) transports or disposes of human remains without a permit required by law;

(5) takes possession of human remains without authorization from the person legally entitled to custody of the human remains;

(6) makes a misleading claim concerning the protective qualities of a casket, an alternative container, or an outer burial container;

(7) shows a casket, an alternative container, or an outer burial container to a consumer if the casket, alternative container, or outer burial container does not have a conspicuously displayed card or brochure that lists the price of the casket, alternative container, or outer burial container and briefly describes the casket, alternative container, or outer burial container; or

(8) is found to have accepted payment by assignment of third party life insurance proceeds for at-need funeral services performed for more than the amount of the contracted funeral expenses arranged for by an authorizing agent;

may be disciplined under IC 25-1-11.

(b) Subsection (a) (8) does not apply to funeral trust funds under IC 30-2-10 and IC 30-2-13.

IC 25-15-8-1.5 Discipline of licensee for display of revoked or expired credentials

Sec. 1.5. The board may discipline a licensee under IC 25-1-11 if that licensee displays to the public credentials issued by the board that:

(1) have been revoked by the board; or

(2) have expired.

IC 25-15-8-2 Funeral home licenses; grounds for discipline

Sec. 2. A funeral home licensee who itself or through an officer, an agent, an employee, or an independent contractor:

(1) operates a funeral home or a branch location in the same location as another funeral home licensee;

(2) operates a funeral home at any location or branch location without a separate funeral home license or branch location license for that location;

(3) operates a funeral home or a branch location without a manager who:

(A) has a funeral director license; and

(B) has filed an affidavit with the board acknowledging that the individual is the manager of the funeral home or the branch location;

(4) operates a funeral home or branch location without having a funeral director either perform or directly supervise each act of funeral service performed for the funeral home or a branch location;

(5) fails to conspicuously display the certificate of licensure issued to the funeral home licensee and the certificate of licensure or a duplicate original of the certificate of licensure issued to the funeral director managing the funeral home or the branch location in a public area of the funeral home or the branch location;

(6) fails to annually report to the board:

(A) if the licensee is a sole proprietor, the name of the funeral home or the branch location and principal address of residence of the funeral home licensee;

(B) the location of the funeral home or the branch location;

(C) if the licensee is not a sole proprietor, the names and principal addresses of residences of the directors or other executive officers of the funeral home licensee;

(D) the name of the manager in charge of the funeral home or the branch location;

(E) the name and principal address of residence of each practitioner that has engaged in the practice of funeral services for the funeral home or the branch location in the preceding twelve (12) months and the period of time during which the practitioner worked for the funeral home or the branch location; and

(F) any other information required by the board;

(7) knowingly violates any rule of construction, equipping, or operation for funeral homes or branch locations adopted by the board under IC 25-15-9-8;

(8) engages in the practice of funeral service or provides funeral services to the public under an inactive license (as described in IC 25-15-4-6);
(9) permits a person other than a funeral director to engage in the practice of funeral service or the provision of funeral services to the public or otherwise violates any provision of this chapter; or
(10) misrepresents the quality or character of:
(A) any service or merchandise sold by a competitor; or
(B) any professional practice of a competitor;
may be disciplined under IC 25-1-11.

IC 25-15-8-4 Selling funeral goods or services; grounds for discipline

Sec. 4. A practitioner who, when selling or offering to sell funeral goods or funeral services to a consumer, fails to:
(1) act compassionately;
(2) disclose prices related to arranging a funeral;
(3) answer questions, including telephone inquiries, accurately and to the reasonable satisfaction of the inquiring person;
(4) disclose that embalming human remains is not always required by law but may be desirable if viewing or visitation precedes disposition;
(5) explain which outer burial containers meet cemetery requirements, if any;
(6) explain requirements, including cremation requirements, for caskets and other alternative containers; or
(7) disclose whether the cash advance price of each:
(A) funeral goods or funeral service described by the practitioner as "cash advance", "accommodation", or "cash disbursement", or a similar term; and
(B) goods or service obtained from a third party and paid on behalf of the consumer by the funeral home licensee for which the practitioner is an agent;
is equal to the cost of the item to the funeral home selling it;
may be disciplined under IC 25-1-11.

IC 25-15-8-5 Statements of price and terms; grounds for discipline

Sec. 5. (a) This section does not apply to a practitioner acting as an exempted person.

(b) A practitioner who, when selling funeral goods or services to a consumer, fails to give the consumer a written statement signed on behalf of a funeral home licensee by a funeral director that includes:
(1) an itemized description of each funeral goods and funeral service for which the consumer has contracted and either the price of each item or the package price for all of the items;
(2) an itemized description of any supplemental goods and services that the consumer has the option to purchase from the funeral home licensee and the price for each item;
(3) an indication of the contract items on which the funeral home licensee is advancing credit and the amount of the credit being advanced;
(4) the total cost to the consumer of the contract items; and
(5) a description of the method of payment agreed upon;
may be disciplined under IC 25-1-11.

IC 25-15-8-6 Practitioners of funeral services; grounds for discipline

Sec. 6. (a) This section does not apply to a practitioner who is acting as an exempted person or an embalmer.

(b) A practitioner who engages in the practice of funeral service may be disciplined under IC 25-1-11 if the practitioner:
(1) does not act as the agent of one (1) or more funeral home licensees;
(2) fails to register with the board in which funeral homes the practitioner is performing services and for which funeral home licensees the practitioner is an agent; or
(3) fails to notify the board to cancel a registration described in subdivision (2), if the practitioner ceases to perform services in a funeral home or for a funeral home licensee.

IC 25-15-8-7 Notice of change in practitioner's name or address

Sec. 7. A practitioner who fails to notify the board of a change in the practitioner›s name or principal address of residence within thirty (30) days after the change may be disciplined under IC 25-1-11.

IC 25-15-8-8 Funeral director interns

Sec. 8. (a) This section does not apply to a funeral director intern who is acting as an exempted person.

(b) Except as provided in subsection (c), a funeral director intern may engage in the practice of funeral service or provide funeral services to the public if the funeral director intern is acting under the direct supervision of a person holding a funeral director›s license. Direct supervision means that:
(1) a licensed funeral director supervising an intern who is performing duties not requiring counseling is physically present in the facility where the intern is performing the duties; or
(2) a funeral director supervising an intern who is counseling is physically present in the same room with the intern and counselee.

(c) A funeral director intern who engages in the practice of funeral service or provides funeral services to the public without the direct supervision of a funeral director may be disciplined under IC 25-1-11.

IC 25-15-8-9 Embalmers

Sec. 9. (a) This section does not apply to an embalmer who is acting as an exempted person.

(b) An embalmer who performs any funeral service other than embalming may be disciplined under IC 25-1-11.

IC 25-15-8-10 Funeral directors engaging in embalming

Sec. 10. (a) This section does not apply to a funeral director who is acting as an exempted person.

(b) A funeral director who:
(1) is qualified to engage in the practice of funeral service only under IC 25-15-4-3(d) and not under IC 25-15-4-3(b) or IC 25-15-4-3(c); and
(2) engages in embalming;
may be disciplined under IC 25-1-11.

IC 25-15-8-11 Funeral directors; management of funeral home; failure to file affidavits

Sec. 11. A funeral director who:
(1) manages a funeral home without filing an affidavit with the board acknowledging that the funeral director is the manager of the funeral home; or
(2) fails to file an affidavit with the board indicating that the funeral director is no longer the manager of a funeral home when the funeral director ceases to manage the funeral home;
may be disciplined under IC 25-1-11.

IC 25-15-8-12 Funeral directors; management of funeral home; violations as grounds for discipline

Sec. 12. A funeral director who has an affidavit on file with the board indicating that the individual is the manager of a funeral home and no affidavit on file with the board indicating that the individual has ceased to be its manager may be disciplined under IC 25-1-11 if:
(1) the funeral home that the funeral director is registered to manage commits a violation under section 1 or 2 of this chapter, other than section 2(3) of this chapter; or
(2) a practitioner acting as an agent of the funeral home that the funeral director is registered to manage commits a violation under sections 4 through 11 of this chapter.

IC 25-15-8-19 Injunctions; applications for orders

Sec. 19. If a violation of any of sections 21 through 26 of this chapter is being committed:
(1) the board in its own name;
(2) the board in the name of the state;
(3) the attorney general in the name of the state, at the request of the

board; or

(4) the prosecuting attorney of the county in which the violation occurs, at the request of the board, and in the name of the state;

may apply for an order enjoining the violation from the circuit court, superior court, or probate court of the county in which the violation occurs.

IC 25-15-8-20 Injunctions or orders; bonds

Sec. 20. Upon a showing that a person has violated any of sections 21 through 26 of this chapter, the court may grant without bond an injunction, restraining order, or other appropriate order.

IC 25-15-8-21 Use of certain titles without funeral home license; infraction

Sec. 21. A person that uses the title «funeral home», «undertaking parlor», «mortuary», «memorial chapel», or a variant of these titles without a funeral home license issued under this article commits a Class B infraction.

IC 25-15-8-22 Use of certain titles without funeral director or funeral director intern license; infraction

Sec. 22. A person that uses the title «funeral director», «mortician», «undertaker», «funeral service licensee», «funeral director intern», «embalmer», «funeral home manager», or a variant of any of these titles without a funeral director license or a funeral director intern license issued under this article commits a Class B infraction.

IC 25-15-8-23 Use of certain words to describe funeral services by person without license; infraction

Sec. 23. A person that renders or offers to render services to the public, if the words «funeral service», «funeral directing», «undertaking», «funeral», «funeral arrangement», «embalming», or a variant of these words is used to describe the services, without a license issued under this article commits a Class B infraction.

IC 25-15-8-24 Practice of funeral service or operation of funeral home without license; infraction

Sec. 24. (a) This section does not apply to a person acting as an exempted person.

(b) A person that engages in the practice of funeral service without a license issued under this article commits a Class B infraction.

(c) A person that operates a funeral home without a funeral home license issued under this article commits a Class B infraction.

IC 25-15-8-25 Issuance of permit under IC 16-37-3-10

Sec. 25. A local health officer may issue a permit under IC 16-37-3-10 only to a funeral director acting as an agent or a funeral home licensee or another individual acting under the direct supervision of a funeral director who is an agent of a funeral home licensee.

IC 25-15-8-26 Other licensing requirements void

Sec. 26. Any licensing requirement that is adopted by a state agency, other than the board, or a political subdivision for the purpose of regulating the operation of a funeral home or branch location or the practice of funeral service is void.

Chapter 9. State Board of Funeral and Cemetery Service; Education Fund; Cemetery Registration

IC 25-15-9-1 Establishment of board

Sec. 1. The state board of funeral and cemetery service is established.

IC 25-15-9-2 Members; chairman

Sec. 2. (a) The board consists of five (5) members as follows:

(1) Four (4) members appointed by the governor.

(2) Subject to IC 25-1-6.5-3, one (1) member who must:

(A) be a resident of Indiana; and

(B) not be associated with the practice of funeral service or cemetery operation other than as a consumer.

(b) Members are appointed under IC 25-1-6.5.

(c) A member of the board may be removed under IC 25-1-6.5-4.

(d) The board shall elect a chairman from the board›s own membership every two (2) years to serve a term of two (2) years. The chairman shall be elected alternately from those board members appointed under sections 3 and 4 of this chapter.

IC 25-15-9-3 Funeral directors; members

Sec. 3. Subject to IC 25-1-6.5-3, two (2) of the board's appointed members must be licensed funeral directors, in good standing, without any association with a school of mortuary science other than as a preceptor or supervisor of a funeral service intern.

IC 25-15-9-4 Cemetery owners or managers; members

Sec. 4. Subject to IC 25-1-6.5-3, two (2) of the board's appointed members must be active in the cemetery industry in Indiana, either as an owner or a manager of an operating cemetery property.

IC 25-15-9-6 Party affiliation; members

Sec. 6. Not more than three (3) of the board›s appointed members may be affiliated with the same political party.

IC 25-15-9-8 Sale and payment of funeral or burial expenses; duties of board

Sec. 8. The board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish standards for the sale and payment of funeral or burial services or merchandise in advance of need.

(B) Establish the terms of contracts authorized under IC 30-2-13.

(C) Implement IC 30-2-13.

(D) Implement IC 23-14-48.5.

(2) Register and issue certificates to sellers of merchandise or services under IC 30-2-13.

(3) Determine compliance with this article by persons engaged in the sale and payment of funeral or burial services or merchandise in advance of need under IC 30-2-13.

(4) Investigate any complaint alleging a violation of IC 30-2-13.

(5) Set fees under IC 25-1-8.

(6) For a violation of this article or IC 30-2-13 by a person engaged in the sale and payment of funeral or burial services or merchandise in advance of need under IC 30-2-13, if necessary, take any combination of the following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority.

(C) Permanently revoke the seller's certificate of authority.

(D) Censure the seller.

(E) Issue a letter of reprimand to the seller.

(F) Place the seller on probation.

(G) Assess a civil penalty against the seller in an amount not to exceed one thousand dollars ($1,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider the seller's ability to pay the amount assessed. If the seller fails to pay the civil penalty within the time specified by the board, the board may suspend the seller's certificate of authority without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the seller's inability to pay a civil penalty.

(H) Refer the matter to the attorney general or prosecuting attorney for enforcement.

(7) In addition to any actions taken under subdivision (6), permanently revoke a seller's certificate of authority, if the seller demonstrates a pattern or practice of violating the following provisions:

(A) The requirement under IC 30-2-13-12 that all property paid or delivered to fund a contract for prepaid services or merchandise be irrevocably deposited to trust or escrow thirty (30) days after the contract is signed.

(B) The prohibition against knowingly inducing a purchaser to breach an existing contract under IC 30-2-13-13(e).

IC 25-15-9-9 Funeral homes; standards for operation; duties of board

Sec. 9. The board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish standards for the competent practice of funeral service.

(B) Establish sanitation standards for the construction and equipping of funeral homes.

(C) Establish standards for the operation of funeral homes.

(D) Set fees under IC 25-1-8.

(E) Carry out this article.

(2) Establish a program of inspection to administer this article.

(3) Pass upon the qualifications of each applicant for a license under this article.

(4) Provide all examinations under this article.

(5) License all applicants who meet the requirements of IC 25-15-4.

(6) Investigate a complaint alleging a violation of this article.

(7) For a violation of this article by a person who is licensed under this article, if necessary, take any combination of the following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority issued under IC 30-2-13.

(C) Permanently revoke the licensee's license.

(D) Censure the licensee.

(E) Issue a letter of reprimand.

(F) Place the licensee on probation.

(G) Assess a civil penalty against the licensee in an amount not to exceed one thousand dollars ($1,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the board, the board may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.

(H) Refer the matter to the attorney general or the prosecuting attorney for enforcement.

(8) The board shall suspend the license of a funeral home licensee who employs a person who:

(A) holds an inactive funeral director license (as described in IC 25-15-4-6); and

(B) engages in the practice of funeral services or provides funeral services to the public (as described in IC 25-15-2-17 or IC 25-15-2-22).

IC 25-15-9-10 Cemeteries; operation; duties of board

Sec. 10. The board shall do the following:

(1) Determine compliance with IC 23-14 by cemetery owners.

(2) Investigate a complaint alleging a violation of IC 23-14.

(3) For a violation of IC 23-14 by a cemetery owner, if necessary, take any combination of the following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority issued under IC 30-2-13.

(C) Censure the cemetery owner.

(D) Issue a letter of reprimand.

(E) Assess a civil penalty against the cemetery owner in an amount not to exceed five thousand dollars ($5,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider a cemetery owner's ability to pay the amount assessed.

(F) Refer the matter to the attorney general or prosecuting attorney for enforcement.

IC 25-15-9-11 Board official action

Sec. 11. An official action of the board is valid only if the action is adopted by a majority of the appointed members.

IC 25-15-9-12 Health officers; cooperation with department

Sec. 12. The Indiana department of health and local health officers shall cooperate with the board to enforce the sanitation standards adopted by the board for funeral homes.

IC 25-15-9-13 Funeral service education fund

Sec. 13. (a) The funeral service education fund is established for the following purposes:

(1) To supplement the funding for a program of inspection administered by the funeral director, consumer, and Indiana department of health members of the board under section 9 of this chapter.

(2) To fund educational projects of the funeral director, consumer, and Indiana department of health members of the board directed toward funeral directors and embalmers.

(3) To carry out the duties of the board.

(b) The fund shall be administered by the funeral director, consumer, and Indiana department of health members of the board.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the amount of money in the fund at the close of a fiscal year exceeds forty thousand dollars ($40,000), the treasurer of state shall transfer the excess from the fund into the state general fund.

IC 25-15-9-14 Fees and gifts; collection and distribution

Sec. 14. The Indiana professional licensing agency shall collect all fees required under this article and gifts received by the board and at the end of each month shall do the following:

(1) Report amounts collected to the auditor of state.

(2) Transfer amounts collected to the treasurer of state for deposit as follows:

(A) An amount established by the board and not exceeding five dollars ($5) per license issued under this article in the funeral service education fund.

(B) Gifts dedicated to the funeral service education fund in that fund.

(C) The remainder, after deducting the amounts described in clause (A) or (B), in the state general fund.

IC 25-15-9-15 Salary; reimbursement of expenses

Sec. 15. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member›s duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

IC 25-15-9-16 Payment of expenses

Sec. 16. All expenses incurred in the administration of this article shall be paid from the state general fund. However, expenses approved by the funeral director, consumer, and Indiana department of health members of the board for payment from the funeral service education fund shall be paid from that fund.

IC 25-15-9-17 Registration of cemeteries

Sec. 17. (a) Each cemetery that:

(1) qualifies for a certificate of authority as a seller under IC 30-2-13; or

(2) is subject to IC 23-14-48;

must register with the board.

(b) The cemetery, consumer, and Indiana department of health members of the board shall impose a registration fee for each geographic location of a cemetery to which this section applies that is equal to the combined total of fees charged under IC 25-15 for one (1) funeral home license and one (1) individual funeral director›s license.

IC 25-15-9-18 Priority among persons as to authority to determine final disposition of human remains and make other arrangements; persons who may not make determination; disputes

Sec. 18. (a) Except as provided in subsection (b), the following persons, in the order of priority indicated, have the authority to designate the manner, type, and selection of the final disposition of human remains, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death:

(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. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.

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

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

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

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

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

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(8) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(9) If none of the persons described in subdivisions (1) through (8) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

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

(11) If none of the persons identified in subdivisions (1) through (10) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent›s remains; and

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

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

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

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

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

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

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

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

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

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

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

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

(d) If the decedent had filed a protection order against a person described in subsection (a) and the protection order is currently in effect, the person described in subsection (a) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

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

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

(g) A funeral home has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(h) If there is a dispute concerning the disposition of a decedent›s remains, a funeral home is not liable for refusing to accept the remains of the decedent until the funeral home receives:

(1) a court order; or

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

that determines the final disposition of the decedent's remains. If a funeral

home agrees to shelter the remains of the decedent while the parties are in dispute, the funeral home may collect any applicable fees for storing the remains, including legal fees that are incurred.

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

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

IC 25-15-9-19 Effect of signing final disposition authorization; liability

Sec. 19. (a) An individual who signs an authorization for the cremation, interment, entombment, or inurnment of human remains:

(1) is considered to warrant the truthfulness of:
(A) any fact set forth in the authorization;
(B) the identity of the person for whose remains cremation, interment, entombment, or inurnment is sought; and
(C) the individual's authority to order the cremation, interment, entombment, or inurnment; and
(2) is personally and individually liable to pay damages in compensation for harm that:
(A) is caused by; or
(B) results from;
the signing of the authorization for cremation, interment, entombment, or inurnment.

(b) A funeral home that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not civilly or criminally liable or subject to disciplinary actions for carrying out the disposition of the decedent›s remains in accordance with the instructions in the authorization.

Chapter 10. Courtesy Cards for Funeral Services

IC 25-15-10-1 "Courtesy cards"

Sec. 1. As used in this chapter, «courtesy card» means a special permit issued by the board to funeral directors licensed in states that border Indiana.

IC 25-15-10-2 "Funeral ceremonies"

Sec. 2. As used in this section, «funeral ceremonies» refers to services or rites commemorating the deceased, with the dead human body present, conducted:

(1) in churches;
(2) in funeral homes;
(3) in cemeteries;
(4) in crematories; or
(5) elsewhere.

Funeral ceremonies include visitations, funerals, graveside funeral services, and other similar rites or ceremonies.

IC 25-15-10-3 Issuance of courtesy card

Sec. 3. Beginning January 1, 2013, the board shall issue a courtesy card to an individual who is not licensed under this article as a funeral director but who is licensed or certified as a funeral director in one (1) or more states, if all of the following requirements are met:

(1) The individual is licensed as a funeral director in a state that borders Indiana.
(2) The bordering state issues courtesy cards or similar permits to funeral directors licensed in Indiana.
(3) The individual completes an application for a courtesy card on a form provided by the board. The application for a courtesy card must include certification, including the seal of the state where the individual is licensed.
(4) The individual certifies on the application that the individual has reviewed and understands materials prepared by the board for individuals seeking courtesy cards.
(5) The individual pays the fee established under section 4 of this chapter.

IC 25-15-10-4 Rules

Sec. 4. The board shall adopt rules under IC 4-22-2 to set the fee for the card. The fee must be sufficient to cover the cost of issuing the card. When establishing the fee, the board must consider the fees charged by states bordering Indiana that issue courtesy cards. Insofar as possible, the fees established must be consistent with the fees of the bordering states that issue courtesy cards.

IC 25-15-10-5 Term

Sec. 5. A courtesy card issued under this chapter is valid for a period consistent with other licenses issued by the board, to be established by the board.

IC 25-15-10-6 Functions

Sec. 6. The holder of a courtesy card issued under this chapter is authorized to undertake the following acts of funeral directing:

(1) Remove and transport unembalmed and embalmed deceased human bodies:
(A) to Indiana from; and
(B) from Indiana to;
the state or states where the courtesy card holder is licensed as a funeral director.
(2) Prepare and complete sections of a death certificate and other disposition permits needed for disposition of deceased human remains, and sign and file death certificates and permits.
(3) Sign and file death certificates and other disposition permits without the assistance of or being under the supervision of a funeral director licensed under this article.
(4) Supervise and conduct funeral ceremonies in Indiana without the assistance of a funeral director licensed under this article.

IC 25-15-10-7 Revocation or suspension

Sec. 7. A courtesy card holder must comply with all laws and rules of Indiana when engaged in any acts of funeral directing in this state. The board may revoke or suspend a courtesy card or subject the courtesy card holder to discipline in accordance with the laws and rules applicable to funeral directors licensed under this article. Any disciplinary measure taken by the board against a courtesy card holder must be reported by the board to the state board or agency that issued the courtesy card holder›s funeral director›s license or certification.

IC 25-15-10-8 Prohibited actions

Sec. 8. The holder of a courtesy card issued under this chapter is not authorized to undertake the following acts:

(1) Transfer the courtesy card to another individual.
(2) Own or operate a funeral home, crematory, or office that provides or offers to sell or arrange funeral or disposition services in Indiana.
(3) Except as provided in section 6 of this chapter, perform any acts related to the practice of funeral direction in Indiana, including:
(A) arranging for a funeral or disposition service with members of the public;
(B) being employed by or contracted to perform funeral or embalming service in Indiana by a funeral home licensed under this article;
(C) advertising Indiana funeral or disposition services;
(D) executing contracts for funeral or disposition services in Indiana;
(E) preparing or embalming deceased human remains in Indiana; or
(F) exhuming or disinterring human remains in Indiana.

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ARTICLE 2. GENERAL PROVISIONS

Rule 1. Definitions, Fees, and Reports

832 IAC 2-1-1 Definitions

Authority: IC 25-15-9-8
Affected: IC 23-14-31; IC 25-15-2-6; IC 25-15-2-8

Sec. 1. (a) The definitions in IC 25-15-2 and this section apply throughout this title.

(b) "Authorizing agent" has the meaning set forth in IC 23-14-31-2.

(c) "Board" means the state board of funeral and cemetery service.

(d) "Cremation" means the incineration of human remains, consistent with IC 23-14-31-8 and IC 25-15-2-6.

(e) "Cremation chamber" means the enclosed spaced where a cremation occurs, consistent with IC 23-14-31-9.

(f) "Distance learning method", for the purpose of 832 IAC 4-1, means a formal, interactive, verifiable learning exercise where:

(1) a practitioner and instructor are separated by geography or time, or both, for the majority of the instructional period; and

(2) materials are delivered through:

(A) print;
(B) audio;
(C) video;
(D) broadcasts;
(E) computer software;
(F) web-based programs; or
(G) other online technologies.

(g) "Human remains" has the meaning set forth in IC 23-14-31-16 and IC 25-15-2-8.

(h) "Licensee" means a person or entity licensed by or registered with the board.

(i) "Major stockholders" means those stockholders owning more than ten percent (10%) of the voting stock of any corporation.

(j) "Nonhuman remains" means the body of an animal other than a human.

832 IAC 2-1-2 Fees

Authority: IC 25-1-8-2; IC 25-15
Affected: IC 25-1-8-6

Sec. 2. (a) The fee for application/issuance of a funeral home license under IC 25-15-4-1(3) is fifty dollars ($50).

(b) The fee for application/issuance of a funeral director intern license under IC 25-15-4-2(a)(5) is twenty-five dollars ($25).

(c) The fee for application/issuance of a funeral director license under IC 25-15-4-3(b)(7) is fifty dollars ($50).

(d) The fee for application/issuance of a funeral director license by reciprocity under IC 25-15-4-5 is fifty dollars ($50).

(e) The fee for application/issuance of a courtesy card under IC 25-15-10 is one hundred fifty dollars ($150).

(f) The fee to renew a funeral home or funeral branch location license under IC 25-15-6-2 is fifty dollars ($50).

(g) The fee to renew a funeral director license or embalmer license under IC 25-15-6-3 is fifty dollars ($50).

(h) The fee to renew a courtesy card under IC 25-15-10 is one hundred fifty dollars ($150).

(i) Five dollars ($5) of every fee collected under subsections (a) through (f) shall be deposited in the funeral service education fund.

(j) The fee to renew a funeral director intern license under IC 25-15-4-2(a)(5) is twenty-five dollars ($25).

(k) All applicants for any examination administered by the board shall pay a fee of fifty dollars ($50). The same fee shall be paid for the second and all subsequent examinations. All applicants for an examination provided or administered by a professional examination service shall pay the examination or reexamination fee assessed by the professional examination service directly to the professional examination service.

(j) Fees for reinstatement of an expired license shall be paid in accordance with IC 25-1-8-6.

832 IAC 2-1-3 Annual report

Authority: IC 25-15-9-8
Affected: IC 25-15-8-2

Sec. 3. The annual report of all funeral home licensees is due by the 31st day of December of each calendar year for the period ending November 30 of the same year. No annual report is due during the calendar year when a funeral home is initially licensed. The completion and filing of a license renewal application shall satisfy the annual report requirement for the calendar year of renewal.

832 IAC 2-1-4 Notice of changes in circumstances

Authority: IC 25-15-9-8
Affected: IC 25-15-8-2; IC 25-15-8-6

Sec. 4. (a) A licensee shall submit an application for a new license if there is any change in the legal entity.

(b) A "change in the legal entity" under subsection (a) includes, but is not limited to:

(1) a corporation receiving a new charter from the secretary of state;

(2) the creation of a new corporate entity that results in the change in federal employer identification number;

(3) a change in control of a corporation through new major stockholder;

(4) a change in ownership of a sole proprietorship;

(5) a change from a sole proprietorship to a corporation;

(6) a change of partner in a partnership;

(7) a partnership is ended and a new partnership is formed;

(8) a change from corporation to sole proprietorship or partnership; or

(9) the creation, or modification from prior entity status, of a limited liability partnership or a limited liability company or corporation.

(c) An applicant for a funeral home license, either to be issued to a new funeral home or as the result of a change in funeral home location, shall be submitted to the board thirty (30) days prior to the initial date of expected operation in order to permit the board to satisfy the requirements of 832 IAC 5-1-1.1.

832 IAC 2-1-5 Notifications

Authority: IC 25-15
Affected: IC 25-15-8

Sec. 5. (a) All notifications to the board as required by law, including affidavits, must be in writing and on forms prescribed by the board.

(b) Notifications include the following:

(1) A funeral director or funeral director intern must do the following:

(A) Register with the board the name and address of the funeral home in which he or she is performing services or is an agent.

(B) Notify the board and cancel the registration described in clause (A) within thirty (30) days of ceasing to perform services in or for the funeral home.

(C) Notify the board of any change of name or residential address within thirty (30) days after the change.

(2) A funeral director must file an affidavit with the board as follows:

(A) Acknowledging that the funeral director is the manager of a funeral home.
(B) Within thirty (30) days of ceasing to act as the manager of a funeral home.

Rule 2. Licensee Obligations

832 IAC 2-2-1 Confidential information
Authority: IC 25-15-9-8
Affected: IC 25-15-8-4

Sec. 1. A licensee shall neither discuss the confidential and private matters or secrets of the domestic life of any family he orshe may be called upon to serve, nor cause the dissemination of the same in such a way as to violate the privacy of the family served.

832 IAC 2-2-2 Cremation; burial permit required; written authority
Authority: IC 25-15-9-8
Affected: IC 23-14-31; IC 25-15-8-1

Sec. 2. The disposal of human remains by licensees shall be in strict compliance with applicable law. In the event dispositionis to be cremation, a burial permit shall be obtained for and in connection with the cremation. No licensee shall directly or indirectly participate in the cremation of human remains without first having obtained a burial permit and written authority from the authorizingagent to cremate the decedent.

832 IAC 2-2-2.1 Simultaneous cremation; unauthorized activity
Authority: IC 25-15-9-8
Affected: IC 23-14-31-39

Sec. 2.1. (a) Except as permitted by IC 23-14-31-39, human remains of more than one (1) individual shall not be simultaneously cremated within the same cremation chamber.

(b) Nonhuman remains shall not be simultaneously cremated with human remains within the same cremation chamber as used for human remains.

832 IAC 2-2-3 Embalming rooms; embalming procedure
Authority: IC 25-15-9-8
Affected: IC 25-15-2-9; IC 25-15-2-17

Sec. 3. (a) Human remains shall not be in any way prepared for disposition by a licensee except in an approved embalming room. To be approved as an embalming room the same must meet the requirements of these rules and regulations. The room shallbe located in a licensed funeral home, a school, college, or department of mortuary science engaging in proper instruction and approved for such instruction by the board, or temporary locations approved by the state board of health of Indiana, a county coroner,or a local board of health of Indiana or officer thereof.

(b) Human remains donated to the state anatomical board *[Under P.L.238-1987, SECTION 4, a reference to the state anatomical board is considered a reference to the anatomical education program.]* shall be embalmed as required by the state anatomical board *[Under P.L.238-1987, SECTION 4, a reference to the state anatomical board is considered a reference to the anatomical education program.]*.

(c) Those licensees performing the embalming procedure shall be required to utilize protective devices, such as gloves, outer protective gowns, etc., and such other means to adequately protect the licensee.

(d) A licensee must dispose of human remains in accordance with directives of the Indiana state board of health and local health officials.

(e) Nothing in this section shall be interpreted to require embalming if the next-of-kin does not authorize embalming.

832 IAC 2-2-4 Professional conduct
Authority: IC 25-15-9-8
Affected: IC 25-15

Sec. 4. No licensee shall permit or engage in:
(1) the use of drugs or the consumption of alcohol or any other substance of similar nature that would affect the ability of alicensee to perform the duties and services for which he is licensed;
(2) the practice of funeral services except as the agent of a licensed funeral home either as an owner, employee, or under awritten agreement. Nothing herein shall be construed to restrict preneed agents or cemeteries from performing duties and functions as provided by law;
(3) refusal to promptly surrender the custody of human remains upon the express order of the person who is authorized byIndiana law to make arrangements;
(4) failure to secure permit for removal or burial of human remains prior to interment or other disposal;
(5) obtaining possession or embalming human remains without first being duly authorized to do so by a relative of the deceasedperson or a person legally entitled to authorize such possession or embalming;
(6) directing, allowing, or permitting any individual or person who is not a licensee to perform funeral services, as defined in IC 25-15-2-17 to the extent not otherwise exempt under IC 25-15-2-10. This prohibition does not extend to the sale of funeral goods as defined in IC 25-15-2-14;
(7) a violation of any part of IC 25-15-2 thru and including IC 25-15-8 or any part of the regulations promulgated thereunder.

ARTICLE 3. EDUCATION, EXAMINATION AND LICENSURE

Rule 1. Schools

832 IAC 3-1-1 Approved college, school, or department of mortuary science
Authority: IC 25-15-9-8
Affected: IC 25-15-4-2; IC 25-15-4-3

Sec. 1. (a) For purposes of qualifying for licensure under IC 25-15-4-2(a)(4) and IC 25-15-4-3(b)(4), "accredited college, school, or department of mortuary science approved by the board" means a course of study at a school or college accredited by theAmerican Board of Funeral Service Education, regional association of colleges and schools recognized by the United States Department of Education, or other colleges and schools as approved by the board, which address the areas of the following:
(1) Theory and practice of embalming.
(2) Restorative art.
(3) Pathology.
(4) Anatomy.
(5) Microbiology.
(6) Chemistry.
(7) Hygiene.
(8) Public health and sanitation.
(9) Ethics.

(b) Schools or colleges offering courses in mortuary science that do not meet the requirements of subsection (a) may be approved by the board upon a finding by the board that the institution substantially complies with the criteria for accreditation established by the American Board of Funeral Service Education.

Rule 2. Internships and Examinations

832 IAC 3-2-1 Funeral director internships

Authority: IC 25-15-9-8
Affected: IC 25-15-4-2; IC 25-15-4-3

Sec. 1. (a) The one (1) year experience requirement for licensure as a funeral director provided for by IC 25-15-4-3(b)(6) may only be satisfied during the period of time that the applicant has been licensed as a funeral director intern.

(b) The successful completion of a funeral director internship must include the following:

(1) Working in a funeral home under the direct supervision of a licensed funeral director for at least one thousand five hundred (1,500) hours over a period of at least one (1) year.

(2) Assisting in the embalming of at least twenty-four (24) bodies.

(3) Assisting in the arrangement, services, and disposition of at least twenty-four (24) bodies.

(c) Upon expiration of a funeral director intern license issued under IC 25-15-4-2, the holder may extend the license for an additional one (1) year by paying the funeral director intern license fee and otherwise meeting the requirements of IC 25-15-4-2.

832 IAC 3-2-2 Recognized funeral service intern examination

Authority: IC 25-15-9-9
Affected: IC 25-15-4-2

Sec. 2. (a) In addition to meeting the requirements in IC 25-15-4-2(a), an applicant for licensure as a funeral director intern must provide proof of the successful completion of an examination in the field of funeral service. An examination conducted by a person other than the board may satisfy the funeral service intern examination requirement provided the examination is preapproved by the board and conducted by a nationally recognized testing service that is under contract with the boards of at least three (3) other states to provide testing and grading in the field of funeral service.

(b) The examination shall consist of two (2) parts, one concerning funeral service science and the other concerning funeral service arts. To pass the examination, an individual must obtain a score of seventy-five percent (75%) or higher for the total examination. If, however, the individual scores less than seventy percent (70%) on either part of the examination, the individual will fail the examination. A score of at least seventy-five percent (75%) is required to pass a retake of either section of the examination.

832 IAC 3-2-3 Funeral director intern case reports

Authority: IC 25-15-9-8
Affected: IC 25-15-4-3

Sec. 3. (a) Funeral director interns shall submit to the board a total of four (4) funeral director intern case reports. The reports shall be submitted on a quarterly basis after the date of the issuance of the funeral director intern license.

(b) The reports required under subsection (a) shall be submitted not later than thirty (30) days after the end of the quarter. Funeral director license applications will be considered incomplete until all case reports have been submitted.

(c) Funeral director intern quarterly case reports shall be on forms provided by the board and shall include a detailed report of any of the following funeral services in which the intern participated:

(1) Embalmings.
(2) First call.
(3) Assisting at funerals.
(4) Preparing death notices.
(5) Arranging funeral or memorial services.
(6) Rosary-lodge services.
(7) Preparing death certificates.
(8) Arranging for organists, soloists, or beauticians.
(9) Ship-out detail.
(10) Veterans burials.
(11) Social Security forms.
(12) Indigent funerals.
(13) Cemetery details.
(14) Assisting in the sale of merchandise.
(15) Maintenance of funeral establishment and all equipment.
(16) Preparation of sales tax for each individual service.
(17) Compliance with Federal Trade Commission rulings.

(d) The funeral director intern case reports shall be signed by the intern and the sponsoring funeral director both of whom shall provide their license numbers.

832 IAC 3-2-4 Requirements for third and subsequent takings of funeral director license examination

Authority: IC 25-15-9-8
Affected: IC 25-15-5-3

Sec. 4. (a) Following the third failure of the funeral director examination by an applicant for a funeral director license, the applicant must provide proof of completion of five (5) hours of instruction in continuing education courses approved under 832 IAC 4-1 before each additional examination attempt.

(b) The continuing education required by subsection (a) must be obtained not earlier than ninety (90) days before the next examination attempt.

(c) The continuing education required by subsection (a) shall be directly related to Indiana funeral service law.

832 IAC 3-2-5 Funeral director examination; passing score

Authority: IC 25-15-9-8
Affected: IC 25-15-4-3

Sec. 5. To pass the funeral director examination, an individual must obtain a score of seventy-five percent (75%) or higher.

Rule 3. Licensure

832 IAC 3-3-2 Funeral director license; out of state applicants

Authority: IC 25-15-9-8
Affected: IC 25-15-4-3; IC 25-15-4-5

Sec. 2. (a) An individual who:

(1) is licensed in another state with requirements that are substantially equal to those contained in IC 25-15-4-3(b); and
(2) meets the requirements of this section;

shall be entitled, upon application, to be licensed as a funeral director.

(b) The individual must take and pass the funeral director examination.

(c) An individual described in subsection (a):

(1) whose out of state license has:
  (A) been revoked or suspended by the licensing authority in the other state; or
  (B) expired; or
(2) has been placed on probation by the licensing authority in the other state;

shall not qualify for a funeral director license.

ARTICLE 4. CONTINUING EDUCATOIN; LICENSE RESTORATION AND RENEWAL

Rule 1. Continuing Education

832 IAC 4-1-1 Continuing education requirements

Authority: IC 25-1-4; IC 25-15-9-8
Affected: IC 23-14-31; IC 25-15-2-22; IC 25-15-6-3; IC 30-2-13

Sec. 1. (a) Funeral directors and embalmers must complete a minimum of ten (10) hours of instruction in each two (2) yearperiod (as defined by subsection (b)) in courses that are given by board approved sponsors. Courses must meet the following criteria:

(1) Measurements and reports must be in full hours excluding preparation time with a fifty (50) minute instruction period beingequivalent to one (1) hour.

(2) The number of hours for a specific course will be determined and announced by the sponsor.

(3) A funeral director who attends the same approved continuing education course more than once in the same two (2) year period is entitled to continuing education credit for that course only once.

(4) A funeral director shall not be entitled to any continuing education credit for a course unless he or she attends the entirecourse.

(b) The two (2) year period within which funeral directors and embalmers must obtain a minimum of ten (10) hours of continuing education under subsection (a) extends from January 1 of each odd-numbered year to December 31 of each even- numbered year.

(c) Subject to the provisions of subsection (a)(3), a funeral director or embalmer who attends an approved continuing education course as an instructor is entitled to continuing education credit for that course.

(d) Of the minimum of ten (10) hours of instruction each funeral director and embalmer must complete within each two (2) year period, at least four (4) hours must be in one (1) or more of the following areas:

(1) Preneed burial services or merchandise under IC 30-2-13.

(2) The practice of funeral service under IC 25-15-2-22.

(3) The cremation act under IC 23-14-31.

(4) The cemetery act under IC 23-14.

(e) A funeral director or embalmer can complete not more than five (5) hours of continuing education requirements for the two (2) year period through distance learning methods.

832 IAC 4-1-2 Continuing education course requirements

Authority: IC 25-1-4; IC 25-15-9-8
Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 2. To qualify and be included in the continuing education minimum hour requirement, the course must be formally organized, primarily instructional, and contribute directly to professional competence in the practice of funeral service. The followingcriteria must be met:

(1) The course and its sponsor must be approved by the board prior to the time it is conducted.

(2) The course is at least one (1) instructional hour of fifty (50) minutes in length.

(3) The course is conducted by a qualified instructor.

(4) A continuing education hour rating is determined by the sponsor.

(5) The course must cover one (1) or more of the following subjects:

(A) Business administration.
(B) Religion.
(C) Natural sciences.
(D) Management services-systems, cost, budget, merger and acquisition, data processing, etc.
(E) Preneed services.
(F) Restorative art/embalming.
(G) Funeral service counseling.
(H) Funeral service merchandising.
(I) Funeral customs.
(J) Communicable diseases including transmission, sterilization techniques, and risk education methods in the practiceof professional services.

(6) The course is not given during meals.

(7) Mandatory annual courses or programs that are taken for the purpose of complying with applicable federal and state laws and regulations of the United States Occupational Safety and Health Administration (OSHA) and the Indiana occupational and safety standards commission are in addition to the continuing education requirements required under this article.

832 IAC 4-1-2.1 Continuing education credit sponsored by the board

Authority: IC 25-15-9-8
Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 2.1. Continuing education credit may be given for courses sponsored by the board where the recordkeeping requirementsof 832 IAC 4-1-3 are assigned to a previously approved sponsor.

832 IAC 4-1-3 Sponsors

Authority: IC 25-1-4; IC 25-15-9-8
Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 3. (a) All sponsors of continuing education courses shall submit an application for approval by the board. Approvedsponsors must do the following:

(1) Maintain an accurate record of course attendance showing date, place, and name and state board license number ofattendee.

(2) Maintain a copy of the course outline and the attendance records for four (4) years following presentation of the course.

(3) Provide upon request by an attendee, verification of attendance stating the date and subject of the course, and the numberof continuing education hours.

(b) Notwithstanding subsection (a), continuing education programs sponsored by the following organizations shall be deemedapproved and no approval by the board shall be required:

(1) The Indiana Funeral Directors Association.

(2) The Independent Funeral Directors of Indiana.

(3) The National Funeral Directors Association.

(4) The National Funeral Directors & Morticians Association, Inc.

(5) The International Cemetery, Cremation, and Funeral Association.

(c) The board shall approve sponsors and their individual continuing education courses. The board reserves the right to withdraw such approval for good cause.

Rule 2. License Restoration and Renewal; Reentry into Practice

832 IAC 4-2-2 Continuing education requirements for license reinstatement

Authority: IC 25-15-9-8
Affected: IC 25-1-8-6; IC 25-15-6-4

Sec. 2. (a) In addition to the requirements under IC 25-15-6-4 and IC 25-1-8-6, in order to reinstate an expired funeral director or embalmer license under IC 25-15-6-4, the licensee must complete the continuing education hours required for renewal of the license at the time it expired.

(b) If more than one (1) year has passed since the expiration of the funeral director or embalmer license, the licensee shall be required to obtain five (5) additional hours of continuing education for each year following expiration. These continuing educationhours are in addition to the requirements under subsection (a).

(c) Five (5) hours of continuing education obtained to reinstate an expired license under the requirements of subsection (b)may count toward the licensee's continuing education requirement for the first renewal of the reinstated license if they were obtained during the two (2) calendar years immediately prior to the next renewal date following reinstatement.

832 IAC 4-2-3 Continuing education requirements for new licensees

Authority: IC 25-15-9-8
Affected: IC 25-15-6-3

Sec. 3. (a) Notwithstanding 832 IAC 4-1-1, an individual who is issued a new funeral director license in an odd-numbered year shall be required to obtain a minimum of only five (5) hours of continuing education credit during the two (2) year period then inprogress.

(b) Notwithstanding 832 IAC 4-1-1, an individual who is issued a new funeral director license in an even-numbered year shall not be required to obtain any continuing education during the two (2) year period then in progress.

832 IAC 4-2-4 Application of renewal for license

Authority: IC 25-15-9-8
Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 4. (a) Funeral directors intending to engage in the practice of funeral directing and embalmers intending to engage in the practice of embalming must biennially renew their licenses by December 31 of each even numbered year using the form providedby the board.

(b) Each funeral director and embalmer must sign a statement on the renewal form verifying that all continuing education requirements according to 832 IAC 4-1 will have been met by the time of license renewal.

(c) A funeral director or embalmer shall maintain his or her continuing education records for a period of three (3) years following the end of the biennium.

(d) It is the responsibility of the funeral director or embalmer to verify that courses attended have been approved by the board. Without approval, as provided under 832 IAC 4-1, credit will not be given.

ARTICLE 5. LICENSURE AND OPERATION OF FUNERAL HOMES

Rule 1. Licensure, Construction, and Equipment

832 IAC 5-1-0.5 Licensure procedure

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1; IC 25-15-9-9

Sec. 0.5. (a) Applications for funeral home licensure shall be filed with the board prior to the date the funeral home is scheduled to open for business.

(b) The board shall issue a license to any applicant the board or its designee certifies as having:

(1) met the licensure requirements specified in this rule and IC 25-15-4;

(2) received a satisfactory rating on an inspection under IC 25-15-9-9; and

(3) paid the fee specified in 832 IAC 2-1-2.

(c) No funeral home shall be operated or be opened for business prior to the issuance of a funeral home license by the boardfor that funeral home. Violation of this section shall be grounds for denial of licensure.

832 IAC 5-1-1 Partnership affidavit

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1

Sec. 1. In each case where a partnership is formed, and said partnership makes application for a funeral home license, it shallbe necessary for the application to be filed with an affidavit, sworn to under oath and under the penalties for perjury, setting forth the full name and address of each person having an interest in said partnership.

832 IAC 5-1-1.1 Inspections

Authority: IC 25-15-9-8; IC 25-15-9-9
Affected: IC 25-15

Sec. 1.1. (a) All funeral homes shall be subject to inspection by the board or its inspector at all times with or without notice. The inspection shall include the following:

(1) The facility.

(2) Vehicles used in the funeral business.

(3) Grounds contiguous to the funeral home.

(b) A funeral home shall be inspected by the board under the following circumstances:

(1) Prior to the issuance of a funeral home license.

(2) When a funeral home moves to a new location.

(3) When ownership of a funeral home is changed or otherwise transferred.

(c) The owner of the funeral home shall notify the board at least thirty (30) days before any of the following occur:

(1) When a funeral home moves to a new location.

(2) When ownership of a funeral home is changed or otherwise transferred.

(d) The board or its designee may inspect any funeral home or other facility when a complaint is made or to ensure protection of the public health, safety, and welfare.

832 IAC 5-1-1.2 Records

Authority: IC 25-15-9-8; IC 25-15-9-9
Affected: IC 25-15

Sec. 1.2. (a) All funeral home licensees shall make the following records available to the board for the purposes of examinationor inspection:

(1) The certificate of authority to sell preneed services or merchandise.

(2) A general price list.

(3) Bylaws and rules and regulations, if any.

(4) Preneed contracts.

(5) Other contracts, including at-need sales and contracts for burial rights.

(6) Preneed funeral contract consumer protection trust fund and regulatory trust fund remittances and supportingdocumentation.

(7) Records of cancellation requests and refunds given.

(b) All records referenced in subsection (a) must be maintained in a secure manner so as to be readily available for inspection. For purposes of this rule, "secure" may include one (1) or more of the following:

(1) A vault or fireproof container with a properly certified fire resistant capability of at least one (1) hour.

(2) A computer readable media backed up by diskette, or optical disk, or tape that is stored at an off-site location.

(3) Microfilm backed up by a security roll stored at an off-site location.

(4) A duplicate copy of the records referenced in this rule maintained at an off-site location and updated at least quarterly.

(5) Any other method that would ensure the funeral home licensee can readily produce records for inspection as required underthese rules.

832 IAC 5-1-2.1 Display identification

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 2.1. The name of a funeral home shall be prominently displayed on the premises on exterior signage.

832 IAC 5-1-3 Plumbing requirements; back-syphonage protection systems

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 3. Each licensed funeral home must have a back-syphonage protection system in keeping with the requirements of the fire prevention and building safety commission and the requirements of local health and building codes. The system at a minimum must be:

(1) a hydro aspirator with four (4) inch approved vacuum breaker;
(2) an electro aspirator;
(3) water service centers with breakers in system; or
(4) any other systems approved by the board.

832 IAC 5-1-4 Embalming rooms; construction fixtures; equipment and use requirements

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 4. (a) The issuance of a funeral home license and the continued use thereof shall depend among other things on compliance with this section, section 3 of this rule, and the Indiana Plumbing Code, 675 IAC 16.

(b) A funeral home must be equipped with a fully functional embalming room on the premises of the funeral home. However, persons who own and operate more than one (1) funeral home in a county or adjoining counties may designate one (1) embalming room in one (1) of those funeral homes as the sole embalming room for all of its funeral homes in that county or those adjoining counties. A funeral home without an embalming room must be a funeral home branch location. In no case may the embalming room for the funeral home branch location be located anywhere other than in the county where the funeral home is located or in an adjoining county.

(c) Each embalming room shall be equipped with a separate sink for washing hands and either one (1) wet hand sanitizer or disinfectant or one (1) dry hand sanitizer. Hot and cold running water shall be available to the embalming table and separate sink. The embalming room must also have the following:

(1) A working electric exhaust ventilation system vented to the outside of the building.
(2) Adequate lighting.
(3) A sterilizing tray long enough for the sterilization of instruments.
(4) Sufficient equipment for the injection of embalming fluid.

(d) The embalming room shall be maintained with painted (not papered) or tiled walls, and tile, linoleum, sealed concrete, or other material approved by the board, covering the entire floor.

(e) The top surface of the embalming room operating table shall be of glass, metal, porcelain, stainless steel, or other nonporous material, approved by the board.

(f) All of the openings leading from the embalming room shall have tight-fitting doors and opaque type of glass or of other substantial material that screens the interior of the embalming room at all times from the view of the general public.

(g) The embalming room shall be used only for embalming and preparation of human remains and not for storage or any other purpose.

(h) All waste material from an embalming room shall be properly disposed of as required by applicable law.

(i) The embalming room together with the balance of the funeral home facilities must be maintained in a clean and sanitary condition.

Rule 2. General Operations

832 IAC 5-2-1 Display of license

Authority: IC 25-15-9-8
Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 1. All licenses issued by the board including duplicate licenses required by section 5 of this rule shall be available forviewing in a public area of the funeral home or funeral home branch location.

832 IAC 5-2-2 Required employment of embalmers by unqualified funeral directors

Authority: IC 25-15-9-8
Affected: IC 25-15-8-10

Sec. 2. A funeral home manager who was not licensed as an embalmer in Indiana prior to July 1, 1985, except where initial licensure as a funeral director followed said date, shall employ a licensed embalmer or funeral director who has been licensed under IC 25-15.

832 IAC 5-2-4 Supervised funeral service limited to licensees

Authority: IC 25-15-9-8
Affected: IC 25-15-2-17

Sec. 4. Each act of funeral services, as defined at IC 25-15-2-17, performed for a funeral home under the direct supervisionof a funeral director must be performed by either a funeral director or a funeral director intern. At-need funeral arrangements mustbe performed by a licensed funeral director or a funeral director intern under the direct supervision of a licensed funeral director.

832 IAC 5-2-5 Duplicate licenses at all locations where associated

Authority: IC 25-15-9-8
Affected: IC 25-15-8-6; IC 25-15-8-11

Sec. 5. Funeral directors, funeral director interns, and embalmers must provide and make available a duplicate license for each funeral home and funeral home branch location where services in any capacity are performed.

ARTICLE 6. FUNERAL TRUST FUNDS

Rule 1. Trust Fund Agreements; Contract Provisions

832 IAC 6-1-1 Notifications affecting preneed contracts

Authority: IC 25-15-9-8
Affected: IC 1-1-7-1; IC 25-15-8-5; IC 30-2

Sec. 1. When a funeral home is sold or when the preneed contracts established under IC 30-2 that names licensees as beneficiaries are sold, the seller is responsible to notify the purchasers of all such preneed contracts affected by the sale, advisingthem of the transaction. Notification must be in writing and provided by the seller to the purchasers by regular mail or by any method permitted by IC 1-1-7-1.

832 IAC 6-1-2 Restrictions on increased pre-need contract prices

Authority: IC 25-15-9-8
Affected: IC 30-2-9

Sec. 2. If the funeral trust contract executed pursuant to IC 30-2-9 does not specifically allow for increases in the total stated price of the services, the beneficiary of the funeral trust may provide the agreed upon

funeral and burial services at no greater cost than the total specified in the funeral service contract. Even if a funeral trust contract described in IC 30-2-9 includes a provision for increases in the total price of the funeral service, the beneficiary of the trust may not charge or collect any total price for the service selected by the settlor of the trust greater than that specified in the last written notification to the settlor or the settlor's guardian before the settlor's demise.

832 IAC 6-1-3 Payment of trust and escrow funds; documentation required

Authority: IC 30-2
Affected: IC 25-15-9-8; IC 25-15-9-18

Sec. 3. (a) A trustee or escrow agent acting as a fiduciary, as defined at IC 30-2-13-11 and including an insurance company holding prepaid funeral funds, that disburses funds in a funeral trust or escrow account established under IC 30-2-9, IC 30-2-10, or IC 30-2-13 may do so only when documentation is submitted to the trustee or escrow agent acting as a fiduciary verifying both:

(1) the death of the individual for whom services were to be provided under contract; and
(2) that the beneficiary of the trust has fully performed all funeral and burial services provided for in the contract.

(b) Presentation of one (1) of the following documents shall be satisfactory verification of proof of death under subsection (a)(1):

(1) A completed and executed copy of a death certificate.
(2) Certification of proof of death from the coroner pending issuance of a death certificate.
(3) For burial purposes only, a burial permit.

(c) Presentation of one (1) of the following documents shall be satisfactory verification of performance of services under subsection (a)(2):

(1) In the event of a merchandise sale only, an invoice for merchandise that reflects the name of the purchaser or beneficiary and the contract number.
(2) Acknowledgment signed by the purchaser, next of kin, or a person who has authority to designate final disposition of remains, acknowledging that merchandise was delivered or services were performed, as permitted by IC 25-15-9-18.

(d) The beneficiary of the trust shall maintain documentation, in original or electronic format, for at least three (3) years after the date of full performance of the contract.

ARTICLE 7. PRENEED FUNERAL BURIAL SERVICES OR MERCHANDISE CONTRACTS

Rule 1. Definitions

832 IAC 7-1-1 Applicability

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 1. The definitions in IC 30-2-13 and this rule apply throughout this article.

832 IAC 7-1-4 "Contract beneficiary" defined

Authority: IC 25-15-9-8
Affected: IC 30-2-13

Sec. 4. "Contract beneficiary" means the person specified in a contract for prepaid services or merchandise, upon whose death, the services or merchandise shall be provided or delivered.

Rule 2. Contract Provisions

832 IAC 7-2-1 Preneed contract

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 1. (a) It shall be unlawful for any seller doing business within this state to make, either directly or indirectly, by any means, a preneed contract unless it is as follows:

(1) Made on a form that complies with this article, is written in clear, understandable language, and printed in easy-to-read type, size, and style.
(2) Identifies, by name, address, and telephone number, the seller, purchaser, and the contract beneficiary, if other than the purchaser, and contains the seller's certificate of authority number and date of contract.
(3) Clearly discloses that, upon payment in full, all services and merchandise subject to contract are guaranteed as to delivery, or, in the event a contract is funded through a cash installment sale or an insurance policy with a limited death benefit, delivery of services and merchandise may be reduced to the extent of funds actually received at the time delivery is to be made.
(4) Clearly discloses that if cash advance items are funded in the preneed contract, then, at the time of delivery, funds available shall be applied by the seller to the prepaid services and merchandise and cash advance items in the same proportion as initially funded in the preneed contract.
(5) Provides that the purchaser may terminate the contract within thirty (30) days of execution, that the contract becomes irrevocable after that time, and an acknowledgment by the purchaser that they understand the irrevocable nature of the contract.
(6) Provides that if the particular merchandise and services specified in the contract are unavailable at the time of delivery, the seller will furnish services and merchandise similar in style and quality of material at least equal in value.
(7) Clearly discloses the manner in which the preneed contract is to be funded, including, but not limited to:
    (A) a bank trust;
    (B) an annuity;
    (C) a life insurance policy; or
    (D) a savings account.
(8) Clearly discloses the purchaser's right to designate a new seller, and place of final disposition, if known.
(9) Clearly discloses any geographic restrictions and related charges, if any.

(b) Where the particular merchandise and services specified in the contract are unavailable under subsection (a)(6), the seller must advise the purchaser of the substituted merchandise or services and explain how the seller determined the merchandise or services are similar in style and quality of material and at least equal in value.

832 IAC 7-2-2 Delivery of contract

Authority: IC 25-15-9-8
Affected: IC 30-2-13

Sec. 2. At the time the contract is entered into, the seller shall furnish the purchaser with a copy of the signed contract.

832 IAC 7-2-3 Preneed contract paid through installments

Authority: IC 25-15-9-8
Affected: IC 30-2-13

Sec. 3. In the event a contract is funded on a cash basis, payable in installments, or with a life insurance policy, annuity, or other method which has a limited death benefit period, and the contract beneficiary dies either

before the installments are paid in full or during the limited death benefit period, then the seller shall:

(1) deliver services and merchandise equal in value to the funds available in trust or the proceeds of a life insurance policy, annuity, or other funding vehicle; or

(2) deliver services and merchandise specified in the preneed contract, provided the purchaser, or other person, provides a financial guaranty or other consideration sufficient in value to pay the difference between the seller's retail price at time of delivery and the proceeds available from the funding mechanism employed to fund the contract.

832 IAC 7-2-4 Bank trust deposits

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13-12.5

Sec. 4. Cash or other property received for services or merchandise shall be deposited as required by IC 30-2-13-12.5. Subsequent installment payments shall be deposited by the seller within thirty (30) days of receipt.

832 IAC 7-2-5 Cash advance item and sales tax collections

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13-12.5

Sec. 5. All funds collected by a seller for future payment of cash advance items or sales tax shall be deposited to trust in accordance with IC 30-2-13-12.5 and held in trust until the time of delivery. Funds collected as premiums for life insurance or annuities to fund cash advance items or sales tax shall be paid as premiums to the life insurance company.

832 IAC 7-2-6 Duplicate contracts

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 6. In the event there is more than one (1) preneed contract to provide the same or similar services or merchandise without a successor seller designated, the contract that is first in time prevails and is valid. The seller of a subsequent contract who has not been designated as a successor seller shall, on demand of the purchaser, refund to the purchaser from trust all funds or other property paid to the subsequent seller in the funding of the subsequent contract. The seller of the subsequent contract shall execute whatever
documents are necessary to effectuate the transfer or refund.

832 IAC 7-2-7.1 Inability to perform contractual duties

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 7.1. (a) A seller who is unable to perform its obligations under a preneed contract for any reason shall give notice to the board and to each preneed contract purchaser under the requirements of IC 30-2-13-15.

(b) A purchaser who receives notice under subsection (a) has thirty (30) days after the date the notice was mailed to designate, under IC 30-2-13-13, a new seller to become the beneficiary of the trust or the designated recipient of the escrow funds. Should the newly designated seller consent to the designation, the original seller shall transfer the unperformed contract and funds held in trust or escrow to the newly designated seller. The newly designated seller shall perform the transferred contract. A purchaser receiving notice under IC 30-2-13-13 may not hold back or retain the right to make future delivery of any item of service or merchandise, or any cash advance item, set forth in the contract subject to transfer.

(c) A seller who is unable to perform its obligations under a preneed contract and has not been informed by a purchaser regarding a newly designated seller within thirty (30) days of sending notice under subsection (a) shall send the board all unperformed preneed contracts for which there is no newly designated seller. The preneed contracts and all original supporting documentation shall be sent to the board within sixty (60) days after the date the notice required under subsection (a) was mailed by the seller to the purchaser.

(d) Where a purchaser has not designated a new seller, the board shall designate a new seller, subject to acceptance by the new seller of such designation. In selecting a new seller, the board shall consider sellers in the geographic area where the preneed contract is to be performed. Each newly designated seller shall become the beneficiary of the trust or the designated recipient of the escrow funds of the purchaser.

(e) In the event the board is required to designate a new seller, the board's action shall not limit or prohibit a purchaser from exercising the right to further designate a successor seller of the purchaser's choosing under IC 30-2-13-13.

A seller who is unable to perform its obligations under a preneed contract and fails to discharge its responsibilities under IC 30-2-13-15 and this rule may be subject to criminal and civil penalties, as provided by IC 30-2-13-38.

832 IAC 7-2-8 Consumer protection charges

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13-27

Sec. 8. A seller may elect to include in its sales price the cost of compliance with IC 30-2-13-27, and such charge shall not be subject to the trust requirements of IC 30-2-13.

832 IAC 7-2-9 Consumer protection fund disclosure

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 9. A seller shall not:

(1) use;
(2) employ;
(3) advertise;
(4) market; or
(5) otherwise solicit;

the sale of services or merchandise in such a manner as to publicize the existence of the Preneed Consumer Protection Fund in the promotion of such sale or attempted sale of a preneed contract.

832 IAC 7-2-10 Excess funds; IC 30-2-10 trust

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-10; IC 30-2-13

Sec. 10. Funeral director sellers required to employ a trust or escrow authorized by IC 30-2-10 shall compute any excess or refund amount on the difference between the seller's retail price at the time of delivery and the proceeds available from the funding mechanism employed to fund the contract.

832 IAC 7-2-12 Requirements to make records available to board

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13

Sec. 12. (a) Each holder of a certificate of authority and each person required by IC 30-2-13 to obtain a certificate of authority shall, upon demand, provide and make available for inspection and copying any and all detailed records:

(1) required by IC 30-2-13; and

(2) necessary to show compliance with IC 30-2-13; upon request by the board for investigative purposes.

(b) All records shall be maintained in a secure manner in accordance with 832 IAC 5-1-1.2(b).

832 IAC 7-2-13 Unlawful inducement

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 23-14-37; IC 30-2-13-13

Sec. 13. (a) "Inducement" means the act or process of a seller to entice or persuade a purchaser or potential purchaser to take a certain course of action with respect to a contract. An inducement can be tangible or intangible as well as direct or indirect.

(b) "Unlawful inducement" means an inducement employed by a seller that is in violation of IC 30-2-13, IC 23-14-37, or these rules.

(c) The advertisement of preneed services or merchandise to the general public does not constitute an unlawful inducement unless the advertisement is false or misleading or otherwise in violation of statute or these rules.

(d) It is an unlawful inducement for a seller to knowingly induce a purchaser to breach an existing contract that provides for prepaid or at-need services or merchandise. It is not an unlawful inducement for a seller to advertise or otherwise inform consumers of their right to transfer their contracts to a successor seller.

(e) A seller engages in an unlawful inducement where the seller knowingly:

(1) induces a purchaser who has the right to designate a successor seller under IC 30-2-13-13 to:
  (A) make a designation of a successor seller;
  (B) breach an existing contract for prepaid or at-need services or merchandise; or
  (C) enter into a prepaid or at-need contract calling for the delivery of similar services or merchandise; or

(2) offers a monetary inducement or the exchange or substitution of free or discounted services or merchandise in an effort to induce a purchaser to change the designation of a seller of prepaid or at-need services or merchandise.

(f) An unlawful inducement occurs where a seller provides free or discounted burial rights as:

(1) an inducement or as a consideration for the transfer of a contract; or

(2) an inducement of a purchaser to change the designation of a seller of prepaid or at-need services or merchandise.

(g) In addition to section 9 of this rule, a seller engages in an unlawful inducement where the seller, as inducement to purchase burial rights in a cemetery or as inducement to purchase preneed or at-need services or merchandise, does any of the following:

(1) Offers, promises, or agrees to resell or repurchase the burial rights.

(2) Pays or offers to pay any sum of money as interest or as a premium for the right to resell or repurchase the burial rights.

(3) Allows a purchaser to convert, substitute, or exchange the purchase of burial rights for the purchase of services or merchandise.

(4) Offers or provides a purchaser with free services or merchandise in exchange for the purchase of other services or merchandise.

(5) Offers or provides a purchaser with cash or gifts with a value of more than fifty dollars ($50) as inducement to purchase a contract for services or merchandise.

(h) A cemetery owner is not prohibited by subsection (g) from offering or agreeing to repurchase burial rights under a lot exchange plan that:

(1) is entered into with other cemetery owners or through an association of cemetery owners; and

(2) provides for the repurchase of burial rights in case the purchaser should change legal residence to another community and purchases burial rights in a cemetery located in the community of the purchaser's new place of residence.

(i) A seller is not prohibited from offering or providing cash or gifts of a value less than fifty dollars ($50) as inducements to potential purchasers or new customers as part of the advertisement of goods and services.

(j) Any reference to a seller includes an agent of the seller.

ARTICLE 8. CONSUMER PROTECTION FUNDS

Rule 1. Preneed Consumer Protection Fund

832 IAC 8-1-1 Definitions

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2-13-29

Sec. 1. The definitions in IC 30-2-13 apply throughout this article.

832 IAC 8-1-2 Purpose of the preneed consumer protection fund

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 23-14-49-1; IC 30-2

Sec. 2. The purpose of the preneed consumer protection fund established under IC 30-2-13-28 is to provide restitution to the following:

(1) A purchaser of a preneed contract under IC 30-2-13.

(2) An individual who has established a funeral trust under IC 30-2-9 or IC 30-2-10.

(3) An individual who has established a cemetery escrow or trust under IC 23-14-49-1.

(4) The estate of an individual described in subdivision (1), (2), or (3).

(5) A funeral home, funeral director, or cemetery owner that performs a defaulted contract when the original seller of the prepaid services or merchandise has defaulted on a contract.

832 IAC 8-1-3 Requests for restitution

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2

Sec. 3. (a) Requests for restitution from the preneed consumer protection fund shall be subject to the review and approval of the board. The board has complete discretion to allow or reject the requests for restitution in whole or in part.

(b) Requests for restitution from the preneed consumer protection fund must be in writing and on a form prescribed by the board. The following documentation shall be submitted with the request to the board:

(1) A copy of the original preneed contract.

(2) Documentation, such as canceled checks or payment receipts, verifying the total funds paid to the seller on the contract and demonstrating that applicant for restitution has not defaulted on the contract.

(3) Documentation showing that the seller is incapable or has failed to provide the services or merchandise on a preneed contract.

(4) Documentation concerning efforts to obtain reimbursement from the seller, insurance companies, trustees, escrow agent, or others.

(5) Documentation of amounts recovered from any source in partial payment of the loss.

(c) The board has the right to review, investigate, or request additional documentation in order to determine the validity and correct amount of restitution, if any, to be paid.

832 IAC 8-1-4 Board approval of disbursement

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 25-1-11; IC 30-2-13-33

Sec. 4. 2(a) The board shall determine to its satisfaction that the seller does not possess the financial means to deliver or provide the prepaid services or merchandise based on a review of any of the following:

(1) A disciplinary proceeding against the seller or other licensee under IC 25-1-11.
(2) Bankruptcy proceedings.
(3) Whether the seller has been acquired by a successor who by law has assumed the obligations of the seller, including the preneed funeral contracts.
(4) Trust or escrow accounts held by or entered into by the seller.
(5) Assets held by the seller.

(b) Disbursements from the preneed consumer protection fund shall be determined after consideration of the following additional criteria:

(1) Whether the seller was licensed to sell preneed services under IC 30-2-13-33 when the contract was entered into.
(2) Whether adequate funds in the preneed consumer protection fund are available.
(3) Whether the requestor of restitution was required to obtain services and merchandise other than from the seller of the preneed contract.
(4) Whether the losses are not otherwise covered, protected, or reimbursable.
(5) Whether the requestor is eligible for or seeking reimbursement from a judgment or other right as a result of criminal or civil litigation.
(6) Whether credit for merchandise delivered or resources still existing in the trust or escrow must be subtracted from the amount of restitution.

(c) Restitution from the preneed consumer protection fund is not available for any of the following:

(1) Defective merchandise or costs associated with reopening a grave in order to take corrective action on defective merchandise.
(2) Services or merchandise not included in the original preneed contract.
(3) Court costs or other fees associated with the original preneed contract.

832 IAC 8-1-5 Interest

Authority: IC 25-15-9-8; IC 30-2-13-34
Affected: IC 30-2

Sec. 5. (a) The amount of restitution shall include interest, calculated at the statutory rate, on the gross amount owed, compounded annually, for each year for which restitution is owed starting from the date of the original preneed contract.

(b) Restitution paid to a funeral home, funeral director, or cemetery owner that performs a defaulted contract shall not exceed the gross amount of the cost of services actually rendered.

Rule 2. Consumer Protection Fund for Cemetery Maintenance

832 IAC 8-2-1 Definitions

Authority: IC 25-15-9-8
Affected: IC 23-14; IC 30-2-13

Sec. 1. The definitions in IC 30-2-13, except for the following, apply throughout this article:

(1) "Cemetery" means a cemetery as defined at IC 23-14-33-7 that is eligible for coverage under IC 23-14-48.5-1.
(2) "Consumer protection fund for cemetery maintenance" means the fund established under IC 23-14-48.5-4.
(3) "Fund" means the consumer protection fund for cemetery maintenance.
(4) "Maintenance" means the care of cemetery grounds and graves in keeping with a properly maintained cemetery and includes the following:
    (A) Cutting grass at reasonable intervals.
    (B) Raking and cleaning cemetery plots at reasonable intervals.
    (C) Pruning shrubs and tress *[sic]*.
    (D) Keeping in repair and preserving the following:
        (i) Drains.
        (ii) Water lines.
        (iii) Roads.
        (iv) Buildings.
        (v) Fences.
        (vi) Other structures.
(5) "Request for maintenance assistance" or "request" means a verified complaint filed under IC 23-14-48.5.

832 IAC 8-2-2 Purpose of the consumer protection fund for cemetery maintenance

Authority: IC 25-15-9-8
Affected: IC 23-14-48-10; IC 23-14-48.5

Sec. 2. The purpose of the consumer protection fund for cemetery maintenance is to provide funding for cemetery maintenance when:

(1) a cemetery owner is unable to maintain a cemetery;
(2) the perpetual care fund of a cemetery is depleted or otherwise unavailable; and

interested persons have not organized under IC 23-14-48-10 in order to take over the management, care, and general supervision of the cemetery.

832 IAC 8-2-3 Request for maintenance assistance

Authority: IC 25-15-9-8
Affected: IC 23-14-48-7; IC 23-14-48.5

Sec. 3. (a) A request for maintenance assistance at a cemetery must be in writing and on a form prescribed by the board.

(b) A request may be filed by the cemetery owner. If the cemetery owner is unable to be determined, the request may be filed by:

(1) the owner of a lot in the cemetery;
(2) the next of kin of a lot owner; or
(3) any other interested person.

(c) The following documentation shall also be considered with the request:

(1) The accounting and report of the cemetery's perpetual care fund filed with the board under IC 23-14-48-7.
(2) Other information the board may require in order to determine the validity of the request, including personal appearances as requested.

832 IAC 8-2-4 Approval or disapproval; notice of termination

Authority: IC 25-15-9-8
Affected: IC 23-14-48.5

Sec. 4. (a) The board shall issue its written findings of fact approving or disapproving a request for maintenance assistance within thirty (30) days of its receipt.

(b) An approved request shall be reviewed and revised as necessary at least every ninety (90) days.

(c) Upon the termination of its approval for maintenance assistance, the board shall issue a written notice to the cemetery owner or the person who filed the request under section 3(b) of this rule.

ARTICLE 9. CONVICTIONS OF CONCERN

Rule 1. Convictions of Concern

832 IAC 9-1-1 Scope
Authority: IC 25-1-1.1-6
Affected: IC 25-15

Sec. 1. This rule implements IC 25-1-1.1-6 regarding convictions of concern, which may disqualify an individual for licensure and includes in section 4 of this rule an explicit list of crimes that may disqualify an individual from receiving a license issued under IC 25-15.

832 IAC 9-1-2 Issuance of license
Authority: IC 25-1-1.1-6
Affected: IC 25-15

Sec. 2. An applicant for licensure who has a conviction of concern may still be granted a license based on the criteria stated in IC 25-1-1.1-6(h).

832 IAC 9-1-3 Authority to issue license on probation
Authority: IC 25-1-1.1-6
Affected: IC 25-1-9-16; IC 25-15

Sec. 3. This rule and IC 25-1-1.1-6 do not limit the authority of a board or committee to issue a license on probation if appropriate under IC 25-1-9-16 or any other applicable statute.

832 IAC 9-1-5 Crimes in another jurisdiction
Authority: IC 25-1-1.1-6
Affected: IC 25-15

Sec. 5. A crime in any other jurisdiction for which the elements of the crime for which conviction was entered are substantially similar to the elements of a crime included on the list in section 4 of this rule shall also be a crime that will disqualify an individual from receiving a license and therefore included on the list.

832 IAC 9-1-6 Prelicensure determinations; fee
Authority: IC 25-1-1.1-6
Affected: IC 25-15

Sec. 6. The fee for a petition under IC 25-1-1.1-6(g) for a determination as to whether the individual's misdemeanor or felony conviction may disqualify the individual from receiving a license or certification shall be twenty-five dollars ($25).

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IC 29-2-19 Chapter 19. Funeral Planning Declaration

IC 29-2-19-1 "Declarant"

Sec. 1. As used in this chapter, «declarant» means an individual who signs a funeral planning declaration executed under this chapter.

IC 29-2-19-2 "Declaration"

Sec. 2. As used in this chapter, «declaration» means a funeral planning declaration executed under this chapter.

IC 29-2-19-3 "Designee"

Sec. 3. As used in this chapter, «designee» means an individual directed by the terms of a declaration to:

(1) carry out the funeral plan of the declarant as set forth in the declaration; or

(2) make any arrangements concerning the disposition of the declarant's remains, funeral services, merchandise, and ceremonies that are delegated to the designee in the declaration.

IC 29-2-19-4 "Disposition"

Sec. 4. As used in this chapter, «disposition» has the meaning set forth in IC 25-15-2-7.

IC 29-2-19-5 "Funeral services"

Sec. 5. As used in this chapter, «funeral services» has the meaning set forth in IC 25-15-2-17.

IC 29-2-19-6 "Grave memorial"

Sec. 6. As used in this chapter, «grave memorial» has the meaning set forth in IC 14-21-2-2.

IC 29-2-19-7 "Merchandise"

Sec. 7. As used in this chapter, «merchandise» refers to personal property described in IC 30-2-13-8.

IC 29-2-19-8 Funeral planning declaration; requirements

Sec. 8. (a) A person who is of sound mind and is at least eighteen (18) years of age may execute a funeral planning declaration substantially in the form set forth in section 13 of this chapter. A declaration may not be included in a will, a power of attorney, or a similar document.

(b) A declaration must meet the following conditions:

(1) Be voluntary.

(2) Be in writing.

(3) Direct an individual to serve as the declarant's designee.

(4) Be signed by the person making the declaration or by another person in the declarant's presence and at the direction of the declarant.

(5) Be dated.

(6) Be signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age.

(c) The following may not be a witness to a declaration under subsection (b) (6):

(1) The person who signed the declaration on behalf of and at the direction of the declarant.

(2) A parent, spouse, or child of the declarant.

(3) An individual who is entitled to any part of the declarant's estate whether the declarant dies testate or intestate, including an individual who could take from the declarant's estate if the declarant's will is declared invalid.

For purposes of subdivision (3), a person is not considered to be entitled to any part of the declarant's estate solely by virtue of being nominated as a personal representative or as the attorney for the estate in the declarant's will.

(d) A declaration is not binding upon a funeral home, a cemetery, any other person engaged in the business of providing funeral services, any other person selling merchandise or grave markers, or any other person providing a service or other property subject to the declaration until the person receives consideration for the service, merchandise, or other property. If any provision of a declaration conflicts with:

(1) IC 23-14-31;

(2) IC 23-14-33; or

(3) IC 25-15;

the provision contained in the declaration controls.

(e) Except as provided in subsection (f), a declarant may not direct an individual who is:

(1) a provider of funeral services;

(2) responsible for any aspect of the disposition of the declarant's remains; or

(3) associated with any entity that is responsible for providing funeral services or disposing of the declarant's remains;

to be the declarant's designee in a declaration executed under this chapter.

(f) Subsection (e) does not apply to an individual who is related to the declarant by birth, marriage, or adoption.

IC 29-2-19-9 Funeral planning declaration; declarant's preferences

Sec. 9. A declaration may specify the declarant›s preferences concerning any of the following:

(1) The disposition of the declarant's remains after the declarant's death.

(2) Who may direct the disposition of the declarant's remains.
(3) Who may provide funeral services after the declarant's death.
(4) The ceremonial arrangements to be performed after the declarant's death.
(5) The merchandise that the declarant prefers for the disposition of the declarant's remains and any ceremonial arrangements.
(6) Who may direct the ceremonial arrangements to be performed after the declarant's death.
(7) A grave memorial.

IC 29-2-19-10 Conflict resolution

Sec. 10. The provisions of a declarant›s most recent declaration prevail over any other document executed by the declarant concerning any preferences described in section 9 of this chapter. However, this section may not be construed to invalidate a power of attorney executed under IC 30-5-5 or an appointment of a health care representative under IC 16-36-1 or IC 16-36-7 with respect to any power or duty belonging to the attorney in fact or health care representative that is not related to a preference described in section 9 of this chapter.

IC 29-2-19-11 Immunity for good faith reliance

Sec. 11. (a) A person who acts in good faith reliance on a declaration is immune from liability to the same extent as if the person had dealt directly with the declarant and the declarant had been a competent and living person.

(b) A person who deals with a declaration may presume, in the absence of actual knowledge to the contrary, that:
(1) the declaration was validly executed; and
(2) the declarant was competent at the time the declaration was executed.

(c) The directions of a declarant expressed in a declaration are binding as if the declarant were alive and competent.

IC 29-2-19-12 Funeral planning declaration; form required; additional directions permitted

Sec. 12. A declaration must be substantially in the form set forth in section 13 of this chapter, but the declaration may include additional, specific directions. The invalidity of any additional, specific direction does not affect the validity of the declaration.

IC 29-2-19-13 Form of funeral planning declaration

Sec. 13. The following is the funeral planning declaration form:

IC 29-2-19-14 Revocation

Sec. 14. A declaration may be revoked by the declarant in writing or by burning, tearing, canceling, obliterating, or destroying the declaration with the intent to revoke the declaration.

IC 29-2-19-15 Effect of dissolution, annulment, or separation

Sec. 15. Except as otherwise expressly provided in a declaration, a subsequent:
(1) dissolution of marriage;
(2) annulment of marriage;
(3) legal separation of the declarant and the declarant's spouse; or
(4) court determination that the declarant and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the declarant;

automatically revokes a delegation of authority in a declaration to the declarant's spouse to direct the disposition of the declarant's body or to make all arrangements concerning funeral services and other ceremonies after the declarant's death.

IC 29-2-19-16 Law governing a designee who is unable or unwilling to serve

Sec. 16. Except as otherwise provided in a declaration, section 17 of this chapter controls if a person to whom a declaration delegates the authority to make arrangements after a declarant›s death is unable or unwilling to serve.

IC 29-2-19-17 Priority among individuals as to right to control disposition of decedent's body and make other arrangements

Sec. 17. The right to control the disposition of a decedent›s body, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual›s death devolves on the following, in the priority listed:

(1) A person:
(A) granted the authority to serve in a funeral planning declaration executed by the decedent under this chapter; 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. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.

(3) The decedent's surviving spouse.

(4) A surviving adult child of the decedent or, if more than one (1) adult child is surviving, the majority of the other adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

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

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(8) An individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(9) If none of the persons described in subdivisions (1) through (8) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

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

(11) If none of the persons described in subdivisions (1) through (10) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:
(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent›s remains; and
(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (10).

IC 29-2-19-18 Reliance on out-of-state declarations

Sec. 18. A person in Indiana may rely on a declaration or similar instrument that was executed in another state and that complies with the requirements of this chapter to the extent that an action requested by the declarant in the declaration or similar instrument does not violate any federal or Indiana law or any ordinance or regulation of a political subdivision.

IC 29-2-19-19 Actions to contest the validity of a funeral planning declaration

Sec. 19. An action to contest the validity of any declaration made under this chapter must be:

(1) brought in the same manner as an action to contest the validity of a will under IC 29-1-7;

(2) filed in the circuit court, superior court, or probate court of the county in which the declarant's remains are located;

(3) expedited on the docket of the circuit court, superior court, or probate court as a matter requiring priority; and

(4) accompanied by a bond, cash deposit, or other surety sufficient to guarantee that the hospital, nursing home, funeral home, or other institution holding the declarant's remains is compensated for the storage charges incurred while the action is pending.

IC 30-5-5-16 Health care powers; religious tenets; funeral planning declaration; application for public benefits

Sec. 16. (a) This section does not prohibit an individual capable of consenting to the individual›s own health care or to the health care of another from consenting to health care administered in good faith under the religious tenets and practices of the individual requiring health care.

(b) Language conferring general authority with respect to health care powers means the principal authorizes the attorney in fact to do the following:

(1) Employ or contract with servants, companions, or health care providers to care for the principal.

(2) Consent to or refuse health care for the principal who is an individual in accordance with IC 16-36-4 and IC 16-36-1 by properly executing and attaching to the power of attorney a declaration or appointment, or both.

(3) Admit or release the principal from a hospital or health care facility.

(4) Have access to records, including medical records, concerning the principal's condition.

(5) Make anatomical gifts on the principal's behalf.

(6) Request an autopsy.

(7) Make plans for the disposition of the principal's body, including executing a funeral planning declaration on behalf of the principal in accordance with IC 29-2-19.

(c) Except as provided in subsection (d), if an individual has executed both:

(1) a power of attorney under this article that authorizes an attorney in fact to apply for public benefits on behalf of the individual; and

(2) an advance directive under IC 16-36-7 that authorizes a health care representative to apply for public benefits on behalf of the individual under IC 16-36-7-36(a)(6);

the authority of the attorney in fact described in subdivision (1) to apply for public benefits on behalf of the individual and to access the individual's assets, income, and banking and financial assets supersedes the authority of the health care representative described in subdivision (2).

(d) The authority of a health care representative described in subsection (c)(2) supersedes the authority of an attorney in fact described in subsection (c)(1) to apply for public benefits on behalf of the individual if the individual has specifically granted the authority of the health care representative to supersede the authority of the attorney in fact in the executed power of attorney.

(e) Notwithstanding any other law, a document granting health care powers to an attorney in fact for health care may not be executed under this chapter after December 31, 2022. However, if a power of attorney that is executed after December 31, 2022, is written to grant both:

(1) health care powers; and

(2) nonhealth care powers under this chapter;

to an attorney in fact, the health care powers are void, but all other powers granted by the power of attorney will remain effective and enforceable under this article.

Declaration made this____day of _____(month, year). I,_____, being at least eighteen (18) years of age and of sound mind, willfully andvoluntarily make known my instructions concerning funeral services, ceremonies, and the disposition of my remains after my death.

I hereby declare and direct that after my death_____(name of designee) shall, as my designee, carry out the instructions that are setforth in this declaration. If my designee is unwilling or unable to act, I nominate_____as an alternate designee.

I hereby declare and direct that after my death the following actions be taken (indicate your choice by initialing or making your mark before signingthis declaration):

(1) My body shall be:

(A) _____ Buried. I direct that my body be buried at_____.

(B) _____ Cremated. I direct that my cremated remains be disposed of as follows:

(C) _____ Entombed. I direct that my body be entombed at_____.

(D) _____ I intentionally make no decision concerning the disposition of my body, leaving the decision to my designee (as namedabove).

(2) My arrangements shall be made as follows:

(A) I direct that funeral services be obtained from:

(B) I direct that the following ceremonial arrangements be made:

(C) I direct the selection of a grave memorial that:

(D) I direct that the following merchandise and other property be selected for the disposition of my remains, my funeral or other ceremonialarrangements:

(E) _____I direct that my designee (as named above) make all arrangements concerning ceremonies and other funeral services.

(3) In addition to the instructions listed above, I request the following:

(4) If it is impossible to make an arrangement specified in subdivisions (1) through (3) because:

(A) a funeral home or other service provider is out of business, impossible to locate, or otherwise unable to provide the specified service; or

(B) the specified arrangement is impossible, impractical, or illegal;

I direct my designee to make alternate arrangements to the best of the designee's ability.

It is my intention that this declaration be honored by my family and others as the final expression of my intentions concerning my funeral and thedisposition of my body after my death. I understand the full import of this declaration.

Signed City, County, and State of Residence

The declarant is personally known to me, and I believe the declarant to be of sound mind. I did not sign the declarant›s signature above for or at the direction of the declarant. I am not a parent, spouse, or child of the declarant. I am not entitled to any part of the declarant›s estate. I am competent and atleast eighteen (18) years of age.

Witness_____Date_____

Witness_____Date_____

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SUMMARY OF THE PRENEED ACT

Indiana's Preneed Act is intended to cover all transactions involving the sale of funeral services or merchandise sold in advance of need, prior to death, and which are to be provided to a at the time of his or her death. The Act applies to all sellers of funeral services or merchandise, and all sellers are required to have a Certificate of Authority issued by the State Board of Cemetery and Funeral Services, which is the agency authorized by law to regulate all preneed sellers and all preneed transactions.

There are certain transactions that are not covered by the Act and that are exempt. Those are: the maintenance of perpetual care funds by cemeteries; the sale of burial rights by cemeteries; (however, the Preneed Act applies to the sale of all services or merchandise sold in conjunction with the sale of burial rights); and a contract between a purchaser and a seller that requires delivery of prepaid services or merchandise not later than one year after the date of final payment and for circumstances other than death.

All preneed sales transactions are to be governed by a written contract that must specifically comply with Section 12.1 of the Act. The Act requires that any funds received from a seller of preneed services or merchandise must be placed in trust or escrow until such time as the services or merchandise are actually delivered (generally at death). All interest in the trust account is to accrue to the benefit of the purchaser of the preneed contract, and is to serve as the resource to compensate the seller of preneed services or merchandise, who is allowed to receive current retail prices for services or merchandise from the trust at such time as the funeral services or merchandise are actually delivered to or for the benefit of the purchaser. Escrow accounts have different investment and withdrawal requirements that are peculiar to their use, but all contracts that use an escrow are guaranteed.

All preneed contracts are guaranteed; that means that the seller of preneed services or merchandise regardless of the sufficiency of funds in trust or escrow which is to serve as a resources to compensate the seller for those services or merchandise. A seller is allowed to charge "extra" in only five very limited circumstances that relate to contracts paid and funded with installment payments, certain insurance funded preneed contracts, and transportation charges incident to the performance of the contract and not specifically contemplated at the time the contract was made. Preneed sellers are strictly accountable for the provision of all services and merchandise subject to their preneed contracts, and are subject to investigation and audit by the State Board of Cemetery and Funeral Services. Additionally, preneed sellers are required to file annual reports indicating to the State Board the number and balance of their preneed accounts, in aid of audit purposes.

Preneed contracts are freely transferable from one seller to another provided that the newly designated seller is willing to accept the contract. Because contracts are "guaranteed," a newly designated seller has the right to inquire as to the sufficiency of the funds in trust or escrow to serve as compensation to it at the time funeral services or merchandise are to be provided in the future.

Funeral merchandise may be sold by any preneed seller that holds a Certificate of Authority. Funeral services may only be sold by licensed funeral directors; provided, however, that agents of a preneed seller may sell funeral services so long as the preneed contract involving the sale of funeral services is ratified by a licensed funeral director at the time of sale. The Act contains very broad requirements prohibiting the solicitation and sale of preneed contracts under certain circumstances, and also invalidates contracts that permit a purchaser the right to convert, substitute or exchange the purchase of burial rights for the purchase of services or merchandise, or allows a purchaser free services or merchandise in exchange for the purchase of other services and merchandise. Similarly, cash or gifts given to a purchaser as an inducement to purchase a contract having a value of greater that $50.00 will serve as a basis for invalidating a preneed contract.

The Act establishes a Consumer Protection Fund and requires sellers to make certain payments to the Fund to serve as security for any preneed contract that is incapable of being performed due to the default of any seller.

All questions regarding preneed contracts entered into prior to July 1, 1991, should be answered with specific reference to prior sections of the Indiana Code dealing with preneed contracts. For general reference, the following Indiana Code references are applicable to the dates indicated:

Preneed contracts prior to July 1, 1978: see: Indiana Code 30-2-9-1(a)

Preneed contracts from July 1, 1978, to June 30, 1982; see Indiana Code 30-2-9-1(b)

Preneed contracts from July 1, 1982, to June 30, 1991; see: Indiana Code
30-2-10, et. seq.

The synopsis of the section of the Indiana Code concerning the Preneed Act is for general information purposes only and is not intended to give legal advice or provide a controlling interpretation on facts that may prompt a reader to inquire concerning the application of the law. It is always recommended that full disclosure of all facts be presented to counsel in order that a qualified opinion may be provided concerning the applicability of the statue to any person or event under consideration.

Chapter 9. Prepaid Funeral Plans and Funeral Trust Funds Established Before 1982

IC 30-2-9-1 Agreement or contract; personal property, merchandise, or services; General Cemetery law

Sec. 1. (a) Any payment of money made to any person, firm, partnership, association, limited liability company, or corporation, other than a bank or trust company, upon any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person or persons whose body or bodies are to be so disposed of, shall be held to be trust funds, and the person, firm, partnership, association, or corporation receiving said payments is hereby declared to be a trustee thereof. This subsection applies only to such a contract or agreement executed before July 1, 1978.

(b) After June 30, 1978, it is unlawful to enter into any agreement or contract for a purpose described in subsection (a) unless the agreement or contract requires that all payments be made by the settlor to an account in a:

(1) bank;
(2) trust company;
(3) savings association; or
(4) credit union;

whose principal office is in Indiana.

(c) Nothing contained in this chapter shall be deemed or construed to apply to those persons, firms, partnerships, associations, limited liability companies, or corporations covered by the «Indiana General Cemetery Law», IC 23-14-33 through IC 23-14-76.

IC 30-2-9-1.5 Funeral trusts

Sec. 1.5. (a) After June 30, 1978, but before July 1, 1982, an individual may establish one (1) funeral trust under this section, in lieu of any other arrangement for advance payment of funeral and burial expense, such as a joint account, that may be lawful under section 1(b) of this chapter.

(b) A funeral trust established under this section must:

(1) be irrevocable;
(2) have only one (1) settlor;
(3) name a financial institution qualified under section 1(b) of this chapter in which all funds are to be deposited;
(4) name an embalmer, a funeral director, or funeral home, licensed under IC 25-15, as sole beneficiary;
(5) be accompanied by a contract between the settlor and beneficiary as provided in subsection (c); and
(6) be either a time deposit, or account, or certificate of deposit in a financial institution, in the names of the settlor and the beneficiary payable on death to the survivor, or name the designated financial institution as sole trustee.

(c) A funeral trust contract must specify in detail the funeral and burial services to be provided by the beneficiary, and must specify the place of the funeral and the place of burial or other disposition. The contract must contain an acknowledgement by the settlor that he understands the irrevocable nature of the trust. In addition, the contract may provide for reasonable adjustment of the services to be provided if:

(1) the settlor has not contributed the full amount specified in the contract at the time of his death; or
(2) the reasonable expense of transporting the corpse a distance greater than twenty-five (25) miles to the place of the funeral or the place of burial is paid by the beneficiary.

The contract may contain other provisions not inconsistent with this chapter, including a provision for disposition of income on the trust funds that results in a balance greater than the contribution agreed to by the settlor.

(d) The settlor may change the beneficiary, but any new beneficiary must be licensed under IC 25-15 or be a funeral director or funeral home licensed under the laws of another state. The settlor may also change the place of the funeral or the place of burial.

(e) Any trust established under section 1(a) of this chapter may be converted to a funeral trust, provided for under this section, by agreement of the parties to the original contract, payment of all trust funds into the funeral trust, and satisfaction of all requirements of this section including execution of the required contract.

(f) Any trust established under this chapter may be converted to a funeral trust provided for under IC 30-2-10 by satisfaction of all requirements of that chapter.

IC 30-2-9-2 Deposit of funds; investments

Sec. 2. All trust funds paid under section 1(a) of this chapter shall be deposited in a bank or trust company whose principal office is in this state, or invested in a savings and loan, or building and loan association whose principal office is in this state, in the name of the trustee, as trustee, within thirty (30) days after receipt thereof, and shall be held by such trustee in trust, subject to the provisions of this chapter.

IC 30-2-9-3 Permits; fidelity bonds; accounts, books, and records

Sec. 3. No person, firm, partnership, association, limited liability company, or corporation may accept or hold trust funds paid under section 1(a) of this chapter without first securing from the state board of funeral service a permit to accept and hold the funds. Applications for the permit must be in writing, signed by the applicant, and duly verified on forms furnished by the board. Each application must contain at least the following:

(1) The full name and address (both residence and place of business) of the applicant, and every member, officer, and director of the applicant if the applicant is a firm, partnership, association, limited liability company, or corporation. Any permit issued in response to the application is valid for two (2) years, only at the address stated in the application for the applicant or at the address as may be approved by the board.
(2) A detailed statement of the applicant's assets and liabilities.
(3) A fidelity bond executed by the applicant and a surety company authorized to do business in this state in the amount not exceeding ten thousand dollars ($10,000) as the board may require.

Upon receipt of such application and bond, the board shall issue a permit unless it determines that the applicant has made false statements or representations in the application, is insolvent, has conducted or is about to conduct his business in a fraudulent manner, or is not duly authorized to transact business in this state. The board may require an additional bond from time to time in amounts equal to one tenth (1/10) of the trust funds held by the permittee. The bond must run to the state of Indiana for the use and benefit of the beneficiaries of the trust funds. The permittee shall keep accurate accounts, books, and records in this state of all transactions, copies of all agreements, dates, and amounts of payments made and accepted on all agreements, the names and addresses of the contracting parties, the persons for whose benefit the funds are accepted, and the names of the depositories of the funds. The permittee shall make reports to the board annually or at any other times that the board may require, on forms furnished by the board. Every application must be accompanied by a fee of ten dollars ($10) and every report must be accompanied by a fee of two dollars ($2). The permittee shall make all the books and records pertaining to the trust funds available to the board for examination. The board, or a qualified person designated by it may at any time investigate the books, records, and accounts of the permittee with respect to its trust funds and for that purpose may require the attendance of and examine under oath all persons whose testimony he may require.

IC 30-2-9-4 Deposits or investments; interest or dividends; withdrawal; forfeiture

Sec. 4. The amount or amounts deposited or invested, with interest or dividends on the amount or amounts, if any, shall not be withdrawn until the death of the person or persons for whose funeral or burial such funds were paid, unless sooner withdrawn and repaid to the person who originally paid the money under or in connection with said agreement or series of agreements or to the person›s legal representative. However:

(1) if the agreement or series of agreements provides for forfeiture and retention of any or all such payments by reason of default in payment upon and according to the terms of the agreement or series of agreements, then upon any such default and forfeiture the trustee may withdraw such deposits or investments; and

(2) nothing in this section shall prohibit the change of depository by the trustee and the transfer of trust funds from one (1) depository to another.

This section applies only to trust funds that include payments under section 1(a) of this chapter.

IC 30-2-9-5 Compensation and expenses of trustee

Sec. 5. This chapter shall not be construed to prohibit a trustee under section 1(a) of this chapter from being reimbursed and receiving from the fund its reasonable expenses in the custody and administration of the funds and the usual and reasonable compensation for its services as the trustee. However, the expenses and compensation shall be fixed by the state board of funeral service in a reasonable amount based upon the principal fund and the earnings of the fund deposited or invested under each of the agreements or series of agreements. A financial institution trustee under section 1.5 of this chapter may be reimbursed for its reasonable expenses from the fund, except the amount shall be fixed by the Indiana department of financial institutions.

IC 30-2-9-6 Liquidated damages

Sec. 6. It shall be unlawful for any such agreement or agreements to provide for forfeiture and retention of payments upon any such agreement or series of agreements as and for liquidated damages for default of the agreement or series of agreements in excess of ten percent (10%) of the payments made or thirty-five dollars ($35), whichever sum is larger.

IC 30-2-9-7 False reports; illegal use or disbursement of funds

Sec. 7. (a) Except as provided in subsection (b) or (c), a person who violates this chapter or makes any false and fraudulent report required under this chapter commits a Class B misdemeanor.

(b) A person who knowingly or intentionally uses or disburses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a Level 5 felony.

(c) Except as authorized in an agreement described in section 4 of this chapter permitting the early withdrawal of funds, a trustee that disburses funds in a funeral trust established under this chapter without verifying:

(1) the death of the individual for whom services are to be provided under the contract; and

(2) that the beneficiary fully performed all funeral and burial services provided for in the contract;

through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

IC 30-2-9-8 Partial invalidity of law

Sec. 8. If any part or parts of this chapter shall be held unconstitutional, the remaining provisions shall be given full force and effect as completely as if the part held unconstitutional had not been included in this chapter, if such remaining part or parts can then be administered for the purpose of licensing and regulating payments for future use in connection with the disposition of a dead human body, as provided for in this chapter.

Chapter 10. Funeral Trust Funds

IC 30-2-10-1 Establishment

Sec. 1. An individual may establish one (1) funeral trust under this chapter, in lieu of any other arrangements for advance payment for funeral and burial expense.

IC 30-2-10-2 Payments required to be made to accounts in certain banks, trust companies, and other institutions

Sec. 2. It is unlawful to enter into any agreement or contract for a purpose described in section 1 of this chapter unless the agreement or contract requires that all payments be made by the settlor to an account in a:

(1) bank;

(2) trust company;

(3) savings association; or

(4) credit union;

with an office in Indiana.

IC 30-2-10-3 Validity of trust; requirements

Sec. 3. A funeral trust established under this chapter is valid only if it:

(1) is irrevocable;

(2) has only one (1) settlor;

(3) names as trustee an Indiana institution qualified under section 2 of this chapter, and requires that all funds be deposited in that institution;

(4) names a funeral home, licensed under IC 25-15, as sole beneficiary; and

(5) is accompanied by a written contract between settlor and beneficiary as provided in section 5 of this chapter.

IC 30-2-10-4 Trustee; expenses and compensation

Sec. 4. The trustee, in the administration of funds accepted under this chapter, may be reimbursed and receive from the funds its reasonable expenses in the custody and administration of the funds, and is entitled to the usual and reasonable compensation for its services as trustee. The expenses and compensation shall be paid in accordance with the rules of the department of financial institutions.

IC 30-2-10-5 Contracts; required provisions

Sec. 5. The contract under which funds are accepted under this chapter must be in writing and contain, as a minimum, the following provisions:

(1) Details of the professional services, facilities, equipment, and a description of merchandise to be provided by the beneficiary. If the merchandise or equipment includes a vault (as defined in IC 23-14-33-33) that:

(A) will be used to encase the remains of a deceased individual; and

(B) is not airtight and watertight;

the details must include a written statement indicating that the vault is not airtight and watertight.

(2) A provision that the beneficiary may provide merchandise of equal or better quality if the merchandise contracted for is no longer available at the time the merchandise is to be provided.

(3) The place of the funeral and the place of the burial or other final disposition to be made of the decedent.

(4) An acknowledgment by the settlor that the settlor understands the irrevocable nature of the trust.

(5) A provision for reasonable adjustment of the services, or cost of services, if the body is transported a distance greater than twenty-five (25) miles to the place of funeral or the place of burial or final disposition and transportation of a distance in excess of twenty-five (25) miles was not contemplated at the time of the execution of the contract.

(6) A provision for full payment of the contract amount by the settlor, a description of the manner in which the funds are to be deposited, and a statement that the interest will accrue to the trust account and a further statement that the principal and interest earned shall inure to the beneficiary to cover all the costs incident to the beneficiary's performance of the contract, any excess to be refunded to the estate of the settlor or to the heirs at law.

(7) The settlor's name, address, and social security number.

(8) The date that the funeral trust is executed by the settlor.

(9) The trustee's name and address.

(10) The beneficiary's license number issued by the state board of funeral service.

(11) A provision that except under the circumstances described in subsection (12), only the settlor may change the beneficiary, that the settlor may make the change at any time, and that the change is not effective until written notification is given to the original beneficiary.

(12) A provision that allows the state board of funeral service to change the beneficiary by naming a funeral home as new beneficiary if the original beneficiary becomes deceased, dissolved, terminated, or otherwise loses beneficiary status as a licensee of the state board, and the settlor or the settlor's guardian or personal representative fails to select a qualified beneficiary.

IC 30-2-10-6 Change of beneficiary; procedure

Sec. 6. If the settlor changes the beneficiary, he must:

(1) select a new beneficiary licensed under IC 25-15, or a funeral home or a funeral director licensed in another state; and

(2) give written notification to the funeral home originally named as beneficiary.

IC 30-2-10-7 Delivery of copy of contract to settlor

Sec. 7. (a) The settlor shall be furnished an executed copy of the contract.

(b) If a contract has been approved and signed by both parties and a copy of the contract has been delivered to the settlor, no further notification to the settlor related to the contract is required.

IC 30-2-10-8 Management of funds by financial institutions; annual reports from beneficiaries

Sec. 8. (a) Indiana financial institutions in which trust funds have been deposited in accordance with this chapter may place the funds in a common or commingled trust fund under a single trust instrument. The trustee shall maintain a separate accounting record for each trust fund.

(b) All interest earned by funds deposited in accordance with this chapter accrue to the trust.

(c) The trustee shall disburse the funds deposited in accordance with this chapter to the named beneficiary to discharge an obligation arising from any contract described in section 5 of this chapter, upon receipt of evidence satisfactory to the trustee that the contract has been performed.

(d) A funeral home, licensed under IC 25-15 that is named as beneficiary of funeral trust funds under this chapter shall annually report the following to the state board of funeral service:

(1) The funeral home's name, Indiana license number, and officers.

(2) The name and address of any trustee with which funeral trust funds are deposited for the funeral home.

(e) No bonds or permits are required from funeral homes that enter into contracts described in section 5 of this chapter.

IC 30-2-10-8.5 Management of settlor's funds by registered investment adviser

Sec. 8.5. (a) The bank, trust company, savings association, or credit union that receives the payments made by a settlor under section 2 of this chapter may enter into a contract under which the account into which the settlor's payments are deposited is managed by a third party.

(b) To manage the funds in a settlor›s account under subsection (a), a third party must be:

(1) an investment adviser registered with the United States Securities and Exchange Commission under the federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); or

(2) an investment adviser registered under IC 23-19-4.

(c) In managing the funds in a settlor›s account under subsection (a), an investment adviser shall comply in all respects with the Indiana Uniform Prudent Investor Act under IC 30-4-3.5-1(c) (3).

IC 30-2-10-9 Violations; offense

Sec. 9. (a) Except as provided in subsections (b) and (c), a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who knowingly or intentionally uses or disburses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a Level 5 felony.

(c) A trustee that disburses funds in a funeral trust established under this chapter without verifying:

(1) the death of the individual for whom services are to be provided under the contract; and

(2) that the beneficiary fully performed all funeral and burial services provided for in the contract;

through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

IC 30-2-10-10 Incapacity, resignation, and removal of trustees

Sec. 10. IC 30-4-3-29 governs procedures concerning the incapacity, resignation, or removal of a trustee.

Chapter 13. Payment of Funeral, Burial Services, or Merchandise in Advance of Need

IC 30-2-13-1 Applicability of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to any written agreement between a purchaser and a seller that obligates the seller to provide prepaid services or merchandise, or both, for a named individual in conjunction with the death, funeral, burial, or final disposition of the individual.

(b) Except as provided in subsections (c) and (d), this chapter does not apply to the following:

(1) Perpetual care funds under IC 23-14-48.

(2) The sale of burial rights. However, this chapter applies to the sale of services or merchandise sold in conjunction with the sale of burial rights and to the use of free or discounted burial rights as an inducement for a purchaser to transfer sellers.

(3) A contract between a purchaser and a seller that requires delivery of prepaid services or merchandise, or both, not later than one (1) year after the date of final payment and for circumstances other than death.

(c) The annual reporting requirements of section 31 of this chapter apply to a perpetual care fund.

(d) The solicitation requirements of section 24 of this chapter and the provisions concerning inducement in section 13(h) of this chapter apply to the sale of burial rights.

IC 30-2-13-2 "Agent"

Sec. 2. As used in this chapter, «agent» means a person authorized by a seller to offer, sell, or solicit the sale of a contract on behalf of the seller and includes an employee or independent contractor of the seller.

IC 30-2-13-2.5 "At-need services and merchandise"

Sec. 2.5. (a) As used in this chapter, «at-need services and merchandise» includes personal property or services:

(1) listed in section 8(1) of this chapter; and

(2) purchased after the time of death.

(b) The term does not include burial rights.

IC 30-2-13-3 "Board"

Sec. 3. As used in this chapter, «board» refers to the state board of funeral and cemetery service established by IC 25-15-9-1.

IC 30-2-13-4 "Contract"

Sec. 4. As used in this chapter, «contract» means a written agreement between a purchaser and a seller that:

(1) obligates the seller to provide prepaid services or merchandise, or both, for a named individual; and

(2) becomes irrevocable thirty (30) days after the written agreement is signed by the purchaser and seller.

IC 30-2-13-5 "Delivery"

Sec. 5. As used in this chapter, «delivery» means the time when:

(1) services are performed in connection with the funeral or other disposition of the purchaser or the individual for whom services are to be provided under the contract;

(2) except for merchandise described in section 8(1) (A) and 8(1) (C) of this chapter, the merchandise is:

(A) in the possession of the purchaser or used for the intended purpose of the merchandise; or

(B) permanently installed on or in cemetery property, the burial rights to which have been transferred or granted to the purchaser or individual for whose interment the merchandise is to be used; or

(3) except for merchandise described in section 8(1) (A) and 8(1) (C) of this chapter, the merchandise is:

(A) purchased by the seller and stored in manufactured form, in a manner and number equal to all merchandise sold, on the premises where the merchandise is to be used or installed and specifically identified in the name of the purchaser, although any applicable installation or final finishing fees remain subject to the terms of the contract made under this chapter; or

(B) permanently identified with the name of the purchaser or individual for whom the merchandise is to be provided and delivered to a warehouse, with both title to the merchandise and a warehouse receipt delivered to the purchaser, and notification to and acceptance of delivery acknowledged in writing by the purchaser.

IC 30-2-13-6 "Fund"

Sec. 6. As used in this chapter, «fund» refers to the preneed consumer protection fund established by section 28 of this chapter.

IC 30-2-13-7 "Insurance policy"

Sec. 7. As used in this chapter, «insurance policy» means a policy providing one (1) or more of the types of insurance described in IC 27-1-5-1, Class 1(a) and Class 1(c).

IC 30-2-13-8 "Prepaid services or merchandise" or "services or merchandise"

Sec. 8. As used in this chapter, «prepaid services or merchandise» or «services or merchandise» includes personal property or services:

(1) typically sold or provided in connection with the final disposition or memorialization of human remains, including:

(A) caskets or other primary containers, including rental, temporary, or disposable caskets or containers;

(B) outer burial containers;

(C) cremation or transportation containers;

(D) funeral clothing or accessories;

(E) monuments;

(F) grave markers;

(G) cremation urns;

(H) embalming services;

(I) funeral directing services provided at the time of death and in connection with the final disposition of human remains;

(J) final date carving fees, including carving fees for double monuments;

(K) cremation;

(L) cremation services;

(M) other funeral and burial items, including items of service or merchandise that may be rented or leased; and

(N) services or merchandise otherwise described as cash advance items under section 11.5 of this chapter and sold directly by the seller and not provided by a third person; and

(2) purchased in advance of need to be provided or delivered after the death of the purchaser or individual for whom services or merchandise are to be provided in the contract.

IC 30-2-13-9 "Purchaser"

Sec. 9. As used in this chapter, «purchaser» means a person or firm contracting with a seller for services or merchandise to be provided or delivered for a named individual.

IC 30-2-13-10 "Seller"

Sec. 10. As used in this chapter, «seller» means a person doing business as a sole proprietor, a firm, a limited liability company, a corporation, an association, or a partnership contracting to provide services or merchandise, or both, to a named individual.

IC 30-2-13-11 "Trustee" or "escrow agent, acting as a fiduciary"

Sec. 11. (a) As used in this chapter, «trustee» or «escrow agent, acting as a fiduciary», means a:

(1) bank;

(2) trust company;

(3) savings association; or

(4) credit union;

that maintains an office in Indiana and is qualified under state or federal law to serve as a trustee or escrow agent, acting as a fiduciary.

(b) For a contract using a life insurance policy as consideration, the term also includes a life insurance company or other entity that establishes a trust for the purposes of holding and administering life insurance policies issued by an insurance company to fund contracts under this chapter. Notwithstanding any other law to the contrary, a life insurance company or other entity acting as a trustee shall comply with this chapter.

(c) For a contract using a previously issued life insurance policy as consideration, the seller is considered to be a qualified trustee if ownership is irrevocably assigned to the seller in conjunction with an assignment of death benefits.

IC 30-2-13-11.5 "Cash advance item"

Sec. 11.5. (a) As used in this chapter, «cash advance item» means an item of property, or services, or merchandise that is not sold directly by a seller and is described to a purchaser as one (1) of the following:

(1) A cash advance.

(2) An accommodation.

(3) A cash disbursement.

(4) An estimated future charge by a third party.

(5) A similar term.

(b) The term also refers to a service or property obtained from a third party for which the seller collects an estimated payment to be held in trust or escrow until services or merchandise subject to a contract are delivered because the cost of the service or property can only be estimated at the time the contract is made.

(c) Cash advance items include the following:

(1) Cemetery or crematory services.

(2) Pallbearers.

(3) Public transportation.

(4) Clergy honoraria.

(5) Flowers.

(6) Musicians or singers.

(7) Nurses.

(8) Obituary notices.

(9) Gratuities.

(10) Death Certificates.

(11) Sales tax.

(12) Foreign language interpreters.

(13) Religious commemorative services.

(14) Fees charged for the following:

(A) Interment.

(B) Opening and closing of a grave or crypt.

(d) If property or services are not cash advance items under this section, they are services or merchandise under section 8 of this chapter.

IC 30-2-13-12 Contracts

Sec. 12. (a) This section applies to contracts for prepaid services or merchandise, or both, entered into under this chapter before January 1, 1996.

(b) A purchaser may enter into more than one (1) contract under this chapter for prepaid services or merchandise, or both. Each contract may be funded with cash, either in a lump sum or installment payments, or an insurance policy, or both. The purchaser may revoke the contract if the purchaser sends the seller written notice of the revocation within thirty (30) days after the contract is signed by the purchaser and seller. If a purchaser revokes a contract the seller shall refund to the purchaser, without interest, all property used to fund the contract. If the seller receives payment of at least five hundred dollars ($500) in cash that must ultimately be placed in trust or escrow under this section, the seller shall, not more than five (5) days after receiving the payment, deposit the payment in escrow pending irrevocable deposit to trust or escrow authorized by IC 30-2-10. Thirty (30) days after the contract is signed all property paid or delivered to the seller to fund each contract shall be irrevocably deposited by the seller to trust or escrow authorized by either IC 30-2-10 or IC 23-14-49-1. All property received for services or merchandise sold by a seller licensed under IC 25-15 shall be irrevocably deposited to trust in compliance with IC 30-2-10. All sellers shall guarantee the provision of all services and merchandise sold under a contract authorized by this chapter.

(c) If a contract under this chapter is funded with an insurance policy, the ownership of the insurance policy must be irrevocably assigned to a trustee. The seller may not borrow against, pledge, withdraw, or impair the cash value of the policy.

(d) A finance charge may be assessed on a contract sold on an installment basis, and the seller shall disclose to the purchaser all the applicable requirements under federal and state law.

(e) A seller or successor seller who has accepted cash or an insurance policy, or both, as full payment of a contract under subsection (b), is responsible for providing all contracted prepaid services and merchandise if the insurance company or trust company used to fund the contract is insolvent.

(f) A purchaser who purchases a contract with cash in a lump sum or through an insurance contract shall make the payment for the contract payable only to the seller. A purchaser who purchases a contract with cash in installments may make payments for the contract to the seller.

IC 30-2-13-12.1 Contracts entered into after December 31, 1995, and before July 1, 1999

Sec. 12.1. (a) This section applies to contracts for prepaid services or merchandise, or both, entered into under this chapter after December 31, 1995, and before July 1, 1999.

(b) A purchaser may enter into more than one (1) contract under this chapter for prepaid services or merchandise, or both. Each contract may be funded with cash, either in a lump sum or installment payments, or an insurance policy, or both. The purchaser may revoke the contract if the purchaser sends the seller written notice of the revocation within thirty (30) days after the contract is signed by the purchaser and seller. If a purchaser revokes a contract, the seller shall refund to the purchaser, without interest, all property used to fund the contract. If the seller receives payment of at least five hundred dollars ($500) in cash that must ultimately be placed in trust or escrow under this section, the seller shall, not more than five (5) days after receiving the payment, deposit the payment in escrow pending irrevocable deposit to trust or escrow authorized by either subsection (h) or (i). Thirty (30) days after the contract is signed all property paid or delivered to the seller to fund each contract shall be irrevocably deposited by the seller to trust or escrow authorized by either subsection (h) or (i). Except for installment contracts funded with cash and contracts funded with a newly issued insurance policy that has a limited or qualified death benefit period, all sellers shall guarantee the provision of all services and merchandise sold under a contract authorized by this chapter. At delivery, a seller may not impose additional charges to recover a difference between the original contract retail prices or current retail prices for services and merchandise that are sold under the contract, whichever is greater, and the amount on deposit in trust or escrow.

(c) If a contract under this chapter is funded with an insurance policy, the ownership of the insurance policy must be irrevocably assigned to a trustee. The seller may not borrow against, pledge, withdraw, or impair the cash value of the policy.

(d) A finance charge may be assessed on a contract sold on an installment basis, and the seller shall disclose to the purchaser all the applicable requirements under federal and state law.

(e) A seller or successor seller who has accepted cash or an insurance policy, or both as full payment of a contract under subsection (b) is responsible for providing all contracted prepaid services and merchandise if the insurance company or trust company used to fund the contract is insolvent.

(f) A purchaser who purchases a contract with cash or through an insurance contract shall make the payment for the contract payable only to the seller or insurer, respectively.

(g) A seller may not accept or deposit to trust or escrow cash, an insurance policy, or any other property as consideration for services or merchandise to be provided in the future except in connection with a contract authorized by this chapter.

(h) A trust account authorized and established under this chapter must:

(1) be irrevocable and require the seller to deposit to trust all sums or property received from the purchaser;
(2) designate the seller as settlor and the seller as beneficiary;
(3) designate a trustee qualified under this chapter and authorize the trustee to charge a reasonable fee for services;
(4) require that a separate account be maintained in the name of each purchaser;
(5) require that interest earned on the account be added to the principal and reinvested;
(6) permit assets of the separate accounts of several purchasers to be commingled for investment; and
(7) require that on delivery of services or merchandise the trustee shall remit to the seller the amount on deposit in the purchaser's trust.

Upon full delivery of all services and merchandise under the contract, if the amount on deposit in the trust is greater than the seller's total current retail price of all services and merchandise under the contract, the remaining amount may but need not be returned to the individual, if any, designated by the purchaser to receive the remainder, or to the purchaser's estate.

(i) An escrow account authorized and established under this chapter must:

(1) be irrevocable and require the seller to deposit to escrow all sums or property received from the purchaser;
(2) designate the seller as settlor and beneficiary;
(3) designate a trustee qualified under this chapter and authorize the trustee to charge a reasonable fee for services;
(4) require that the escrow account be maintained in the name of the seller and serve as a depository for all cash or other property received by the seller to fund contracts sold by the seller;
(5) permit the commingling of cash for investment;
(6) permit the seller to withdraw from the escrow account the current retail value of prepaid services or merchandise delivered under this chapter; and
(7) permit any interest earned or appreciation in value of money or other property deposited in escrow to be paid to the seller not more frequently than monthly, to the extent that the total value of the escrow account after a payment under this subdivision is not less than the current retail value of all services and merchandise under the contracts that remain undelivered.

(j) A trust account or an escrow account established under this chapter:

(1) must include the provisions set forth in either subsection (h) or (i);

(2) may be included as an integral part of a seller's contract through the execution of an adoption agreement that references the trust account or escrow account; and

(3) is not required to be represented by a separate trust or escrow document for each contract.

(k) The entire value of an irrevocable trust or an escrow established under this chapter may not be considered as a resource in determining a person›s eligibility for Medicaid under IC 12-15-2-17.

(l) A contract for prepaid services or merchandise, or both, entered into after June 30, 1997, must contain a statement that:

(1) the purchaser may revoke the contract under subsection (b) within thirty (30) days after the contract is signed; and

(2) after thirty (30) days, the contract is irrevocable.

(m) This chapter does not prohibit a purchaser from immediately making the trust or escrow required under this chapter irrevocable and assigning ownership of an insurance policy used to fund a contract to obtain favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program under federal or state law.

IC 30-2-13-12.5 Contracts entered into after June 30, 1999

Sec. 12.5. (a) This section applies to the following contracts entered into or established under this chapter after June 30, 1999:

(1) Contracts for prepaid services.

(2) Contracts for prepaid merchandise.

(3) Trusts or escrows established to hold consideration paid for services or merchandise subject to a contract entered into under this chapter.

(b) A contract between a purchaser and a seller must:

(1) specify that the consideration for the contract is:

(A) cash, payable either in a lump sum or in installments; or

(B) an insurance policy that is:

(i) newly issued in conjunction with and integral to the contract;

(ii) issued previously in a transaction separate and distinct from the contract; or

(iii) both.

If a contract is funded with an insurance policy, the ownership of the policy must be irrevocably assigned to a trustee, and the seller may not borrow against, pledge, withdraw, or impair the cash value of the policy;

(2) specify that only the purchaser, acting by written notice to the seller, may revoke the contract within thirty (30) days after the date the contract is signed by the purchaser and the seller and that the contract becomes irrevocable upon the expiration of the thirty (30) day period;

(3) specify that, if the contract is revoked, the seller shall refund and return to the purchaser, without interest, the cash or insurance policy used to fund the contract;

(4) specify that not more than thirty (30) days after the contract is signed by the purchaser and the seller, the whole of the cash or insurance policy serving as consideration for the contract must be deposited into a trust or escrow authorized by subsection (c) or (d). However, a seller may elect to serve as trustee of a previously existing life insurance contract;

(5) except as provided in subsection (f), unconditionally require that the seller shall deliver all services or merchandise, or both, specified in the contract and receive as consideration for the delivery of services or merchandise, or both, only the cash or insurance policy held in trust or escrow without regard to the solvency of the insurer or the adequacy or loss in value of any cash deposit or insurance policy used to fund a contract;

(6) except as provided in subsection (f), prohibit a seller from imposing additional charges to recover any shortage or difference between the retail prices for services or merchandise, or both, in effect on the date of delivery of the services or merchandise, or both, and the value of the trust or escrow applicable to the contract on the date of delivery;

(7) require that a seller accepting the transfer of a contract permitted under section 13 of this chapter shall honor the requirements and obligations of the contract;

(8) permit the seller to assess a finance charge on a contract sold on an installment basis and require that the seller disclose to the purchaser the applicable requirements of federal and Indiana law;

(9) provide that the contract must comply with the following requirements:

(A) The contract must be made in a form that is:

(i) written in clear and understandable language; and

(ii) printed in a size and style of type that is easy to read.

(B) The contract must describe the services, merchandise, or cash advance items being purchased. If the merchandise or cash advance items include a vault (as defined in IC 23-14-33-33) that:

(i) will be used to encase the remains of a deceased individual; and

(ii) is not airtight and watertight;

the contract must include a written statement indicating that the vault is not airtight and watertight.

(C) The contract must identify the following by name, address, and telephone number:

(i) The seller.

(ii) The purchaser.

(iii) The contract beneficiary if the beneficiary is an individual other than the purchaser.

(D) The contract must contain the seller's certificate of authority number and the date of the contract.

(E) The contract must provide that if an item of the particular services or merchandise specified in the contract is unavailable at the time of delivery, the seller shall deliver services or merchandise similar in style, quality, and of equal value to the unavailable item in the place of the item.

(F) The contract must disclose the precise manner in which the contract is to be funded by:

(i) identifying the consideration for the contract;

(ii) identifying the name, number, if known, and issuer of any insurance policy used to fund the contract; and

(iii) including the identity and location of the trustee or escrow agent, acting as fiduciary, who is to hold the trust or escrow.

(G) The contract must disclose that the seller reserves the right to assess an extra charge for:

(i) transportation costs;

(ii) services or merchandise incurred in the transport of human remains a distance greater than twenty-five (25) miles from the seller's place of business; and

(iii) service charges necessarily incident to the transport of human remains and in excess of those service charges specified in the contract.

(H) The contract must disclose the following:

(i) The amount, if any, the seller has elected to receive under subsection (c) (1) or subsection (d) (6).

(ii) That a commission or fee may be paid to the seller or the seller's agent on a contract funded under subsection (b) (1) (B) (i).

(10) specify that a purchaser has the unrestricted right to designate one (1) or more successor sellers to whom the contract may be transferred under section 13 of this chapter, but that such a transfer is effective only with the consent of the newly designated seller and upon the fulfillment of the other requirements of section 13 of this chapter;

(11) specify that if cash advance items are funded in the contract, the seller agrees to deliver the cash advance items under one (1) of the following alternatives:

(A) Delivery is unconditionally guaranteed at the option of the seller.

(B) Delivery is conditionally guaranteed for a seller and will be equal in value to the total value of the trust or escrow account maintained for the purchaser multiplied by the percentage of the total original contract price represented by cash advance items;

(12) specify that a release from trust or escrow shall occur only upon the seller's delivery of services or merchandise, or both;

(13) permit, at the option of the seller, the incorporation of the trust or escrow language contained in subsection (c) or (d) directly into the contract;

(14) prohibit the seller from charging any service, transaction, or other type of fee or charge unless the fee is:

(A) authorized under subsections (c) (1) and (d) (6) and section 27 of this chapter; or

(B) included within the definitions contained in section 8 or 11.5 of this chapter.

(c) A trust account authorized and established under this chapter must do all of the following:

(1) Be irrevocable and require either of the following:

(A) The seller deposit the insurance policy used to fund the contract into the trust account. However, for contracts funded after June 30, 1995, with a previously issued insurance policy, the seller may serve instead of a trustee if the seller is qualified to do so under section 11(c) of this chapter.

(B) The seller deposit the cash used to fund the contract into the trust account. However, as consideration for the sale of the contract and any expense incurred by the seller in conjunction with the sale of the contract, the contract must permit the seller to notify, within a ten (10) day period following the date the contract becomes irrevocable, the trustee of its election to receive only up to ten percent (10%) of the seller's original contract price for services or merchandise, or both.

(2) Designate the seller as the beneficiary of the trust.

(3) Designate a trustee qualified under this chapter and authorize the trustee to assess the charges authorized under section 18 of this chapter.

(4) Require that a separate account be maintained in the name of each purchaser.

(5) Require that any interest, dividend, or accumulation in the account be reinvested and added to the principal.

(6) Permit the assets of the several, separate accounts to be commingled for investment purposes.

(7) Require that on receipt of the seller's proof of delivery of services or merchandise the trustee shall remit to the seller the full amount in trust applicable to the purchaser's contract and all of the accumulated interest.

(8) Permit the seller to retain the remaining amount if the amount in the trust account is greater than the seller's total current retail price of all services and merchandise subject to the contract at the time of delivery of all services or merchandise subject to the contract. However, in the case of a contract funded under subsection (b) (1) (B) (ii), the seller may not retain the remaining amount but must pay the remaining amount to the entity or individual designated by the insured as the beneficiary of the death benefit proceeds not later than sixty (60) days after the receipt and deposit of the proceeds by the seller. The seller may not qualify as a beneficiary of the remaining amount or the insurance death benefit. In the case of all other contracts funded under this chapter, the seller may opt to return the remaining amount to the individual designated by the purchaser to receive the remainder or to the purchaser's estate.

(d) An escrow account authorized and established under this chapter must do all of the following:

(1) Be irrevocable and require that the seller deposit all cash or the insurance policy used to fund the contract into the escrow account.

(2) Designate the seller as the recipient of the escrow funds.

(3) Designate an escrow agent, acting as fiduciary, qualified under this chapter to act as escrow agent acting as fiduciary and authorize the escrow agent acting as fiduciary to assess the charges authorized under section 18 of this chapter.

(4) Require that the escrow account be maintained in the name of the seller and serve as a depository for all cash or insurance policies used to fund contracts sold by the seller.

(5) Permit the investment of and commingling of cash for investment purposes.

(6) Permit the seller to receive an administrative or service fee at the option of the seller. The seller may opt to receive the fee after the day following the date the contract becomes irrevocable. The amount of the fee may not exceed ten percent (10%) of the seller's total contract price for services or merchandise or both.

(7) Require that on delivery of services or merchandise, the escrow agent shall remit to the seller an amount equal to:

(A) the seller's original retail price as set forth in the contract for the services or merchandise delivered; minus

(B) the amount, if any, received by the seller under subdivision (6).

(8) Permit the seller to receive monthly payments of the interest earned and the appreciation in the value of the escrow assets to the extent that the total value of the escrow after a payment authorized under this subdivision is not less than:

(A) the original contract value of all services or merchandise under the contracts, or parts of the contracts that remain undelivered; minus

(B) the amounts, if any, received by the seller under subdivision (6).

(e) A trust account or an escrow account established under this section must contain a concise written description of all the provisions of this chapter that apply to the account.

(f) A seller›s guarantee of delivery of all services or merchandise subject to a contract sold by the seller or transferred to a seller is unconditional except in the instance of one (1) of the following circumstances:

(1) An installment contract funded with cash or an insurance policy issued in conjunction with the contract is guaranteed to the extent of the cash paid or death benefits available at the time of death of the individual for whom services or merchandise are to be provided.

(2) A contract funded with an insurance policy issued previously and not in conjunction with the contract is guaranteed to the extent of the death benefit proceeds available at the time of the individual for whom services or merchandise are to be provided.

(3) A contract funded with an insurance policy issued in conjunction with the contract, but having a limited or qualified death benefit period, is guaranteed to the extent of the death benefit proceeds available at the time of the death of the individual for whom services or merchandise are to be provided.

(4) A transportation expense incurred by the seller while transporting human remains a distance greater than twenty-five (25) miles from the seller's place of business, plus any charge for services or merchandise necessarily incident to the transport of the human remains.

(5) The seller agrees to conditionally guarantee the delivery of cash advance items under subsection (b) (11) (B).

In the instance of unguaranteed delivery, the seller may reduce the value or number of the services or merchandise subject to the contract or cash advance items delivered or deliver the services or merchandise in full on the condition that the seller receives adequate consideration to compensate the seller for the unguaranteed part of the contract.

(g) The entire value of an escrow or trust established under this chapter may not be considered as a resource in determining a person›s eligibility for Medicaid under IC 12-15-2-17.

(h) This chapter does not prohibit a purchaser from immediately making the trust or escrow required under this chapter irrevocable and assigning ownership of an insurance policy used to fund a contract to obtain favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program under federal or state law.

(i) A seller may not accept or deposit into a trust or escrow account cash, an insurance policy, or any other property as consideration for services or

merchandise to be provided in the future except in conjunction with a contract authorized by this chapter.

IC 30-2-13-13 Designation of successor sellers

Sec. 13. (a) Notwithstanding section 10 of this chapter, as used in this section, «seller» means an individual, a person doing business as a sole proprietor, a firm, a corporation, an association, a limited liability company, or a partnership:

(1) contracting to provide prepaid or at-need services or merchandise, or both, to a named individual; and

(2) holding a certificate of authority under this chapter.

(b) A purchaser has the option to designate one (1) or more successor sellers to provide:

(1) prepaid services or merchandise; or

(2) at-need services or merchandise.

A purchaser who exercises the purchaser's option to designate a successor seller shall give written notice of the designation to the currently designated seller, successor seller, and trustee or escrow agent. Only a purchaser may exercise the option to designate a new seller. However, the designation is ineffective unless the newly designated seller consents to the designation.

(c) If a purchaser designates a successor seller, and the successor seller consents to the designation, not less than thirty (30) days after receiving notice under subsection (b), the seller who was previously designated shall:

(1) relinquish and transfer all rights under the contract;

(2) transfer to the successor the contract; and

(3) release from trust or escrow for subsequent deposit to the successor seller's trust or escrow all property being held as consideration for the contract, together with an itemized statement disclosing all services or merchandise delivered as of the date of transfer.

However, a seller who was previously designated to provide the services or merchandise shall comply with section 30 of this chapter. The seller and the successor sellers shall cooperate to ensure that there is no forfeiture or loss of a right or benefit under the contract and that all contract terms are fulfilled. If similar prepaid or at-need services or merchandise are purchased from one (1) or more sellers, the contract that is first in time prevails and is valid.

(d) The trustee shall confirm the transfer to the seller, successor seller, and purchaser by written notice confirming the identity and value of the property transferred.

(e) It is a violation of this chapter for a seller to knowingly induce a purchaser to breach an existing contract that provides for prepaid or at-need services or merchandise.

(f) This section does not abrogate the requirements of IC 25-15-4 concerning contracting for or delivering at-need services and merchandise.

(g) It is a violation of this chapter for a seller to knowingly:

(1) induce a purchaser who has the right to designate a successor seller under subsection (b) to:

(A) make a designation of a successor seller;

(B) breach an existing contract for prepaid or at-need services or merchandise; or

(C) enter into an at-need or prepaid contract calling for the delivery of similar services or merchandise; or

(2) offer a monetary inducement or the exchange or substitution of free or discounted services or merchandise in an effort to induce a purchaser to effect a change in the designation of a seller of prepaid or at-need services or merchandise.

(h) It is a violation of this chapter for a seller to provide free or discounted burial rights:

(1) as an inducement or as consideration for the transfer of a contract; or

(2) in an effort to induce a purchaser to effect a change in the designation of a seller of prepaid or at-need services or merchandise.

IC 30-2-13-14 Conversion of trust or escrow agreement; change in method of funding; new or successor trustee or escrow agent

Sec. 14. (a) A trust or an escrow agreement created under:

(1) IC 23-14-49-1;

(2) IC 30-2-9; or

(3) IC 30-2-10;

may not be converted to a trust or an escrow agreement required by section 12 or 12.5 of this chapter.

(b) A contract that has been funded with cash may not subsequently be changed to be funded with an insurance policy.

(c) A contract that has been funded with an insurance policy may not subsequently be changed to be funded with cash.

(d) Unless a transaction occurs under section 15(a) (4) of this chapter or the provisions of the contract permit otherwise, a new or successor trustee or escrow agent may not qualify and serve as trustee or escrow agent without the written consent of the purchaser and the seller designated to provide services or merchandise subject to a contract under this chapter.

IC 30-2-13-15 Loss of certificate of authority or license by seller; notice to purchaser; selection of new seller; transfer of unperformed contracts and funds to successor owner

Sec. 15. (a) If a seller:

(1) ceases to have a certificate of authority or loses a professional license required to provide services under this chapter;

(2) ceases to exist or operate;

(3) is incapable of performing the seller's obligations under an unperformed contract for any reason; or

(4) sells or leases the seller's business, facilities, or assets;

the seller shall give notice to the board and to each purchaser for whom funds are held in a trust or escrow under this chapter. The notice shall specify the reason for the issuance of the notice.

(b) The seller›s written notice under subsection (a) must be:

(1) addressed to the purchaser's last known address; and

(2) mailed within fifteen (15) days after the seller becomes incapable of performing the obligations under the contract.

(c) A purchaser who receives a notice under subsection (a) has thirty (30) days after the date the notice was mailed by the seller to select and designate a new seller under section 13 of this chapter to become the beneficiary of the trust or the designated recipient of the escrow funds. The first seller shall send written notice of the designation of a new seller to the newly designated seller or to the trustee.

(d) A seller shall transfer all unperformed contracts and funds held in trust or escrow under this chapter to the seller who is the successor owner or lessee of the transferring seller. The successor seller shall perform all contracts transferred under this subsection.

(e) If:

(1) the seller fails to comply with subsection (a) (1), (a) (2), or (a) (3); or

(2) a purchaser fails to designate a new seller;

the designation shall be made by the board.

IC 30-2-13-16 Sale, consolidation, merger, disposal, or lease of assets in bulk; designation of successor

Sec. 16. (a) Except for sales of stock or merchandise in the ordinary course of the seller›s business, a seller who has deposited money or an insurance policy under section 12 or 12.5 of this chapter may not:

(1) sell, consolidate, merge, or dispose of assets; or

(2) lease the seller's business, facilities, or assets;

without providing, as an integral part of the transaction or occurrence, for the designation of a successor seller of the money or insurance policy placed in trust. For purposes of this section, a change in control determines the seller's obligation.

(b) If a seller acting as a trustee of an insurance policy fails to designate a qualified successor seller, the board shall make the designation. However, the designated successor must be willing to accept the designation.

(c) This section does not restrict a purchaser›s right to designate a new seller in accordance with section 13 of this chapter.

IC 30-2-13-17 Successors to seller; obligations

Sec. 17. A seller may not sell the seller›s stock, business, or assets, transfer assets, merge or consolidate, in whole or in part, or sell, transfer, or consolidate contracts unless:

(1) the purchaser of the stock, business, or assets or the successor in interest is liable for shortages in a trust under this chapter existing before or after the sale, however, the purchaser or successor in interest has no obligation to cure a shortage in a contract between the seller and the purchaser that is not performed by the purchaser or successor in interest; or

(2) the purchaser of the stock, business, or assets or the successor in interest will perform all obligations imposed under this chapter, all obligations imposed under contracts between the seller and the purchaser, and any other related obligations.

IC 30-2-13-18 Compensation and expenses of trustee; withdrawal of tax liability

Sec. 18. A trustee or an escrow agent may be reimbursed for necessary expenses and be paid reasonable compensation for those services from the trust or escrow. A trustee or an escrow agent shall also be permitted to withdraw from trust or escrow any federal or state tax liability assessed against the purchasers› interest in the trust or escrow.

IC 30-2-13-19 Common trust fund

Sec. 19. (a) A trustee may place trust money in a common or commingled trust fund under a single trust instrument.

(b) A trustee shall maintain a separate accounting record for each seller who deposits funds in a trust.

(c) Except for trusts established under IC 30-2-10, records maintained under this section do not need to be segregated on a purchaser by purchaser basis.

IC 30-2-13-20 Funeral service contracts; ratification by funeral director

Sec. 20. If an agent and a purchaser execute a contract covering funeral services (as defined in IC 25-15), the contract is valid only if the contract is ratified by a funeral director licensed under IC 25-15 who is directly affiliated with the seller as an agent when the contract is made. A contract ratified by an unaffiliated licensed funeral director is void.

IC 30-2-13-21 Agents of seller; seller liability; written statement

Sec. 21. A seller who solicits for or enters into a contract under this chapter must satisfy the following conditions:

(1) An agent who acts on behalf of a seller must be directly affiliated with the seller for whom the agent is acting.

(2) The contract must state that the seller is responsible and liable for the veracity and competency of the agent.

(3) An agent must provide to the purchaser a written statement containing the following:

(A) The capacity of the person to act and whether the person is acting for the seller as an agent.

(B) Notice that the seller is the only person or entity authorized to provide the services or merchandise called for by the contract.

(C) The name, address, and telephone number of the seller.

IC 30-2-13-22 Seller bond or permit

Sec. 22. A bond or permit is not required of a seller except as specifically required in this chapter.

IC 30-2-13-23 Contracts; invalid provisions; unenforceable contracts

Sec. 23. (a) A contract is invalid if the contract allows the purchaser the right to:

(1) convert, substitute, or exchange the purchase of burial rights for the purchase of services or merchandise;

(2) free services or merchandise in exchange for the purchase of other services or merchandise; or

(3) receive cash or gifts, other than burial rights and services and merchandise, with a value of more than fifty dollars ($50) as an inducement to purchase a contract.

(b) A contract is unenforceable if:

(1) the contract obligates the seller to provide prepaid services or merchandise for a named individual in conjunction with the death, burial, or final disposition of the individual;

(2) the purchaser under the contract is the attorney in fact, appointed under IC 30-5, of the purchaser.

(3) the death of the named individual appears to have been the result of:

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

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

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

(4) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that the purchaser referred to in subdivision (2) committed the offense.

The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the seller of the determination of the purchaser described in subdivision (4).

IC 30-2-13-24 Seller or agent; prohibited acts

Sec. 24. A seller or an agent may not knowingly do the following:

(1) Except on request of a prospective purchaser, contact prospective purchasers in hospitals, health facilities, or similar institutions for the purpose of soliciting the sale of prepaid services or merchandise.

(2) Solicit relatives of a person whose death is apparently pending for the purpose of selling prepaid services or merchandise.

(3) Except where the arrangement is the subject of a contract allowed under this chapter, solicit, accept, or pay any consideration for recommending or causing a deceased person to be provided services or merchandise by specific sellers.

(4) Advertise prepaid services or merchandise in a false or misleading manner.

IC 30-2-13-25 Solicitation of sales; conditions

Sec. 25. Solicitation of a sale of prepaid services or merchandise is permitted by a seller or an agent of a seller if the following exist:

(1) The conditions set forth in sections 21 and 24 of this chapter are observed.

(2) The following are clearly identified:

(A) The seller or agent.

(B) The seller with whom the agent is affiliated.

(3) The purpose of the call or visit is explained.

(4) An appointment is made with the prospective purchaser.

IC 30-2-13-26 Confidentiality of contracts

Sec. 26. During the lifetime of the purchaser the contract executed under this chapter is confidential and neither the seller nor the trustee may disclose to a third party the identity of the purchaser or the terms of the contract. This section does not prohibit normal commercial activities by a seller with regard to an account receivable from a purchaser or compliance with a court order.

IC 30-2-13-27 Payments to board

Sec. 27. Each seller of a prepaid contract under this chapter shall pay to the board on a form provided by it not later than March 1 of each year from money not deposited in a trust or escrow the following amounts for each contract written during the preceding calendar year:

(1) Two dollars and fifty cents ($2.50) for each contract having a value of less than five hundred dollars ($500).

(2) Five dollars ($5) for each contract having a value of at least five hundred dollars ($500) and less than one thousand five hundred dollars ($1,500).

(3) Ten dollars ($10) for each contract having a value of one thousand five hundred dollars ($1,500) or more.

However, no fee is due and payable on contracts funded with a previously issued life insurance policy. The payment may be charged to the purchaser or, at the option of the seller, paid by the seller. A trustee shall quarterly report to the board all payments received by the trustee from all sellers during the preceding quarter. The report must identify the name and address of each seller from whom the trustee received payments and the total amount of the payments. The payments are administered under section 28 of this chapter.

IC 30-2-13-28 Preneed consumer protection fund; establishment; funding

Sec. 28. (a) The preneed consumer protection fund is established. The board shall deposit receipts under section 27 of this chapter in the preneed consumer protection fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The money in the fund and the interest accruing to the fund remain in the fund and do not revert to the state general fund.

IC 30-2-13-29 Fund uses; complaints; annual review

Sec. 29. (a) Money in the fund may be used to provide restitution to a seller who performs a defaulted contract, to a purchaser, or to a purchaser›s estate for pecuniary loss arising from a trust or an escrow required by:

(1) this chapter;
(2) IC 23-14-49-1;
(3) IC 30-2-9; or
(4) IC 30-2-10.

The repeal of a statute cited in this subsection does not terminate the ability of a party to a contract made under the repealed statute to receive restitution under this chapter.

(b) The purchaser, seller, or other interested person must request restitution by filing a verified complaint with the board.

(c) The board may investigate any verified complaint. Within one hundred eighty (180) days after a verified complaint is filed, the board shall determine if a seller has defaulted on a contract. If the seller›s obligation to perform under the contract cannot be collected from the seller, the board may order the auditor of state to make restitution from the fund.

(d) The amount of restitution may not exceed the gross amount of the original contract plus interest, compounded annually, on the gross amount that is figured, for each year or part of a year for which restitution is owed, using the lesser of:

(1) the rate set forth in IC 24-4.6-1-101 in effect on January 1 of each year; or
(2) the monthly average yield on United States Treasury Securities for the month of January of each year, adjusted to a constant maturity of one (1) year, as published by the Federal Reserve.

(e) The fund may not be charged with court costs or the payment of legal or other fees. In computing the amount of restitution, the board shall give credit for:

(1) merchandise delivered; and
(2) resources still existing in trust.

(f) When restitution is paid from the fund, the fund is subrogated to the amount of the restitution, and the board shall ask the attorney general to take all reasonable steps to collect the subrogated amount from the seller. Any amount collected shall be deposited in the fund.

(g) Money in the fund may only be used for a purpose that is specified in this section.

(h) The payment of restitution from the fund is not a right, and a purchaser does not have a vested right in the fund as a beneficiary of the fund.

(i) The status of the fund shall be annually reviewed by the board. If the board determines during its annual review that the fund balance equals or exceeds two million five hundred thousand dollars ($2,500,000), the board shall suspend payments to the fund until after the next annual review that the board determines that the fund balance is less than two million five hundred thousand dollars ($2,500,000).

IC 30-2-13-30 Seller records and books

Sec. 30. (a) The seller shall maintain accurate records, books, and accounts for each contract sold under this chapter containing the following:

(1) Copies of all contracts.
(2) The dates of all contracts.
(3) The amounts paid and received under each contract.
(4) The complete name, address, and identification of all parties to each contract.

(b) The seller shall maintain at the seller›s principal Indiana business address complete records of all transactions under this chapter that involve the seller. The records may be audited and examined by the board at any reasonable time.

(c) The seller shall maintain all records required by this section for the longer of:

(1) ten (10) years; or
(2) three (3) years after the date of full performance of a contract.

The records are business records and customer lists within the meaning of IC 24-2-3.

(d) The requirements of this section apply to a seller, a successor seller, and a seller who was previously designated to provide services or merchandise to a purchaser.

IC 30-2-13-31 Annual report

Sec. 31. (a) A seller who is required to register under this article, a cemetery under IC 25-15-9-17, a funeral home under IC 25-15, and a perpetual care fund under IC 23-14-48 shall file an annual report with the board that provides the following information:

(1) The name and location of each seller, cemetery, funeral home, and perpetual care fund.
(2) The name and business address of the owner and the names and business addresses of the resident agent and chief officer if the owner is not a natural person.
(3) If a cemetery, the amount of funds received by the owner during the previous fiscal year that are subject to trust requirements set forth in IC 23-14-48 and the amount required to be placed in trust, the amount of funds actually placed in trust to satisfy the requirements of IC 23-14-48, the name and address of the trustee, and if the funds are not held in trust by a corporate trustee, the name of the corporate surety and the amount of the trustee's fidelity bond as required by IC 23-14-51-4.
(4) The amount of money or identity of other property received subject to the trust or escrow requirements of this chapter, the amount required to be placed in trust or escrow, the amount actually placed in trust or escrow, and the name and address of the trustee.
(5) For a holder of a certificate of authority under section 33 of this chapter, the information that is listed in section 33(b) (2) through 33(b) (4) of this chapter.

(b) The annual report required by this section must meet the following requirements:

(1) Be made on a form prescribed and furnished by the board.
(2) Be signed by the owner if an individual or by the president or vice president and the treasurer or secretary if the owner is not an individual.
(3) Be notarized and affirmed under penalties of perjury by the individuals signing the annual report.
(4) Be filed in the office of the board by the seller not later than ninety (90) days after the end of the seller's fiscal year.
(5) Be accompanied by an annual fee of ten dollars ($10) if the seller is a funeral home or cemetery.
(6) Be accompanied by the fee required by section 27 of this chapter.

(c) Each geographic location of a seller is a separate and distinct business and requires a separate report.

(d) The board may suspend the certificate of authority of a seller who fails to file the seller›s annual report within the period required under this section.

IC 30-2-13-32 General price list

Sec. 32. A seller of:

(1) prepaid services or merchandise; or

(2) at-need services or merchandise;

shall maintain for display or on request at the seller's place of business and in the possession of an agent appointed by the seller a fully detailed general price list of all prepaid and at-need services or merchandise offered by the seller. The seller shall make this list available to any individual requesting price information.

IC 30-2-13-33 Certificates of authority

Sec. 33. (a) A seller may not sell or provide prepaid services or merchandise or a contract designed to provide a funding mechanism to be used in conjunction with the purchase of prepaid services or merchandise under this chapter without first obtaining a certificate of authority from the board. However, an employee of a seller is exempt from subsections (b) and (c).

(b) A seller who seeks a certificate of authority must submit a statement to the board that includes the following:

(1) The seller's name and the address of the place of business.

(2) Information considered necessary by the board to show evidence of the seller's good moral character, reputation for fair dealing in business matters, and lack of a criminal record.

(3) The name, address, and Social Security number of each person authorized to directly represent the seller as an agent.

(4) A statement by the seller notarized and affirmed under the penalties for perjury that all payments required under section 27 of this chapter have been made.

(c) Upon issuance, the certificate of authority shall be posted conspicuously in the seller›s place of business.

(d) A seller holding a certificate of authority or an agent of a seller who engages in door-to-door solicitation shall present a copy of the certificate of authority upon entry onto the premises of a prospective purchaser.

(e) A certificate of authority issued under this chapter expires annually on March 1.

(f) The board may renew a certificate of authority upon receipt of an application for renewal that includes the information listed in subsection (b).

IC 30-2-13-34 Rules

Sec. 34. The board may adopt rules under IC 4-22-2 to implement this chapter.

IC 30-2-13-35 Seller misrepresentation

Sec. 35. It is a violation of this chapter for a seller to misrepresent the character, quality, durability, or suitability for a specific or an intended purpose of services or merchandise offered for sale to a purchaser.

IC 30-2-13-36 Suspension of certificates of authority; fines

Sec. 36. The board may suspend the certificate of authority of a seller who violates a provision of this chapter. The board may suspend the certificate of authority of a seller who intentionally violates section 12.5 of this chapter for at least one (1) year. The board may assess a seller a fine of not more than ten thousand dollars ($10,000) for each violation of section 12.5, 13, 15, 21, 23, 24, or 25 of this chapter to be added to the fund established under section 28 of this chapter.

IC 30-2-13-38 Uncured deceptive acts; violations; injunctive relief; private right of action

Sec. 38. (a) A seller who violates a provision of this chapter commits an uncured deceptive act (as defined in IC 24-5-0.5-2).

(b) A person doing business as a sole proprietor, a firm, a limited liability company, a corporation, an association, or a partnership, but not acting as a seller that:

(1) sells or advertises prepaid services or merchandise or services or merchandise (as defined in section 8 of this chapter) and fails to obtain the certificate of authority required by section 33 of this chapter; or

(2) sells or advertises prepaid services or merchandise or services or merchandise (as defined in section 8 of this chapter) after the entity's certificate of authority has:

(A) expired; or

(B) been rescinded, revoked, or suspended by the board;

commits a Class A misdemeanor. Each act committed in violation of this subsection constitutes a separate offense.

(c) The following may maintain an action to enjoin an individual or entity from continuing to violate this section:

(1) The board.

(2) The attorney general.

(3) The prosecuting attorney of a county in which a violation occurs.

(d) A purchaser has a private right of action against a seller who commits an uncured deceptive act.

(e) A trustee or escrow agent, acting as a fiduciary, that disburses funds in a trust or escrow account established under this chapter without verifying that the seller has delivered the services or merchandise for which the funds were deposited through the use of documentation required under rules adopted by the state board of funeral and cemetery service established by IC 25-15-9-1 commits a Class A infraction.

(f) A person who knowingly or intentionally uses or disburses funds in a trust or escrow account established under this chapter for purposes other than the purposes required under this chapter commits a Level 5 felony.

IC 30-2-13-39 Prohibited relationships between sellers and trustees or escrow agents

Sec. 39. (a) This section does not apply to a trust funded by the method described in section 11(c) of this chapter.

(b) A seller may not be an affiliate, a parent, or a subsidiary organization of the trustee or escrow agent, acting as a fiduciary, of a trust or escrow account established after June 30, 2008, to hold consideration paid for services or merchandise subject to a contract entered into under this chapter by the seller and a purchaser.

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CREMATION ACT SUMMARY

Any appropriate, recognized, entity may obtain a certificate to operate a crematory from the State Board of Cemetery and Funeral Service; an annual report must also be filed.

Cremations may be performed only on the written authority of an Authorizing Agent. The following persons, in order of priority shown, may serve as Authorizing Agent:

- An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; if the deceased was on active duty, the person designated on the DD form 93.
- An individual specifically granted the authority to serve in a power of attorney or health care power of attorney executed by the decedent under IC 30-5-5-16.
- The decedent's spouse; unless a petition for divorce or separation has been filed.
- The decedent's surviving adult child; in the event more than one survive, the majority must give consent.
- The decedent's surviving parents;
- The decedent's surviving siblings; if more than one survive, a majority must give consent.
- The individual to the next degree of kinship; and
- In the case of an indigent person, the township trustee, or a public administrator, or coroner or state appointed guardian.

A crematory has no authority to cremate until it receives a written authority from the Authorizing Agent containing specific information concerning the identity of the decedent, funeral director, etc., and specifying the manner of ultimate disposition of cremated remains. A completed and executed copy of the death certificate is required for cremation.

The Authorizing Agent is responsible for final disposition of cremated remains. Cremated remains may be returned to the person having legal control over them or may be placed in a grave, crypt or niche or by scattering the remains in a scattering area. Remains may also be disposed of on the property of a consenting landowner, or uninhabited public land or waterway.

The law gives additional protection to the funeral home and crematory when they act in good faith in carrying out the wishes of the Authorizing Agent.

The synopsis of the section of the Indiana Code concerning the Cremation Act is for general information purposes only and is not intended to give legal advice or provide a controlling interpretation on facts that may prompt a reader to inquire concerning the application of the law. It is always recommended that full disclosure of all facts be presented to counsel in order that a qualified opinion may be provided concerning the applicability of the statute to any person or event under consideration.

Chapter 31. Cremation

IC 23-14-31-1 "Alternative container" defined

Sec. 1. As used in this chapter, «alternative container» means a rigid or nonrigid receptacle or other enclosure that:

(1) is made of a nonmetallic material;
(2) does not have ornamentation or an inner lining;
(3) may be closed adequately to provide a complete covering for human remains;
(4) is resistant to leakage or spillage;
(5) is rigid enough for handling with ease; and
(6) provides protection for the health, safety, and personal integrity of crematory personnel.

IC 23-14-31-2 "Authorizing agent" defined

Sec. 2. As used in this chapter, «authorizing agent» means a person legally entitled to order the cremation and final disposition of specific human remains.

IC 23-14-31-3 "Board" defined

Sec. 3. As used in this chapter, «board» means the state board of funeral and cemetery service established by IC 25-15-9-1.

IC 23-14-31-4 "Body part" defined

Sec. 4. As used in this chapter, «body part» means:

(1) a limb or other part of the human anatomy that is removed for medical purposes, treatment, surgery, biopsy, autopsy, or medical research; or
(2) a human body or a portion of a human body that has been donated to science for medical research purposes.

IC 23-14-31-5 "Burial transit permit" defined

Sec. 5. As used in this chapter, «burial transit permit» means a permit for the transportation and disposition of a dead human body required under IC 16-37-3-10 or IC 16-37-3-12.

IC 23-14-31-6 "Casket" defined

Sec. 6. As used in this chapter, «casket» means a rigid enclosure that:

(1) is made of wood, metal, or other material;
(2) is ornamented;
(3) has a fixed or nonfixed inner lining; and
(4) is designed to encase human remains.

IC 23-14-31-7 "Cremated remains" defined

Sec. 7. As used in this chapter, «cremated remains» means all human remains recovered after the completion of the cremation of a human body or body part, including the residue of any foreign materials, nonmetallic casket material, dental work, or eyeglasses that were cremated with the human remains but excluding any prosthetic or medical device.

IC 23-14-31-8 "Cremation" defined

Sec. 8. As used in this chapter, «cremation» means the incineration of the body of a deceased person or a body part of a nondeceased person and the mechanical or manual reduction of identifiable bone fragments to unidentifiable bone fragments.

IC 23-14-31-9 "Cremation chamber" defined

Sec. 9. As used in this chapter, «cremation chamber» means the enclosed space where the cremation takes place.

IC 23-14-31-10 Cremation room" defined

Sec. 10. As used in this chapter, «cremation room» means the room where the cremation chamber is located.

IC 23-14-31-11 "Crematory" defined

Sec. 11. As used in this chapter, «crematory» means a building or structure, including a holding facility where human remains are or are intended to be cremated.

IC 23-14-31-12 "Crematory authority" defined

Sec. 12. As used in this chapter, «crematory authority» means the legal entity or the entity›s authorized representative that is registered by the board to operate a crematory and to perform cremations.

IC 23-14-31-13 "Disposition" defined

Sec. 13. As used in this chapter, «disposition» means the cremation or other disposition of a dead human body or a part of a dead human body.

IC 23-14-31-14 "Funeral home" defined

Sec. 14. As used in this chapter, «funeral home» means a place that is licensed under IC 25-15 where:

(1) human remains are prepared for a funeral or disposition;
(2) human remains are held for disposition; and
(3) funerals are conducted or provided.

IC 23-14-31-15 "Holding facility" defined

Sec. 15. As used in this chapter, «holding facility» means an area that:

(1) is designated for the retention of human remains before cremation, including a cremation room;
(2) complies with all applicable public health laws; and
(3) preserves the health and safety of the crematory authority personnel.

IC 23-14-31-16 "Human remains" defined

Sec. 16. As used in this chapter, «human remains» means the body or a part of the body of an individual, including human remains that have been cremated.

IC 23-14-31-17 "Niche" defined

Sec. 17. As used in this chapter, «niche» means a space in a columbarium that is used or intended to be used for the interment of cremated human remains of one (1) or more deceased individuals.

IC 23-14-31-18 "Scattering" defined

Sec. 18. As used in this chapter, «scattering» means the final disposition of cremated human remains under section 44(a) (3) of this chapter.

IC 23-14-31-19 "Scattering area" defined

Sec. 19. As used in this chapter, «scattering area» means a designated area on dedicated cemetery property where cremated remains that have been removed from their container can be mixed with or placed on top of the soil or ground cover.

IC 23-14-31-20 "Temporary container" defined

Sec. 20. As used in this chapter, «temporary container» means a receptacle:

(1) for cremated remains;
(2) that is composed of cardboard, plastic, or similar material;
(3) that can be secured to prevent leakage or spillage of the cremated remains or the entrance of foreign material; and
(4) that is a single container of sufficient size to hold the cremated remains.

IC 23-14-31-21 "Urn" defined

Sec. 21. As used in this chapter, «urn» means a receptacle designed to encase cremated remains.

IC 23-14-31-22 Operating crematories; registration application

Sec. 22. (a) A person, a corporation, a limited liability company, a partnership, or any other business entity that is registered under this section may erect, maintain, and operate a crematory.

(b) To register to erect, maintain, or operate a crematory, an applicant must complete an application for registration as a crematory authority on a form furnished by the board that contains the following information:

(1) The name and address of the applicant as follows:
(A) If the applicant is an individual, the full name and address,

including both residential and business addresses, of the applicant.
(B) If the applicant is a partnership, the full name and address of each partner.
(C) If the applicant is a limited liability company, the full name and address of each manager and member.
(D) If the applicant is a corporation, the name and address of each officer, director, and shareholder holding at least twenty-five percent (25%) of the corporation's stock.
(2) The address and location of the crematory.
(3) Any other information the board may reasonably require.

IC 23-14-31-23 Licenses and permits; construction of crematories

Sec. 23. (a) A crematory shall obtain all necessary licenses and permits from appropriate local, state, or federal agencies.

(b) A crematory may be constructed on or adjacent to a cemetery, a funeral home, or another location if allowed by local zoning ordinances.

IC 23-14-31-24 Annual report

Sec. 24. (a) Each crematory authority shall file an annual report with the board. The report must include any changes in the information required under section 22 of this chapter or a statement indicating that no changes have occurred.

(b) Except as provided in subsection (c), the annual report must be filed not later than ninety (90) days after the end of the fiscal year of the crematory authority.

(c) If the fiscal year of a crematory authority is not the calendar year, the crematory authority shall file the annual report within seventy-five (75) days after the end of the crematory authority›s fiscal year.

(d) If a crematory authority files a written request for an extension and demonstrates good cause for the extension, the board shall grant an extension of not more than sixty (60) days for filing the annual report.

(e) If a crematory authority fails to submit an annual report to the board within the time specified in subsection (c) or (d), the board may take any of the actions allowed by IC 25-15-9.

IC 23-14-31-25 Inspection of records

Sec. 25. Upon reasonable notice, the board may inspect all records relating to the registration and annual report of the crematory authority required to be filed under this chapter.

IC 23-14-31-26 Priority among persons having right to serve as authorizing agent; persons who may not serve; disputes

Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:
(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. 1481) and completed the form.
(2) An individual specifically granted the authority to serve in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.
(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:
(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or
(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.
(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.
(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.
(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.
(7) A guardian appointed by a court under IC 29-3-5-3.
(8) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.
(9) If none of the persons described in subdivisions (1) through (8) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.
(10) The person appointed to administer the decedent's estate under IC 29-1.
(11) If none of the persons described in subdivisions (1) through (10) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:
(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent›s remains; and
(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (10).
(12) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following may serve as the authorizing agent:
(A) If none of the persons identified in subdivisions (1) through (11) are available:
(i) a public administrator, including a responsible township trustee or the trustee's designee; or
(ii) the coroner.
(B) A state appointed guardian.
However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.
(13) In the absence of any person under subdivisions (1) through (12), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory au-

thority to cremate the body part may serve as the authorizing agent.

(c) If:

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

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

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

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

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

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

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

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

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

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

(1) a court order; or

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

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

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

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

IC 23-14-31-27 Authorization procedure; immunity from liability; exceptions

Sec. 27. (a) Except as provided in subsection (c), a crematory authority shall not cremate human remains until the authority has received the following:

(1) A cremation authorization form provided by the crematory authority, signed by an authorizing agent, containing the following information:

(A) The identity of the human remains and the time and date of death.

(B) The name of the funeral director who obtained the cremation authorization.

(C) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(D) A statement by the authorizing agent that the authorizing agent:

(i) has the right to authorize the cremation of the decedent;

(ii) is not aware of any person who has a superior priority right to that of the authorizing agent; or

(iii) if the authorizing agent is aware that there is another person who has a superior priority right to that of the authorizing agent, a statement that the authorizing agent has made all reasonable efforts to contact the person, has been unable to contact the person, and has no reason to believe that the person would object to the cremation of the decedent.

(E) Authorization for the crematory authority to cremate the human remains.

(F) A statement that the human remains do not contain a pacemaker or any other material or implant or radiation producing device that may be potentially hazardous or cause damage to the cremation chamber or the individual performing the cremation. The authorization form may state that the funeral director is not liable for damages caused by a pacemaker or other implanted device that was not disclosed to the funeral director or of which the funeral director could not reasonably be aware.

(G) The name of the funeral director authorized to receive the cremated remains from the crematory authority or, if the crematory is on cemetery property, the cemetery authorized to receive cremated remains.

(H) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, niche, or scattering area, the form may indicate that the cremated remains will be held by the crematory authority for not longer than thirty (30) days from the date of cremation before the remains are released. The form may indicate that the crematory authority shall return cremated remains that have not been disposed of within thirty (30) days to the funeral director or funeral home of record who shall hold them for not longer than sixty (60) days from the date of cremation before disposing of the cremated remains either as previously authorized or, if there is no authorization, in any legal manner. The funeral home has no liability for:

(i) disposing of cremated remains in any manner permitted by law if the remains have been held; or

(ii) holding the cremated remains;

in excess of the sixty (60) days permitted under this clause if the authorizing agent fails to claim the remains during the sixty (60) day period. The funeral home must first send written notice by certified mail return receipt requested to the authorizing agent explaining the intentions of the funeral home regarding the disposal of or holding of the cremated remains in order for the funeral home to be immune from liability under this clause.

(I) A statement confirming the identity of the valuables belonging to the decedent previously taken and being held by the funeral director or the funeral home.

(J) A statement prohibiting the crematory from selling nonorganic material recovered from the human remains.

(K) A statement that the authorizing agent has made specific arrangements for any viewing of the decedent before cremation, or for a service with the decedent present before cremation. If a viewing or service is planned, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form.

(2) A completed and executed burial transit permit provided by the local health officer to the funeral director indicating that the human remains are to be cremated.

(3) A copy of:

(A) the completed and executed certificate of death; or

(B) a release for cremation by the coroner if an investigation of the circumstances of the deceased person's death came under the authority of the coroner, but the release does not constitute an authorization as required by this chapter.

(b) The cremation authorization form required under subsection (a) (1) must be signed by the funeral director who obtained the cremation

authorization. The funeral director shall execute the cremation authorization form as a witness and is not responsible for the representations made by the authorizing agent unless the funeral director has actual knowledge of a false or inaccurate representation. The funeral director shall certify to the crematory that the human remains delivered to the crematory authority are the human remains identified by the authorizing agent on the cremation authorization form.

(c) Notwithstanding subsection (a) (3) (A), a death certificate is not required for the cremation of the remains of a person:

(1) who died in another state; and

(2) whose remains are transported to Indiana by:

(A) a licensed funeral director; or

(B) the agent of a licensed funeral director;

for the purpose of cremation at an Indiana crematory;

if the funeral director or funeral director's agent obtains the documents required for cremation by the state in which the death occurred. However, if final disposition of the human remains is to occur in Indiana, the provisions of subsection (a) (3) (A) shall apply.

IC 23-14-31-28 Delegation of authority; immunity for reliance on cremation authorization form

Sec. 28. (a) If the authorizing agent is not available to execute a cremation authorization form in person, the authorizing agent may delegate the authority to another person in writing, including a facsimile transmission, telegram, or other electronic transmission.

(b) A written delegation of authority of an authorizing agent must include:

(1) the name, address, and relationship of the authorizing agent to the decedent; and

(2) the name and address of the person to whom authority is delegated.

(c) A person authorized under subsections (a) and (b) may serve as the authorizing agent and execute the cremation authorization form.

(d) A crematory authority is not liable for relying on a cremation authorization form executed in compliance with this section.

IC 23-14-31-29 Effect of signing cremation authorization form; responsibility for final disposition

Sec. 29. (a) Except for the information required under section 27(a) (1) (F) of this chapter, an authorizing agent who signs a cremation authorization form certifies that the facts on the cremation authorization form are true and that the authorizing agent has authority to order the cremation.

(b) An authorizing agent who signs a cremation authorization form is personally liable for damages resulting from authorizing the cremation.

(c) The authorizing agent is responsible for the final disposition of a decedent›s cremated remains. The crematory authority may hold the cremated remains for not longer than the thirty (30) day period under section 45 of this chapter.

IC 23-14-31-30 Crematory authority; liability for cremation or disposition

Sec. 30. (a) Except as provided in section 36 of this chapter, a crematory authority may cremate human remains upon receipt of a cremation authorization form signed by an authorizing agent.

(b) In the absence of gross negligence or noncompliance with this chapter, a crematory authority is not liable for:

(1) cremating human remains according to an authorization; or

(2) releasing or disposing of the cremated remains according to an authorization form.

IC 23-14-31-31 Cancellation by authorizing agent and instructions for alternative disposition

Sec. 31. After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral home. The instructions must be provided to the crematory authority in writing. A crematory authority must comply with instructions given to the authority by an authorizing agent under this section if the crematory authority receives the instructions before beginning the cremation of the human remains.

IC 23-14-31-32 Receipts provided by crematory authority

Sec. 32. (a) The crematory authority shall furnish a receipt to the funeral director or the funeral director›s representative who delivers human remains to the crematory authority. The receipt must:

(1) be signed by both the crematory authority and the funeral director or the funeral director's representative who delivers the human remains; and

(2) contain the following information:

(A) The date and time of the delivery.

(B) The type of casket or alternative container that was delivered.

(C) The name of the person from whom the human remains were received and the name of the funeral home or other entity with whom the person is affiliated.

(D) The name of the person who received the human remains on behalf of the crematory authority.

(E) The name of the decedent.

(b) Upon the release of cremated remains, the crematory authority shall furnish a receipt to the person who receives the cremated remains from the crematory authority. The receipt must be signed by both the crematory authority and the person who receives the cremated remains and must contain the following information:

(1) The date and time of the release.

(2) The name of the person who received the cremated remains and the name of the funeral home, cemetery, or other entity with whom the person is affiliated.

(3) The name of the person who released the cremated remains on behalf of the crematory authority.

(4) The name of the decedent.

(c) The crematory authority shall retain a copy of each receipt under this section in the authority›s permanent records.

IC 23-14-31-33 Crematory authority records

Sec. 33. (a) A crematory authority shall maintain at the authority›s place of business a permanent record of each cremation that took place at the facility. The record must contain the name of the decedent and the date of the cremation.

(b) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority under section 49 of this chapter.

IC 23-14-31-34 Cemetery records

Sec. 34. Each cemetery shall maintain a record of all cremated remains:

(1) that are disposed of on the cemetery's property;

(2) that have been properly transferred to the cemetery; and

(3) for which the cemetery has issued a receipt acknowledging the transfer of the cremated remains.

IC 23-14-31-35 Casket requirements; acceptance of human remains

Sec. 35. (a) A crematory authority shall not require that human remains be placed in a casket before cremation or that human remains be cremated in a casket.

(b) A crematory authority shall not accept human remains unless the remains are delivered to the crematory authority in a casket or an alternative container. However, a crematory authority may not require that the human remains be delivered in a casket.

(c) A crematory authority shall not refuse to accept human remains for cremation because the human remains are not embalmed.

(d) A crematory authority shall not accept a casket or an alternative container if there is evidence of the leakage of body fluids.

IC 23-14-31-36 Time; human remains containing hazardous materials; exceptions

Sec. 36. (a) Except:

(1) when waived in writing by the city or county health officer where the death occurred; or

(2) as provided in subsection (d);

human remains shall not be cremated less than forty-eight (48) hours after the time of death as indicated on the medical certificate of death or the coroner's certificate.

(b) Except as provided in subsection (a), unless the crematory authority has received specific instructions to the contrary on the cremation authorization form, a crematory authority may schedule the actual cremation to be performed at the authority›s convenience at any time after the human remains have been delivered to the crematory authority.

(c) A crematory authority shall not cremate human remains when the authority has actual knowledge that the human remains contain a pacemaker or other material or implant that may be potentially hazardous to the individual performing the cremation.

(d) The mandatory delay of forty-eight (48) hours imposed by subsection (a) does not apply to the cremation of the remains of a person:

(1) who died in another state; and

(2) whose remains are transported to Indiana by:

(A) a licensed funeral director; or

(B) the agent of a licensed funeral director;

for the purpose of cremation at an Indiana crematory;

if the funeral director or funeral director's agent obtains the documents required for cremation by the state in which the death occurred.

IC 23-14-31-37 Use of holding facilities

Sec. 37. When a crematory authority is unable to or unauthorized to cremate human remains immediately upon taking custody of the remains, the crematory authority shall place the human remains in a holding facility.

IC 23-14-31-38 Destruction or cremation of casket or alternative container

Sec. 38. The casket or the alternative container containing the human remains must be cremated with the human remains or destroyed unless the crematory authority has notified the authorizing agent to the contrary on the cremation authorization form and obtained the written consent of the authorizing agent.

IC 23-14-31-39 Simultaneous cremations

Sec. 39. (a) Except as provided in IC 16-21-11-6 and IC 16-34-3-4, a crematory authority shall not perform the simultaneous cremation of the human remains of more than one (1) individual within the same cremation chamber unless it has obtained the prior written consent of the authorizing agents.

(b) Subsection (a) does not prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one (1) cremation chamber.

IC 23-14-31-40 Removal of recoverable residue

Sec. 40. After each cremation, all the recoverable residue of the cremation process that it is practical to recover must be removed from the cremation chamber.

IC 23-14-31-41 Additional containers for cremated remains

Sec. 41. If all of the recovered cremated remains will not fit in the receptacle that has been selected, the remainder of the cremated remains must be placed in a separate, additional container and returned to the funeral home or funeral director for return to the authorizing agent.

IC 23-14-31-42 Shipment of cremated remains

Sec. 42. (a) Cremated remains may only be shipped by a method that has an internal tracing system that provides a receipt signed by the person accepting delivery.

(b) A crematory authority shall maintain an identification system that ensures that the authority can identify the human remains in the authority›s possession throughout all phases of the cremation process.

IC 23-14-31-43 Responsibility for final disposition

Sec. 43. The authorizing agent is responsible for the decision concerning final disposition of the cremated remains in accordance with sections 44 and 45 of this chapter. The funeral director is not liable for an act of the authorizing agent.

IC 23-14-31-44 Legal control and disposition; forms concerning disposal

Sec. 44. (a) Cremated remains may be retained by the person having legal control over the remains or may be disposed of in any of the following manners:

(1) Placing the remains in a grave, niche, or crypt.

(2) Scattering the remains in a scattering area.

(3) Disposing of the remains in any manner if:

(A) the remains are reduced to a particle size of one-eighth (1/8) inch or less; and

(B) the disposal is made on the property of a consenting owner, on uninhabited public land, or on a waterway.

(b) The Indiana department of health shall adopt forms for recording the following information concerning the disposal of cremated human remains on the property of a consenting owner:

(1) The date and manner of the disposal of the remains.

(2) The legal description of the property where the remains were disposed of.

The owner of the property where the cremated remains were disposed of and the person having legal control over the remains shall attest to the accuracy of the information supplied on the forms. The owner of the property where the cremated remains were disposed of shall record the forms with the county recorder of the county in which the property is located and shall return the form and the burial transit permit described in IC 16-37-3, within ten (10) days after the remains are disposed of.

IC 23-14-31-45 Disposition of cremated remains where no instructions exist

Sec. 45. (a) After completion of the cremation process, if a crematory authority existing on cemetery property has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the funeral director of record not later than thirty (30) days after the date of cremation. After delivery of the cremated remains, the crematory authority is discharged from any legal obligation or liability concerning the disposition of the cremated remains.

(b) A funeral director may hold remains returned by a crematory authority for not longer than sixty (60) days from the date of cremation and may dispose of the remains as previously arranged, or if no arrangement has been made, at the end of sixty (60) days, in any legal manner.

(c) A funeral director and crematory authority shall observe religious practices or preferences specified by the authorizing agent.

IC 23-14-31-46 Commingling of cremated remains

Sec. 46. Except with the express written permission of the authorizing agent, a person shall not do the following:

(1) Dispose of cremated remains in a manner or location that commingles the cremated remains with the cremated remains of another individual. This prohibition does not apply to the scattering of cremated remains at sea or in the air.

(2) Place the cremated remains of more than one (1) individual in the same temporary container or urn.

IC 23-14-31-47 Liability for cremation designated by authorization

Sec. 47. A crematory authority that has received an executed cremation authorization form and any additional documentation required under section 27 of this chapter is not liable for civil damages arising from the cremation of the human remains designated by the cremation authorization form if the cremation is performed in accordance with this chapter.

IC 23-14-31-48 Liability for nonacceptance or nonperformance

Sec. 48. (a) A crematory authority is not liable for civil damages for refusing to accept human remains or refusing to perform a cremation until the crematory authority receives a court order or other suitable confirmation that a dispute has been settled, if the authority:

(1) is aware of a dispute concerning the cremation of the human remains;

(2) has a reasonable basis for questioning any of the representations made by the authorizing agent; or

(3) refuses to accept the human remains for any other lawful reason.

(b) A crematory authority is not required to accept human remains for cremation.

IC 23-14-31-49 Disputes concerning cremated remains; liability for refusing release

Sec. 49. (a) If a crematory authority is aware of a dispute concerning the release or disposition of cremated remains, the crematory authority shall release the remains to the funeral director or funeral home until the dispute has been resolved.

(b) A crematory authority is not liable for refusing to release or dispose of cremated remains in accordance with this section.

IC 23-14-31-50 Responsibility for prosthetic devices or valuables; resale of caskets or medical devices

Sec. 50. A crematory authority is not responsible or liable for prosthetic devices or valuables delivered to the crematory authority with or integral to human remains, unless the crematory authority has received written instructions under section 27(a) (1) (I) or 27(a) (1) (J) of this chapter. A crematory authority shall not resell caskets or prosthetic or medical devices obtained as a result of cremation or from cremated remains.
As added by P.L.231-1995, SEC.2.

IC 23-14-31-51 Liability of cemeteries

Sec. 51. A cemetery is not liable for cremated remains that are dumped, scattered, or otherwise deposited at the cemetery in violation of this chapter if the action is taken without the cemetery›s consent.

IC 23-14-31-52 Violations; offenses

Sec. 52. (a) Except as provided in subsections (b), (c), and (d), a person that knowingly or intentionally violates this chapter commits a Class B misdemeanor.

(b) A person that knowingly or intentionally:

(1) performs a cremation without receipt of a cremation authorization form signed by an authorizing agent;

(2) signs a cremation authorization form that the individual knows contains false or incorrect information; or

(3) violates a cremation procedure under sections 36 through 42 of this chapter;commits a Level 6 felony.

(c) A crematory authority that knowingly represents to an authorizing agent or the agent›s designee that a temporary container or urn contains the cremated remains of a specific decedent when the container or urn does not commits a Level 6 felony.

(d) A person:

(1) who:

(A) professes to the public to be a crematory authority; or

(B) operates a building or structure in Indiana as a crematory;

without being registered under section 22 of this chapter; or

(2) who fails to file an annual report required under section 24 of this chapter;

commits a Class A misdemeanor.

IC 23-14-31-53 Injunction actions

Sec. 53. If a crematory authority:

(1) refuses to file or neglects to file an annual report under section 24 of this chapter;

(2) fails to comply with the registration requirements under section 22 of this chapter; or

(3) refuses to comply with the record inspection requirements under section 25 of this chapter;

the board may maintain an action in the name of the state of Indiana to enjoin the crematory authority from performing cremations.

Chapter 32. Curfews

IC 23-14-32-1 Curfews to memorialize the dead

Sec. 1. A county, city, or town may impose a curfew specific to cemeteries or other facilities used to memorialize the dead under IC 31-37-3-5.

Chapter 55. Authorization for Interment, Entombment, or Inurnment

IC 23-14-55-1 Warranty and liability of individual signing authorization

Sec. 1. (a) An individual who signs an authorization for the cremation, interment, entombment, or inurnment of any human remains:

(1) is considered to warrant the truthfulness of:

(A) any fact set forth in the authorization;

(B) the identity of the person for whose remains cremation, interment, entombment, or inurnment is sought; and

(C) the individual's authority to order the cremation, interment, entombment, or inurnment; and

(2) is personally and individually liable to pay damages in compensation for harm that:

(A) is caused by; or

(B) results from;

the signing of the authorization for cremation, interment, entombment, or inurnment.

(b) A cemetery or crematory that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not civilly or criminally liable or subject to disciplinary actions for carrying out the disposition of the decedent's remains in accordance with the instructions in the authorization.

IC 23-14-55-2 Cemetery owner's authority to inter remains upon written authorization; priority among individuals as to power to authorize interment; persons who may not authorize; disputes

Sec. 2. (a) Except as provided in subsection (c), the owner of a cemetery is authorized to inter, entomb, or inurn the body or cremated remains of a deceased human upon the receipt of a written authorization of an individual who professes either of the following:

(1) To be (in the priority listed) one (1) of the following:

(A) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19, or the person 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. 1481) and completed the form.

(B) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.

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

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

(ii) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation

was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(D) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this clause if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(E) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this clause if the parent who is present has used reasonable efforts to notify the absent parent.

(F) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this clause if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(H) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree of kinship is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this clause if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(I) If none of the persons described in clauses (A) through (H) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

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

(K) If none of the persons described in clauses (A) through (J) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(i) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent›s remains; and

(ii) attests in writing that a good faith effort has been made to contact any living individuals described in clauses (A) through (J).

(2) To have acquired by court order the right to control the disposition of the deceased human body or cremated remains.

The owner of a cemetery may accept the authorization of an individual only if all other individuals of the same priority or a higher priority (according to the priority listing in this subsection) are deceased, are barred from authorizing the disposition of the deceased human body or cremated remains under subsection (c), or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the remains.

(c) If:

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

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

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

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

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

the person referred to in subdivision (2) may not authorize the disposition of the decedent's body or cremated remains.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner of the determination referred to in subsection (c) (2).

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

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

(g) If there is a dispute concerning the disposition of a decedent›s remains, a cemetery owner is not liable for refusing to accept the remains of the decedent until the cemetery owner receives:

(1) a court order; or

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

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

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

(i) A spouse seeking a judicial determination under subsection (a) (1) (C) (i) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

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SUMMARY OF CEMETERY ACT

The Act regulates the platting and operation of all Indiana cemeteries, community, or public mausoleums or columbarian in the State of Indiana. Exempt from regulation, but only to the extent that their rules are different from the Act, are: a cemetery owned by a church or religious organization; or a cemetery owned by a fraternal beneficiary society.

Cemeteries must maintain perpetual care funds and must make certain initial and mandatory periodic deposits to such fund to assure the perpetual care of the cemetery property.

All cemeteries must be platted, and such plats recorded, before burial spaces can be sold. A sale of cemetery property to a consumer is the sale of a burial right only, and those may not be freely transferred or assigned without the written consent of the cemetery owner. The sale, transfer, etc., of burial rights, or the right to succession in ownership on the death of a registered owner, etc., are all subject to specific, statutory requirements, most of which include the consent of the cemetery to any such action.

A cemetery has the exclusive right to make and enforce its own rules and regulations concerning the use, care, control and management of the cemetery and all cemetery property. The cemetery may also control care of plants, shrubs, etc., and may regulate conduct within the cemetery. A cemetery is solely responsible for the care and maintenance of cemetery property and has the exclusive right to:

- Open and close a grave space, burial space, crypt or niche;
- Set or install a marker, monument or any type of memorial; and
- Install any kind of foundation or base for a marker as may be necessary.

The synopsis of the section of the Indiana Code concerning the Cemetery Act is for general information purposes only and is not intended to give legal advice or provide a controlling interpretation on facts that may prompt a reader to inquire concerning the application of the law. It is always recommended that full disclosure of all facts be presented to the counsel in order that a qualified opinion may be provided concerning the applicability of the statute to any person or event under consideration.

Chapter 2. Imposition of Tax

IC 6-1.1-2-7 Exempt property

Sec. 7. (a) As used in this section, «nonbusiness personal property» means personal property that is not:

(1) held for sale in the ordinary course of a trade or business;

(2) held, used, or consumed in connection with the production of income; or

(3) held as an investment.

(b) The following property is not subject to assessment and taxation under this article:

(1) A commercial vessel that is subject to the net tonnage tax imposed under IC 6-6-6.

(2) A vehicle that is subject to the vehicle excise tax imposed under IC 6-6-5.

(3) A motorized boat or sailboat that is subject to the boat excise tax imposed under IC 6-6-11.

(4) Property used by a cemetery (as defined in IC 23-14-33-7) if the cemetery:

(A) does not have a board of directors, board of trustees, or other governing authority other than the state or a political subdivision; and

(B) has had no business transaction during the preceding calendar year.

(5) A commercial vehicle that is subject to the annual excise tax imposed under IC 6-6-5.5.

(6) Inventory.

(7) A recreational vehicle or truck camper that is subject to the annual excise tax imposed under IC 6-6-5.1.

(8) The following types of nonbusiness personal property:

(A) All-terrain vehicles.

(B) Snowmobiles.

(C) Rowboats, canoes, kayaks, and other human powered boats.

(D) Invalid chairs.

(E) Yard and garden tractors.

(F) Trailers that are not subject to an excise tax under:

(i) IC 6-6-5;

(ii) IC 6-6-5.1; or

(iii) IC 6-6-5.5.

(9) For an assessment date after December 31, 2018, heavy rental equipment (as defined in IC 6-6-15-2) that is rented or held for rental or sale, the rental of which is or would be subject to the heavy equipment rental excise tax provisions under IC 6-6-15; provided, however, that a rentee that is exempt under IC 6-6-15-4(a) (3) from such excise tax shall be subject to the provisions of this article on such equipment.

Chapter 6.8. Assessment of Cemetery Land

IC 6-1.1-6.8-1 "Director" defined

Sec. 1. As used in this chapter, «director» refers to the director of the division of historic preservation and archeology of the department of natural resources.

IC 6-1.1-6.8-2 Classification as cemetery land

Sec. 2. For the purpose of property taxation, land on which a cemetery or burial ground (as defined by IC 14-21-1-3) is located may be classified and assessed under this chapter if the land satisfies the conditions prescribed in this chapter for classification as cemetery land.

IC 6-1.1-6.8-3 Registry of Indiana cemeteries and burial grounds

Sec. 3. Land may be classified as cemetery land if it is included in the registry of Indiana cemeteries and burial grounds established under IC 14-21-1-13.5.

IC 6-1.1-6.8-4 Buildings on property

Sec. 4. A parcel of land may not be classified as cemetery land if a dwelling or other building is situated on the parcel.

IC 6-1.1-6.8-5 Grazing land

Sec. 5. A parcel of land may not be classified as cemetery land if it is grazed by a domestic animal.

IC 6-1.1-6.8-6 Surveys

Sec. 6. (a) A person who wishes to have a parcel of land classified as cemetery land must have it surveyed by a professional surveyor. The professional surveyor shall make the survey by metes and bounds and locate the parcel with reference to some established corner. In addition, the professional surveyor shall identify the parcel by section, township, range, and county references. The professional surveyor shall prepare plats of the parcel in ink, and shall prepare the plats on the scale, and in the number, prescribed by the director.

(b) The professional surveyor may use an aerial photograph in order to obtain a description of the parcel. However, the professional surveyor›s description must be accurate and it must meet the requirements specified in subsection (a). If an aerial photograph is used, that fact shall be noted on the application referred to in section 8 of this chapter.

IC 6-1.1-6.8-7 Assessment by county assessor

Sec. 7. (a) A person who wishes to have a parcel of land classified as cemetery land must have the land assessed by the county assessor of the county in which the land is located.

(b) The county assessor shall assess the land at its fair market value, including any mineral, stone, oil, or gas value it has.

(c) If the assessment made by the county assessor is not satisfactory to the owner, the owner may appeal the assessment to a board consisting of the assessor, auditor, and treasurer of the county in which the land proposed for classification is located. The decision of the board is final.

IC 6-1.1-6.8-8 Application for assessment as cemetery land

Sec. 8. (a) A person who wishes to have a parcel of land classified as cemetery land must file an application in duplicate with the director on the forms prescribed by the director. The application must include the following items:

(1) The plats referred to in section 6 of this chapter.

(2) The assessment required under section 7 of this chapter entered in ink by the county assessor.

(3) The signature of the owner, the professional surveyor, and the county assessor.

(b) If an error or omission affecting the eligibility of the application is discovered by the director or county assessor, the director or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

IC 6-1.1-6.8-9 Approval of application

Sec. 9. If in the opinion of the director an application filed under section 8 of this chapter and the land to be classified comply with this chapter, the director shall approve the application. In addition, the director shall notify the auditor and the recorder of the county in which the land is located that the application has been approved, and shall return one (1) approved application form to the applicant.

IC 6-1.1-6.8-10 Recordation of approved application

Sec. 10. If an application filed under section 8 of this chapter is approved, the applicant shall record the approved application in the applicant›s name. If the applicant is a partnership, corporation, limited liability company, or association, the applicant shall record the approved application in the name of the partnership, corporation, limited liability company, or association. When an approved application is properly recorded, the county auditor shall enter the land for taxation at an assessed value determined under section 11 of this chapter.

IC 6-1.1-6.8-11 Assessment rate

Sec. 11. (a) Except as provided in subsection (b), land that is classified under this chapter as cemetery land shall be assessed at one dollar ($1) per acre for general property taxation purposes.

(b) A cemetery that is less than one (1) acre shall be assessed in the amount of one dollar ($1).

IC 6-1.1-6.8-12 Mineral wealth

Sec. 12. If any oil, gas, stone, coal, or other mineral is obtained from land that is classified as cemetery land, the parcel shall immediately be assessed for the oil, gas, stone, coal, or other mineral wealth. The assessed value of the mineral wealth shall then be placed on the tax duplicate.

IC 6-1.1-6.8-13 Conveyance

Sec. 13. A conveyance of land that is classified as cemetery land does not release any person acquiring an interest in the land from any obligation or liability imposed under this chapter.

IC 6-1.1-6.8-14 Payment of expenses

Sec. 14. The expense of the survey required by section 6 of this chapter shall be paid by the applicant. The expense of an assessment that is required under this chapter shall be paid from the county general fund of the county in which the parcel is located.

ARTICLE 21. HISTORIC PRESERVATION AND ARCHEOLOGY

Chapter 1. Division of Historic Preservation and Archeology

IC 14-21-1-1 Applicability of chapter

Sec. 1. This chapter does not apply to the human remains of individuals who die after December 31, 1939.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-2 "Artifact" defined

Sec. 2. As used in this chapter, «artifact» means:

(1) a feature that is:

(A) nonportable evidence of past human behavior or activity;

(B) found on or in the ground, including structural remains; and

(C) formed before December 31, 1870; or

(2) an object made, modified, or used before December 31, 1870.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-3 "Burial ground" defined

Sec. 3. (a) As used in this chapter, «burial ground» means ground in which human remains are buried, including the surrounding area that is either:

(1) marked by a permanent visible boundary, including a fence or wall; or

(2) if there is not a permanent visible boundary, determined by the department based on records or surveys of the land containing the historic or prehistoric site in which human remains, mounds, or burial objects are reported to occur.

(b) The term includes the following:

(1) The land associated with or incidental to the burial of human remains.

(2) Subject to section 1 of this chapter, historic cemeteries or land with human remains buried before January 1, 1940.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-4 "Burial object" defined

Sec. 4. As used in this chapter, «burial object» means any item intentionally placed in a burial ground at or near the time of burial.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-5 "Council" defined

Sec. 5. As used in this chapter, «council» refers to the advisory council established by IC 14-9-6-1.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-7 "Human remains" defined

Sec. 7. As used in this chapter, «human remains» means any part of the body of a human being in any:

(1) stage of decomposition; or

(2) state of preservation.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

IC 14-21-1-13.5 Survey and registry of Indiana burial grounds

Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

(1) The Indiana Historical Society established under IC 23-6-3.

(2) A historical society (as defined in IC 36-10-13-3).

(3) The Historic Landmarks Foundation of Indiana.

(4) A professional archeologist or historian associated with a postsecondary educational institution.

(5) A township trustee.

(6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

(1) to carry out subsection (a); and

(2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470w-3 and 16 U.S.C. 470hh.

(h) The division may record in each county recorder›s office the location of each cemetery and burial ground located in that county.

IC 14-21-1-24 Applicability of statutes regarding disturbance of grounds

Sec. 24. (a) As used in this section, «agricultural purpose» includes farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.

(b) Sections 25, 26, 28, and 29 of this chapter do not apply to the following:

(1) Surface coal mining regulated under IC 14-34.

(2) Cemeteries and human remains subject to IC 23-14.

(3) Disturbing the earth for an agricultural purpose.

(4) Collecting any object other than human remains that is visible in whole or in part on the surface of the ground, regardless of the time the object was made or shaped.

(5) Qualified professional archeologists, as determined by the department, who conduct phase 1a archeological surveys according to guidelines adopted by the department.

[Pre-1995 Recodification Citations: 14-3-3.4-1 part; 14-3-3.4-13.]

IC 14-21-1-25 Rules concerning standards for plans; action on submitted plans

Sec. 25. (a) The commission shall adopt rules establishing standards for plans.

(b) With respect to archeological plans, the rules must impose a standard of conduct that does the following:

(1) Promotes the scientific investigation and conservation of past cultures.

(2) Considers the interests and expertise of amateur archeologists and professional archeologists.

(c) With respect to development plans, the rules must impose a standard of conduct that preserves and protects both of the following:

(1) The rights and interests of landowners.

(2) The sensitivity of human beings for treating human remains with respect and dignity, as determined by the commission.

(d) Subject to subsection (e), plans required under this chapter must be submitted to the department for approval according to rules adopted by the commission.

(e) Proposed plans submitted to the department must be:

(1) approved;

(2) denied; or

(3) held because of the need for additional information;

by the department not more than sixty (60) days after the date of submission. If the department does not take any action on the plan within the time required by this subsection, the plan is considered to be approved, unless approval is prohibited under a state or federal law. If the department requests additional information under subdivision (3), the department shall approve or deny the resubmitted plan not more than thirty (30) days after the resubmitted plan is received.

[Pre-1995 Recodification Citation: 14-3-3.4-14.]

IC 14-21-1-25.5 Notice of discovered burial ground; recommendations

Sec. 25.5. (a) If a Native American Indian burial ground is discovered, the department shall immediately provide notice to the Native American Indian affairs commission established by IC 4-23-32.

(b) If Native American Indian human remains are removed from a burial ground, the department shall provide the following to the Native American Indian affairs commission:

(1) Any written findings or reports that result from the analysis and study of the human remains.

(2) Written notice to the Native American Indian affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b) (2), the Native American Indian affairs commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.

IC 14-21-1-26 Disturbing ground to discover artifacts, burial objects, or human remains; penalty

Sec. 26. (a) A person who disturbs the ground for the purpose of discovering, uncovering, or moving artifacts, burial objects, or human remains must do so in accordance with a plan approved by the department under section 25 of this chapter or under IC 14-3-3.4-14 (before its repeal).

(b) A person who recklessly, knowingly, or intentionally violates this section commits the following:

(1) A Class A misdemeanor, if the violation does not involve disturbing human remains.

(2) A Level 6 felony, if the violation involves disturbing human remains.

[Pre-1995 Recodification Citation: 14-3-3.4-15.]

IC 14-21-1-26.5 Development plan requirements; penalty

Sec. 26.5. (a) Notwithstanding IC 23-14-44-1, this section does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)).

(2) A corporation organized under IC 8-1-13.

(3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

(4) A surface coal mining and reclamation operation permitted under IC 14-34.

(b) Except as provided in this subsection and subsections (c) and (d), a person may not disturb the ground within one hundred (100) feet of a burial ground for the purpose of excavating or covering over the ground or erecting, altering, or repairing any structure without having a development plan approved by the department under section 25 of this chapter or in violation of a development plan approved by the department under section 25 of this chapter. The department must review the development plan as required by section 25(e) of this chapter.

(c) A development plan:

(1) must be approved if a person intends to:

(A) excavate or cover over the ground; or

(B) construct a new structure or alter or repair an existing structure;

that would impact the burial ground or cemetery; and

(2) is not required if a person intends to:

(A) excavate or cover over the ground; or

(B) erect, alter, or repair an existing structure;

for an incidental or existing use that would not impact the burial ground or cemetery.

(d) A development plan for a governmental entity to disturb ground within one hundred (100) feet of a burial ground must be approved as follows:

(1) A development plan of a municipality requires approval of the executive of the municipality and does not require the approval of the department. However, if the burial ground or cemetery is located outside the municipality, approval is also required by the executive of the county where the burial ground or cemetery is located. A county cemetery commission established under IC 23-14-67-2 may advise the executive of the municipality on whether to approve a development plan.

(2) A development plan of a governmental entity other than:

(A) a municipality; or

(B) the state;

requires the approval of the executive of the county where the governmental entity is located and does not require the approval of the department. However, if the governmental entity is located in more than one (1) county, only the approval of the executive of the county where the burial ground or cemetery is located is required. A county cemetery commission established under IC 23-14-67-2 may advise the county executive on whether to approve a development plan.

(3) A development plan of the state requires the approval of the department.

(e) If a burial ground is within an archeological site, an archeological plan is required to be part of the development plan.

(f) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person disturbs buried human remains or grave markers while committing the offense.

IC 14-21-1-27 Duties when buried human remains or burial grounds are disturbed; penalty

Sec. 27. (a) A person who disturbs buried human remains or burial grounds shall do the following:

(1) Notify the department within two (2) business days of the time of the disturbance.

(2) Treat or rebury the human remains in a manner and place according to rules adopted by the commission or a court order and permit issued by the Indiana department of health under IC 23-14-57.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

IC 14-21-1-28 Penalty for disturbing human remains or grave markers

Sec. 28. A person who recklessly, knowingly, or intentionally disturbs human remains or grave markers while moving, uncovering, or removing artifacts or burial objects either:

(1) without a plan approved by the department under:
(A) section 25 of this chapter; or
(B) IC 14-3-3.4-14 (before its repeal); or
(2) in violation of such a plan;

commits a Level 6 felony.

[Pre-1995 Recodification Citation: 14-3-3.4-17.]

IC 14-21-1-29 Duty upon discovering artifacts or burial objects; penalty

Sec. 29. (a) A person who discovers, uncovers, or moves an artifact or burial object while disturbing the ground for a purpose other than the discovery, uncovering, or moving of artifacts or burial objects shall do the following:

(1) Immediately cease disturbing the ground and the area within one hundred (100) feet of the artifact or burial object.
(2) Notify the department within two (2) business days after the time of the disturbance.

(b) After notification under subsection (a), the department may do any of the following:

(1) Authorize the person to continue the ground disturbing activity, with or without conditions.
(2) Require that continued ground disturbance activity be conducted only in accordance with an approved plan. However, this subdivision does not apply after ten (10) business days from the date that the department receives notice.

(c) A person who violates subsection (a) commits a Class A infraction.

Chapter 2. Cemetery Preservation

IC 14-21-2-1 Chapter exemptions

Sec. 1. This chapter does not apply to the following:

(1) A cemetery owner (as defined in IC 23-14-33-8) in the course of performing a legitimate function under IC 23-14 in relation to the owner›s cemetery (as defined in IC 23-14-33-7).
(2) The owner of a grave memorial who, for the purpose of replacing a grave memorial with a different grave memorial, transfers ownership of the grave memorial to a cemetery, cemetery owner, or grave memorial provider.

IC 14-21-2-2 “Grave memorial” defined

Sec. 2. As used in this chapter, «grave memorial» refers to a gravestone, monument, grave marker, or any other type of similar item.

IC 14-21-2-3 Filing required following lawful removal of grave memorial

Sec. 3. (a) A person who lawfully removes a grave memorial must file the following with the county recorder of the county where the grave memorial was located before its removal:

(1) A precise description of all text appearing on the grave memorial including:
(A) names;
(B) dates;
(C) references to other individuals; and
(D) mementos.
(2) A photograph of the grave memorial.
(3) A written description and photograph of the location of the site from which the grave memorial was removed.

(b) A county recorder may collect a filing fee under IC 36-2-7-10 for filings under this section.

(c) A county recorder is:

(1) not required to obtain special recording equipment for the purpose of recording the information listed in subsection (a); and
(2) required to record only the information listed in subsection (a) that the recorder’s current recording equipment can accommodate.

(d) The state board of accounts shall prescribe a form for recording the information listed in subsection (a). The form shall be available to the public at each local health department office.

IC 14-21-2-4 Purchase or sale of items removed from cemetery prohibited

Sec. 4. A person may not buy or sell any of the following that have been removed from a cemetery:

(1) Grave memorial.
(2) Grave artifact.
(3) Grave ornamentation.
(4) Cemetery enclosure.
(5) Other commemorative item.

IC 14-21-2-5 Violations

Sec. 5. A person who knowingly violates section 3 or 4 of this chapter commits a Class C misdemeanor.

Chapter 3. Recording Interests in Property Containing a Burial Ground or Cemetery

IC 14-21-3-1 Recording requirements

Sec. 1. (a) Before a person may record any interest in property on which a burial ground or cemetery is known to be located, the owner of the property must record the deed to the property in the recorder›s office of the county where the property is located. The bottom portion of the deed must state in capital letters in bold type that the deed pertains to property on which a burial ground or cemetery is known to be located.

(b) The county auditor shall send a copy of the deed to:

(1) the department; and
(2) the local cemetery board, or if no local cemetery board exists, to the county commissioners;

not later than thirty (30) days after the deed is recorded under subsection (a).

IC 14-21-3-2 Effect on other recording requirements

Sec. 2. The recording that this chapter requires is in addition to any recording that may be required by IC 23-14-34-1.

IC 14-21-3-3 Violations

Sec. 3. A person who violates section 1 of this chapter commits a Class C infraction.

IC 14-21-3-4 Confidentiality of information

Sec. 4. Nothing in this chapter may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h) (h).

IC 14-21-3-5 Exceptions

Sec. 5. This chapter does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)).
(2) A corporation organized under IC 8-1-13.
(3) A municipally owned utility (as defined in IC 8-1-2-1(h)).
(4) Property that has been subject to bonding or other financial assurances released by the appropriate governmental agency after compliance with applicable state laws.

Chapter 5. Access to Cemetery Land

IC 14-21-5-1 “Family member”

Sec. 1. As used in this chapter, «family member» means a relative or descendant of a person buried in a cemetery.

IC 14-21-5-2 “Invitee”

Sec. 2. As used in this chapter, «invitee» means an individual who has been given permission by a landowner to visit a cemetery located on the landowner›s property.

IC 14-21-5-3 Access to cemetery land

Sec. 3. The owner of land that is classified under IC 6-1.1-6.8 as cemetery land must allow family members of persons buried in the cemetery at least three (3) days each year during which the family members may gain access to and visit the cemetery. The date or dates on which family members will visit the cemetery must be agreed upon between the landowner and the family members.

IC 14-21-5-4 Immunity for injuries to family members and invitees granted access to cemetery land

Sec. 4. The following apply when a landowner grants access to a cemetery that is classified under IC 6-1.1-6.8:

(1) Except for an injury that is a direct result of a landowner's gross negligence or willful and wanton misconduct, the landowner is immune from civil liability for any injury occurring to the health, life, or property of an invitee or a family member during the time the invitee or family member is present on the landowner's property.

(2) Except for an injury that is a direct result of a guide's gross negligence or willful and wanton misconduct, a person guiding an invitee or a family member to the cemetery is immune from civil liability for any injury occurring to the health, life, or property of the invitee or family member during the time the guide and the invitee or family member are present on the landowner's property.

Chapter 32. Curfews

IC 23-14-32-1 Curfews to memorialize the dead

Sec. 1. A county, city, or town may impose a curfew specific to cemeteries or other facilities used to memorialize the dead under IC 31-37-3-5.

Chapter 33. Application and Definitions of Cemetery Law

IC 23-14-33-1 Citation of chapters

Sec. 1. This chapter through IC 23-14-76 may be referred to as the Indiana general cemetery law.

IC 23-14-33-2 Application of provisions

Sec. 2. The provisions of this chapter through IC 23-14-76 apply to all:

(1) cemeteries;
(2) community or public mausoleums;
(3) community or public garden crypts; and
(4) columbaria;

located within Indiana, except as otherwise provided in this chapter through IC 23-14-76.

IC 23-14-33-3 Rules of cemetery owner

Sec. 3. (a) Notwithstanding any provision of IC 23-14-33 through IC 23-14-76 to the contrary, but subject to subsection (b):

(1) a cemetery that is owned by:
(A) a church or other religious organization; or
(B) a fraternal beneficiary society; and
(2) all burial rights held in the cemetery;

are subject in all things to the rules and regulations of the owner of the cemetery that are enacted by the governing head or body of the cemetery.

(b) A cemetery described in subsection (a) is subject to all the provisions of this chapter through IC 23-14-76 that do not conflict with the rules or regulations of the cemetery owner.

IC 23-14-33-4 Application of definitions

Sec. 4. (a) The definitions set forth in this chapter apply to this chapter through IC 23-14-76.

(b) A deed or license issued to a purchaser of a burial right in a cemetery before July 1, 2022, is considered a certificate of burial rights for the purposes of the statutes described in subsection (a)..

IC 23-14-33-5 "Burial"

Sec. 5. «Burial» means the opening and closing of a grave, grave space, burial space, crypt, or niche for purposes of:

(1) interment;
(2) entombment; or
(3) inurnment.

IC 23-14-33-6 "Burial right"

Sec. 6. «Burial right» means a right of interment, entombment, or inurnment granted by the owner of a cemetery and unless otherwise stated in the deed, certificate, or license given by the owner of the cemetery, is an easement for the specific purpose of burial.

IC 23-14-33-7 "Cemetery"

Sec. 7. «Cemetery» means any land or structure in Indiana that is:

(1) dedicated to; and
(2) used for, or intended to be used for;

the interment, entombment, or inurnment of human remains.

IC 23-14-33-7.5 "Cemetery caretaker"

Sec. 7.5. «Cemetery caretaker» means an individual appointed by a municipality, county, or township to care for and maintain a cemetery.

IC 23-14-33-8 "Cemetery owner" or "owner of a cemetery"

Sec. 8. «Cemetery owner» or «owner of a cemetery» means the person that:

(1) owns; or
(2) operates and conducts the business of;

a cemetery.

IC 23-14-33-9 "Cemetery purposes"

Sec. 9. «Cemetery purposes» means all things necessary for or incident or convenient to the establishment, maintenance, management, operation, improvement, and conduct of a cemetery, the preparation of cemetery property for interment, entombment, or inurnment and the interment, entombment, or inurnment of the human dead, and the care, preservation, and embellishment of cemetery property.

IC 23-14-33-9.5 "Certificate of burial rights"

Sec. 9.5. «Certificate of burial rights» means a written instrument issued by the owner of a cemetery to a person purchasing a burial right in the cemetery.

IC 23-14-33-10 "Columbarium"

Sec. 10. «Columbarium» means a structure or room or space in a building or structure used or intended to be used for the inurnment of cremated human remains.

IC 23-14-33-11 "Community columbarium"

Sec. 11. «Community columbarium» means a columbarium in which inurnment rights are or have been offered for sale to the general public.

IC 23-14-33-12 "Community garden crypt"

Sec. 12. «Community garden crypt» means a garden crypt in which entombment or inurnment rights are or have been offered for sale to the general public.

IC 23-14-33-13 "Community mausoleum"

Sec. 13. «Community mausoleum» means a mausoleum in which entombment or inurnment rights are or have been offered for sale to the general public.

IC 23-14-33-14 "Cremation"

Sec. 14. «Cremation» means:

(1) the incineration of:
(A) the body of a deceased individual; or
(B) a body part of a nondeceased individual; and
(2) the mechanical or manual reduction of identifiable bone fragments to unidentifiable bone fragments.

IC 23-14-33-15 "Crematory"

Sec. 15. «Crematory» means a building or structure, including a holding facility, within which the remains of deceased individuals:

(1) are; or

(2) are intended to be;

cremated.

IC 23-14-33-16 "Crypt"

Sec. 16. «Crypt» means a chamber in a mausoleum or garden crypt that is of sufficient size to entomb the uncremated remains of a deceased individual.

IC 23-14-33-17 "Disinterment"

Sec. 17. «Disinterment» means the recovery of human remains by exhumation, disentombment, or disinurnment. The term does not include:

(1) the raising and lowering of human remains to accommodate two

(2) interments within a single grave: or

(2) the repositioning of human remains or the repositioning of an outside burial container or vault that encroaches on an adjoining grave, grave space, or burial space.

IC 23-14-33-18 "Entombment"

Sec. 18. «Entombment» means any lawful disposition of the remains of a deceased individual in a mausoleum or garden crypt as provided by IC 23-14-54.

IC 23-14-33-19 "Financial institution"

Sec. 19. «Financial institution» means a state or national:

(1) bank;

(2) bank and trust company;

(3) trust company;

(4) savings bank; or

(5) savings association;

that maintains a principal place of business in Indiana and is qualified to serve as a trustee.

IC 23-14-33-20 "Garden crypt"

Sec. 20. (a) «Garden crypt» means a structure or building that is:

(1) used; or

(2) intended to be used;

for the entombment or inurnment of human remains in crypts, vaults, or niches, in which entombment or inurnment is done from the exterior of the structure or building.

(b) The term includes a columbarium within a garden crypt.

IC 23-14-33-21 "Human remains" or "remains"

Sec. 21. (a) «Human remains» or «remains» means the body of a deceased individual.

(b) The term includes:

(1) the body in any stage of decomposition; and

(2) cremated remains.

IC 23-14-33-22 "Interment"

Sec. 22. «Interment» means any lawful disposition in the earth of the remains of a deceased individual as provided by IC 23-14-54.

IC 23-14-33-23 "Inurnment"

Sec. 23. «Inurnment» means any lawful disposition of the cremated remains of a deceased individual in a mausoleum, garden crypt, niche, or scattering garden area as provided by IC 23-14-54.

IC 23-14-33-24 "Lawn crypt"

Sec. 24. «Lawn crypt» means a vault that is:

(1) preset into the earth; and

(2) sold as a part of the sale of the lot, plot, burial space, or grave.

IC 23-14-33-25 "Lot", "plot", "burial space", or "section"

Sec. 25. (a) «Lot», «plot», «burial space», or «section» means any space within a cemetery that is:

(1) used; or

(2) intended to be used;

for interment, entombment, or inurnment, irrespective of where the space is located.

(b) The term includes a crypt, a niche, and a grave space.

IC 23-14-33-26 "Lot owner", "lot holder", "plot owner", "plot holder", "burial right owner", "burial right holder", "burial space owner", or "burial space holder"

Sec. 26. «Lot owner», «lot holder», «plot owner», «plot holder», «burial right owner», «burial right holder», «burial space owner», or «burial space holder» means a person:

(1) under whose name a burial space is listed; or

(2) who is identified as the owner or holder of a burial space;

in the records of the office of the cemetery owner.

IC 23-14-33-27 "Mausoleum"

Sec. 27. (a) «Mausoleum» means a structure or building that:

(1) is used; or

(2) is intended to be used;

for the entombment or inurnment of human remains in crypts, vaults, or niches, in which entombment or inurnment is done from the interior of the building or structure.

(b) The term includes a columbarium within a mausoleum.

IC 23-14-33-28 "Niche"

Sec. 28. «Niche» is a space in a columbarium that is:

(1) used; or

(2) intended to be used;

for the inurnment of the cremated remains of one (1) or more deceased individuals.

IC 23-14-33-29 "Owner"

Sec. 29. (a) «Owner», when used in reference to a:

(1) lot owner;

(2) lot holder;

(3) plot owner;

(4) plot holder;

(5) burial right owner;

(6) burial right holder;

(7) burial space owner; or

(8) burial space holder;

includes a holder of a lot, plot, burial right, or burial space.

(b) «Owner», when used in reference to a:

(1) lot owner;

(2) lot holder;

(3) plot owner;

(4) plot holder;

(5) burial right owner;

(6) burial right holder;

(7) burial space owner; or

(8) burial space holder;

does not include a cemetery owner or an owner of a cemetery.

IC 23-14-33-30 "Perpetual care" or "endowment care"

Sec. 30. (a) «Perpetual care» or «endowment care» means, through the use of funds available under IC 23-14-48 and other care funds or endowments, the maintenance of the cemetery grounds and graves in keeping with a properly maintained cemetery, including the following:

(1) Cutting the grass at reasonable intervals.

(2) Raking and cleaning of cemetery plots at reasonable intervals.

(3) Pruning of shrubs and trees.

(4) Procuring, maintaining, and keeping in workable condition the machinery, tools, and equipment needed for maintenance purposes,

and replacing the machinery, tools, and equipment when necessary.

(5) Keeping in repair and preserving the drains, water lines, roads, buildings, fences, and other structures, including cemetery owned statues and embellishments of a general character applicable to the cemetery as a whole or a particular area.

(6) The administration of the cemetery, including:

(A) the payment of insurance premiums;

(B) the payment of pensions; and

(C) maintaining the necessary records of lot ownership or holdership, burial right ownership or holdership, burials, and other necessary information, and making the records available to the public authorities and interested persons.

(b) When used in connection with a mausoleum, garden crypt, columbarium, crematory, or other structure, the term «perpetual care» or «endowment care» means, in addition to the meaning set forth in subsection (a):

(1) the general upkeep of the structure and the ground surrounding the structure;

(2) the repair, replacement, and improvement of the structure;

(3) the procuring, maintaining, and keeping in reasonable condition the machinery, tools, and equipment needed for the purposes set forth in subdivisions (1) through (2); and

(4) replacing the machinery, tools, and equipment when necessary.

IC 23-14-33-31 "Person"

Sec. 31. «Person» means an individual, an association, a limited liability company, a corporation, a firm, or another legal entity.

IC 23-14-33-32 "Religious cemetery"

Sec. 32. «Religious cemetery» means a cemetery that is owned, operated, controlled, or managed by:

(1) any recognized church, religious society, association, or denomination; or

(2) any cemetery authority or corporation:

(A) that administers; or

(B) through which is administered;

the temporalities of any recognized church, religious society, association, or denomination.

IC 23-14-33-33 "Vault"

Sec. 33. (a) «Vault» means:

(1) an outer burial container that is designed for placement in a burial space or grave around a casket or alternative container; or

(2) the container that forms the chamber of a crypt.

(b) The term includes a burial vault, grave box, or grave liner.

Chapter 34. Mandatory Recording of Survey and Plat

IC 23-14-34-1 Mandatory recording of survey and plat for certain cemeteries

Sec. 1. Before granting or selling any burial right in any part of a cemetery developed and platted after March 6, 1953, the owner of the cemetery shall cause to be recorded in the recorder›s office of the county in which the cemetery is located an accurate survey and plat of that part of its property in which it proposes to grant or sell burial rights.

IC 23-14-34-2 Duties after violations; Class C infraction

Sec. 2. (a) The owner of a cemetery that has violated section 1 of this chapter shall, not later than January 1, 1998, record in the office of the recorder of the county in which the cemetery is located:

(1) the original plat of the cemetery; and

(2) the plats of all additions to the cemetery.

(b) The plats recorded under subsection (a) must:

(1) be referenced with respect to the section lines of the cemetery (if section lines have been established); and

(2) show a sufficient number of permanent monuments so there would be no difficulty in making resurveys.

(c) A cemetery owner who violates this section commits a Class C infraction. If the cemetery owner is required by this chapter to record a plat, each period of thirty (30) days after the time allowed by this chapter for the recording of the plat during which the plat remains unrecorded constitutes a separate infraction.

IC 23-14-34-3 Transfers to include reference to recorded plat

Sec. 3. Each transfer of interment, entombment, or inurnment rights issued by the cemetery owner under this chapter must include a reference to the recorded plat.

IC 23-14-34-4 Issuance of certificate of burial rights

Sec. 4. The owner of a cemetery shall issue a certificate of burial rights to each purchaser of a burial right in the cemetery. Each certificate of burial rights issued under this section must be properly signed and acknowledged before a notary public.

IC 23-14-34-5 Requirements for recorded surveys and plats

Sec. 5. A survey and plat recorded under this chapter must:

(1) show all lots, walks, and drives in the cemetery, all with descriptive names and numbers; and

(2) include a proper instrument in writing, duly executed and acknowledged by the owner, dedicating the property to cemetery purposes.

IC 23-14-34-6 Use of property after recording

Sec. 6. Except as provided in section 7 of this chapter, the property described in a survey and plat recorded under this chapter shall be held, occupied, and used exclusively for cemetery purposes after the recording of the survey and plat.

IC 23-14-34-7 Vacation or alteration of recorded plat

Sec. 7. (a) Subject to subsection (b), the owner of property described in a survey and plat recorded under this chapter by an instrument properly executed, acknowledged, and recorded may vacate the recorded plat and make and file a new or altered plat and survey of:

(1) the property described in a survey and plat; or

(2) a part of the property described in the survey and plat.

(b) The vacation or alteration of a recorded plat under subsection (a) is not valid if it affects burial rights previously granted in the property described in the plat, unless each owner of affected burial rights has consented to the vacation or alteration.

IC 23-14-34-8 Defective or incomplete surveys or plats

Sec. 8. If:

(1) the owner of a cemetery has recorded an accurate survey and plat of a part of its property in which it has:

(A) granted or sold burial rights for at least thirty (30) years; and

(B) actually managed and controlled the land as a cemetery for at least thirty (30) years; but

(2) the survey or plat is defective and incomplete because of a failure to comply with the formalities required by law in force at the time of the recording;

the recorded survey and plat are considered to comply fully with the law as of July 1, 1997.

IC 23-14-34-9 Violation of chapter; Class B misdemeanor

Sec. 9. A person who knowingly violates:

(1) section 1;

(2) section 3; or

(3) section 4;

of this chapter commits a Class B misdemeanor.

Chapter 35. Requirements Applying to Cemetery Plats

IC 23-14-35-1 Lost or destroyed plats

Sec. 1. If:

(1) the original plat of a cemetery; or

(2) the plat of an addition to a cemetery;

has been lost or destroyed, the cemetery owner required to record the plat shall have a new plat made by a competent engineer to correspond in every way to the original plat.

IC 23-14-35-2 Replacement plats

Sec. 2. A replacement plat made under section 1 of this chapter must designate:

(1) the exact location, length, and width of all vehicle drives, paths, walks, sections and lots; and

(2) the number of each lot in the cemetery.

Chapter 36. Commencement of the Sale of Burial Rights

IC 23-14-36-1 Sale or grant of burial rights

Sec. 1. After recording the plat under IC 23-14-34-1, the owner of the cemetery may sell and grant burial rights in the cemetery.

IC 23-14-36-2 Requirements for transfer or assignment of burial rights

Sec. 2. Burial rights sold or granted under section 1 of this chapter shall not be transferred or assigned without the written consent of the owner of the cemetery.

IC 23-14-36-3 Violation of chapter; Class B misdemeanor

Sec. 3. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 37. Unlawful Inducements in the Sale of Burial Rights

IC 23-14-37-1 Unlawful inducements for purchase of burial rights

Sec. 1. Except as provided in section 2 of this chapter, it is unlawful for a person, as inducement for the purchase of burial rights in a cemetery, to directly or indirectly do the following:

(1) Offer, promise, or agree to resell or repurchase the burial rights.

(2) Pay or offer to pay any sum of money as interest or as a premium for the privilege of reselling or repurchasing the burial rights.

IC 23-14-37-2 Repurchase of burial rights under lot exchange plan

Sec. 2. A cemetery owner may offer or agree to repurchase burial rights under a lot exchange plan that:

(1) is entered into with other cemetery owners or through an association of cemetery owners; and

(2) provides for the repurchase of burial rights in case the purchaser should change legal residence to another community and purchases burial rights in a cemetery located in the community of the purchaser's new place of residence.

IC 23-14-37-3 Violation of chapter; Class B misdemeanor

Sec. 3. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 38. Construction of Mausoleums and Vaults

IC 23-14-38-1 Construction of crypts; ventilation

Sec. 1. (a) A crypt placed in a mausoleum, vault, or other structure shall be so constructed that all parts of it may be readily examined by the Indiana department of health or any other health officer.

(b) All ventilation from a crypt constructed after March 15, 1945, may be released at a height of the lowest roof level.

IC 23-14-38-2 Removal and reinterment of bodies from burial structure declared to be public nuisance; removal of mausoleum or vault; costs

Sec. 2. (a) This section applies if:

(1) a person fails to maintain a mausoleum, garden crypt, vault, or other burial structure in a good state of repair; and

(2) by reason of the failure referred to in subdivision (1), a court of competent jurisdiction declares the mausoleum, garden crypt, vault, or other burial structure to be a public nuisance.

(b) The deceased body or bodies interred in the mausoleum, garden crypt, vault, or other burial structure shall be removed and properly interred:

(1) within thirty (30) days after the judgment declaring the mausoleum, garden crypt, vault, or other burial structure to be a nuisance, if the judgment is not appealed; or

(2) if the judgment is appealed, within thirty (30) days after the judgment is upheld on appeal.

(c) The mausoleum, garden crypt, vault, or other burial structure shall be removed:

(1) within one hundred eighty (180) days after the judgment declaring the mausoleum, garden crypt, vault, or other burial structure to be a nuisance, if the judgment is not appealed; or

(2) if the judgment is appealed, within one hundred eighty (180) days after the judgment is upheld on appeal.

(d) The cost of reinterring the bodies under subsection (b) and removing the mausoleum, garden crypt, vault, or other burial structure under subsection (c) shall be paid:

(1) by the person who owns the mausoleum, garden crypt, vault, or other burial structure; or

(2) if the person who owns the mausoleum, garden crypt, vault, or other burial structure is not found, by the county in which the mausoleum, garden crypt, vault, or structure is located.

IC 23-14-38-3 Violation of chapter; Class B misdemeanor

Sec. 3. A person who recklessly fails to comply with this chapter commits a Class B misdemeanor.

Chapter 39. Burial Rights in Multispace Plots

IC 23-14-39-1 Application of chapter

Sec. 1. This chapter applies to:

(1) all burial rights in cemeteries organized or created after June 14, 1939; and

(2) cemeteries that:

(A) were in existence on June 14, 1939; and

(B) do not have a rule or regulation in conflict with this chapter.

IC 23-14-39-2 Individual property rights

Sec. 2. Except as provided in section 3 of this chapter, the burial rights in a lot, plot, burial space, crypt, or niche granted to an individual are the sole and separate property of the individual named as grantee in the instrument of grant.

IC 23-14-39-3 Vested rights of spouse of grantee; effect of dissolution of marriage

Sec. 3. (a) If the grantee of a burial plot containing more than one (1) interment, entombment, or inurnment space is married at the time of the grant of the burial plot, the spouse of the grantee has a vested right of interment, entombment, or inurnment of the spouse›s remains in the burial plot, unless the terms of the grant are inconsistent with burial rights of the grantee›s spouse.

(b) If:

(1) a burial plot containing more than one (1) interment, entombment, or inurnment space is granted; and

(2) the grantee becomes married after the grant of the burial plot;

the grantee's spouse has a vested right of interment, entombment, or inurnment in the plot if more than one (1) interment, entombment, or inurnment space in the plot remains unoccupied when the individual becomes the spouse of the grantee.

(c) No transfer or other action of a grantee referred to in subsection (a) or (b) divests the grantee›s spouse of the vested right of interment, entombment, or inurnment recognized in subsection (a) or (b) unless:

(1) the spouse joins in the transfer or other action; or

(2) the written consent of the spouse is endorsed on or attached to the transfer or other action.

(d) A final dissolution of marriage decree between a grantee referred to in subsection (a) or (b) and the grantee›s spouse terminates the spouse›s vested right of interment, entombment, or inurnment recognized in subsection (a) or (b) unless the dissolution of marriage decree provides otherwise.

Chapter 40. Joint Burial Rights in Multispace Plots

IC 23-14-40-1 Application of chapter

Sec. 1. This chapter applies to:

(1) all burial rights in cemeteries organized or created after June 14, 1939; and

(2) cemeteries that:

(A) were in existence on June 14, 1939; and

(B) do not have a rule or regulation in conflict with this chapter.

IC 23-14-40-2 Application of chapter; multispace plots

Sec. 2. This chapter applies to burial rights in a burial plot containing more than one (1) interment, entombment, or inurnment space.

IC 23-14-40-3 Certain burial rights owned with right of survivorship

Sec. 3. Any burial rights that are held in joint tenancy by two (2) or more persons who are not husband and wife are owned with the right of survivorship.

IC 23-14-40-4 Burial rights held in joint tenancy by husband and wife

Sec. 4. If the owners of burial rights held in joint tenancy are husband and wife, the title shall be recognized as a tenancy by the entirety, and the right of interment, entombment, or inurnment shall be vested and controlled equally by both while living, or, after the death of one (1) spouse, by the surviving spouse or the surviving spouse›s successor in interest.

IC 23-14-40-5 Burial rights of joint tenants

Sec. 5. In a grant of burial rights to two (2) or more persons as joint tenants, each joint tenant has a vested right of interment, entombment, or inurnment of the joint tenant›s remains in the burial plot. Upon the death of a joint tenant, the title to the burial rights previously held in joint tenancy immediately vests in the survivor or survivors, subject to the vested right of interment, entombment, inurnment for the remains of the deceased joint tenant owner.

IC 23-14-40-6 Rights of surviving joint tenant

Sec. 6. If an affidavit by a competent person that:

(1) sets forth the fact of the death of one (1) joint tenant; and

(2) establishes the identity of the surviving joint tenant, who is named in the certificate of burial rights for a cemetery plot;

is filed with the cemetery in which the plot is located, the affidavit is complete authority to the cemetery to permit the use of the unoccupied portion of the plot in accordance with the direction of the surviving joint tenant or the successor in interest of the surviving joint tenant.

IC 23-14-40-7 Waiver or termination of burial rights

Sec. 7. If an individual has a vested right of interment, entombment, or inurnment of the remains of the individual in a particular plot under this chapter, the right:

(1) may be waived by the individual in a written instrument; or

(2) is terminated upon the interment, entombment, or inurnment of the remains of the individual in a location other than the plot.

IC 23-14-40-8 Restrictions on burial rights

Sec. 8. A vested right of interment, entombment, or inurnment under this chapter does not give any individual the right to:

(1) have the individual's remains interred, entombed, or inurned in any interment, entombment, or inurnment space in which the remains of a deceased individual having a prior vested right of interment, entombment, or inurnment have been deposited; or

(2) have the remains of more than one (1) deceased individual interred, entombed, or inurned in a single interment or entombment space or niche in violation of the rules and regulations of the cemetery in which the interment or entombment space or inurnment niche is located.

Chapter 41. Family Burial Lots

IC 23-14-41-1 Application of chapter

Sec. 1. This chapter applies to all burial rights in:

(1) cemeteries organized or created after June 14, 1939; and

(2) cemeteries that:

(A) were in existence on June 14, 1939; and

(B) do not have a rule or regulation in conflict with this chapter.

IC 23-14-41-2 "Burial plot" defined

Sec. 2. As used in this chapter, «burial plot» means the unit of space, consisting of one (1) or more:

(1) grave spaces;

(2) mausoleum crypts;

(3) garden crypts; or

(4) niches;

originally conveyed by the cemetery and remaining after any transfers made by the record owner during the record owner's life.

IC 23-14-41-3 Holding of family burial plot

Sec. 3. Upon the death of the record owner of the burial rights in a burial plot, the burial plot shall be held as the family burial plot of the deceased owner, if:

(1) the remains of the record owner have been interred, entombed, inurned, or disposed of;

(2) the record owner did not dispose of the burial rights by a specific devise in the owner's last will and testament or by a written designation or transfer of ownership recorded with the cemetery under IC 23-14-42; and

(3) there is at least one (1) interment, entombment, or inurnment in the burial plot.

IC 23-14-41-4 Use of family burial plot

Sec. 4. (a) In a family burial plot:

(1) one (1) grave, crypt, or niche may be used for the record owner's interment, entombment, or inurnment;

(2) after the record owner's interment, entombment, or inurnment, one (1) grave, crypt, or niche may be used for the surviving spouse of the record owner; and

(3) in the spaces remaining, if any, the parents and children of the deceased record owner, in order of need, may be interred, entombed, or inurned without the consent of any person claiming an interest in the family burial plot.

(b) If there is no parent or child who survives the deceased record owner, the right of interment, entombment, or inurnment in a family burial plot shall go in order of need to:

(1) the heirs at law of the deceased record owner, or the spouse of the heir if the heir is already interred, entombed, or inurned, as specified by the statutes of descent; or

(2) the spouse of any heir at law of the deceased record owner.

IC 23-14-41-5 Waiver of burial rights

Sec. 5. (a) A:

(1) surviving spouse; or

(2) parent, child, or heir;

of the deceased record owner of a family burial plot who has a right of interment, entombment, or inurnment in the plot may waive that right in favor of another relative or spouse of the deceased record owner through a written instrument that is recorded with the cemetery.

(b) After a written waiver is recorded under subsection (a), the body of the individual in whose favor the waiver is made may be interred, entombed, or inurned in the family burial plot.

IC 23-14-41-6 Affidavit permitting use of family burial plot

Sec. 6. An affidavit that sets forth:

(1) the fact of the death of the record owner of the burial rights in a family burial plot; and

(2) the name of the individual or individuals who are entitled to use the family burial plot in accordance with this chapter;

is complete authority to the cemetery to permit the use of the unoccupied portions of the family burial plot by the individual or individuals who are shown by the affidavit to be entitled to use the family burial plot.

IC 23-14-41-7 Termination and transfer of family burial plot

Sec. 7. If a family burial plot has been established under section 3 of this chapter and all the living children and parents of the deceased record owner consent in writing, the status as a family burial plot may be terminated and the remaining lots may be transferred, conveyed, or sold to the cemetery owner or any other person designated in the agreement.

Chapter 42. Burial Rights by Designation, Bequest, or Descent, and Rights of Co-Owners

IC 23-14-42-1 "Burial plot" defined

Sec. 1. As used in this chapter, «burial plot» means the unit of space consisting of one (1) or more:

(1) grave spaces;

(2) mausoleum crypts;

(3) garden crypts; or

(4) niches;

that was originally conveyed by the cemetery and remaining after any transfers made by the record owner during the record owner's life.

IC 23-14-42-2 Designation of remains permitted to be interred

Sec. 2. The owner of the burial rights in any burial plot has the right by a proper instrument recorded with the cemetery to designate specifically whose remains only shall be interred, entombed, or inurned in the burial plot after the owner›s death.

IC 23-14-42-3 Transfer of burial rights

Sec. 3. The owner of the burial rights in any burial plot may, during the life of the owner, transfer all rights and interest in the burial plot to any other person through sale or another method. However, a transfer under this section:

(1) must be recorded with the cemetery to be valid; and

(2) is subject to the rules and regulations of the cemetery owner.

IC 23-14-42-4 Burial rights passing as part of estate

Sec. 4. Upon the death of the record owner of the burial rights in a burial plot, the burial rights pass as part of the estate of the owner if:

(1) the record owner did not dispose of the burial rights by:

(A) a specific devise in the last will and testament of the record owner; or

(B) a written designation or transfer of ownership recorded with the cemetery under section 2 or 3 of this chapter;

(2) the burial rights have not become vested in another individual under IC 23-14-39 or IC 23-14-40;

(3) the burial plot does not become a family burial plot under IC 23-14-41 before the instrument referred to in subdivision (4) is recorded with the cemetery; and

(4) an instrument that:

(A) is prepared in accordance with IC 29-1; and

(B) documents the person or persons entitled to become the new record owner or owners of the burial plot and to receive the burial rights as part of the deceased record owner's estate;

is recorded with the cemetery.

IC 23-14-42-5 Liability of cemetery acting upon request of registered co-owner of burial rights

Sec. 5. (a) If there are several owners of burial rights in a burial plot, the owners may:

(1) designate in writing one (1) or more persons to represent them; and

(2) file the written designation with the owner of the cemetery in which the plot is located.

(b) In the absence of:

(1) the filing of a written designation of one (1) or more representatives under subsection (a); or

(2) a written objection to the interment, entombment, or inurnment;

a cemetery is not liable to any owner of burial rights in a burial plot for interring, entombing, or inurning, or permitting an interment, entombment, or inurnment in the burial plot upon the request or direction of a registered co-owner of the burial rights.

Chapter 42.5. Burial With Law Enforcement Animals or Service Animals

IC 23-14-42.5-1 "Animal"

Sec. 1. As used in this chapter, «animal» refers to a:

(1) law enforcement animal; or

(2) military animal.

IC 23-14-42.5-2 "Burial plot"

Sec. 2. As used in this chapter, «burial plot» means an individual grave space that is used or intended to be used for the interment of the remains of a deceased individual.

IC 23-14-42.5-3 "Deceased animal"

Sec. 3. As used in this chapter, «deceased animal» means a deceased animal:

(1) that was owned by or assigned to assist the deceased owner during the deceased owner's lifetime;

(2) whose death occurs before, after, or simultaneously with the death of the deceased owner; and

(3) the remains of which have been cremated and placed in a temporary container or an urn.

IC 23-14-42.5-4 "Deceased owner"

Sec. 4. As used in this chapter, «deceased owner» refers to the deceased record owner of burial rights in a burial plot.

IC 23-14-42.5-5 "Law enforcement animal"

Sec. 5. (a) As used in this chapter, «law enforcement animal» means a dog that is owned or used by a law enforcement agency for the principal purposes of:

(1) aiding in:

(A) the detection of criminal activity;

(B) the enforcement of laws; and

(C) the apprehension of offenders; and

(2) ensuring the public welfare.

(b) The term includes the following:

(1) An arson investigation dog.

(2) A bomb detection dog.

(3) A narcotic detection dog.

(4) A patrol dog.

IC 23-14-42.5-6 "Military animal"

Sec. 6. As used in this chapter, «military animal» refers to a military working dog described in 10 U.S.C. 2583.

IC 23-14-42.5-7 Scattering, placing, interring cremated animal remains on a burial plot

Sec. 7. (a) Subject to subsection (b), the cremated remains of a deceased animal of a deceased owner may be:

(1) removed from the temporary container or urn described in section 3(3) of this chapter and scattered or placed on top of the deceased owner's burial plot; or

(2) interred on top of the deceased owner's burial plot as long as the interment of the deceased animal's cremated remains does not:

(A) encroach upon or interfere with a neighboring burial plot of which the deceased owner is not the record owner;

(B) involve the disinterment of:

(i) the deceased owner's remains; or

(ii) the remains of a deceased individual other than the deceased owner; or

(C) involve the digging or penetration of earth at a depth that exceeds one (1) foot.

The cremated remains of a deceased animal of a deceased owner may be scattered, placed, or interred in a manner described in this subsection before, after, or in conjunction with the interment of the remains of the deceased owner.

(b) The cremated remains of a deceased animal of a deceased owner may be scattered, placed, or interred in a manner described in subsection (a) only if the following apply:

(1) The person or entity owning the deceased animal at the time of the deceased animal's death:

(A) consents in writing to the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a); and

(B) before the scattering, placement, or interment of the cremated remains of the deceased animal is to take place, provides the written consent described in clause (A) to the owner of the cemetery in which the deceased owner's burial plot is located;

if the deceased owner is not the owner of the deceased animal at the time of the deceased animal's death.

(2) The deceased owner provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a):

(A) in the deceased owner's last will and testament;

(B) in a written designation provided to a cemetery under IC 23-14-42-2; or

(C) in a funeral planning declaration executed under IC 29-2-19.

(3) If subdivision (2) does not apply, a person who has the right under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, IC 29-2-19-17, or any other applicable statute to:

(A) control the disposition of the deceased owner's remains;

(B) make arrangements for the funeral services of the deceased owner; or

(C) make other ceremonial arrangements after the deceased owner's death;

provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a).

Chapter 43. Assessments to Improve Cemetery Roads

IC 23-14-43-1 Improvements to approaches or roads

Sec. 1. The officers, owners, or directors in charge of a public or private cemetery that is organized and incorporated under Indiana law may use any funds arising from:

(1) the sale of; or

(2) assessments upon;

lots in the cemetery to improve the approaches or roads to the cemetery.

IC 23-14-43-2 Restrictions on improvements

Sec. 2. The part of an approach or road that is improved under section 1 of this chapter may not exceed a distance of one-half (1/2) mile from the cemetery.

Chapter 44. Prohibition on Road and Utility Construction in Cemeteries

IC 23-14-44-1 Restrictions on road or utility construction

Sec. 1. (a) This section applies to a cemetery from the time interment, entombment, or inurnment spaces in the cemetery are ready for immediate use and bona fide sales have been made.

(b) A railroad, street, road, alley, pipeline, pole line, or other public thoroughfare or utility shall not be laid out through, over, or across any part of the cemetery within one hundred (100) feet of:

(1) a space in which burial rights have been transferred;

(2) a mausoleum in the cemetery;

(3) a garden crypt in the cemetery; or

(4) a columbarium in a cemetery;

without the consent of the owner of the cemetery.

IC 23-14-44-2 Injunctions

Sec. 2. Upon the complaint of any person, a permanent injunction shall be issued to prevent any other person from locating or constructing a railroad, street, road, alley, pipeline, pole line, or other public thoroughfare or utility on any ground that is:

(1) held, used, or occupied as a cemetery; or

(2) held for cemetery purposes.

IC 23-14-44-3 Violation of chapter; Class B misdemeanor

Sec. 3. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 45. Construction of Railroads on Cemetery Property Prohibited

IC 23-14-45-1 Construction of railroad on cemetery property prohibited

Sec. 1. A person shall not locate or construct a railroad on any real estate held, used, or occupied as a cemetery.

IC 23-14-45-2 Injunctions

Sec. 2. Upon the complaint of any person, another person shall be perpetually enjoined from locating or constructing a railroad on any ground that is:

(1) held, used, or occupied as a cemetery; or

(2) held for cemetery purposes.

IC 23-14-45-3 Violation of chapter; Class C infraction

Sec. 3. A person who violates this chapter commits a Class C infraction.

Chapter 46. Cemetery Rules and Regulations and Exclusive Rights

IC 23-14-46-1 Powers of owner

Sec. 1. (a) Subject to subsection (b), the owner of a cemetery:

(1) may make, adopt, and enforce rules and regulations:

(A) for the use, care, control, management, restriction, and protection of all parts and subdivisions of the cemetery;

(B) for restricting, limiting, and regulating the use of all property within the cemetery;

(C) for regulating the care of plants or shrubs within the grounds and preventing the introduction of certain types of plants or shrubs;

(D) for regulating the conduct of persons and preventing improper assemblages in the cemetery; and

(E) for all other purposes considered necessary by the owner of the cemetery for the proper conduct of the business of the cemetery and the protection and safeguarding of the premises and the prin-

ciples, plans, and ideals on which the cemetery was organized; and
(2) may periodically amend, add to, revise, change, modify, or abolish the rules and regulations.

(b) A cemetery to which this chapter applies may not adopt a rule or regulation in conflict with IC 23-14-33 through IC 23-14-57, except as expressly permitted by IC 23-14-39, IC 23-14-40, or IC 23-14-41.

IC 23-14-46-2 Penalties for rule violation

Sec. 2. The owner of a cemetery may:
(1) prescribe penalties for the violation of a rule or regulation adopted under section 1 of this chapter; and
(2) recover penalties prescribed under subdivision (1) in a civil action.

IC 23-14-46-3 Requirements

Sec. 3. Rules and regulations adopted by a cemetery under section 1 of this chapter shall be:
(1) plainly printed or typewritten; and
(2) kept available for inspection and copying at the usual place for transacting the regular business of the cemetery.

IC 23-14-46-4 Restrictions on imposition of monetary penalty

Sec. 4. The owner of a cemetery may not, because of the nonpayment of periodic care charges, impose a monetary penalty that attaches against a burial space if:
(1) the burial space was conveyed by the cemetery after June 14, 1939, and the conveyance was subject to IC 23-14-48 or IC 23-14-1-12 (before its repeal); or
(2) the owner of the burial space or the owner's heirs or representatives can document previous payment of perpetual care or endowed care charges.

IC 23-14-46-5 Restrictions on public notice

Sec. 5. A public notice, including a notice of nonpayment, may not be attached to any lot, grave, gravestone, marker, or memorial upon a lot for the purpose of enforcing a penalty for the nonpayment of perpetual care charges.

IC 23-14-46-6 Powers and duties of person in charge of cemetery

Sec. 6. The sexton, superintendent, manager, director, or other person in charge of a cemetery has the same powers, functions, duties, and authority granted by law to a peace officer within the jurisdiction in which the cemetery is located for the purpose of:
(1) maintaining order; and
(2) enforcing:
(A) the rules and regulations of the cemetery;
(B) the laws of Indiana; and
(C) the ordinances of the city or town in which the cemetery is situated;
within the cemetery and within an area immediately outside the cemetery as large as necessary to protect the property of the cemetery.

IC 23-14-46-7 Exclusive rights of owner

Sec. 7. Because the owner of a cemetery is responsible for the performance of the care and maintenance of the cemetery, a cemetery owner has the exclusive right to:
(1) open and close a grave or grave space, burial space, crypt, or niche in the cemetery;
(2) set or install a:
(A) marker;
(B) monument; or
(C) any type of memorial;
in the cemetery; and
(3) install any kind of foundation or other type of base for the marker, monument, or any type of memorial in the cemetery.

This exclusive right may also be exercised by the authorized representative of the owner of the cemetery.

IC 23-14-46-8 Violation of chapter; Class B misdemeanor

Sec. 8. A person who knowingly violates this chapter commits a Class B misdemeanor.

IC 23-14-46-9 Commodities or services; written statement; itemized price range

Sec. 9. When selling commodities or services to a consumer, a cemetery owner or authorized representative of the cemetery owner shall give a consumer a written statement that includes an itemized price range of all commodities and services that the consumer may purchase. The written statement must contain the effective date of the itemized price range.

Chapter 47. Use, Sale, and Installation of Monuments and Other Commodities

IC 23-14-47-1 Establishment of rules and regulations

Sec. 1. (a) Subject to subsection (b), a cemetery owner has the right to establish reasonable rules and regulations regarding the:
(1) type;
(2) material;
(3) design;
(4) composition; and
(5) finish;
of any commodity to be used or installed in the cemetery.

(b) After June 30, 2022, a cemetery owner may not do the following:
(1) Require a person purchasing burial rights in the cemetery under a contract subject to IC 30-2-13-12.5 to have a vault installed in the cemetery before the death of the purchaser.
(2) Allow any other person providing services or commodities to a person purchasing burial rights in the cemetery to install a vault in the cemetery before the death of the purchaser.

IC 23-14-47-2 Duties of owner

Sec. 2. A cemetery owner shall not prevent the use of or installation in the cemetery of any commodity purchased from any source if the commodity meets the rules and regulations established under section 1 of this chapter.

IC 23-14-47-3 Fees for services

Sec. 3. The fee that a cemetery owner charges for services in connection with the installation or use of commodities in the cemetery must:
(1) be consistent with the written statement provided under IC 23-14-46-9; and
(2) be the same to all regardless of who furnishes the commodities.

IC 23-14-47-4 Schedule of charges

Sec. 4. At the usual place for transacting the regular business of each cemetery, the cemetery owner shall maintain a complete schedule of all charges that the cemetery imposes for services in connection with the installation or use of commodities in the cemetery. The schedule must be:
(1) plainly printed or typewritten;
(2) subject to inspection and copying; and
(3) consistent with the written statement provided to each consumer under IC 23-14-46-9.

IC 23-14-47-5 Violation of chapter; Class B misdemeanor

Sec. 5. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 48. Cemetery Perpetual Care Fund

IC 23-14-48-1 Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to:
(1) a cemetery owned by a municipal corporation or other governmental unit;
(2) a religious cemetery; or
(3) a cemetery:

(A) that is ten (10) acres or less in size;
(B) that is owned and operated entirely and exclusively by a non-profit mutual association in existence on June 14, 1939; and
(C) in which burials have taken place before June 14, 1939.

(b) If a cemetery described in subsection (a) (3) directly or indirectly:
(1) constructs or permits to be constructed any structure, above or below ground, and offers interment rights in the structure for sale to the general public; or
(2) acquires:
(A) additional land; or
(B) an interest in additional land;
causing the cemetery to exceed ten (10) acres in size;
this chapter applies to the whole of the cemetery.

IC 23-14-48-1.5 "Immediate maintenance needs"

Sec. 1.5. As used in this chapter, the «immediate maintenance needs» of a cemetery means the need to perform one (1) or more of the perpetual care activities set forth in IC 23-14-33-30(a) (1) through IC 23-14-33-30(a) (6) and IC 23-14-33-30(b) (1) through IC 23-14-33-30(b) (4) in the present rather than at a future time.

IC 23-14-48-2 Establishment of perpetual care fund; limit on withdrawals

Sec. 2. (a) The owner of each cemetery shall provide for the creation and establishment of an irrevocable perpetual care fund.

(b) The principal of a perpetual care fund established under this section shall permanently remain intact, except as provided in this chapter.

(c) The following apply to a perpetual care fund unless the perpetual care fund is a trust that has been converted into a total return unitrust under section 2.6 of this chapter:
(1) Fifty percent (50%) of any appreciation of the principal of the fund may be withdrawn annually not more than forty-five (45) days after the end of the fund's fiscal year.
(2) Any income earned by the fund during the fiscal year may be withdrawn quarterly during the fund's fiscal year.

(d) Any withdrawal of:
(1) income from a perpetual care fund under subsection (c) (2); or
(2) appreciation of the principal of a perpetual care fund under subsection (c) (1);
shall be devoted to the perpetual care of the cemetery, including the immediate maintenance needs of the cemetery.

(e) A perpetual care fund established under this section is not subject to attachment by a creditor unless the underlying debt was incurred for the perpetual care or endowment care (as defined in IC 23-14-33-30) of the cemetery for which the fund was established.

IC 23-14-48-2.2 Withdrawal of funds from perpetual care fund established as a conventional trust

Sec. 2.2. If:
(1) the perpetual care fund of a cemetery is a trust; and
(2) the perpetual care fund trust has not been converted into a total return unitrust under section 2.6 of this chapter;
the trustee of the trust may, to the extent allowed by section 2 of this chapter, withdraw funds from the trust in amounts the trustee considers necessary to pay the cost of perpetual care of the cemetery, notwithstanding any provision in the terms of the trust instrument that would restrict withdrawals from the trust for perpetual care of the cemetery to less than the amounts allowed by section 2 of this chapter.

IC 23-14-48-2.4 Investment of money in perpetual care fund

Sec. 2.4. (a) As used in this section, «broker or brokerage firm» refers to a broker-dealer, agent, investment adviser, investment adviser representative, or federal covered investment adviser authorized under IC 23-19 to transact business in Indiana.

(b) As used in this section, «financial institution» means any bank, trust company, mutual savings bank, savings association, or credit union that was organized and is operating under Indiana law or the laws of the United States.

(c) As used in this section, «money market mutual fund» means either of the following:
(1) A money market mutual fund that meets the conditions of 17 CFR 270.2a-7 under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).
(2) A money market mutual fund that at all times invests only in:
(A) obligations that are issued, guaranteed, or insured by the United States government; or
(B) collateralized repurchase agreements composed of obligations described in clause (A).

(d) As used in this section, «mutual fund» means:
(1) an investment company; or
(2) in the case of an investment company that is organized as a series company, an investment company series;
that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(e) In administering a perpetual care fund established under section 2 of this chapter, the cemetery owner, trustee, or other entity administering the fund shall exercise the judgment and care required by IC 30-4-3.5, except that:
(1) the investment of money in the fund is not limited to:
(A) deposit in a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Share Insurance Fund, or another federal insurance fund backed by the full faith and credit of the United States government; or
(B) the purchase of government securities of the United States; and
(2) money in the fund may be invested in any of the following:
(A) Certificates of deposit issued by financial institutions.
(B) Money market mutual funds.
(C) Stock or shares of mutual funds.
(D) Any interest bearing account or fund that is offered by a financial institution or a broker or brokerage firm.

IC 23-14-48-2.6 Conversion of perpetual care fund into total return unitrust

Sec. 2.6. (a) If a perpetual care fund established under this chapter is a trust, the trust may be converted into a total return unitrust under IC 30-2-15.

(b) Withdrawals may be made from a trust converted into a total return unitrust as provided in:
(1) the governing trust instrument of the trust; and
(2) IC 30-2-15.

(c) Except for withdrawals for the payment of expenses as allowed by:
(1) the governing trust instrument of the trust; and
(2) IC 30-2-15;
all withdrawals from a trust converted into a total return unitrust shall be devoted to the perpetual care of the cemetery, including the immediate maintenance needs of the cemetery.

(d) This subsection applies to a unitrust distribution made in any given year. Before making a unitrust distribution, the trustee must do the following:
(1) Evaluate the change that a unitrust distribution will make to the trust's principal over time.
(2) Ensure that the current market value of the trust at the time of the trustee's evaluation is greater than the sum of the following amounts:
(A) Eighty percent (80%) of the trust's principal amount at the time of the trust's conversion to a unitrust.
(B) Any required contributions made to the trust after the trust's conversion to a unitrust.
If the current market value of the trust is less than the amount required by this subsection, any distribution made from the trust shall be consistent with section 2 of this chapter.

IC 23-14-48-3 Establishment; payment; fund segregated

Sec. 3. (a) A perpetual care fund shall be established under this chapter as follows:

(1) In the case of a cemetery for earth burials, by the application and payment to the perpetual care fund of an amount at least equal to:

(A) fifteen percent (15%) of the sale price; or

(B) eighty cents ($0.80) per square foot of area;

of each burial plot sold or transferred, whichever is greater.

(2) In the case of a community or public mausoleum, or community or public garden crypt, by the application and payment to the perpetual care fund of an amount at least equal to:

(A) eight percent (8%) of the sale price; or

(B) one hundred dollars ($100) per crypt sold or transferred;

whichever is greater.

(3) In the case of a community columbarium, by the application and payment to the perpetual care fund of an amount at least equal to twenty dollars ($20) per niche sold or transferred.

(b) From the sale price, any payment on the sale price, or in a nonmonetary transfer, the owner shall pay an amount in proportion to the requirements of subsection (a) (1) through (a) (3) to the care fund. The payment must be in cash and shall be deposited with the trustee of the fund:

(1) not more than thirty (30) days after the end of the month in which payments on the sale are received; or

(2) not more than thirty (30) days after the end of the month in which there was a transfer which did not involve a sale.

(c) The payments required by this section are required to be paid only on the original sale or transfer and not again for any subsequent resale or transfer of the same ground interment rights, crypt, or niche.

(d) The trustee of a fund established under this chapter must keep the fund segregated from any other fund or account belonging to the owner of the cemetery.

IC 23-14-48-4 Duties of cemetery organized after March 6, 1953, and before July 1, 1997

Sec. 4. (a) In addition to meeting the requirements of sections 1 through 3 of this chapter, a cemetery that:

(1) is organized after March 6, 1953, and before July 1, 1997, by incorporation, association, individually, or any other means; or

(2) has its first burial after March 6, 1953, and before July 1, 1997;

shall, before disposing of a burial lot or right, making a sale of a burial lot or right, or making its first burial, cause to be deposited in a financial institution the sum of twenty-five thousand dollars ($25,000) in cash in the perpetual care fund established under this chapter for the maintenance of the cemetery.

(b) The cemetery owner shall designate the financial institution as trustee of the fund. The financial institution must execute an affidavit stating that it has accepted the trusteeship of the fund and that the twenty-five thousand dollars ($25,000) has been deposited in the fund. The cemetery shall:

(1) exhibit the affidavit in the principal office of the cemetery;

(2) keep the affidavit available at all times for examination; and

(3) record the affidavit in the miscellaneous records in the office of the recorder in the county in which the cemetery is located.

(c) When the cemetery has deposited in the perpetual care fund, as required by this section, fifty thousand dollars ($50,000):

(1) the cemetery shall submit proof of this fact to its trustee; and

(2) the trustee shall pay over to the cemetery the amount of twenty-five thousand dollars ($25,000) that the cemetery deposited in the fund under subsection (a).

IC 23-14-48-5 Duties of cemetery organized after June 30, 1997

Sec. 5. (a) In addition to meeting the requirements of sections 1 through 3 of this chapter, a cemetery that:

(1) is organized after June 30, 1997, by incorporation, or any other means; or

(2) has its first burial, entombment, or inurnment after June 30, 1997;

shall, before disposing of a burial lot or right, making a sale of a burial lot or right, or making its first burial, entombment, or inurnment cause to be deposited in a financial institution one hundred thousand dollars ($100,000) in cash in the perpetual care fund established under this chapter for the maintenance of the cemetery.

(b) The cemetery owner shall designate the financial institution as trustee of the fund. The financial institution must execute an affidavit stating that it has accepted the trusteeship of the fund and that the one hundred thousand dollars ($100,000) has been deposited in the fund. The cemetery shall:

(1) exhibit the affidavit in the principal office of the cemetery;

(2) keep the affidavit available at all times for examination; and

(3) record the affidavit in the miscellaneous records in the office of the recorder of the county in which the cemetery is located.

(c) When the cemetery has deposited in the perpetual care fund, as required by this section, two hundred thousand dollars ($200,000):

(1) the cemetery shall submit proof of this fact to its trustee; and

(2) the trustee shall pay over to the cemetery one hundred thousand dollars ($100,000) that the cemetery deposited in the fund under subsection (a).

IC 23-14-48-6 Increases in perpetual care fund

Sec. 6. A perpetual care fund may be increased by adding to the fund surplus money or property that the cemetery receives by will, deed, gift, or otherwise.

IC 23-14-48-7 Accounting and report; audit

Sec. 7. (a) Not more than ninety (90) days after the end of the fiscal year of a cemetery to which this chapter applies, the custodian or trustee of the perpetual care fund of the cemetery shall prepare and file with the owner of the cemetery a detailed accounting and report of the perpetual care fund for the preceding fiscal year. The report:

(1) must include, among other things, a properly itemized listing of the securities in which the funds are invested; and

(2) shall be available for inspection and copying at all times by any owner of or holder of a burial right in the cemetery at the usual place at which the regular business of the cemetery is transacted.

(b) Not more than one hundred five (105) days after the end of the fiscal year of a cemetery to which this chapter applies, the trustee of the perpetual care fund of the cemetery shall file the report required under subsection (a) with the state board of funeral and cemetery service.

(c) The state board of funeral and cemetery service may audit or order an audit of the perpetual care fund of a cemetery if the state board of funeral and cemetery service determines that the trustee of the perpetual care fund is not complying with the requirements set forth in subsections (a) and (b). The cemetery that is the subject of the audit shall pay all costs associated with the audit.

(d) The owner of a cemetery shall maintain a report required by this section for the longer of:

(1) ten (10) years; or

(2) three (3) years after the date the owner sells or otherwise transfers the cemetery.

IC 23-14-48-8 Separate and distinct cemeteries

Sec. 8. Each geographic location used as a cemetery constitutes a separate and distinct cemetery for the purpose of this chapter.

IC 23-14-48-9 Violation of chapter

Sec. 9. (a) Except as otherwise provided in subsections (b) and (c), a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who makes a false or fraudulent representation as to the existence, amount, investment, control, or condition of a perpetual care fund of a cemetery for the purpose of inducing another to purchase any burial right commits a Class C infraction.

(c) A person who knowingly or intentionally uses funds in a perpetual care fund established under this chapter for purposes other than the perpetual care of the cemetery for which the perpetual care fund was established commits a Level 5 felony.

IC 23-14-48-10 Formation of association for management, care, and supervision of cemetery

Sec. 10. (a) This section applies to a corporation that:

(1) is organized under Indiana law for the purpose of establishing and maintaining a cemetery; or

(2) is organized for another purpose but has established and maintains a cemetery.

(b) If:

(1) a corporation described in subsection (a) has not provided a general perpetual care fund after having sold all of the lots in a cemetery; and

(2) at least twenty-five (25) owners of lots in the cemetery or next of kin of owners of lots in the cemetery:

(A) form an association for the purpose of taking over the management, care, and general supervision of the cemetery; and

(B) sign and submit to the corporation a petition seeking authority for the management, care, and general supervision of the cemetery;

the corporation shall turn over to the association the complete authority for the management, care, and supervision of the cemetery.

(c) An association to which subsection (b) applies shall assume all responsibility and liability for the proper care and management of the cemetery, subject to the following:

(1) If a cemetery has been under the control of a certain religious denomination, sect, or creed that has observed certain religious customs or rules with reference to the burying of the dead in the cemetery, the association shall observe those religious customs or rules.

(2) The transfer of authority under this section does not affect the reversion of the title to the lands occupied by the cemetery if the land ever ceases to be used as a cemetery or burial place for the dead.

Chapter 48.5. Consumer Protection Fund for Cemetery Maintenance

IC 23-14-48.5-1 Application

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to:

(1) a cemetery owned by a municipal corporation or other governmental unit;

(2) a religious cemetery; or

(3) a cemetery that is ten (10) acres or less in size.

(b) This chapter applies to the whole of a cemetery described in subsection (a) (3) if, directly or indirectly:

(1) any structure is constructed above or below ground in the cemetery and interment rights in the structure are offered for sale to the general public; or

(2) the acquisition of:

(A) additional land; or

(B) an interest in additional land;

causes the cemetery to exceed ten (10) acres in size.

IC 23-14-48.5-2 "Board"

Sec. 2. As used in this chapter, «board» means the state board of funeral and cemetery service established by IC 25-15-9-1.

IC 23-14-48.5-3 "Fund"

Sec. 3. As used in this chapter, «fund» refers to the consumer protection fund for cemetery maintenance established by section 4 of this chapter.

IC 23-14-48.5-4 Consumer protection fund for cemetery maintenance; establishment; funding; continuously appropriated

Sec. 4. (a) The consumer protection fund for cemetery maintenance is established. The board shall administer the fund and shall deposit contributions remitted under section 5 of this chapter in the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The money in the fund and the interest accruing to the fund remain in the fund and do not revert to the state general fund.

(d) Money in the fund is continuously appropriated for the purposes of this chapter.

IC 23-14-48.5-5 Duties of cemetery owner; payment

Sec. 5. (a) The owner of a cemetery shall contribute the following to the fund:

(1) In the case of a cemetery for earth burials, an amount equal to one percent (1%) of the sale price of each burial plot sold or transferred.

(2) In the case of a community or public mausoleum or a community or public garden crypt, an amount equal to one percent (1%) of the sale price of each sale of entombment or inurnment rights.

(3) In the case of a community columbarium, an amount equal to two dollars ($2) per niche sold or transferred.

The owner shall remit the contributions required under this subsection to the board for deposit in the fund.

(b) In the case of a payment to a cemetery owner of part of the sale price for a burial plot, entombment or inurnment rights, or a niche, the cemetery owner shall pay to the fund an amount proportional to the amount required by subsection (a) (1) through (a) (3). In the case of a nonmonetary transfer in the sale of a burial plot, entombment or inurnment rights, or a niche, the cemetery owner shall pay to the fund the cash equivalent of the amount that would be required by subsection (a) (1) through (a) (3) if the sale were for cash. The payment by the cemetery owner under this section must be in cash and shall be remitted to the board:

(1) not later than March 1 of each year for payments received in the preceding calendar year; or

(2) not later than March 1 of each year for nonmonetary transfers in the preceding calendar year.

(c) Payments are required under this section only on the original sale or transfer and are not required for any subsequent resale or transfer of the same plot, rights, or niche.

IC 23-14-48.5-6 Use of money in fund

Sec. 6. Money in the fund may be used to provide cemetery maintenance when the board finds:

(1) that:

(A) the owner of a cemetery is unable to maintain the cemetery;

(B) money in the perpetual care fund of the cemetery is depleted, subject to a dispute that prevents distribution of the money, or otherwise unavailable for the purposes of the perpetual care fund; and

(C) interested persons are unable to take over the management, care, and general supervision of the cemetery under IC 23-14-48-10; or

(2) that the appreciation and income of the principal of a cemetery's perpetual care fund that are available under IC 23-14-48-2 are not sufficient to meet the cemetery›s immediate maintenance needs (as defined in IC 23-14-48-1.5).

IC 23-14-48.5-7 Application for funds; maximum withdrawal; recovery; suspension of payments to fund

Sec. 7. (a) The:

(1) owner of a cemetery; or

(2) if the owner of a cemetery is unable to be determined:

(A) the owner of a lot in the cemetery;

(B) the next of kin of an owner of a lot in the cemetery; or

(C) another interested person;

may request maintenance assistance from the fund by filing with the board an application on a form provided by the board requesting funds for emergency maintenance.

(b) The board may hold a hearing concerning an application if the board considers it necessary and shall, within a reasonable time, make a determination concerning each application. The board may authorize the withdrawal from the fund of an amount sufficient to provide emergency maintenance for the cemetery to which the application relates, but not more than fifty thousand dollars ($50,000).

(c) If the cost of maintaining a cemetery is paid from the fund, the fund is entitled to recover the amount paid from the owner of the cemetery, and the board shall ask the attorney general to take all reasonable steps to collect that amount from the cemetery owner. Any amount collected from a cemetery owner under this subsection shall be deposited in the fund.

(d) The board shall annually review the status of the fund. If the board determines during its annual review that the fund balance equals or exceeds five hundred thousand dollars ($500,000), the board shall suspend the requirement to make payments to the fund under section 5 of this chapter until after the next annual review in which the board determines that the fund balance is less than five hundred thousand dollars ($500,000).

Chapter 49. Cemetery Escrow or Trust Accounts

IC 23-14-49-1 Application of chapter; placement of certain proceeds

Sec. 1. (a) This chapter does not apply to the proceeds from the sales of burial spaces.

(b) All proceeds received by anyone selling floral tributes, vaults, memorials of any type, or services that:

(1) are to be installed in or provided in a cemetery; but

(2) are not to be delivered or provided until the death of the person or persons for whom the vault, memorial, floral tribute, or service is to be used or provided;

shall be placed in escrow or trust in a separate account and held for the specific purpose intended until the time of burial or completion of the services.

IC 23-14-49-2 Powers of owner

Sec. 2. The owner of a cemetery may:

(1) take and hold any property devised, bequeathed, granted, or given to the owner in trust; and

(2) apply:

(A) the property; or

(B) the proceeds or income from the property;

according to the terms of the devise, bequest, grant, or gift.

IC 23-14-49-3 Violation of chapter; Class A misdemeanor

Sec. 3. A person who knowingly violates this chapter commits a Class A misdemeanor.

Chapter 50. The Nature of Cemetery Funds

IC 23-14-50-1 Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to:

(1) a cemetery owned by a municipal corporation or other governmental unit;

(2) a religious cemetery; or

(3) a cemetery:

(A) that is ten (10) acres or less in size;

(B) that is owned and operated entirely and exclusively by a nonprofit mutual association in existence on June 14, 1939; and

(C) in which burials have taken place before June 14, 1939.

(b) If a cemetery described in subsection (a) (3) directly or indirectly:

(1) constructs or permits to be constructed any structure, above or below ground, and offers interment rights in the structure for sale to the general public; or

(2) acquires:

(A) additional land; or

(B) an interest in additional land;

causing the cemetery to exceed ten (10) acres in size;

this chapter applies to the whole of the cemetery.

IC 23-14-50-2 Charitable and eleemosynary purpose of funds

Sec. 2. (a) The accumulation and holding of:

(1) the funds authorized by IC 23-14-48 and IC 23-14-49-2; and

(2) contributions to those funds;

are expressly permitted and shall be considered to be for a charitable and eleemosynary purpose.

(b) The funds and contributions referred to in subsection (a) are considered to be a provision:

(1) for the discharge of a duty due from the person or persons contributing to the fund to the person or persons whose remains are or will be interred in the cemetery; and

(2) for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming places of reproach and desolation in the communities in which they are situated.

(c) A fund referred to in subsection (a) or a payment, gift, grant, bequest, or other contribution to the fund:

(1) is not invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund; and

(2) is not invalid as violating any law against perpetuities or suspension of the power of alienation of title to property.

IC 23-14-50-3 Trustee's relief from duties

Sec. 3. If:

(1) any gift, grant, bequest, donation, or other property held by the owner of a cemetery for cemetery purposes is held by the cemetery owner as a trust of any kind; or

(2) the owner of a cemetery is a beneficiary of any trust estate for cemetery purposes;

the trustee of the trust is relieved of the duties otherwise imposed upon the trustee by IC 30-4-5-12 through IC 30-4-5-15.

Chapter 51. The Investment and Use of Cemetery Funds

IC 23-14-51-1 Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to:

(1) a cemetery owned by a municipal corporation or other governmental unit;

(2) a religious cemetery; or

(3) a cemetery:

(A) that is ten (10) acres or less in size;

(B) that is owned and operated entirely and exclusively by a nonprofit mutual association in existence on June 14, 1939; and

(C) in which burials have taken place before June 14, 1939.

(b) If a cemetery described in subsection (a) (3) directly or indirectly:

(1) constructs or permits to be constructed any structure, above or below ground, and offers interment rights in the structure for sale to the general public; or

(2) acquires:

(A) additional land; or

(B) an interest in additional land;

causing the cemetery to exceed ten (10) acres in size;

this chapter applies to the whole of the cemetery.

IC 23-14-51-2 Investment and reinvestment of money and assets

Sec. 2. After June 14, 1939, a cemetery to which IC 23-14-48 applies shall invest and reinvest:

(1) all money in the perpetual care fund of the cemetery; and

(2) all other assets held in trust by the cemetery;

in property or securities that qualify for trust investments under IC 30-4-3-3(c).

IC 23-14-51-3 Loans from perpetual care fund prohibited

Sec. 3. No loans or pledges of money or property shall be made from the perpetual care fund of a cemetery:

(1) to or for the benefit of the owner of the cemetery; or

(2) to any shareholder, officer, director, or employee of the cemetery.

IC 23-14-51-4 Fidelity bond

Sec. 4. (a) This section applies to a cemetery if a perpetual care fund or other trust account of the cemetery is not held in trust for the cemetery by a corporate trustee.

(b) The treasurer of the cemetery or other person or persons having custody of the fund or account shall furnish to a cemetery to which this section applies a fidelity bond that is:

(1) issued by a corporate surety; and

(2) payable to the cemetery in a penal sum at least equal to one hundred twenty-five percent (125%) of the value of the principal of the trust estate at the beginning of each calendar year.

(c) The bond required by this section shall be deposited with the auditor of the county in which the cemetery is located. The auditor shall do the following:

(1) Examine the bond and ascertain that it complies with this chapter.

(2) Annually examine the sufficiency of the bond and report to the prosecuting attorney of the county any failure of the cemetery owner to comply with this chapter.

(d) For the services provided under subsection (c), the auditor shall receive from each cemetery owner five dollars ($5) per year. Money that the auditor receives under this subsection is the property of the office of the auditor.

IC 23-14-51-5 Violation of chapter; Class A misdemeanor

Sec. 5. A person who knowingly violates this chapter commits a Class A misdemeanor.

Chapter 52. Conditions Applying to the Sale of a Cemetery

IC 23-14-52-1 Application and exceptions to conditions

Sec. 1. (a) Except as provided in subsection (b), the sale of:

(1) a cemetery;

(2) any part of a cemetery; or

(3) any personal property related to a cemetery;

by a cemetery owner to a purchaser is subject to the conditions set forth in section 2 of this chapter.

(b) The sale of burial rights, services, or merchandise to an individual for the interment of the individual or members of the individual›s family is not subject to the conditions set forth in section 2 of this chapter.

IC 23-14-52-2 Liability and duties of purchaser

Sec. 2. The following conditions apply to a sale referred to in section 1(a) of this chapter:

(1) The purchaser is liable for any shortages existing before or after the sale in the perpetual care fund required by IC 23-14-48 or in an escrow fund or trust account required by IC 23-14-49-1.

(2) The purchaser shall perform:

(A) all obligations imposed on cemetery owners under this article;

(B) all obligations imposed on the cemetery owner under contracts made by the selling cemetery owner or any prior cemetery owner relating to:

(i) burial or interment rights; or

(ii) the sale of the personal property or services described in IC 23-14-49-1; and

(C) any other related obligation.

Chapter 53. Bequests for Care

IC 23-14-53-1 Receipt of deposit or legacy of money

Sec. 1. (a) Any church, corporation, or association that owns a cemetery may receive from any person a deposit or legacy of money to be held in trust:

(1) in perpetuity; or

(2) for a period that the donor or testator designates in writing.

(b) The earnings of the deposit or legacy shall be used for the purpose of keeping in good condition any lot or lots, monument, vault, or gravestone in the cemetery that is designated by the donor or testator.

IC 23-14-53-2 Duties upon receipt of deposit or legacy of money

Sec. 2. (a) A church, corporation, or association that receives a deposit or legacy of money to be held in trust under section 1 of this chapter shall:

(1) adopt rules concerning the investment and safekeeping of any deposit or bequest; and

(2) designate a financial institution as the depository of the funds.

(b) The depository designated under subsection (a) must:

(1) agree upon the rate of interest it will pay on the funds; and

(2) pay interest on the funds to the church, corporation, or association:

(A) on a basis agreed upon by the depository and the church, corporation, or association; but

(B) not less frequently than quarterly;

for the purpose of taking care of the particular lot or lots, monument, vault, or gravestone for which the money was given or donated.

(c) The money on deposit in the depository under this section shall not be used for any purpose other than taking care of the particular lot or lots, monument, vault, or gravestone, and only the interest earned on the deposit or legacy may be used.

(d) The:

(1) deposit or legacy placed on deposit; and

(2) interest earned on the deposited funds;

are exempt from taxation under IC 6. However, this chapter does not repeal or modify IC 23-14-65.

Chapter 54. Disposition of Dead Human Bodies

IC 23-14-54-1 Time period for disposition

Sec. 1. Subject to the rights of transportation and removal of dead human bodies or other disposition of dead human bodies, as provided by law, the remains of all individuals who die in Indiana or are shipped into Indiana shall be deposited:

(1) in the earth in an established cemetery;(2) in a mausoleum;

(3) in a garden crypt; or

(4) in a columbarium;

within a reasonable time after death, except as ordered by the Indiana department of health.

IC 23-14-54-2 Depth of cover

Sec. 2. All dead human bodies interred in the earth shall have a cover of at least two (2) feet of earth at the shallowest point over the outer receptacle in which the body is placed.

IC 23-14-54-3 Ventilation of mausoleums

Sec. 3. All private or family mausoleums shall be constructed in such manner as to admit proper ventilation.

IC 23-14-54-4 Cremated remains

Sec. 4. The remains of dead human bodies that have been cremated may be deposited in mausoleums, garden crypts, or columbaria or deposited in or on the earth.

IC 23-14-54-5 Violation of chapter; Class B misdemeanor

Sec. 5. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 54.5. Unclaimed Remains of Veterans and Dependents of Veterans

IC 23-14-54.5-1 Application of definitions

Sec. 1. The definitions in IC 23-14-31-1 through IC 23-14-31-21 apply to this chapter.

IC 23-14-54.5-2 "Dependent of a veteran"

Sec. 2. As used in this chapter, «dependent of a veteran» means a spouse or a dependent child (as recognized by the United States Department of Veterans Affairs) of a veteran.

IC 23-14-54.5-3 "Funeral director"

Sec. 3. As used in this chapter, «funeral director» means a person who holds a funeral director license issued under IC 25-15.

IC 23-14-54.5-4 "Verification information"

Sec. 4. As used in this chapter, «verification information» means data required by the United States Department of Veterans Affairs to verify whether a deceased person is a veteran or a dependent of a veteran and is eligible for burial in a national or state cemetery, including:

(1) a copy of the person's or veteran's death certificate; and

(2) the person's or veteran's:

(A) name;

(B) service number;

(C) branch of service;

(D) military rank;

(E) Social Security number;

(F) date and place of birth; and

(G) date of death.

IC 23-14-54.5-5 "Veteran"

Sec. 5. As used in this chapter, «veteran» means a person who:

(1) served:

(A) in the active military or naval service of the United States;

(B) in active duty in a force of any organized state militia in a full-time status; or

(C) in the reserve armed forces of the United States on active duty; and

(2) was released from the service described in subdivision (1) other than by dishonorable discharge.

IC 23-14-54.5-6 "Veterans' service organization"

Sec. 6. As used in this chapter, «veterans› service organization» means a veterans› organization that:

(1) is qualified as tax exempt under Section 501(c) (3) or 501(c) (19) of the Internal Revenue Code;

(2) is organized for the verification and burial of veterans and dependents of veterans; and

(3) meets one (1) or more of the following:

(A) Is recognized by the United States Department of Veterans Affairs.

(B) Is federally chartered by the Congress of the United States.

IC 23-14-54.5-7 Application of section; releases

Sec. 7. (a) This section applies only if all the following apply:

(1) A funeral director has had possession of cremated remains for at least one (1) year.

(2) The funeral director has complied with any notice or other requirements under law concerning cremated remains that have not been claimed by an authorizing agent.

(3) No attempt has been made to claim the cremated remains by a person who has the right to serve as an authorizing agent.

(b) A veterans› service organization that is approved by the Indiana department of veterans› affairs under IC 10-17-1-4.5 may request a funeral director to release verification information concerning cremated remains in the possession of the funeral director.

(c) A funeral director may release verification information concerning cremated remains to a veterans› service organization described in subsection (b).

(d) If:

(1) the United States Department of Veterans Affairs or the Indiana department of veterans' affairs verifies that the cremated remains are the remains of a veteran or a dependent of a veteran and are eligible for burial in a state or national cemetery; and

(2) a veterans' service organization enters into a signed transfer and release of liability with the funeral director who has possession of the cremated remains;

the funeral director may release the cremated remains to the veterans' service organization.

IC 23-14-54.5-8 Transport of cremated remains; location information for cremated remains

Sec. 8. (a) A veterans› service organization that receives cremated remains under section 7 of this chapter shall:

(1) transport the cremated remains to a state or national cemetery; and

(2) inter, entomb, or inurn the cremated remains in the state or national cemetery in accordance with any applicable state or federal law.

(b) A veterans› service organization shall provide, in writing to the funeral director who released the cremated remains, the following information concerning the location of the cremated remains that were interred, entombed, or inurned:

(1) The city and state.

(2) The cemetery name.

(3) The plot.

(4) The name of the cemetery owner.

(5) The date the cremated remains were interred, entombed, or inurned.

(6) The contact information of the veterans' service organization.

(c) This section may not be construed to require the funeral director who released the cremated remains under section 7 of this chapter to be present at the interment, entombment, or inurnment of the cremated remains.

IC 23-14-54.5-9 Immunity for veterans' service organizations

Sec. 9. A veterans› service organization that in good faith receives and inters, entombs, or inurns cremated remains under this chapter is immune from civil liability for any acts or omissions by the veterans› service organization in receiving or interring, entombing, or inurning the cremated remains.

IC 23-14-54.5-10 Immunity for funeral directors

Sec. 10. A funeral director who in good faith releases:

(1) verification information as required under this chapter; or

(2) the cremated remains of a veteran or a dependent of a veteran as provided under this chapter;

is immune from civil liability for any acts or omissions in releasing the verification information or cremated remains.

Chapter 55. Authorization for Interment, Entombment, or Inurnment

IC 23-14-55-1 Warranty and liability of individual signing authorization

Sec. 1. (a) An individual who signs an authorization for the cremation, interment, entombment, or inurnment of any human remains:

(1) is considered to warrant the truthfulness of:

(A) any fact set forth in the authorization;

(B) the identity of the person for whose remains cremation, interment, entombment, or inurnment is sought; and

(C) the individual's authority to order the cremation, interment, entombment, or inurnment; and

(2) is personally and individually liable to pay damages in compensation for harm that:

(A) is caused by; or

(B) results from;

the signing of the authorization for cremation, interment, entombment, or inurnment.

(b) A cemetery or crematory that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not civilly or criminally liable or subject to disciplinary actions for carrying out the disposition of the decedent›s remains in accordance with the instructions in the authorization.

IC 23-14-55-2 Cemetery owner's authority to inter remains upon written authorization; priority among individuals as to power to authorize interment; persons who may not authorize; disputes

Sec. 2. (a) Except as provided in subsection (c), the owner of a cemetery is authorized to inter, entomb, or inurn the body or cremated remains of a

deceased human upon the receipt of a written authorization of an individual who professes either of the following:

(1) To be (in the priority listed) one (1) of the following:

(A) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19, or the person 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. 1481) and completed the form.

(B) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.

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

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

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

(D) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this clause if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(E) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this clause if the parent who is present has used reasonable efforts to notify the absent parent.

(F) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this clause if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(H) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree of kinship is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this clause if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(I) If none of the persons described in clauses (A) through (H) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

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

(K) If none of the persons described in clauses (A) through (J) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(i) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent›s remains; and

(ii) attests in writing that a good faith effort has been made to contact any living individuals described in clauses (A) through (J).

(2) To have acquired by court order the right to control the disposition of the deceased human body or cremated remains.

The owner of a cemetery may accept the authorization of an individual only if all other individuals of the same priority or a higher priority (according to the priority listing in this subsection) are deceased, are barred from authorizing the disposition of the deceased human body or cremated remains under subsection (c), or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the remains.

(c) If:

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

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

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

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

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

the person referred to in subdivision (2) may not authorize the disposition of the decedent's body or cremated remains.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner of the determination referred to in subsection (c) (2).

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

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

(g) If there is a dispute concerning the disposition of a decedent›s remains, a cemetery owner is not liable for refusing to accept the remains of the decedent until the cemetery owner receives:

(1) a court order; or

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

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

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

(i) A spouse seeking a judicial determination under subsection (a) (1) (C) (i) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

Chapter 56. Record Keeping

IC 23-14-56-1 Duties

Sec. 1. A cemetery owner shall keep a record of each interment, entombment, and inurnment in the cemetery. The record must:

(1) show:

(A) the date on which the body was received;

(B) the date of interment, entombment, or inurnment;

(C) the name and marital status of the person whose remains are interred, entombed, or inurned; and

(D) the plot and the grave in which the interment or inurnment was made or the location within the building or structure in which the entombment or inurnment was made; and

(2) include the permit for burial issued by the division of public health of Indiana.

IC 23-14-56-2 Permanent preservation of record

Sec. 2. The cemetery in which an interment, entombment, or inurnment takes place shall permanently preserve the record required by this chapter either:

(1) in the form of the original record; or

(2) in alternative form such as microfilm, microfiche, computer disk, or compact disk.

IC 23-14-56-3 Violation of chapter; Class B misdemeanor

Sec. 3. A person who knowingly violates this chapter commits a Class B misdemeanor.

Chapter 57. Disinterment, Disentombment, and Disinurnment

IC 23-14-57-1 Requirements for disinterment

Sec. 1. (a) As used in this section, «removal» or «removed» refers to the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(b) Except as provided in subsection (e) and sections 4 and 5 of this chapter, the remains, either cremated or uncremated, of a deceased human shall not be removed from a cemetery without:

(1) a written order:

(A) that is issued by the Indiana department of health; and

(B) that authorizes the removal of the deceased's remains;

(2) the written consent of:

(A) the owner of the cemetery; or

(B) the owner's representative; and

(3) the written consent of a person or persons referred to in one (1) of the following clauses, which are listed according to priority:

(A) The individual who was the spouse of the deceased at the time of the deceased's death.

(B) The surviving adult child of the deceased. If there is more than one (1) surviving adult child of the deceased, the requirement for written consent under this subdivision is satisfied if:

(i) any one (1) of the surviving adult children provides written consent to the removal of the deceased's remains;

(ii) the consent provided under item (i) confirms that all other surviving adult children of the deceased have been notified of the proposed removal of the deceased's remains; and

(iii) the Indiana department of health does not receive a written objection to the proposed removal from any of the deceased's surviving adult children.

(C) The surviving parent of the deceased. If the deceased is survived by both parents, the requirement for written consent under this subdivision is satisfied if:

(i) either surviving parent provides written consent to the removal of the deceased's remains; and

(ii) the Indiana department of health does not receive a written objection to the proposed removal from the other surviving parent.

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

(E) The individual in the next degree of kinship to the deceased under IC 29-1-2-1. If more than one (1) individual of the same degree of kinship is surviving, the requirement for written consent under this subdivision is satisfied if:

(i) any individual of that degree of kinship provides written consent to the removal of the deceased's remains; and

(ii) the Indiana department of health does not receive a written objection to the proposed removal from any other surviving individual in the same degree of kinship.

(c) Before issuing a written authorization under subsection (b), the Indiana department of health shall do the following:

(1) Obtain written evidence that a licensed funeral director has agreed to:

(A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and

(B) cause the completed order of the Indiana department of health to be recorded in the office of the county recorder of the county where the removal occurs.

(2) Obtain a copy of:

(A) the written consent required under subsection (b)(3); or

(B) a court order obtained by a person under subsection (d).

(d) If the written consent of an individual authorized under subsection (b)(3) to give consent is not available, a person who has made a request under this section to the Indiana department of health may petition a court to determine whether to waive the consent requirement of subsection (b)(3). In determining whether to waive the requirement, the court shall consider the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased. In a proceeding under this subsection, the court may not order the disinterment, disentombment, or disinurnment of the remains of a deceased human.

(e) This subsection applies only if the human remains are on property owned or leased by a coal company. The remains, either cremated or uncremated, of a deceased human may be removed from a cemetery by a coal company if the coal company obtains a court order authorizing the disinterment, disentombment, or disinurnment. Before issuing a court order under this subsection, a court must conduct a hearing and be satisfied as to the following:

(1) That the property is owned or leased by the coal company.

(2) That the coal company has obtained the written consent of an individual authorized to give consent under subsection (b)(3). If the consent of an individual authorized to give consent under subsection (b)(3) is not available, the court may waive the requirement after considering the viewpoint of any issue (as defined in IC 29-1-1-3) of the deceased.

(3) That the department of natural resources, division of historic preservation and archeology, has received at least five (5) days written notice of the time, date, and place of any hearing under this subsection. The notice must describe the proposed place from which the remains will be removed.

(4) That a licensed funeral director has agreed to:

(A) be present at the removal and at the reinterment, reentombment, or reinurnment of the remains; and

(B) cause the completed order of the Indiana department of health to be recorded in the office of the county recorder of the county where the removal occurs.

(5) That the coal company has caused a notice of the proposed removal to be published at least five (5) days before the hearing in a newspaper of general circulation in the county where the removal will occur.

(6) That the coal company will notify the department of natural resources, division of historic preservation and archeology, after the hearing of the proposed time and date when the remains will be removed.

(f) A:
(1) licensed funeral director; or
(2) cemetery owner;
is not liable in an action brought by any person because of the removal of a deceased's remains under a written consent described in subsection (b)(3) or (e)(2) unless the licensed funeral director or the cemetery owner had actual notice before or at the time of the removal that a representation made in the consent described in subsection (b)(3) or (e)(2) was untrue.

(g) The Indiana department of health may adopt rules under IC 4-22-2 to implement this section.

IC 23-14-57-2 Orders authorizing removal of human remains

Sec. 2. (a) When the Indiana department of health issues a written order authorizing the removal of human remains from a cemetery, it shall issue the order in duplicate.

(b) The Indiana department of health shall deliver one (1) copy of the order to the cemetery from which the human remains are removed and the other copy of the order to the cemetery to which the human remains are delivered for reinterment, reentombment, or reinurnment.

(c) Each cemetery to which a copy of an order is delivered under subsection (b) shall retain the copy of the order permanently.

IC 23-14-57-3 Removal of human remains for nonpayment; liability of owner

Sec. 3. (a) This chapter does not prohibit:
(1) the removal of human remains by a cemetery owner from a plot, building, or structure for which the purchase price is past due and unpaid; and
(2) the reinterment, reentombment, or reinurnment of the remains in some other suitable plot in the cemetery.

(b) For a removal and reinterment, reentombment, or reinurnment (at the discretion of the cemetery owner) referred to in subsection (a), the cemetery owner is not liable in any action unless the owner fails to exercise reasonable care in the removal or reinterment, reentombment, or reinurnment. There is a rebuttable presumption that the owner exercised reasonable care in the removal or reinterment, reentombment, or reinurnment.

IC 23-14-57-4 Applicability of chapter

Sec. 4. This chapter does not apply to the following:
(1) The disinterment, disentombment, or disurnment of remains upon the written order of the coroner of the county in which the cemetery is situated.
(2) The removal of human remains under a plan approved by the division of historic preservation and archeology under IC 14-21-1.

IC 23-14-57-5 Removal for autopsy or reinterment

Sec. 5. (a) The remains of a deceased human interred, entombed, or inurned in a plot in a cemetery may be removed from the plot for the purpose of autopsy or reinterment, reentombment, or reinurnment in another cemetery with:
(1) the consent of the owner of the cemetery; and
(2) the written consent of an individual authorized to give consent under section 1(b)(3) of this chapter.

(b) If the:
(1) consent of the owner of the cemetery cannot be obtained; or
(2) identity of a person from whom consent is required under subsection (a)(2) cannot be determined;
the remains of a deceased human can be removed for the purpose of autopsy or reinterment, reentombment, or reinurnment in another cemetery only under a judgment of the circuit or superior court with jurisdiction in the county in which the cemetery is located.

IC 23-14-57-6 Payment of costs and expenses

Sec. 6. Before any disinterment, disentombment, or disinurnment may take place under this chapter, the reasonable costs and expenses of the disinterment, disentombment, or disinurnment, including attorney's fees, must be paid by the person or persons applying for the disinterment, disentombment, or disinurnment.

IC 23-14-57-7 Violation of chapter; Class B misdemeanor

Sec. 7. A person who knowingly violates this chapter commits a Class B misdemeanor.

IC 23-14-57-8 Liability of cemetery owner

Sec. 8. The owner of a cemetery is not liable in any action for a removal or reinterment, reentombment, or reinurnment described in this chapter unless the owner fails to exercise reasonable care in the removal or reinterment, reentombment, or reinurnment. There is a rebuttable presumption that the owner exercised reasonable care in the removal or reinterment, reentombment, or reinurnment.

Chapter 58. Abandonment and Reburial

IC 23-14-58-1 Authority to abandon certain cemeteries; removal of bodies

Sec. 1. If a cemetery in Indiana:
(1) is under the ownership or control of any church or religious society;
(2) is located within a city or town;
(3) may have been, for at least twenty (20) years, abandoned as a place of burial of the dead; and
(4) has become, in the judgment of the members or governing body of the church or religious society, impracticable and undesirable to maintain due to the growth of the city or town in which it is located;
the church or religious society may abandon the cemetery and cause the bodies buried within the cemetery to be removed under the conditions set forth in this chapter.

IC 23-14-58-2 Abandonment of cemetery; removal and interment of bodies in suitable cemetery

Sec. 2. If:
(1) a church or religious society has the ownership or control of a cemetery; and
(2) it is determined, in accordance with the rules, regulations, and usages of the church or religious society, that it is impracticable and undesirable for the church or religious society to maintain the cemetery or burial ground;
the church or religious society may abandon the cemetery and cause the bodies buried in the cemetery to be removed and interred in a suitable cemetery.

IC 23-14-58-3 Reinterment

Sec. 3. A church or religious society that takes action under section 1 or 2 of this chapter shall, at its own expense:
(1) provide the place for the reinterment of all bodies in the abandoned cemetery;
(2) cause the reinterment in a cemetery of all the bodies removed from the abandoned cemetery that can practically be reburied; and
(3) preserve and cause to be replaced at the grave of each deceased person reinterred in another cemetery any gravestone or other marker found at the grave from which the body was removed.

IC 23-14-58-4 Lawfulness of actions

Sec. 4. Actions taken under this chapter by any person acting under the direction of:
(1) a church or religious society; or
(2) the officers or governing body of a church or religious society;
are lawful.

Chapter 58.5. Disposition of Abandoned Burial Spaces

IC 23-14-58.5-1 Termination of ownership rights in an unused and unimproved burial space

Sec. 1. (a) Subject to this chapter, if a burial space in a cemetery that is subject to IC 23-14-41 or any other Indiana law:

(1) has remained unused for a period of at least fifty (50) years from the date of sale or last recorded designation or transfer; and

(2) has no improvements on the burial space, including the placement of a monument, memorial, or other permanent appurtenance;

the person or entity having jurisdiction over the cemetery may terminate the rights and interests of the owner of the burial space.

(b) After July 1, 2007, a contract for the purchase of a burial space must include notice that the contract is subject to termination as provided in subsection (a).

IC 23-14-58.5-2 Notice

Sec. 2. (a) If the person or entity having jurisdiction over the cemetery:

(1) desires to terminate the rights and interests of the owner of the burial space; and

(2) determines that the conditions specified in section 1 of this chapter have been met;

the person or entity must send to the owner a notice of the intent to terminate the owner's rights to the burial space.

(b) The notice required under subsection (a) must be sent by certified mail with return receipt requested to the owner›s last known address.

IC 23-14-58.5-3 Duties of owner; request for purchase

Sec. 3. (a) An owner who has received a termination notice under section 2 of this chapter may inform the person or entity having jurisdiction over the cemetery of the owner›s continued intent to use the burial space. If the person or entity having jurisdiction over the cemetery has been informed of the owner›s intent, the person or entity having jurisdiction over the cemetery may not terminate the rights and interests of the owner of the burial space.

(b) An owner who has received a termination notice under section 2 of this chapter may request the person or entity having jurisdiction over the cemetery to purchase the burial space for the amount originally paid for the burial space.

IC 23-14-58.5-4 Failure to respond to notice; termination of owner's rights; remedies

Sec. 4. (a) If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after sending the notice required in section 2 of this chapter, the person or entity having jurisdiction over the cemetery shall advertise in a newspaper of general circulation in the county of the owner›s last known address seeking the owner›s current address.

(b) If a new address for the owner of the burial space is obtained after the advertising required in subsection (a), the notice requirement under section 2 of this chapter must be repeated.

(c) If the person or entity having jurisdiction over the cemetery has not received a response regarding the owner of the burial space within sixty (60) days after placing the advertisement required in subsection (a), the owner›s rights and interests in the burial space are terminated. After the rights and interests in a burial space are terminated under this chapter, the person or entity having jurisdiction over the cemetery may sell a burial space to a new owner.

(d) If the owner of a burial space contacts the person or entity having jurisdiction over the cemetery after the owner›s rights and interests in the burial space are terminated under this chapter, the owner is entitled to select one (1) of the following remedies:

(1) The original burial space, if it has not been resold.

(2) If a person or an entity having jurisdiction over the cemetery has resold the burial space, reimbursement for the amount for which the burial space was resold minus the following:

(A) The costs paid by the person or entity having jurisdiction over the cemetery in providing notice and advertising as required under this chapter.

(B) The sales commission costs in the resale of the burial space.

(3) A comparable burial space in the cemetery.

IC 23-14-58.5-5 Penalty

Sec. 5. A person who:

(1) knowingly terminates an owner's rights and interests in a burial space;

(2) knows or should have known the identity of the owner; and

(3) fails to give the owner notice as required under this chapter;

commits a Class A misdemeanor.

Chapter 59. Potential Liability of Cemetery Owner

IC 23-14-59-1 Immunity from liability

Sec. 1. A cemetery owner or anyone acting on behalf of a cemetery owner is not liable in any action for:

(1) a burial, entombment, or inurnment in the wrong lot, grave, grave space, burial space, crypt, crypt space, or niche;

(2) a disinterment, disentombment, or disinurnment of the wrong deceased remains;

(3) a repositioning of the remains of a deceased that encroach upon an adjacent lot, space, grave, grave space, or burial space;

(4) setting or installing a marker, monument, any type of memorial, or an outer burial container on the wrong lot, space, grave, grave space, or burial space; or

(5) installing any kind of foundation or other type of base for a marker, monument, or any type of memorial on the wrong lot or burial space.

IC 23-14-59-2 Duties of owner upon wrongful burial

Sec. 2. When a wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment referred to in section 1(1), 1(2), 1(4), or 1(5) of this chapter occurs, the cemetery owner shall:

(1) at the expense of the cemetery owner, correct the wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment as soon as practical after becoming aware of the error; and

(2) notify:

(A) the spouse, if living, of the deceased person whose remains were wrongfully buried, entombed, inurned, disinterred, disentombed, or disinurned, or whose outer burial container was wrongfully placed;

(B) the parents, if living, of a deceased minor child whose remains were wrongfully buried, entombed, inurned, disinterred, disentombed, or disinurned, or whose outer burial container was wrongfully placed;

(C) the person or persons whose marker, monument, memorial, foundation, or base was wrongfully placed; or

(D) the person or persons who authorized the original burial, entombment, inurnment, disinterment, disentombment, or disinurnment;

of the occurrence.

IC 23-14-59-3 Errors caused by improper description

Sec. 3. A cemetery owner or anyone acting on behalf of a cemetery owner is not liable in any action for any error made by placing an improper description, including an incorrect name or date, on:

(1) a marker;

(2) a monument;

(3) any type of memorial; or

(4) the container for cremated remains.

Chapter 60. Legalization of Defectively Formed Cemetery Associations and Corporations

IC 23-14-60-1 Defective cemetery associations and corporations; rights and powers

Sec. 1. (a) If:

(1) any number of persons have:

(A) acted together as an association or corporation;

(B) acquired, as an association or corporation, land for cemetery purposes;

(C) sold and granted to persons the right to bury the dead in lots located on the land; and

(D) actually managed and controlled the land as a cemetery for at least thirty (30) years; but

(2) the organization that the persons attempted to establish as a corporation or cemetery association is defective and incomplete because of a failure to comply with the formalities required by law in force at some time since the original parties first assumed to act as an association or corporation;

the owners of the right to bury the dead on lots in the cemetery and those who may acquire the right become and continue to be a cemetery association or corporation from March 14, 1913.

(b) The owners of the right to bury the dead on lots in a cemetery referred to in subsection (a) have all the rights and powers of a cemetery association or corporation organized under this article, IC 23-1, or IC 23-17.

Chapter 61. Conflicts of Interests by Cemetery Employees

IC 23-14-61-1 Prohibition against acting as agent or representative; approval to act as agent or representative

Sec. 1. (a) This section applies to a sexton, superintendent, manager, director, grounds keeper, caretaker, or other employee of:

(1) a person, firm, association, limited liability company, or corporation that operates or maintains a cemetery for profit; or

(2) a nonprofit cemetery that is supported in whole or in part by the use of public funds.

(b) A sexton, superintendent, manager, director, grounds keeper, caretaker or other employee referred to in subsection (a) shall not:

(1) act as an agent or representative for a manufacturer or dealer of any commodity that is to be used or installed on cemetery property, including monuments or markers; and

(2) receive for those services any consideration, either cash or otherwise;

unless the representation is approved in writing by the governing board of the cemetery.

(c) The written approval given by the governing board of a cemetery under subsection (b) must be:

(1) made a matter of public record; and

(2) prominently displayed in a public place on the cemetery property where it can be easily seen by persons visiting the cemetery property.

IC 23-14-61-2 Unlawful discrimination or unfair trade practice prohibited

Sec. 2. A sexton, superintendent, manager, director, grounds keeper, caretaker, or other employee who:

(1) is referred to in section 1(a) of this chapter; and

(2) acts as an agent or representative for a manufacturer or dealer of any commodity that is to be used or installed on cemetery property;

is prohibited from engaging in any unlawful discrimination or unfair trade practice in violation of this article or any other related law against a manufacturer or dealer of a commodity used or installed on cemetery property whom the employee does not represent.

IC 23-14-61-3 Writs of prohibition

Sec. 3. (a) Upon proper proof of a violation of section 1 or section 2 of this chapter, a court of competent jurisdiction may issue writs of prohibition.

(b) After the issuance of writs of prohibition under subsection (a), a fiscal officer who disburses public money to any:

(1) person;

(2) firm;

(3) association;

(4) limited liability company; or

(5) corporation;

against whom or which a writ of prohibition is in effect is liable on the fiscal officer's bond.

Chapter 62. Conveyance of County Cemeteries to Private Corporations

IC 23-14-62-1 Application of chapter

Sec. 1. This chapter applies whenever a majority of the heads of families of a county whose dead are buried in a cemetery owned by the county, either by themselves or with others, organize a corporation for the burial of the dead and the maintenance of a cemetery.

IC 23-14-62-2 Petition for conveyance of cemetery

Sec. 2. The persons referred to in section 1 of this chapter may file with the board of commissioners of the county in which the cemetery is located a petition asking for the conveyance of the cemetery to the corporation.

IC 23-14-62-3 Notice of filing of petition; agreement to care and manage cemetery

Sec. 3. (a) The persons filing the petition under section 2 of this chapter must give notice of the filing in accordance with IC 5-3-1-2 at least three (3) weeks before the filing by publishing a notice concerning the filing of the petition in a weekly newspaper published in the county in which the cemetery is located.

(b) The persons filing the petition under section 2 of this chapter must also file an agreement, with security to be approved by the board, that the corporation will keep the cemetery in good order and honestly and faithfully manage it.

IC 23-14-62-4 Powers of board of commissioners

Sec. 4. The board of commissioners presented with a petition under section 2 of this chapter, if satisfied:

(1) as to the propriety of granting the request;

(2) as to the sufficiency of the surety;

(3) as to the good faith of the petitioners; and

(4) that a majority of the heads of families of the county are taking part;

may convey the cemetery to the cemetery corporation.

IC 23-14-62-5 Powers of cemetery corporation

Sec. 5. After a petition is granted under section 4 of this chapter, the cemetery corporation formed by the petitioners may:

(1) control the cemetery;

(2) ornament, beautify, and improve the cemetery;

(3) purchase additions and sell lots in the cemetery;

(4) assess all lots for the care, improvement, and beautification of the cemetery; and

(5) exercise all the powers of a corporation organized under any statute for the purpose of maintaining or managing cemeteries.

Chapter 63. Conveyance of Township Cemeteries to Private Corporations

IC 23-14-63-1 Application of chapter

Sec. 1. This chapter applies whenever ten (10) or more heads of families:

(1) who reside in:

(A) a township; or

(B) the immediate vicinity of a cemetery owned by a township; and

(2) who own lots in and whose dead relatives are buried in a cemetery owned by the township;

organize, either by themselves or with others, as a corporation for the burial of the dead and the maintenance of a cemetery.

IC 23-14-63-2 Petition asking for conveyance; notice

Sec. 2. (a) The persons described in section 1 of this chapter may file with the township trustee a petition asking for the conveyance of the cemetery owned by the township to the corporation.

(b) The persons filing the petition under subsection (a) must give notice of the filing at least three (3) weeks before the filing in accordance with IC 5-3-1-2 by publishing a notice concerning the petition in a newspaper:

(1) that is published in the township; or

(2) if there is no newspaper published in the township, in the newspaper published nearest to the township.

IC 23-14-63-3 Requirements of petitioners

Sec. 3. The persons filing a petition under section 2 of this chapter must:

(1) state in the petition that the corporation would have at the time of taking over the cemetery an endowment or perpetual care fund of at least one thousand dollars ($1,000);

(2) agree to increase the balance in the fund to an amount sufficient to produce enough interest to keep the cemetery in proper condition; and

(3) agree to:

(A) keep the cemetery in good order; and

(B) honestly and faithfully manage the cemetery.

IC 23-14-63-4 Duties of township trustee

Sec. 4. The township trustee, if satisfied that the petition is signed by a majority of the owners of lots in the cemetery who are residents of the township or of the immediate vicinity of the cemetery, shall convey the cemetery to the corporation formed by the petitioners.

IC 23-14-63-5 Powers and duties of corporation

Sec. 5. (a) A corporation to which a cemetery is conveyed under section 4 of this chapter:

(1) shall control the cemetery;

(2) shall ornament, beautify, and improve the cemetery;

(3) may purchase additions and sell lots in the cemetery;

(4) may assess all lots for the care, improvement, and beautification of the cemetery;

(5) may receive and hold in trust gifts, donations, and legacies to be devoted to the purposes referred to in subdivisions (1) through (4); and

(6) may exercise all the powers of a corporation organized under any statute for the purpose of owning, managing, and maintaining cemeteries.

(b) All actions that the corporation takes in accordance with statutes concerning cemeteries before the cemetery is conveyed by the township trustee to the corporation are valid and binding on all parties involved in the actions.

Chapter 64. Conveyance of Cemetery Association Land to Townships

IC 23-14-64-1 Application of chapter

Sec. 1. This chapter applies whenever the board of directors of a cemetery association existing under any Indiana statute before March 9, 1939, determines by a majority vote to convey the real estate belonging to the association to the township in which the association›s cemetery is located.

IC 23-14-64-2 Public cemetery

Sec. 2. A township trustee may accept a conveyance of real estate described in section 1 of this chapter. After the conveyance, the township trustee shall maintain the cemetery as a public cemetery.

IC 23-14-64-3 Payment and use of cash, securities, or other assets

Sec. 3. (a) If a cemetery association that conveys real estate to a township under this chapter has endowment funds, cash, securities, or other assets, the funds, cash, securities, or other assets shall be paid over to the township trustee when the real estate owned by the association is conveyed to the township.

(b) A township trustee who receives cash, securities, endowment funds, or other assets under subsection (a) may use them only:

(1) to purchase additional land for the cemetery;

(2) to make permanent improvements to the cemetery; or

(3) for the upkeep and maintenance of the cemetery.

IC 23-14-64-4 Payment of administration expenses

Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the township fund of the township.

Chapter 65. City and Town Cemeteries

IC 23-14-65-1 “Cemetery board” defined

Sec. 1. As used in this chapter, «cemetery board» means:

(1) the board to which the power to govern cemeteries is transferred under this chapter; or

(2) if the power to govern cemeteries is not transferred under this chapter, the legislative body of a municipality.

IC 23-14-65-2 “Executive” defined

Sec. 2. As used in this chapter, «executive» means:

(1) the mayor of a city; or

(2) the president of the town council of a town.

IC 23-14-65-3 “Legislative body” defined

Sec. 3. As used in this chapter, «legislative body» means:

(1) the common council or city-county council of a city; or

(2) the town council of a town.

IC 23-14-65-4 “Municipality” defined

Sec. 4. As used in this chapter, «municipality» means a city or town.

IC 23-14-65-5 Application of chapter

Sec. 5. This chapter applies to all public cemeteries that are:

(1) owned by a municipality; and

(2) located within five (5) miles of the municipality.

IC 23-14-65-6 Powers and duties of legislative body

Sec. 6. (a) The legislative body of a municipality has control and management of a cemetery that is:

(1) owned by the municipality; and

(2) located within five (5) miles of the municipality.

(b) The powers and duties of the legislative body under this section include the following:

(1) The collection, preservation, and payment of all money, funds, securities, obligations, and property of any kind related to cemetery purposes.

(2) The protection of cemeteries and the sanctity of the dead.

(3) The regulation or prohibition of the interment of bodies.

(4) The authorization of the removal of buried bodies or whole cemeteries to some other place.

(c) The powers of the legislative body of a municipality under this section remain in effect by ordinance or resolution despite the repeal of Acts 1927, c. 7.

(d) The legislative body must review the status of the control and management of a cemetery for which it is responsible under subsection (a) at least once every ten (10) years.

IC 23-14-65-7 Permanent maintenance fund

Sec. 7. (a) Part of the proceeds derived from the sale of lots within a cemetery to which this chapter applies may be set aside as a permanent maintenance fund.

(b) Not more than fifty percent (50%) of the proceeds from the sale of lots may be set aside as a permanent maintenance fund under this section.

(c) The income from a permanent maintenance fund established under this section shall remain in the fund, except as provided in subsection (d).

(d) If the revenue from the sale of lots and other income from a cemetery to which this chapter applies becomes insufficient to meet the expense of maintaining the cemetery, income derived from the fund and its accretions may be used in whole or in part as the needs of the cemetery require, after appropriation by the legislative body according to statute.

IC 23-14-65-8 Gifts, donations, bequests, or devises

Sec. 8. (a) The legislative body of a municipality may by ordinance or resolution accept gifts, donations, bequests, or devises of money or real or personal property for the use of the:

(1) cemetery; or

(2) permanent maintenance fund of the cemetery.

(b) Except as provided in subsection (c), a municipality shall use:

(1) gifts, donations, bequests, or devises accepted under subsection (a); and

(2) income or interest derived from the gifts, donations, bequests, or devises;

in the same manner as the municipality uses proceeds from the sale of lots.

(c) If a gift, donation, bequest, or devise of money or real or personal property is given or made for the use of a particular lot or plot of ground, the income from the gift, donation, bequest, or devise may be used only for the upkeep and maintenance of that particular lot or plot of ground.

IC 23-14-65-9 Transfer of control and management to public works or public works and safety board

Sec. 9. A city may, by ordinance, transfer the control and management of a cemetery to which this chapter applies to the:

(1) board of public works; or

(2) board of public works and safety;

of the city.

IC 23-14-65-10 Transfer of control and management to board of trustees

Sec. 10. (a) A city or a town may, by ordinance, transfer the control and management of a cemetery to which this chapter applies to a board of trustees.

(b) The ordinance transferring the control and management of a cemetery under subsection (a) must prescribe:

(1) the organization of the board; and

(2) the duties of the officers and members of the board.

(c) Members of a board of trustees established under subsection (a) shall be appointed from the lot owners of the cemetery who are residents of the county in which the cemetery is located.

IC 23-14-65-11 Transfer of control and management to board of cemetery regents; board members

Sec. 11. (a) A city or town may, by ordinance, transfer the control and management of a cemetery to which this chapter applies to a board composed of four (4) residents of the municipality. Not more than two (2) of the residents appointed may be members of the same political party.

(b) Each board member appointed to the board established under subsection (a) must:

(1) own a lot in the cemetery or cemeteries to which this chapter applies; or

(2) be a freeholder of the municipality.

(c) The executive of the municipality shall appoint the members of the board established under subsection (a) to initial terms as follows:

(1) one (1) member for a term of one (1) year;

(2) one (1) member for a term of two (2) years;

(3) one (1) member for a term of three (3) years; and

(4) one (1) member for a term of four (4) years.

(d) Each member appointed under this section serves until the member›s successor is appointed and qualified. After the initial term referred to in subsection (c), the member, if reappointed, or the member›s successor serves for a term of four (4) years.

IC 23-14-65-12 Board of cemetery regents; members; vacancy; quorum; removal

Sec. 12. (a) A board appointed under section 11 of this chapter is known as «The Board of Cemetery Regents of the City (Town) of _____, Indiana».

(b) The officers of a board of cemetery regents consist of:

(1) a president;

(2) a vice president; and

(3) a secretary;

who shall be elected by the board members at the first meeting of the board and in each subsequent year.

(c) A vacancy on a board of cemetery regents shall be filled by appointment by the executive of the city or town. The person appointed serves until the expiration of the term of the member whom the appointee is appointed to replace.

(d) Each member of a board of cemetery regents:

(1) must take and subscribe to the usual oath of office before beginning the duties of office; and

(2) shall be issued a certificate of appointment, upon which the member's oath of office must be endorsed.

(e) A new member of a board of cemetery regents shall file the certificate of appointment with the clerk or clerk-treasurer of the municipality within thirty (30) days after the beginning of the new member›s term. If an individual who is appointed to a board of cemetery regents violates this subsection, the individual is considered to have declined the appointment and, the office to which the individual was appointed is vacant.

(f) A majority of the members of a board of cemetery regents constitutes a quorum. An action of the board is binding only if:

(1) it is authorized by a vote taken at a regular or special meeting of the board; and

(2) a majority of all the members of the board vote in favor of the action.

(g) If there is a tie vote or equal division among the members of the board upon any motion, resolution, or action, the executive of the municipality is entitled to vote on the matter under consideration.

(h) The executive of a municipality may, at any time, remove a member of the board from office upon filing the reasons for the removal in writing with the clerk or clerk-treasurer of the municipality.

(i) The legislative body of the municipality may authorize compensation for actual expenses incurred by members of the cemetery board in performance of their official duties, including any additional compensation that the legislative body determines.

IC 23-14-65-12.5 Transfer of control and management to cemetery caretaker

Sec. 12.5. A municipality may, by ordinance, transfer the control and management of a cemetery to which this chapter applies to a cemetery caretaker.

IC 23-14-65-13 Notice of proposed transfer of management and control; hearing

Sec. 13. (a) Before adopting an ordinance transferring its powers and duties over a cemetery under section 9, 10, or 11 of this chapter, the legislative body of a municipality must first give notice of its intention by notice published once each week for two (2) weeks in accordance with IC 5-3-1. The notice must announce a hearing at which the legislative body will hear any objections by any taxpayer or owner of a lot in the cemeteries.

(b) The hearing referred to in subsection (a) must:

(1) be set for a date at least two (2) weeks after the first publication of the notice;

(2) be held at a designated location; and

(3) provide all taxpayers or owners of lots in the cemeteries an opportunity to be heard.

(c) The legislative body shall give careful consideration to the views of the lot owners and taxpayers as expressed at the hearing referred to in subsection (a). Not less than five (5) days after the hearing, the legislative body shall adopt or defeat the ordinance under which its powers and duties

over a cemetery would be transferred.

(d) If the ordinance referred to in subsection (c) is adopted, all papers and documents appropriate for the transfer of the management and control of the property or properties must be executed in behalf of the municipality by:

(1) the executive and clerk or clerk-treasurer of the municipality; and

(2) the agents of the cemetery.

IC 23-14-65-13.5 Notice of proposed transfer of management; hearing

Sec. 13.5. (a) This section applies to a municipality transferring the control and management of a cemetery under section 12.5 of this chapter.

(b) The executive of a municipality may nominate a person to serve as cemetery caretaker in a proposed ordinance. After a nomination is made, the legislative body of the municipality shall schedule a hearing at which the legislative body will hear any objections to the proposed ordinance. The legislative body shall publish notice of the hearing once each week for two (2) weeks in accordance with IC 5-3-1.

(c) The hearing required by subsection (b) must:

(1) be set for a date that is:

(A) at least two (2) weeks after the first publication of notice; and

(B) not later than sixty (60) days after the executive provides the legislative body with notice of the executive's nomination;

(2) be held at a designated location; and

(3) provide all taxpayers or owners of lots in the cemetery an opportunity to be heard.

(d) Not later than thirty (30) days after the hearing, the legislative body shall conduct a vote to adopt or defeat the proposed ordinance. For purposes of this subsection, a majority of the legislative body must vote to adopt the proposed ordinance for the ordinance to be adopted.

(e) If a proposed ordinance is adopted under this section, all papers and documents appropriate for the transfer of the control and management of the cemetery must be executed by the executive of the municipality.

IC 23-14-65-13.7 Cemetery caretaker vacancy

Sec. 13.7. (a) If a cemetery caretaker is appointed under section 13.5 of this chapter and the position becomes vacant, the executive of the municipality shall nominate a new cemetery caretaker not later than ninety (90) days after the position becomes vacant.

(b) If the executive of a municipality fails to nominate a new cemetery caretaker in the time period specified in subsection (a), the legislative body of the municipality may nominate and vote on a new cemetery caretaker using the procedure set forth in section 13.5 of this chapter.

IC 23-14-65-14 Bond

Sec. 14. Each officer and employee whose duty includes handling any funds in carrying out this chapter shall, in the manner prescribed by IC 5-4-1, execute an official bond before beginning the duties of office or employment.

IC 23-14-65-15 Powers of cemetery board

Sec. 15. A cemetery board may:

(1) make all necessary rules and regulations for the management of the cemetery or cemeteries over which it has control and management;

(2) sell lots or parts of lots at prices that the board considers reasonable; and

(3) require payment for sales:

(A) in cash; or

(B) partly in cash and the balance in deferred payments spread over a time the board considers reasonable.

IC 23-14-65-16 Execution of deed; requirements for deferred payment sales

Sec. 16. (a) In the case of cash sales of lots under section 15 of this chapter, a deed to the property sold shall be executed on behalf of the municipality by the cemetery board to the purchaser.

(b) The following requirements apply to sales of lots under section 15 of this chapter that are made on a deferred payment basis:

(1) The transaction shall be evidenced by a written contract of sale executed by and between the board and the purchaser.

(2) Title to the lot shall be reserved in the municipality until the purchase price is paid in full.

(3) If the purchaser dies before payment in full has been completed, but after at least fifty percent (50%) of the purchase price has been paid, the balance of the purchase price shall be canceled and a deed for the property shall be executed by the cemetery board on behalf of the municipality to the heirs of the purchaser.

IC 23-14-65-17 Employment of agents and employees; collection and receipt of money

Sec. 17. A cemetery board:

(1) may employ agents for the sale of cemetery lots or part of lots and pay the agents compensation for services that the board considers reasonable;

(2) may employ all necessary superintendents, attorneys, engineers, and other employees and discharge them at the board's pleasure;

(3) may collect and receive all money owed for:

(A) the sale of lots;

(B) the care of lots;

(C) the care of graves;

(D) the digging of graves; and

(E) all other services rendered; and

(4) shall use and disburse the money received for the preservation, care, and improvement of the cemetery or cemeteries over which it has control and management.

IC 23-14-65-18 Purchase of property

Sec. 18. (a) A cemetery board may purchase on behalf of the municipality any other property for cemetery purposes that is located within five (5) miles from the corporate limits of the municipality.

(b) A cemetery board may purchase property that:

(1) adjoins; or

(2) is located conveniently near;

a cemetery that is under the control of the board for additions to the cemetery. The property must be used, held, and managed in the same manner as the adjoining or nearby cemetery or cemeteries, but is subject to the approval of the executive and legislative body of the municipality.

IC 23-14-65-19 Financial report; budget; expenditure of money

Sec. 19. (a) During January of each year, a cemetery board shall make a report to the legislative body of the municipality. The report must:

(1) provide information on:

(A) the financial condition of the cemetery board; and

(B) the business done by the cemetery board during the previous year; and

(2) include a statement showing the receipts and expenditures of the cemetery board for the year.

(b) A cemetery board shall annually prepare a budget for the cemetery or cemeteries under its control in the same manner as other offices and departments of the municipality prepare budgets. The budget of the cemetery board is subject to review under the budget statutes applying to municipalities.

(c) A cemetery board may not expend funds without prior appropriation by the legislative body of the municipality. If the revenues of the cemetery board are not sufficient to meet the:

(1) current operating expenses; and

(2) amounts to be paid for the purchase of cemetery lands or other property;

the deficiency in the revenues may be resolved through an appropriation from the general fund of the municipality.

IC 23-14-65-20 Awarding of contracts

Sec. 20. A cemetery board shall award contracts in accordance with IC 5-16-1 and IC 5-17-1.

IC 23-14-65-21 Eminent domain

Sec. 21. (a) A cemetery board may exercise the power of eminent domain:

(1) within the boundaries of the municipality; and

(2) also outside the municipality, within a distance of five (5) miles from the corporate limits of the municipality;

for the purpose of acquiring additional cemetery lands.

(b) A cemetery board may pay damages to landowners for the lands and property taken or injuriously affected, proceeding in accordance with the statutes applying to municipalities when exercising the power of eminent domain.

(c) A cemetery board may bring suit in the name of the cemetery board in eminent domain proceedings and in other matters whenever the action is necessary to protect the interests of the cemetery board in its conduct and discharge of its duties or obligations, rights, and privileges. A suit may be brought against the cemetery board in its own name.

IC 23-14-65-22 Delivery of money to controller or clerk-treasurer; payment of expenses

Sec. 22. (a) A cemetery board shall daily deliver all money, funds, and revenues it receives to the controller or clerk-treasurer of the municipality, who shall give the board a receipt. The amounts delivered by the cemetery board shall be credited to the account of the cemetery board and deposited in accordance with IC 5-13-6.

(b) All expenses incurred by the cemetery board shall be paid by claims allowed and signed by a majority of the cemetery board. The claims shall be delivered to the controller or clerk-treasurer of the municipality, and warrants in payment of the claims shall be drawn on the municipal treasury.

IC 23-14-65-23 Acceptance and receipt of real and personal property

Sec. 23. (a) A cemetery board may accept and receive real and personal property:

(1) through gift, legacy, or bequest; and

(2) upon terms, conditions, or trusts that the donor or testator designates;

for use concerning the operation, maintenance, and preservation of cemeteries or a part of a cemetery.

(b) The property received under subsection (a) is exempt from all taxation.

(c) If:

(1) a cemetery board receives money under subsection (a); and

(2) the money is not required currently to carry out the purpose or trusts upon which the money was received;

the cemetery board shall invest the money in accordance with IC 5-13-9. For investment purposes under this subsection, the cemetery board shall give preference to the purchase of bonds or securities issued and negotiated by the municipality.

(d) A cemetery board shall use the income from securities purchased under subsection (c) to carry out the trusts upon which the gift was made.

IC 23-14-65-24 Placement of bonds or other securities in safety deposit box

Sec. 24. To protect bonds or other securities held by a cemetery board, the cemetery board shall place them in a safety deposit box in the vault of a reliable financial institution located in the municipality. One (1) key to the box shall be retained by each of the following:

(1) A member of the cemetery board who is designated by the cemetery board.

(2) The controller or clerk-treasurer of the municipality.

(3) The financial institution.

IC 23-14-65-25 Improvement and development of cemetery; adoption of resolution

Sec. 25. (a) If the improvement and development of a cemetery will:

(1) provide relief for the unemployed;

(2) be a stimulus to the industry of the municipality;

(3) be a suitable project and eligible for financing as a self-liquidating project by:

(A) an agency of the federal government; or

(B) an individual, firm, limited liability company, or corporation; and

(4) result in no cost to the municipality;

the cemetery board that has or would have control and management of the cemetery may adopt a resolution expressing the determination of the board to proceed with the improvement and development of the cemetery.

(b) After adopting a resolution under subsection (a), the cemetery board may do anything necessary to secure the funds that are necessary to make the improvements and provide for the developments.

IC 23-14-65-26 Payment of preliminary expenses for preparation of grant application; powers of cemetery board in improvement and development of cemetery

Sec. 26. (a) In seeking funds for the improvement and development of a cemetery, a cemetery board may pay all preliminary expenses that the cemetery board incurs in preparing and presenting an application to a federal agency or other agency having authority to grant aid to self-liquidating projects. The expenses may be paid out of funds at the disposal of the cemetery board.

(b) Upon the adoption of its resolution of determination under section 25 of this chapter, the cemetery board shall follow the procedure established by statute for the establishment of a sewage disposal plant by the municipality.

(c) In the improvement and development of a cemetery, a cemetery board has the same powers as the board of public works or board of public works and safety of a city, including the power to do the following:

(1) Create the necessary sinking fund.

(2) Pledge the receipts of the cemetery board.

(3) Fix the rates and charges of the cemetery board at a level sufficient to pay the obligations and mortgage of the cemetery board.

(4) Otherwise obligate the property under the control of the cemetery board to secure the payment of the obligations of the cemetery board as they mature, including interest.

IC 23-14-65-27 Management and control of cemetery

Sec. 27. A cemetery board has exclusive management and control of a cemetery or cemeteries transferred to or acquired by the cemetery board, including:

(1) all of the property, whether real, personal, or mixed, acquired by the cemetery board for cemetery purposes; and

(2) the part of a public road or street that passes through the cemetery.

IC 23-14-65-28 Rules; enforcement

Sec. 28. (a) A cemetery board may do the following:

(1) Make reasonable rules and regulations for the management, control, direction, care, and maintenance of the property under the control of the cemetery board.

(2) Make and enforce reasonable regulations respecting the placement and erection of markers, monuments, tombstones, and mausoleums that any person desires to place or erect in the cemetery.

(3) Seize and impound animals running at large in the cemetery and establish a suitable place for impounding them, assessing the reasonable costs to the owner.

(4) Vacate streets, alleys, roads, or highways, or parts of them, lying within lands under the control of the cemetery board in the same manner as is prescribed under the powers of street improvement authority of the municipality.

(5) Provide proper facilities for furnishing electric lighting, water, and sewer facilities in the cemetery, ordering a public utility to construct and install equipment that is necessary for these purposes.

(b) For the purposes of making rules and regulations for the management and control of property under subsection (a) (1), a cemetery board may request from the police authority of the municipality the manpower

necessary to carry out and enforce the rules and regulations of the cemetery board. The police authority shall comply with the request to the extent that it is able to comply at the time the request is made, considering all other obligations and duties of the police authority. If the cemetery board and the police authority disagree over these matters, the controversy shall be settled by an order of the executive of the municipality.

Chapter 66. Care of Cemeteries by Third Class Cities and Towns

IC 23-14-66-1 Petitions for additional care and maintenance for cemetery

Sec. 1. If:

(1) a petition is presented to the legislative body of a third class city or town at a regular meeting of the legislative body;

(2) the petition is signed by at least ten percent (10%) of the freeholders and taxpayers of the city or town; and

(3) the petition states that:

(A) a cemetery lies within one-half (1/2) mile of the corporate limits of the city or town;

(B) the cemetery is in need of additional care and maintenance;

(C) at least twenty-five percent (25%) of the burial lots in the cemetery are owned, maintained, and cared for, in whole or in part, by freeholders in the city or town; and

(D) it would be in the best interests of the city or town for the city or town to provide additional care and maintenance for the cemetery;

the legislative body shall investigate the accuracy of the petition.

IC 23-14-66-2 Taxation for costs of additional care and maintenance

Sec. 2. (a) If the legislative body is satisfied with the accuracy of the petition, it shall:

(1) record its findings at that meeting or at any regular meeting; and

(2) subject to subsection (b), levy and collect an annual tax, as other taxes are levied and collected, in an amount that it considers reasonable, to provide additional care and maintenance for the cemetery.

(b) Taxes collected by a city or town for the care and maintenance of a cemetery lying entirely outside of the corporate limits of the city or town may not exceed three cents ($0.03) on each one hundred dollars ($100) of assessed valuation of property in the city or town.

Chapter 67. Care of Cemeteries by Counties

IC 23-14-67-1 Application of chapter; determination of Civil War burial grounds

Sec. 1. (a) This chapter applies to a cemetery that:

(1) is without funds or sources of funds for reasonable maintenance;

(2) has suffered neglect and deterioration;

(3) may be the burial grounds for an Indiana pioneer leader or veteran of an American war, including the Revolutionary War; and

(4) either:

(A) was established before 1875; or

(B) is a burial ground for a veteran of the Civil War.

(b) A county cemetery commission shall determine if a cemetery is a burial ground for a veteran of the Civil War under subsection (a) (4) (B) based on evidence presented to the county cemetery commission from any of the following:

(1) The Indiana historical bureau established by IC 4-23-7.2-2.

(2) The Indiana historical society established under IC 23-6-3.

(3) A historical society (as defined in IC 36-10-13-3).

(4) Indiana Landmarks.

(5) The division of historic preservation and archeology of the department of natural resources.

(6) The Indiana archives and records administration under IC 5-15-5.1-5.

(c) A county may also assume responsibility for the maintenance of a cemetery under IC 23-14-78.

IC 23-14-67-2 County cemetery commission

Sec. 2. (a) The board of commissioners of a county may appoint a county cemetery commission consisting of five (5) residents of the county.

(b) The members of a county cemetery commission shall be appointed for a term of five (5) years. The board of county commissioners shall stagger the terms of the members to permit the appointment or a reappointment of one (1) commission member per year.

IC 23-14-67-3 Annual tax for restoration and maintenance

Sec. 3. A county cemetery commission may request the levy of an annual tax for the purpose of restoring and maintaining one (1) or more cemeteries described in section 1 of this chapter that are located in the county. The tax may not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation of property in the county.

IC 23-14-67-3.5 Annual reports filed with Indiana historical bureau

Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the Indiana historical bureau established by IC 4-23-7.2-2.

(b) An annual report filed under this section must include information on the following:

(1) The budget of the county cemetery commission for the preceding calendar year.

(2) Expenditures made by the county cemetery commission during the preceding calendar year.

(3) Activities of the county cemetery commission during the preceding calendar year.

(4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The Indiana historical bureau shall make reports filed under this section available for public inspection under IC 5-14-3.

IC 23-14-67-4 Annual budget and annual report

Sec. 4. A county cemetery commission established under this chapter shall:

(1) present an annual plan and budget; and

(2) make an annual report;

to the board of county commissioners and the county council for approval.

IC 23-14-67-5 Transfer of control and management to a cemetery caretaker

Sec. 5. (a) The board of commissioners of a county may appoint a cemetery caretaker to control and manage a cemetery to which this chapter applies. For purposes of this subsection, a majority of the board of commissioners must vote to appoint the cemetery caretaker.

(b) If a cemetery caretaker is appointed under this section and the position becomes vacant, the board of commissioners shall appoint a new cemetery caretaker not later than ninety (90) days after the position becomes vacant.

(c) A cemetery caretaker appointed under this section has the same powers and duties of a county cemetery commission under this chapter.

Chapter 68. Care of Cemeteries by Townships

IC 23-14-68-1 Application of chapter

Sec. 1. (a) Except as provided in subsections (b) and (d), this chapter applies to each cemetery that:

(1) is without funds for maintenance;

(2) was in existence on February 28, 1939; and

(3) is operated by a nonprofit organization or is not managed by any viable organization.

(b) Section 4.5 of this chapter applies to a cemetery that is operated by a nonprofit organization.

(c) Except for a cemetery for which a township assumes responsibility under subsection (d), this chapter does not apply to a cemetery located on land on which property taxes are assessed and paid under IC 6-1.1-4.

(d) A township may assume responsibility for the maintenance of a cemetery under IC 23-14-78.

IC 23-14-68-2 Township trustee locating and maintaining cemeteries

Sec. 2. The trustee of each township shall locate and maintain all the cemeteries described in section 1(a) of this chapter that are within the township. However, a cemetery association claiming assistance under this chapter shall furnish a verified statement of assets and liabilities to the township trustee.

IC 23-14-68-3 Maintenance of cemeteries

Sec. 3. For the purposes of this chapter, the maintenance of a cemetery includes the following:

(1) Resetting and straightening all monuments.
(2) Leveling and seeding the ground.
(3) Constructing fences where there are none and repairing existing fences.
(4) Destroying and cleaning up detrimental plants (as defined in IC 15-16-8-1), rampant weeds, and rank vegetation.
(5) Mowing the lawn.

IC 23-14-68-4 Appropriations for maintenance and for financial assistance; cemetery tax

Sec. 4. (a) The township:

(1) shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township; and
(2) may appropriate enough money to provide for maintenance of a cemetery described in section 1(b) of this chapter to which the trustee of the township provides assistance under section 4.5 of this chapter.

Funds shall be appropriated under this subsection in the same manner as other township appropriations.

(b) The township may levy a township cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund may be used.

IC 23-14-68-4.5 Trustee financial assistance to cemetery with insufficient funds

Sec. 4.5. (a) If the trustee of a township reasonably believes that:

(1) the funds available to a cemetery that is located in the township and described in section 1(b) of this chapter from:
(A) the perpetual care fund maintained by the owner of the cemetery under IC 23-14-48; and
(B) any other source;
are not sufficient to provide for the maintenance of the cemetery; and
(2) providing financial assistance to the cemetery described in subdivision (1) will help to prevent the full responsibility for maintenance of the cemetery from falling on the township under:
(A) sections 1(a) and 4(a) (1) of this chapter;
(B) IC 23-14-64; or
(C) another provision of this article;

the trustee may provide financial assistance to the cemetery for the maintenance of the cemetery.

(b) Financial assistance provided by a trustee to a cemetery under this section may be provided from:

(1) the fund for maintenance of cemeteries created under section 4(b) of this chapter; or
(2) money appropriated under section 4(a) (2) of this chapter.

IC 23-14-68-5 Trustee's failure to perform duties

Sec. 5. A township trustee who fails to perform the trustee›s duties under this chapter commits a Class C infraction.

IC 23-14-68-6 Trustee's sale of cemetery plots

Sec. 6. (a) A township trustee who is maintaining a cemetery under section 2 of this chapter may sell plots (as defined in IC 23-14-33-25) within the cemetery that are not known to be owned by any plot owner (as defined in IC 23-14-33-26) for use in the interment, entombment, or inurnment of human remains.

(b) Proceeds from the sale of a plot under subsection (a) shall be:

(1) deposited in the fund for maintenance of cemeteries, if the township has established such a fund under section 4(b) of this chapter; or
(2) deposited in the township fund of the township, if the township has not established a fund for maintenance of cemeteries.

IC 23-14-68-7 Transfer of control and management to cemetery caretaker

Sec. 7. (a) A township trustee may appoint a cemetery caretaker to control and manage a cemetery to which this chapter applies.

(b) If a cemetery caretaker is appointed under this section and the position becomes vacant, the township trustee shall appoint a new cemetery caretaker not later than ninety (90) days after the position becomes vacant.

(c) A cemetery caretaker appointed under this section has the same powers and duties of a township trustee under this chapter.

Chapter 69. Establishment of Public Cemeteries by Townships

IC 23-14-69-1 Application of chapter

Sec. 1. This chapter applies to the following:

(1) A public cemetery that belongs to a township.
(2) An addition to a public cemetery that belongs to a township.

IC 23-14-69-2 Nonapplicability of chapter

Sec. 2. This chapter does not apply to the following:

(1) A cemetery that is owned or controlled by a city, a town, or a voluntary association.
(2) A cemetery that is maintained by a township under IC 23-14-68.

IC 23-14-69-3 Care and maintenance

Sec. 3. A township trustee shall care for and maintain each cemetery to which this chapter applies that is located in the township. The duties of a township trustee under this chapter include the following:

(1) Destroying detrimental plants (as defined in IC 15-16-8-1), rampant weeds, and rank vegetation.
(2) Removing all unsightly accumulations and debris.
(3) Resetting and straightening all monuments.
(4) Leveling and seeding the ground.
(5) Mowing the lawn.

IC 23-14-69-4 Donated land

Sec. 4. (a) The township trustee may accept donations of land suitable for a public cemetery if the township trustee considers acceptance of the land to be in the best interests of the township.

(b) Donated land shall be:

(1) conveyed to the township;
(2) set apart by the trustee for a public cemetery; and
(3) kept in good condition and repair by the township trustee.

IC 23-14-69-5 Purchase of land

Sec. 5. (a) If:

(1) no land suitable for a public cemetery is donated to a township; and
(2) the township legislative body adopts a resolution approving the purchase;

the township executive may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

IC 23-14-69-6 Use of cemetery

Sec. 6. A public cemetery of a township may be used by the inhabitants of the township for the interment of the dead. The township trustee may prescribe regulations governing the use of the cemetery.

IC 23-14-69-7 Duties of township trustee

Sec. 7. (a) When a township acquires title to land by donation, purchase, or otherwise for a public cemetery, the trustee of the township shall:

(1) lay out the land in lots with streets and walks;

(2) plat the land; and

(3) record the plat in the office of the recorder of the county.

(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

(1) set apart; and

(2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee shall appoint:

(1) one (1) disinterested freeholder of the township; and

(2) one (1) disinterested appraiser licensed under IC 25-34.1;

who are residents of Indiana to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee.

IC 23-14-69-8 Private sale of lots

Sec. 8. (a) The township trustee may sell and convey the lots in a cemetery to which this chapter applies at a private sale to persons who desire to purchase them. The trustee shall not sell a lot under this subsection at less than the value fixed for the lot under section 7 of this chapter.

(b) The proceeds of the sale of lots in a cemetery under subsection (a) shall be used to pay the expenses that the township trustee may incur under this chapter for the cemetery. Any surplus shall be held as a fund for use in keeping the cemetery in repair.

(c) The township trustee shall keep an accurate account of:

(1) the money received by the township trustee for the purpose of keeping the cemetery in repair; and

(2) the sums that the township trustee has paid out, and for which the trustee has taken vouchers.

IC 23-14-69-9 Payment of expenses

Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the township fund of the township.

Chapter 70. Trusts for Cemetery Associations

IC 23-14-70-1 Power to receive deposit of money; use of interest

Sec. 1. (a) The board of commissioners of a county may receive from or on behalf of a:

(1) cemetery corporation;

(2) church;

(3) association; or

(4) organization;

that has been dissolved or is to be dissolved a deposit of money to be held in trust under terms that are designated in writing.

(b) Funds may be provided under section 1 of this chapter to the board of commissioners of:

(1) the county in which the cemetery of the cemetery corporation, church, association, or organization is located; or

(2) the county adjoining and nearest to the county described in subdivision (1).

(c) The interest on the funds received under subsection (a) shall be used to keep in good condition any:

(1) abandoned cemetery;

(2) public incorporated cemetery; or

(3) lots, monuments, mausoleums, vaults, or other burial structures in any cemetery.

(d) A board of commissioners may not expend more for the purpose set forth in subsection (c) than the interest earned from the loan or investment of the funds.

IC 23-14-70-2 Investment of money

Sec. 2. All money received by a board of commissioners under section 1 of this chapter may be invested in compliance with IC 20-42-1-14.

IC 23-14-70-3 Distribution of accrued interest

Sec. 3. The county auditor shall distribute the interest accrued on any cemetery fund or funds received under section 1 of this chapter on the last Monday of January of each year to the following person or persons:

(1) The trustee of the township in which an abandoned or unincorporated cemetery is located.

(2) The trustee of the township lying on the east or south of the cemetery if the cemetery is located on a county boundary or a township boundary.

(3) The treasurer of the board of directors of an incorporated cemetery.

IC 23-14-70-4 Receipts and vouchers

Sec. 4. (a) A township trustee or treasurer of the board of directors of an incorporated cemetery who receives a distribution under section 3 of this chapter shall make a receipt or voucher for any money paid out.

(b) A receipt or voucher made under subsection (a) must state:

(1) the amount paid out;

(2) the purpose for which the money was expended; and

(3) the fund from which the money came.

(c) The receipts and vouchers made under subsection (a) shall be:

(1) filed with the county auditor before January 2 of each year; and

(2) presented to the board of commissioners for examination and approval at the January meeting of the board of commissioners.

IC 23-14-70-5 Liability of auditor or county

Sec. 5. (a) The auditor is liable on the auditor›s bond for any neglect or failure of duty with respect to funds received under section 1 of this chapter in the same manner as with respect to the school fund.

(b) The county is also liable for the preservation of the principal and the payment of the interest on the funds received under section 1 of this chapter to the same extent that it is liable with respect to the principal and interest of the school fund.

IC 23-14-70-6 Effect of chapter on certain bequests, legacies, or endowments; payment or return of money deposited

Sec. 6. (a) This chapter does not affect a bequest, legacy, or endowment that is under or comes under the control of:

(1) the board of directors of an incorporated cemetery; or

(2) the trustees or officers of a church, association, or other organization.

(b) This chapter does not affect a bequest, legacy, or endowment received under this chapter.

(c) If a cemetery is under the control of:

(1) an organized board of directors of an incorporated cemetery; or

(2) the trustees or officers of a church, association, or other organization;

the board of county commissioners may, on its own initiative or upon request of the proper officers of the cemetery, pay over or return to the treasurer of the cemetery any money deposited with the county under this chapter.

(d) Money paid over or returned under subsection (c) shall be held and managed by the cemetery corporation, church, association, or organization in compliance with the terms of the bequest, legacy, or endowment, and in compliance with applicable statutes.

Chapter 71. Union Chapel Cemetery Association

IC 23-14-71-1 "Association" defined

Sec. 1. As used in this chapter, «association» refers to the Union Chapel Cemetery Association.

IC 23-14-71-2 Holding of title to real estate

Sec. 2. The Union Chapel Cemetery Association holds title to the real

estate of the Union Chapel Cemetery in Washington Township, Marion County, Indiana, for the uses and purposes of a public cemetery.

IC 23-14-71-3 Platting and acquisition of adjacent land for burial purposes

Sec. 3. The association may lay out and plat into lots all portions of the cemetery not platted and used and occupied for burial purposes on March 6, 1899, and may purchase, take, receive, and hold other real estate adjacent to the cemetery for burial purposes.

IC 23-14-71-4 Powers of trustees of association

Sec. 4. The trustees of the association:

(1) have full and complete charge, care, and supervision of the cemetery; and

(2) may care for, supervise, and beautify the cemetery in the same manner and with the same powers provided by law for public cemeteries.

Chapter 72. Annexation of Unincorporated Cemetery

IC 23-14-72-1 Application of chapter

Sec. 1. This chapter does not apply to a cemetery:

(1) in which the interment of dead bodies has been forbidden before May 31, 1917, by ordinance passed by a city in Indiana; or

(2) that has been condemned for use for the interment of dead bodies by the action of:

(A) the Indiana department of health; or

(B) a local board of health.

IC 23-14-72-2 Extension of incorporated cemetery boundaries

Sec. 2. If:

(1) the grounds of a cemetery that is platted but not incorporated adjoin or are contiguous to the grounds of a cemetery that is incorporated under Indiana law; and

(2) a petition that:

(A) seeks the incorporation of the grounds of the unincorporated cemetery into the incorporated cemetery; and

(B) is signed by a majority of the owners of lots in the unincorporated cemetery;

is filed with the board of trustees or board of directors of the association of the incorporated cemetery;

the association may extend the boundaries of the incorporated cemetery to include the grounds of the unincorporated cemetery.

IC 23-14-72-3 Levying assessments

Sec. 3. After the grounds of an unincorporated cemetery are brought into an incorporated cemetery under section 2 of this chapter, the association of the incorporated cemetery may periodically levy an assessment against each lot that was brought into the incorporated cemetery to provide a fund with which to maintain and provide for the upkeep of the lots.

IC 23-14-72-4 Sale of lot for failure to pay assessments

Sec. 4. (a) As used in this section, «lot» includes a half-lot.

(b) If:

(1) the owner of a lot fails to pay an assessment imposed under section 3 of this chapter within the time allowed by the bylaws of the association of the incorporated cemetery; and

(2) the lot is not occupied by a grave;

the incorporated cemetery may sell the lot to satisfy the unpaid assessment after following the procedure set forth in subsection (c).

(c) The association of an incorporated cemetery may sell a lot under this section if:

(1) the association provides:

(A) notice in a writing addressed individually to the owner of the lot; or

(B) if the address of the owner is unknown, notice by publication once each week for a period of two (2) weeks in a newspaper of general circulation that is printed and published in the county in which the cemetery is located;

stating that the lot may be sold unless the assessment is paid within thirty (30) days after the date of the writing delivered under clause (A) or the second publication under clause (B); and

(2) the assessment is not paid within the period referred to in subdivision (1).

IC 23-14-72-5 Collection of fixed amount for upkeep and maintenance

Sec. 5. (a) An incorporated cemetery that extends its boundaries to include the grounds of an unincorporated cemetery under section 2 of this chapter, instead of levying a periodic assessment against the owner of a lot under section 3 of this chapter, may collect a fixed amount from the owner in full satisfaction of all future assessments against the lot for the upkeep and maintenance.

(b) A cemetery association that receives money from the owners of lots under subsection (a) shall:

(1) hold and invest the money as a fund for the upkeep and maintenance of the lots; and

(2) expend only the income earned from the investment of the money under subdivision (1) in the care of the lots.

(c) After a cemetery association receives money from the owners of lots under subsection (a), the association shall keep and care for the lots.

Chapter 73. Grave Markers of Deceased Soldiers

IC 23-14-73-1 "Member of the armed forces" defined

Sec. 1. As used in this chapter, «member of the armed forces» means an individual who served on active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

IC 23-14-73-2 Standards for markers

Sec. 2. A board of trustees or other governing body or custodian that controls a cemetery shall not refuse to allow the setting up of markers for the graves of deceased members of the armed forces in its grounds if the markers conform to the standard markers furnished by the United States government for marking the graves of deceased members of the armed forces.

IC 23-14-73-3 Violation of chapter; Class C infraction

Sec. 3. A person who violates section 2 of this chapter commits a Class C infraction.

Chapter 74. Cemetery Fences and Upkeep

IC 23-14-74-1 Destruction of detrimental plants and noxious weeds

Sec. 1. A corporation, organization, association, or individual that owns and has the control and management of a public cemetery located in a township shall keep the public cemetery in a respectable condition by destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation.

IC 23-14-74-2 Violation of chapter; Class C infraction

Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction. Each year during which a cemetery is neglected in violation of this chapter constitutes a separate offense.

Chapter 75. Eminent Domain Acquisition of Cemetery Land

IC 23-14-75-1 Application of chapter

Sec. 1. This chapter applies to a city, town, or township that:

(1) owns a cemetery that has been in existence for at least thirty (30) years; or

(2) desires to own a public cemetery.

IC 23-14-75-2 Power of eminent domain

Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

(1) the legislative body of the city or town; or
(2) the executive of the township;
has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

Chapter 76. Application of Corporations Laws to Cemetery Associations

IC 23-14-76-1 Application of chapter
Sec. 1. This chapter does not apply to a cemetery owned by a county or a township. However, if a cemetery owned by a county or township is sold to a private entity, the purchaser is subject to this chapter.

IC 23-14-76-2 "Cemetery association" defined
Sec. 2. (a) As used in this chapter, «cemetery association» means any cemetery association, cemetery corporation, or cemetery organization that:
(1) was established under this article before July 1, 1997; and
(2) has not been reorganized under IC 23-1 or IC 23-17 before January 1, 1998.
(b) The term does not include a cemetery that is owned or operated by a recognized church, religious society, or denomination.
(c) The term includes the Union Chapel Cemetery Association (IC 23-14-71).

IC 23-14-76-3 Application of business corporation and nonprofit corporation law
Sec. 3. Except as provided in section 4 of this chapter, after December 31, 1997:
(1) IC 23-1 applies to a cemetery association that has issued shares of stock; and
(2) IC 23-17 applies to a cemetery association that has not issued shares of stock.

IC 23-14-76-4 Voluntary election of application of business corporation and nonprofit corporation law
Sec. 4. (a) Before January 1, 1998, a cemetery association may elect to have the provisions of IC 23-1 or IC 23-17 apply permanently to the cemetery association, irrespective of whether the cemetery association has issued shares of stock.
(b) A cemetery association electing to have IC 23-1 apply to the cemetery association may:
(1) incorporate or reincorporate under IC 23-1; or
(2) if the cemetery association is a corporation, comply with the following procedures:
(A) The board of directors or trustees must adopt a resolution electing to have the provisions of IC 23-1 apply to the cemetery association.
(B) The resolution must specify a date (before January 1, 1998) after which the provisions of IC 23-1 will apply to the cemetery association.
(C) The resolution must be filed with the secretary of state before the date specified under clause (B).
(c) A cemetery association electing to have IC 23-17 apply to the cemetery association may:
(1) incorporate or reincorporate under IC 23-17; or
(2) if the cemetery association is a corporation, accept the provisions of IC 23-17 by taking the actions set forth in IC 23-17-1-1.

Chapter 77. Vaults Used to Encase Human Remains

IC 23-14-77-1 Disclosure requirement
Sec. 1. A person who sells or otherwise furnishes to another person a vault that:
(1) will be used to encase the remains of a deceased individual; and
(2) is not airtight and watertight;
shall inform the other person in writing that the vault is not airtight and watertight before the person sells or otherwise furnishes the vault to the other person.

IC 23-14-77-2 Class B infraction
Sec. 2. A person who violates this chapter commits a Class B infraction.

Chapter 78. Assumption of Care of Certain Cemeteries

IC 23-14-78-1 Application of chapter
Sec. 1. This chapter applies to private cemeteries that are not owned or controlled by a cemetery corporation, church, association, or organization.

IC 23-14-78-2 "Cemetery"
Sec. 2. As used in this chapter, «cemetery» means land in which human remains are interred, entombed, or inurned. The term does not include a cemetery that is subject to IC 23-14-33 through IC 23-14-76.

IC 23-14-78-3 "Property owner"
Sec. 3. As used in this chapter, «property owner» means the owner of record of a parcel of real property that contains a cemetery to which this chapter applies.

IC 23-14-78-4 Assuming maintenance responsibilities
Sec. 4. (a) A county or a township may agree to maintain a cemetery to which this chapter applies. If a county or a township agrees to maintain a cemetery to which this chapter applies, it shall maintain the cemetery as described in IC 23-14-68-3. A county or a township that assumes the maintenance responsibilities for a cemetery under this section may seek reimbursement from the property owner for the costs of maintaining the cemetery.
(b) Prior to a county or township assuming the maintenance responsibilities for a cemetery under this section, a property owner must do the following:
(1) Employ a professional surveyor to conduct a survey of the property on which the cemetery is located.
(2) Convey to the county or township, without consideration, an easement or fee simple title to the portion of the property on which the cemetery is located.
(3) If the portion of the property on which the cemetery is located is not accessible by a public road, convey to the township or county, without consideration, an easement for access to the cemetery.
(c) A property owner who transfers the maintenance responsibilities for a cemetery under this section may not file an application for the property to receive the cemetery tax assessment rate under IC 6-1.1-6.8.
(d) A property owner must make a reasonable effort to maintain a cemetery on the property owner›s property. For purposes of this subsection, a reasonable effort to maintain a cemetery means the maintenance responsibilities described in IC 23-14-68-3. However, a property owner is not required to construct a fence where there is not one unless the township or the county provides the supplies, labor, and other expenses for the construction.
(e) A property owner who fails to perform the maintenance responsibilities required under subsection (d) commits a Class C infraction if:
(1) the township or the county provides two (2) written notices to the property owner, at the property owner's address of record, stating that the property owner is not maintaining the cemetery as required and may be subject to a Class C infraction; and
(2) the property owner fails to maintain the cemetery as required by this chapter within thirty (30) days after the second notice provided under subdivision (1).

IC 23-14-78-5 Prohibition against selling plots
Sec. 5. Nothing in this chapter allows a property owner to sell or furnish plots (as defined in IC 23-14-33-25).

ARTICLE 4. TRUST CODE

Chapter 1. General Provisions

IC 30-4-1-1 Definition of "trust"; relationships excluded from this article; transferability of employee benefit trust

Sec. 1. (a) A trust is a fiduciary relationship between a person who, as trustee, holds title to property and another person for whom, as beneficiary, the title is held.

(b) Subject to IC 30-4-2-8, the same person may be both the trustee and a beneficiary.

(c) The rules of law contained in this article do not apply to:

(1) trusts created by operation of law;

(2) business trusts (as defined in IC 23-5-1);

(3) security instruments and creditor arrangements;

(4) voting trusts;

(5) religious, educational, and cultural institutions, created in other than trust form, except with respect to the application of IC 30-4-5-18 through IC 30-4-5-23 as those sections relate to the maintenance of federal income tax exemption privileges to which an institution is entitled;

(6) corporations and other entities governed by IC 23-17, except with respect to IC 30-4-5-18 through IC 30-4-5-23 as those sections relate to the maintenance of federal income tax exemption privileges to which a corporation or other entity is entitled;

(7) except as provided in this article for trusts for a benevolent public purpose and as provided in the Indiana uniform prudent investor act (IC 30-4-3.5):

(A) prepaid funeral plans;

(B) trusts for the care and upkeep of cemeteries; and

(C) agreements to furnish funeral services; and

(8) trusts created or authorized by statute other than this article.

(d) IC 30-4-3-2(a) applies to an employee benefit trust that meets the requirements set forth in IC 30-4-3-2(c). However, no other provision of this article applies to an employee benefit trust.

IC 30-4-1-1.5IC 30-2-4 and IC 30-2-5 not repealed

Sec. 1.5. This article does not repeal:

(1) IC 30-2-4 (the Uniform Fiduciaries Act); or

(2) IC 30-2-5 (the Uniform Act for the Simplification of Fiduciary Security Transfers).

IC 30-4-1-2 Other definitions

Sec. 2. As used in this article:

(1) "Adult" means any person eighteen (18) years of age or older.

(2) "Affiliate" means a parent, descendant, spouse, spouse of a descendant, brother, sister, spouse of a brother or sister, employee, director, officer, partner, joint venturer, a corporation subject to common control with the trustee, a shareholder, or corporation who controls the trustee or a corporation controlled by the trustee other than as a fiduciary, an attorney, or an agent.

(3) "Beneficiary" has the meaning set forth in IC 30-2-14-2.

(4) "Breach of trust" means a violation by the trustee of any duty which is owed to the settlor or beneficiary.

(5) "Charitable trust" means a trust in which all the beneficiaries are the general public or organizations, including trusts, corporations, and associations, and that is organized and operated wholly for religious, charitable, scientific, public safety testing, literary, or educational purposes. The term does not include charitable remainder trusts, charitable lead trusts, pooled income funds, or any other form of split-interest charitable trust that has at least one (1) noncharitable beneficiary.

(6) "Court" means a court having jurisdiction over trust matters.

(7) "Child" includes an adopted child or a child that is in gestation before the death of a deceased parent and born within forty-three (43) weeks after the death of that parent. The term does not include a grandchild or other more remote descendants, nor, except as provided in IC 29-1-2-7, a child born out of wedlock.

(8) "Designated representative" means a person who:

(A) is authorized, under the terms of a trust, to represent the interests of a beneficiary;

(B) delivers to the trustee a written acceptance of appointment as the designated representative; and

(C) is appointed or assigned to act and communicate on behalf of that beneficiary in one (1) or more of the following ways:

(i) The person is expressly appointed by the settlor, in the trust instrument or under a power reserved by the settlor, to act as a designated representative for one (1) or more beneficiaries of a trust.

(ii) The person is appointed as a designated representative by the trustee or by another authorized person under procedures provided in the trust instrument or described under this subdivision.

(iii) The person is authorized or directed under the trust instrument to represent or bind one (1) or more beneficiaries in connection with a judicial proceeding or nonjudicial matter.

(iv) The person is appointed by a beneficiary to act as a designated representative of that beneficiary.

Notwithstanding any contrary provision in the trust instrument or in any other writing that appoints a designated representative, a designated representative is a fiduciary and has a duty to act in good faith in representing the best interests of the beneficiary being represented, and to refrain from willful misconduct.

(9) "Income", except as otherwise stated in a trust agreement, has the meaning set forth in IC 30-2-14-4.

(10) "Income beneficiary" has the meaning set forth in IC 30-2-14-5.

(11) "Inventory value" means the cost of property to the settlor or the trustee at the time of acquisition or the market value of the property at the time it is delivered to the trustee, or the value of the property as finally determined for purposes of an estate or inheritance tax.

(12) "Judicial proceeding" means a proceeding involving a trust before a court having subject matter jurisdiction of the trust, whether or not the administration of the trust is governed by Indiana law.

(13) "Minor" means any person under the age of eighteen (18) years.

(14) "No contest provision" refers to a provision of a trust instrument that, if given effect, would reduce or eliminate the interest of a beneficiary of the trust who, directly or indirectly, initiates or otherwise pursues:

(A) an action to contest the validity of:

(i) the trust; or

(ii) the terms of the trust;

(B) an action to set aside or vary any term of the trust; or

(C) any other act to frustrate or defeat the settlor's intent as expressed in the terms of the trust.

(15) "Nonjudicial matter" includes but is not limited to any of the following matters or actions relating to a trust or its administration:

(A) A trustee's provision of accounting statements or notices to beneficiaries under IC 30-2-14, IC 30-2-15, or this article.

(B) The solicitation, execution, and delivery of waivers of notice, consent, or objections from beneficiaries under IC 30-2-14, IC 30-2-15, or this article.

(C) The solicitation, execution, and delivery of a consent, acquiescence, ratification, release, or discharge by a beneficiary under IC 30-4-3-19.

(16) "Person" has the meaning set forth in IC 30-2-14-9.

(17) "Personal representative" means an executor or administrator of a decedent's or absentee's estate, guardian of the person or estate, guardian ad litem or other court appointed representative, next friend, parent or custodian of a minor, attorney in fact, or custodian of an incapacitated person (as defined in IC 29-3-1-7.5).

(18) "Principal" has the meaning set forth in IC 30-2-14-10.

(19) "Qualified beneficiary" means:

(A) a beneficiary who, on the date the beneficiary's qualification

is determined:
(i) is a distributee or permissible distributee of trust income or principal;
(ii) would be a distributee or permissible distributee of trust income or principal if the interest of the distributee described in item (i) terminated on that date;
(iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date;
(iv) is a charitable organization expressly designated to receive distributions under the terms of a charitable trust;
(v) is a person appointed to enforce a trust for the care of an animal under IC 30-4-2-18; or
(vi) is a person appointed to enforce a trust for a noncharitable purpose under IC 30-4-2-19; or
(B) the attorney general, if the trust is a charitable trust having its principal place of administration in Indiana.
(20) "Remainderman" means a beneficiary entitled to principal, including income which has been accumulated and added to the principal.
(21) "Settlor" means a person who establishes a trust including the testator of a will under which a trust is created.
(22) "Terms of a trust", "terms of the trust", or "terms of a charitable trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct.
(23) "Trust estate" means the trust property and the income derived from its use.
(24) "Trust for a benevolent public purpose" means a charitable trust (as defined in subdivision (5)), a split-interest trust (as defined in Section 4947 of the Internal Revenue Code), a perpetual care fund established under IC 23-14-48-2, a prepaid funeral plan or funeral trust established under IC 30-2-9, a funeral trust established under IC 30-2-10, a trust or an escrow account created from payments of funeral, burial services, or merchandise in advance of need described in IC 30-2-13, and any other form of split-interest charitable trust that has both charitable and noncharitable beneficiaries, including but not limited to charitable remainder trusts, charitable lead trusts, and charitable pooled income funds.
(25) "Trust instrument" means an instrument, agreement, or other written document executed by the settlor that contains the terms of the trust, including any amendments to the terms of the trust.
(26) "Trust property" means property either placed in trust or purchased or otherwise acquired by the trustee for the trust regardless of whether the trust property is titled in the name of the trustee or the name of the trust.
(27) "Trustee" has the meaning set forth in IC 30-2-14-13.

IC 30-4-1-3 Application and interpretation of rules of law and terms of trust

Sec. 3. (Application and Interpretation of the Rules of Law and the Terms of the Trust)

The rules of law contained in this article shall be interpreted and applied to the terms of the trust so as to implement the intent of the settlor and the purposes of the trust. If the rules of law and the terms of the trust conflict, the terms of the trust shall control unless the rules of law clearly prohibit or restrict the article which the terms of the trust purport to authorize.

IC 30-4-1-4 Application of article to preexisting trusts; application of amendments to preexisting trusts

Sec. 4. (a) Except as provided elsewhere in this article, the rules of law contained in this article shall apply to all trusts created prior to September 2, 1971, unless to do so would:
(1) adversely affect a right given to any beneficiary;
(2) give a right to any beneficiary which the beneficiary was not intended to have when the trust was created;
(3) impose a duty or liability on any person which was not intended to be imposed when the trust was created; or
(4) relieve any person from any duty or liability imposed by the terms of the trust or under prior law.

(b) Except as provided elsewhere in this article, an amendment to the rules of law contained in this article applies to all trusts created prior to the effective date of the applicable amendment unless to do so would:
(1) adversely affect a right given to any beneficiary;
(2) give a right to any beneficiary that the beneficiary was not intended to have when the trust was created;
(3) impose a duty or liability on any person that was not intended to be imposed when the trust was created; or
(4) relieve any person from any duty or liability imposed by the terms of the trust or under prior law.

Formerly: Acts 1971, P.L.416, SEC.2. As amended by Acts 1982, P.L.171, SEC.117; P.L.149-2012, SEC.11.

Chapter 3.5. Indiana Uniform Prudent Investor Act

IC 30-4-3.5-1 Compliance with prudent investor rule

Sec. 1. (a) Except as otherwise provided in subsection (b), a trustee who invests and manages trust assets owes a duty to the beneficiaries of the trust to comply with the prudent investor rule set forth in this chapter.

(b) The prudent investor rule, a default rule, may be expanded, restricted, eliminated, or otherwise altered by the provisions of a trust. A trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the provision of the trust.

(c) This chapter applies to a trustee or escrow agent, acting as fiduciary, of:
(1) a perpetual care fund established under IC 23-14-48-2;
(2) a prepaid funeral plan or funeral trust established under IC 30-2-9;
(3) a funeral trust established under IC 30-2-10; or
(4) a trust or escrow account created from payments of funeral, burial services, or merchandise in advance of need, as described in IC 30-2-13.

Chapter 5.5. Enforcement Powers of Attorney General

IC 30-4-5.5-1 Remedies by attorney general against certain trustees and other individuals

Sec. 1. (a) This section applies to the following:
(1) A trustee of a benevolent trust, including a perpetual care fund or endowment care fund established under IC 23-14-48 or a prepaid funeral trust or escrow account established under IC 30-2-9, IC 30-2-10, or IC 30-2-13.
(2) A cemetery owner.
(3) A funeral home.
(4) A beneficiary of a contract entered into under IC 30-2-9.
(5) A seller (as defined in IC 30-2-13-10) under IC 30-2-13.
(6) Any other person that holds a perpetual care fund, an endowment care fund, or a prepaid funeral trust fund.

(b) A person described in subsection (a) may not do any of the following:
(1) Commit a breach of trust.
(2) Violate the mandate of a charitable trust.
(3) Violate a duty listed in this article.
(4) Fail to comply with a requirement or prohibition set forth in any of the following:
(A) IC 23-14-48.
(B) IC 23-14-48.5.
(C) IC 23-14-49.
(D) IC 23-14-51.
(E) IC 30-2-9.
(F) IC 30-2-10.
(G) IC 30-2-13.
(H) IC 30-4.

(c) The attorney general may petition a court to issue one (1) or more

of the following remedies for a breach, violation, or failure enumerated in subsection (b):

(1) Injunctive relief.

(2) Appointment of temporary or permanent receivers.

(3) Permanent removal of trustees.

(4) Appointment of permanent replacement trustees subject to court approval.

A remedy under this subsection is in addition to any other remedy.

(d) The attorney general may seek a remedy listed in subsection (c) against a trustee, a trust, or any other person described in subsection (a) for a breach, violation, or failure enumerated in subsection (b).

(e) A court in which an action is brought under this section may do the following:

(1) Issue a temporary restraining order, preliminary injunction, or permanent injunction.

(2) Order a trustee, an escrow agent, a seller (as defined in IC 30-2-13-10), a cemetery owner, or a funeral home to pay restitution or money unlawfully received or retained from purchasers and deposit the restitution or money into an escrow account for distribution to aggrieved purchasers.

(3) Order a trustee, an escrow agent, a seller (as defined in IC 30-2-13-10), a cemetery owner, or a funeral home to reimburse the state for reasonable costs incurred by the attorney general in investigating and prosecuting a violation of this section.

(4) Impose civil penalties.

(5) Provide for the appointment of a receiver.

Chapter 1. Arson, Mischief, and Tampering

IC 35-43-1-1 Arson

Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

(1) a dwelling of another person without the other person's consent;

(2) property of any person under circumstances that endanger human life;

(3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars ($5,000); or

(4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

(1) a Level 3 felony if it results in bodily injury to any other person; and

(2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a Level 6 felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person›s consent so that the resulting pecuniary loss is at least two hundred fifty dollars ($250) but less than five thousand dollars ($5,000) commits arson, a Level 6 felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

IC 35-43-1-2 Criminal mischief; institutional criminal mischief; controlled substances criminal mischief

Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person›s consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars ($750) but less than fifty thousand dollars ($50,000); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars ($50,000);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship without the consent of the owner, possessor, or occupant of the property that is damaged;

(2) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;

(4) the property of a scientific research facility (as defined in IC 35-31.5-2-287) without the consent of, or with consent which was fraudulently obtained from, the owner, possessor, or occupant of the property that is damaged;

(5) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the property that is damaged;

(6) personal property contained in a structure or located at a facility identified in subdivisions (1) through (4) without the consent of the owner, possessor, or occupant of the property that is damaged;

(7) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(8) property after the person has been denied entry to the property by a court order that was issued:

(A) to the person; or

(B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation or a scientific research facility) is at least seven hundred fifty dollars ($750) but less than fifty thousand dollars ($50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation or a scientific research facility) is at least fifty thousand dollars ($50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:

(1) during the dealing or manufacture of or attempted dealing or manufacture of a controlled substance; and

(2) by means of a fire or an explosion;

commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.

(d) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person›s driver›s license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(e) The court may rescind an order for suspension or invalidation under subsection (d) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that

the person has removed or painted over the graffiti or has made other suitable restitution.

(f) For purposes of this section, «pecuniary loss» includes:

(1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and

(2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:

(A) cleaned;

(B) decontaminated; or

(C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under IC 16-19-3.1.

IC 35-43-1-2.1 Cemetery mischief

Sec. 2.1. (a) This section does not apply to the following:

(1) A person who acts in a proper and acceptable manner as authorized by IC 14-21 other than a person who disturbs the earth for an agricultural purpose under the exemption to IC 14-21 that is provided in IC 14-21-1-24.

(2) A person who acts in a proper and acceptable manner as authorized by IC 23-14.

(b) A person who recklessly, knowingly, or intentionally:

(1) damages a cemetery, a burial ground (as defined in IC 14-21-1-3), or a facility used for memorializing the dead;

(2) damages the grounds owned or rented by a cemetery or facility used for memorializing the dead; or

(3) disturbs, defaces, or damages a cemetery monument, grave marker, grave artifact, grave ornamentation, or cemetery enclosure;

commits cemetery mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss is at least seven hundred fifty dollars ($750) but less than fifty thousand dollars ($50,000), and a Level 5 felony if the pecuniary loss is at least fifty thousand dollars ($50,000).

Chapter 11. Abuse of a Corpse

IC 35-45-11-1 Applicability of chapter

Sec. 1. (a) This chapter does not apply to the use of a corpse for:

(1) scientific;

(2) medical;

(3) organ transplantation;

(4) historical;

(5) forensic; or

(6) investigative;

purposes.

(b) This chapter does not apply to:

(1) a funeral director;

(2) an embalmer; or

(3) an employee of an individual described in subdivision (1) or (2);

engaged in the individual's normal scope of practice and employment.

IC 35-45-11-2 Abuse of corpse

Sec. 2. A person who knowingly or intentionally:

(1) mutilates a corpse;

(2) has sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the corpse; or

(3) opens a casket with the intent to commit an act described in subdivision (1) or (2);

commits abuse of a corpse, a Level 6 felony.

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Chapter 11. Treatment of Miscarried Remains

IC 16-21-11-1 "Health care facility"

Sec. 1. As used in this chapter, «health care facility» means any of the following:

(1) A hospital.
(2) A birthing center.
(3) Any other medical facility.

IC 16-21-11-2 "Miscarried fetus"

Sec. 2. As used in this chapter, «miscarried fetus» means an unborn child, irrespective of gestational age, who has died from a spontaneous or accidental death before expulsion or extraction from the unborn child›s mother, irrespective of the duration of the pregnancy.

IC 16-21-11-3 "Person in charge of interment"

Sec. 3. As used in this chapter, «person in charge of interment» means a person who places or causes to be placed the body of a miscarried fetus who has a gestational age of less than twenty (20) weeks of age or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or who otherwise disposes of the body or ashes.

IC 16-21-11-4 Determination of disposition

Sec. 4. Subject to sections 5 and 6 of this chapter, the parent or parents of a miscarried fetus may determine the final disposition of the remains of the miscarried fetus.

IC 16-21-11-5 Information required; final disposition decision

Sec. 5. (a) Not more than twenty-four (24) hours after a woman has her miscarried fetus expelled or extracted in a health care facility, the health care facility shall:

(1) disclose to the parent or parents of the miscarried fetus, both orally and in writing, the parent's right to determine the final disposition of the remains of the miscarried fetus;
(2) provide the parent or parents of the miscarried fetus with written information concerning the available options for disposition of the miscarried fetus under section 6 of this chapter and IC 16-41-16-7.6; and
(3) inform the parent or parents of the miscarried fetus of counseling that may be available concerning the death of the miscarried fetus.

(b) The parent or parents of a miscarried fetus shall inform the health care facility of the parent›s decision for final disposition of the miscarried fetus after receiving the information required in subsection (a) but before the parent of the miscarried fetus is discharged from the health care facility. The health care facility shall document the parent›s decision in the medical record.

IC 16-21-11-6 Disposition by cremation or interment; costs; permits; confidential information

Sec. 6. (a) If the parent or parents choose a location of final disposition other than the location of final disposition that is usual and customary for the health care facility, the parent or parents are responsible for the costs related to the final disposition of the fetus at the chosen location.

(b) A health care facility having possession of a miscarried fetus shall provide for the final disposition of the miscarried fetus. The burial transit permit requirements under IC 16-37-3 apply to the final disposition of the miscarried fetus, which must be cremated or interred. However:

(1) a person is not required to designate a name for the miscarried fetus on the burial transit permit and the space for a name may remain blank; and
(2) any information submitted under this section that may be used to identify the parent or parents is confidential and must be redacted from any public records maintained under IC 16-37-3.

Miscarried fetuses may be cremated by simultaneous cremation.

(c) The local health officer shall provide the person in charge of interment with a permit for the disposition of the body. A certificate of stillbirth is not required to be issued for a final disposition of a miscarried fetus having a gestational age of less than twenty (20) weeks.

(d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.

Chapter 3. Treatment of Aborted Remains

IC 16-34-3-2 Right to determine final disposition of aborted fetus; determination; parental consent; documentation

Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to have the health care facility or abortion clinic dispose of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31. The pregnant woman who selects to have the health care facility or abortion clinic dispose of the aborted fetus has the right to ask which method will be used by the health care facility or abortion clinic.

(b) After receiving the notification and information required by IC 16-34-2-1.1(a) (2) (H), IC 16-34-2-1.1(a) (2) (I), and IC 16-34-2-1.1(a) (2) (J), the pregnant woman shall inform the abortion clinic or the health care facility:

(1) in writing; and
(2) on a form prescribed by the state department;

of the pregnant woman's decision for final disposition of the aborted fetus by cremation or interment and, in an abortion induced by an abortion inducing drug, whether the pregnant woman will return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

(c) If the pregnant woman is a minor, the abortion clinic or health care facility shall obtain parental consent in the disposition of the aborted fetus unless the minor has received a waiver of parental consent under IC 16-34-2-4.

(d) The abortion clinic or the health care facility shall document the pregnant woman›s decision concerning disposition of the aborted fetus in the pregnant woman›s medical record.

(e) In the case of an abortion induced by an abortion inducing drug, the pregnant woman may return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

IC 16-34-3-3 Responsibility for costs

Sec. 3. If the pregnant woman chooses a location for final disposition other than the location of final disposition that is usual and customary for an abortion clinic or a health care facility, the pregnant woman is responsible for the costs related to the final disposition of the aborted fetus at the chosen location.

IC 16-34-3-4 Disposition by cremation or interment; permits; confidential information

Sec. 4. (a) An abortion clinic or health care facility having possession of an aborted fetus shall provide for the final disposition of the aborted fetus. The burial transit permit requirements of IC 16-37-3 apply to the final disposition of an aborted fetus, which must be interred or cremated. However:

(1) a person is not required to designate a name for the aborted fetus on the burial transit permit and the space for a name may remain blank; and

(2) any information submitted under this section that may be used to identify the pregnant woman is confidential and must be redacted from any public records maintained under IC 16-37-3.

Aborted fetuses may be cremated by simultaneous cremation.

(b) If the abortion clinic or health care facility conducts the cremation of aborted fetal remains on site, the abortion clinic or health care facility must comply with all state laws concerning the cremation of human remains as prescribed in IC 23-14-31. The abortion clinic or health care facility must make the onsite cremation equipment available to the state department for inspection at the time the abortion clinic or health care facility is inspected. When the abortion clinic or health care facility contracts with a licensed funeral home for the disposal of the aborted fetal remains, the contract must be made available for review by the state department at the time the abortion clinic or health care facility is inspected.

(c) Except in extraordinary circumstances where the required information is unavailable or unknown, a burial transit permit issued under IC 16-37-3 that includes multiple fetal remains must be accompanied by a log prescribed by the state department containing the following information about each fetus included under the burial transit permit:

(1) The date of the abortion.

(2) Whether the abortion was surgical or induced by an abortion inducing drug.

(3) The name of the funeral director licensee who will be retrieving the aborted fetus.

(4) In the case of an abortion induced by an abortion inducing drug:

(A) whether the pregnant woman will cremate or inter the fetus, or will return the fetus to the health care facility or abortion clinic for disposition; and

(B) if the pregnant woman returns the fetus to the health care facility or abortion clinic, whether the returned fetus is included in the burial transit permit.

The abortion clinic or health care facility must keep a copy of the burial transit permit and accompanying log in a permanent file.

(d) Each time the fetal remains are transported from one entity to another for disposition, the entity receiving the fetal remains must confirm that the number of fetal remains matches the information contained in the burial transit permit and accompanying log. After final disposition, a copy of the log will be sent back to the health care facility or abortion clinic. The final log will be attached to the original log described in subsection (c) and will be made available for review by the state department at the time of inspection.

(e) An abortion clinic or a health care facility is responsible for demonstrating to the state department that the abortion clinic or the health care facility has complied with the protocol provided in this section.

(f) A certificate of stillbirth is not required to be issued for an aborted fetus with a gestational age of less than twenty (20) weeks of age.

(g) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.

IC 16-34-3-5 Informed consent brochure

Sec. 5. The state department shall make any changes necessary to the informed consent brochure under IC 16-34-2-1.5 that are necessary to comply with IC 16-34-2-1.1 and this chapter.

IC 16-34-3-6 Development and distribution of forms

Sec. 6. The state department shall develop and distribute the forms required by section 2 of this chapter.

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ARTICLE 37. VITAL STATISTICS

Chapter 1. General Provisions

IC 16-37-1-3.1 Indiana birth registration and Indiana death registration systems established; submission of records

Sec. 3.1. (a) The state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.

(b) The state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

(1) funeral directors;
(2) physicians;
(3) coroners;
(4) medical examiners;
(5) persons in attendance at birth;
(6) local health departments; and
(7) for purposes of records on death:
(A) physician assistants; or
(B) advanced practice registered nurses;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Except as provided in subsection (f), death records shall be submitted as follows, using the Indiana death registration system:

(1) The:
(A) physician last in attendance upon the deceased;
(B) physician assistant last in attendance upon the deceased;
(C) advanced practice registered nurse last in attendance upon the deceased; or
(D) person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:
(A) initiating the document process; or
(B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician, the physician assistant, or the advanced practice registered nurse last in attendance.

(f) If the IBRS or IDRS is unavailable for more than forty-eight (48) hours, the state registrar may issue a notice permitting the filing of a paper record of a live birth, a death, or both, subject to the following:

(1) The notice issued by the state registrar must contain a time frame for which the notice is in effect and when the notice expires. However, the notice automatically expires if the state department notifies the local health officers that the IBRS or IDRS is available, the notice has expired, and that all future submissions must use the IBRS or IDRS.
(2) Paper records may not be accepted by the local health department or the state department on the earlier of the following:
(A) The expiration date listed in the notice or the expiration listed in a renewal notice described in subdivision (3).
(B) The state department notifies the local health officers when the IBRS or IDRS becomes available.
(3) The notice may be renewed by the state registrar until the IBRS or IDRS becomes available.
(4) Once the IBRS or IDRS becomes available, the local health officer shall enter the information contained in the paper record into the IBRS or IDRS.

IC 16-37-1-9 Registration certificate charges

Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in subsection (e) must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:
(A) the person's service in the armed forces of the United States; or
(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.
(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth to an individual who represents, pursuant to IC 31-36-3-4(b), a homeless youth (as defined in IC 31-36-3-4) and presents a fee and consent waiver affidavit described in IC 31-36-3-4(c).

(e) The coroners continuing education fee is:

(1) one dollar and seventy-five cents ($1.75) after June 30, 2007, and before July 1, 2013;
(2) two dollars ($2) after June 30, 2013, and before July 1, 2018;
(3) two dollars and twenty-five cents ($2.25) after June 30, 2018, and before July 1, 2023;
(4) two dollars and fifty cents ($2.50) after June 30, 2023, and before July 1, 2028;
(5) two dollars and seventy-five cents ($2.75) after June 30, 2028, and before July 1, 2033;
(6) three dollars ($3) after June 30, 2033, and before July 1, 2038;
(7) three dollars and twenty-five cents ($3.25) after June 30, 2038, and before July 1, 2043; and
(8) three dollars and fifty cents ($3.50) after June 30, 2043.

[Pre-1993 Recodification Citations: 16-1-16-18(b); 16-1-19-2.]

IC 16-37-1-10 Confidentiality; disclosure of data in records; conditions for availability; grounds for denial

Sec. 10. (a) Information contained in a birth record is confidential and may be disclosed only in accordance with this article.

(b) Except as provided in subsections (c) and (d), the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

(1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:
(A) That the applicant has a direct interest in the matter recorded.
(B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

(2) The state department may disclose identifiable vital statistics in-

formation to a legitimate researcher, if the researcher complies with the following requirements:

(A) The researcher states in writing to the state department the purpose, including:

(i) any intent to publish findings;

(ii) the nature of the data sought;

(iii) the personal information that would be required; and

(iv) the safeguards that will be taken to protect the identity of the data subjects.

(B) The researcher executes an agreement with the state department, on a form approved by the oversight committee on public records established under IC 5-15-5.1-18, that:

(i) incorporates safeguards for protection of individual data subjects;

(ii) defines the scope of the research project; and

(iii) informs the researcher that failure to abide by conditions of the approved agreement constitutes a breach of contract and could result in civil litigation by any data subject.

(C) The researcher agrees to pay any direct or indirect costs of the research.

The state department shall determine whether the proposed safeguards are adequate to prevent the identity of an individual data subject from being known before approving the agreement. Upon execution of an agreement described in this subdivision, the state department shall maintain a copy of the agreement for the duration of the agreement's effective date.

(3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

(c) Notwithstanding subsection (b) (1) through (b) (3), a certificate of death received by a local health department (as defined in IC 16-18-2-211) or the state department is a public record that, upon request, must be made available for inspection and copying if:

(1) the copy made of the certificate of death is not a certified copy;

(2) any Social Security number that appears on the certificate of death is redacted; and

(3) any charge or fee that is due under section 9, 11, or 11.5 of this chapter is collected.

(d) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

(e) The state registrar may deny a request to inspect or copy a record concerning vital statistics that is in the state registrar›s possession if the state registrar has a reasonable suspicion that releasing the record may result in fraud or identity theft.

[Pre-1993 Recodification Citation: 16-1-19-3 part.]

IC 16-37-1-11 Record search or amendment; fees

Sec. 11. (a) The state department shall charge and collect a fee of eight dollars ($8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars ($4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars ($8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

[Pre-1993 Recodification Citation: 16-1-19-4.]

IC 16-37-1-13 Violations; sanctions

Sec. 13. (a) Except as provided in subsection (c) or (d) or as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

(c) A person who:

(1) is licensed under IC 25 in a profession listed in section 3.1(c) of this chapter; and

(2) recklessly violates or fails to comply with this chapter;

is subject only to sanctions under IC 25-1-9-4(a) (3).

(d) The state department may not begin sanctioning a person for failing to submit a document in electronic format as required in section 3.1 of this chapter until January 1, 2012.

[Pre-1993 Recodification Citation: 16-1-35-1.]

Chapter 3. Certificates of Death and Stillbirth; Burial Permits

IC 16-37-3-1 "Dead body" defined

Sec. 1. As used in this chapter, «dead body» means a lifeless human body or parts or bones of the human body from the condition of which it reasonably may be concluded that death recently occurred.

[Pre-1993 Recodification Citation: 16-1-15-2(4).]

IC 16-37-3-2 "Person in charge of interment" defined

Sec. 2. As used in this chapter, «person in charge of interment» means a person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes of the body or ashes.

[Pre-1993 Recodification Citation: 16-1-15-2(5).]

IC 16-37-3-3 Certificate of death or stillbirth; filing

Sec. 3. Except as provided in IC 16-37-1-3.1(f), the physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased, or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death or stillbirth with the local health officer of the jurisdiction in which the death occurred.

IC 16-37-3-4 Securing personal data for certificates

Sec. 4. The physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased, or the person in charge of interment shall secure the personal data required by the state department by rules adopted under IC 4-22-2 for preparation of the certificate of death or of stillbirth from the persons best qualified to give the information.

[Pre-1993 Recodification Citation: 16-1-17-2.]

IC 16-37-3-5 Electronically filing death certificate; cause of death certification

Sec. 5. Except as provided in IC 16-37-1-3.1(f), if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased. The physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

[Pre-1993 Recodification Citation: 16-1-17-3.]

IC 16-37-3-6 Cause of death; certification by local health officer

Sec. 6. (a) If:

(1) a death or stillbirth occurred without medical attendance; or

(2) the physician, the physician assistant, or the advanced practice registered nurse last in attendance is physically or mentally unable to sign the certificate of death or stillbirth;

the local health officer shall inquire into the cause of death from anyone having knowledge of the facts regarding the cause of death.

(b) The local health officer may issue a subpoena to obtain information and to employ a qualified pathologist to perform an autopsy when, in the judgment of the local health officer, those procedures are required to complete the inquiry. The local health officer shall then certify the cause of death on the basis of the information.

[Pre-1993 Recodification Citation: 16-1-17-4.]

IC 16-37-3-7 Deaths referred to the coroner for investigation

Sec. 7. (a) If the circumstances suggest that the death was caused by other than natural causes or a person dies or is declared dead in an emergency department and the emergency physician, who is the physician last in attendance, is uncertain as to the cause and manner of death, the following individual shall refer the case to the coroner for investigation:

(1) The emergency department physician, upon consultation with an attending physician, if available.

(2) If there is no emergency department physician, the attending physician.

(3) If the attending physician has failed to refer the case to the coroner, the local health officer.

(b) The coroner shall report a death coming under the coroner›s supervision upon official death certificate blanks to the health officer having jurisdiction not more than three (3) days after the inquest is held. Another person may not report the death.

[Pre-1993 Recodification Citation: 16-1-17-5.]

IC 16-37-3-8 Autopsies; payment

Sec. 8. (a) Except as provided in subsection (c), payment for the cost of an autopsy requested by a party other than the local health official of the county in which the individual died must be made by the party requesting the autopsy.

(b) Except as provided in subsection (c), payment for the cost of an autopsy required by the local health officer shall be made from funds appropriated to the local health department.

(c) Except as provided in IC 4-24-4-1, if:

(1) an individual who is a resident of Indiana dies in an Indiana county:

(A) in which at least one (1) air ambulance provider is located; and

(B) of which the individual is not a resident; and

(2) an autopsy is performed on the individual:

(A) in the county in which the individual died; and

(B) under the authority of the county coroner in the discharge of the coroner's duties;

the county coroner shall bill the county in which the incident occurred that caused the death of the individual on whom the autopsy was performed for the cost of the autopsy.

[Pre-1993 Recodification Citation: 16-1-17-4.7.]

IC 16-37-3-9 Permanent records; public inspection; records to county auditor; use of data

Sec. 9. (a) The local health officer shall, from the stillbirth and death certificates, make a permanent record of the:

(1) name;

(2) sex;

(3) age;

(4) place of death;

(5) residence; and

(6) for a death certificate only:

(A) residence addresses of the deceased during the two (2) years before the death; and

(B) Social Security number;

of the deceased.

(b) Except as provided in subsection (c), the records in subsection (a) shall be open to public inspection. Upon request by an individual, a paper copy of the permanent record in subsection (a) must be provided by the local health officer.

(c) Except as provided in this subsection, the Social Security number is confidential and may not be disclosed to the public. The Social Security number shall be disclosed to the secretary of state and election division for voter list maintenance purposes under IC 3-7-26.3 and IC 3-7-45.

(d) The local health officer shall, not later than January 31, April 30, July 31, and October 31 of each year, furnish to the county auditor the records of all deaths within the officer›s jurisdiction that occurred during the previous three (3) months.

(e) The local health officer may make records of other data in connection with deaths for statistical purposes or for the purpose of planning health programs. Records under this subsection are not public records.

(f) The permanent record of the information required under this section may be maintained in the Indiana death registration system (IDRS).

[Pre-1993 Recodification Citation: 16-1-17-6.]

IC 16-37-3-10 Permit for disposal of body

Sec. 10. Upon receipt of a properly executed certificate of death or stillbirth or, when authorized by rule of the state department, a provisional certificate of death, a local health officer in the county in which the death occurred shall issue a permit for the disposal of the body.

[Pre-1993 Recodification Citation: 16-1-17-7.]

IC 16-37-3-11 Time for securing permit for disposal of body

Sec. 11. The person in charge of interment shall secure a permit for the disposition of the body before any of the following occur:

(1) Disposition of the body.

(2) Removing the body from the county in which the death occurred.

[Pre-1993 Recodification Citation: 16-1-17-8.]

IC 16-37-3-12 Burial transit permit

Sec. 12. If the body is to be transported by common carrier, the person in charge of interment shall secure a burial transit permit in duplicate.

[Pre-1993 Recodification Citation: 16-1-17-9.]

IC 16-37-3-13 Burial transit permit; attachment to shipping box

Sec. 13. The person in charge of interment shall attach one (1) copy of the burial transit permit to the shipping box in which the body is transported.

[Pre-1993 Recodification Citation: 16-1-17-10.]

IC 16-37-3-14 Foreign burial transit permit; endorsement by local health officer

Sec. 14. When death occurs outside Indiana and the body is accompanied by a burial transit permit issued where death occurred, the permit authorizes transportation into Indiana. Before burial, cremation, or other disposal of the body the local health officer shall endorse and keep a record of the permit.

[Pre-1993 Recodification Citation: 16-1-17-11.]

IC 16-37-3-15 Construction of chapter regarding autopsies and inquests

Sec. 15. This chapter:

(1) supplements other laws concerning autopsies;

(2) does not require consent for a local health officer to order or perform an autopsy in the discharge of the health officer's duties; and

(3) does not grant authority to a local health officer to hold an inquest under Indiana statutes governing inquests.

[Pre-1993 Recodification Citations: 16-1-17-4.5; 16-1-17-4.6.]

IC 16-37-3-16 Violations

Sec. 16. (a) This section does not apply to section 3 of this chapter.

(b) Except as provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(c) Each day a violation continues constitutes a separate offense.

[Pre-1993 Recodification Citation: 16-1-35-1.]

Chapter 4. Medical Data Regarding Cause of Death

IC 16-37-4-1 Legislative declaration

Sec. 1. Medical studies of conditions causing death and disability, especially stillbirth, infant mortality, and maternal mortality:

(1) are an important means of protecting the health of the public;

(2) provide information useful in the prevention and control of disease; and

(3) are an excellent source of teaching material.

[Pre-1993 Recodification Citation: 16-4-2-1.]

IC 16-37-4-2 Reports; exemption from liability

Sec. 2. (a) A licensed physician, hospital, sanitarium, health facility, or similar organization or institution may provide information relating to the condition, treatment, and causes of death and other information concerning any person to the state health commissioner or to the commissioner›s authorized representatives, including reports on forms prepared by the commissioner for the purpose of permitting the studies and research.

(b) A person, an organization, an institution, or an agency furnishing information under subsection (a) to the state health commissioner or the commissioner›s representative is not subject to an action for damages or other relief.

[Pre-1993 Recodification Citation: 16-4-2-2.]

IC 16-37-4-3 Confidentiality; medical research or education use

Sec. 3. (a) The state health commissioner or the commissioner›s authorized representative shall do the following:

(1) Keep the information and reports confidential.

(2) Use the information and reports solely as follows:

(A) For the purpose of medical or scientific research and medical education.

(B) For the improvement of the quality of medical care through the conducting of medical audits.

(C) To furnish the information to the following:

(i) A medical school located in Indiana.

(ii) An in-hospital medical staff committee.

(iii) A study or research committee of a state association, an incorporation, or an organization whose membership is composed of licensed physicians.

(b) Information or reports furnished by the state health commissioner may not disclose the name or identity of a patient whose records have been included in the information.

[Pre-1993 Recodification Citation: 16-4-2-3.]

IC 16-37-4-4 Summary of studies

Sec. 4. A summary of the studies may be released by the state health commissioner, the medical school, or the committee for general publication for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality. The identity of a person whose condition or treatment has been studied is confidential and privileged and may not be revealed.

[Pre-1993 Recodification Citation: 16-4-2-4.]

ARTICLE 41. PUBLIC HEALTH MEASURES FOR THE PREVENTION AND CONTROL OF DISEASE

Chapter 13. Communicable Disease: Body Fluid Precautions With Respect to Handling of Dead Bodies

IC 16-41-13-1 Notice requirement

Sec. 1. (a) The attending physician or health care provider shall prepare and attach to the body of a deceased individual a conspicuous notice with the statement: «Observe Body Fluid Precautions» whenever the physician or provider knows that at least one (1) of the following disease processes was present in the deceased at the time of death:

(1) Hepatitis (Types B and C).

(2) Human immunodeficiency virus (HIV) infection.

(3) Tuberculosis.

(4) Herpes.

(5) Gonorrhea.

(6) Syphilis (primary and secondary).

(7) Burkett's lymphoma.

(8) Kaposi's sarcoma.

(9) Arthropod-borne viral diseases.

(10) Babesiosis.

(11) Creutzfeldt-Jakob disease.

(12) Leptospirosis.

(13) Malaria.

(14) Rat-bite fever.

(15) Relapsing fever.

(16) Y. Pestis.

(17) Hemorrhagic fevers.

(18) Rabies.

(19) Any other communicable disease (as defined in IC 16-41-2).

(b) The notice required in this chapter must accompany the body when the body is picked up for disposition.

[Pre-1993 Recodification Citation: 16-1-9.5-9(a), (b).]

IC 16-41-13-2 Presentation of notice

Sec. 2. A person who:

(1) picks up or transports a body for disposition; and

(2) has received notice of a communicable disease under this chapter;

shall present the notice described in section 1 of this chapter to the embalmer, funeral director, or other person taking possession of the body.

[Pre-1993 Recodification Citation: 16-1-9.5-9(c).]

IC 16-41-13-3 Confidentiality of information

Sec. 3. (a) Information regarding a deceased individual›s communicable disease contained in the notice required by this chapter shall be kept confidential by the attending physician, health care provider, funeral director, or other person in possession of the body. Such information may be disclosed only if the information is required by state or federal law or under a court order based on circumstances described in IC 16-41-8-1.

(b) An attending physician, health care provider, or other person in possession of the body who discloses information in violation of this chapter commits a Class A misdemeanor.

[Pre-1993 Recodification Citation: 16-1-9.5-9(d).]

IC 16-41-13-4 Refusal or failure to give notice; penalty

Sec. 4. A person who knowingly refuses or fails to give notice under section 1 of this chapter to persons disposing of a body that the deceased individual was known to have been diagnosed as having a communicable disease listed in section 1 of this chapter commits a Class C misdemeanor.

[Pre-1993 Recodification Citation: 16-1-9.5-9(e).]

IC 16-41-13-5 Use of universal precautions

Sec. 5. The provisions of IC 16-41-11 requiring the use of universal precautions apply to embalmers, funeral directors, and other persons who take possession of or handle a body.

[Pre-1993 Recodification Citation: 16-1-9.5-9(f).]

IC 16-41-13-6 Violations

Sec. 6. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

[Pre-1993 Recodification Citation: 16-1-35-1.]

Chapter 16. Communicable Disease: Treatment of Infectious Waste

IC 16-41-16-1 Application of chapter

Sec. 1. (a) This chapter applies to persons and facilities that handle infectious waste, including the following:

(1) Hospitals.

(2) Ambulatory surgical facilities.

(3) Medical laboratories.

(4) Diagnostic laboratories.

(5) Blood centers.

(6) Pharmaceutical companies.

(7) Academic research laboratories.

(8) Industrial research laboratories.

(9) Health facilities.

(10) Offices of health care providers.

(11) Diet or health care clinics.

(12) Offices of veterinarians.

(13) Veterinary hospitals.
(14) Emergency medical services providers.
(15) Mortuaries.
(16) Abortion clinics.

(b) Except as provided in sections 2, 4, and 7.5 of this chapter, this chapter does not apply to:
(1) home health agencies; or
(2) hospice services delivered in the home of a hospice patient.

[Pre-1993 Recodification Citation: 16-1-9.7-6.]

IC 16-41-16-2 Contaminated sharp

Sec. 2. (a) As used in this chapter, «contaminated sharp» means an object that meets the following conditions:
(1) Is capable of cutting or penetrating the skin.
(2) Has been in contact with blood or body fluids.

(b) The term includes a hypodermic or suture needle, syringe, scalpel blade, pipette, lancet, or broken glass.

[Pre-1993 Recodification Citation: 16-1-9.7-1.]

IC 16-41-16-3 Effective treatment

Sec. 3. (a) As used in this chapter, «effective treatment» means treatment that meets the following conditions:
(1) Reduces the pathogenic qualities of infectious waste to a point where the waste is safe to handle.
(2) Is designed for the specific waste involved.
(3) Is carried out in a manner consistent with rules adopted by the state department under section 8 of this chapter.

(b) The term includes the following:
(1) Incineration.
(2) Steam sterilization.
(3) Chemical disinfection.
(4) Thermal inactivation.
(5) Irradiation.

[Pre-1993 Recodification Citation: 16-1-9.7-2.]

IC 16-41-16-4 "Infectious waste"

Sec. 4. (a) Except as provided in subsections (c) and (d), as used in this chapter, «infectious waste» means waste that epidemiologic evidence indicates is capable of transmitting a serious communicable disease (as set forth in the list published under IC 16-41-2-1).

(b) The term includes the following:
(1) Pathological wastes.
(2) Biological cultures and associated biologicals.
(3) Contaminated sharps.
(4) Infectious agent stock and associated biologicals.
(5) Blood and blood products in liquid or semiliquid form.
(6) Laboratory animal carcasses, body parts, and bedding.
(7) Wastes (as described under section 8 of this chapter).

(c) «Infectious waste», as the term applies to a:
(1) home health agency; or
(2) hospice service delivered in the home of a hospice patient;
includes only contaminated sharps.

(d) The term does not include an aborted fetus or a miscarried fetus.

[Pre-1993 Recodification Citation: 16-1-9.7-3.]

IC 16-41-16-5 Pathological waste

Sec. 5. As used in this chapter, «pathological waste» includes:
(1) tissues;
(2) organs;
(3) body parts; and
(4) blood or body fluids in liquid or semiliquid form;
that are removed during surgery, biopsy, or autopsy. The term does not include an aborted fetus or a miscarried fetus.

[Pre-1993 Recodification Citation: 16-1-9.7-4.]

IC 16-41-16-6 Secure area

Sec. 6. As used in this chapter, «secure area» means an area that is designed and maintained to prevent the entry of unauthorized persons.

[Pre-1993 Recodification Citation: 16-1-9.7-5.]

IC 16-41-16-7 Treatment of infectious waste

Sec. 7. (a) Before infectious waste is placed in an area that is not a secure area and before the waste is sent for final disposal, all infectious waste must be:
(1) effectively treated on site; or
(2) transported off site for effective treatment;
according to rules adopted under section 8 of this chapter.

(b) A facility shall treat liquid infectious waste or excreta that are infectious waste as required by subsection (a) or flush the liquid infectious waste or excreta that are infectious waste in compliance with rules adopted under IC 4-22-2.

[Pre-1993 Recodification Citation: 16-1-9.7-7.]

IC 16-41-16-7.5 Treatment of noninfectious waste

Sec. 7.5. Any waste that is not infectious waste (as defined in section 4(c) of this chapter) must be double bagged and tied to protect handlers.

IC 16-41-16-7.6 Disposition of a miscarried fetus or an aborted fetus

Sec. 7.6. (a) This section applies to a person or facility possessing either an aborted fetus or a miscarried fetus.

(b) Within ten (10) business days after a miscarriage occurs or an abortion is performed, a person or facility described in subsection (a) shall:
(1) conduct the final disposition of a miscarried fetus or an aborted fetus in the manner required by IC 16-21-11-6 or IC 16-34-3-4; or
(2) ensure that the miscarried fetus or aborted fetus is preserved until final disposition under IC 16-21-11-6 or IC 16-34-3-4 occurs.

IC 16-41-16-8 Rules

Sec. 8. (a) After consulting with an advisory committee composed of representatives of persons or facilities that handle infectious wastes, the state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The state department shall adopt rules under this section after considering the guidelines of the following:
(1) United States Environmental Protection Agency.
(2) United States Centers for Disease Control.
(3) United States Occupational Safety and Health Administration.
(4) State department of labor.
(5) State department of environmental management.

(c) The state department shall adopt rules under this section that establish an alternative to 410 IAC 1-3-28 to allow a person or facility that transports infectious waste offsite to label each container of infectious waste in a manner that:
(1) does not specifically identify the generating facility or treatment facility; and
(2) ensures that the identity of the generating facility or treatment facility may be readily obtained based on the label information.

[Pre-1993 Recodification Citation: 16-1-9.7-8.]

IC 16-41-16-9 Inspections on private property

Sec. 9. (a) The state department may designate an agent who may enter on private property to inspect for and investigate possible violations of this chapter or rules adopted under this chapter if the following conditions are met:
(1) The agent has probable cause to believe that evidence of a health threat exists on private property.
(2) The agent presents proper credentials.
(3) Emergency circumstances exist or a warrant is issued.

(b) This section does not impair the authority of the state department to enter public or private property as authorized by law.

[Pre-1993 Recodification Citation: 16-1-9.5-10(a) part.]

IC 16-41-16-10 Orders of compliance; civil penalties

Sec. 10. (a) The state department may commence an action under IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and a civil penalty not to exceed one thousand dollars ($1,000) per violation per day against a person who:

(1) fails to comply with this chapter or a rule adopted under this chapter; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of official duties under this chapter or a rule adopted under this chapter.

(b) The state department may commence an action against a facility licensed by the state department under either subsection (a) or the licensure statute for that facility, but the state department may not bring an action arising out of one (1) incident under both statutes.

[Pre-1993 Recodification Citation: 16-1-9.5-10(b) part, (c) part.]

IC 16-41-16-11 Violations

Sec. 11. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

[Pre-1993 Recodification Citation: 16-1-35-1.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Rule 3. Infectious Waste

410 IAC 1-3-2 "Carcasses, body parts, blood and body fluids, and bedding of laboratory animals" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 2. "Carcasses, body parts, blood and body fluids, and bedding of laboratory animals" means carcasses, body parts, blood and body fluids in liquid or semiliquid form, and bedding of animals that have been intentionally or are suspected of having been exposed to pathogens in:

(1) research;
(2) production of biologicals;
(3) the in vivo testing of pharmaceuticals; or
(4) other procedures.

410 IAC 1-3-3 "Container" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 3. "Container" means any portable device or material in which infectious waste is:

(1) stored;
(2) transported;
(3) treated;
(4) disposed of; or
(5) otherwise handled.

410 IAC 1-3-4 "Contaminated sharp" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 4. "Contaminated sharp" means an object that is capable of cutting or penetrating the skin and has been in contact withblood or body fluids. The term includes any of the following:

(1) Hypodermic or suture needle.
(2) Syringe.
(3) Scalpel blade.
(4) Pipette.
(5) Lancet.
(6) Broken glass.

410 IAC 1-3-5 "Communicable disease" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-2-1

Sec. 5. "Communicable disease" means a communicable disease as defined by rule under IC 16-41-2-1.

410 IAC 1-3-5.5 "Department" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 5.5. "Department" means the Indiana state department of health.

410 IAC 1-3-6 "Emergency medical services provider" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-31-3

Sec. 6. "Emergency medical services provider" means a person certified under IC 16-31-3

410 IAC 1-3-7 "Facility" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-21-2; IC 16-28-1; IC 16-41-12; IC 16-41-16

Sec. 7. "Facility" means any of the following places where infectious waste activity occurs:

(1) Hospital.
(2) Ambulatory surgical center as defined in IC 16-21-2.
(3) Medical/diagnostic laboratory.
(4) Blood center as defined in IC 16-41-12.
(5) Pharmaceutical company.
(6) Academic research laboratory company.
(7) Industrial research laboratory.
(8) Health facility as defined in IC 16-28-1.
(9) Office and mobile units of a health care provider.
(10) Diet or health care clinic.
(11) Office of a veterinarian.
(12) Veterinary hospital.
(13) Emergency medical services provider.
(14) Mortuary.

410 IAC 1-3-8 "Health care provider" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-18-2-163; IC 16-41-16

Sec. 8. "Health care provider" means a person employed as, or by, or receiving training from, a provider as defined in IC 16-18-2-163, or by a laboratory, blood center, state institution, or any other facility where the person is likely to have direct contact with blood or body fluids.

410 IAC 1-3-9 "Infectious waste activity" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 9. "Infectious waste activity" means the:

(1) generation;
(2) collection;
(3) storage;
(4) transportation;
(5) treatment; or
(6) disposal of infectious waste;

as defined in this rule.

410 IAC 1-3-10 "Infectious waste" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 10. (a) "Infectious waste", except as provided in subsection (b), means waste that epidemiologic evidence indicates iscapable of transmitting a dangerous communicable disease. The term includes, but is not limited to, the following:

(1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
(2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
(3) Pathological waste.
(4) Blood and blood products in liquid and semiliquid form.
(5) Carcasses, body parts, blood and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
(6) Other waste that has been intermingled with infectious waste.

(b) The term, as it applies to a home health agency or to services delivered in the home of a hospice patient, includes only contaminated sharps.

410 IAC 1-3-11 "Mortuary" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16; IC 25-15-2-15

Sec. 11. "Mortuary" means a funeral home as defined in IC 25-15-2-15.

410 IAC 1-3-12 "Pathological waste" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 12. "Pathological waste" means:

(1) tissues;
(2) organs;
(3) body parts; and
(4) blood or body fluids in liquid or semiliquid form of humans;

that are removed during surgery, biopsy, or autopsy.

410 IAC 1-3-13 "Person" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 13. "Person" means any:

(1) individual;
(2) facility;
(3) partnership;
(4) copartnership;
(5) firm;
(6) company;
(7) association;
(8) joint-stock company;
(9) corporation;
(10) governmental entity; or
(11) agent.

410 IAC 1-3-14 "Secured area" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 14. "Secured area" means an area that is designed and maintained to prevent the entry of unauthorized persons.

410 IAC 1-3-15 "Semiliquid blood and blood products" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 15. "Semiliquid blood and blood products" means blood and blood products that have intermediate fluid properties and are capable of flowing in a manner similar to a liquid.

410 IAC 1-3-17 "Storage" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 17. "Storage" means the containment of infectious waste in such a manner as not to constitute:

(1) collection;
(2) treatment;
(3) transport; or
(4) disposal

410 IAC 1-3-19 "Waste" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 19. "Waste" means any solid, liquid, or semiliquid material that:

(1) is discarded or being accumulated prior to being discarded; or
(2) has served its natural, biological, medical, or intended purpose and is generally discarded and not reused.

410 IAC 1-3-20 "Waste handlers" defined

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 20. "Waste handlers" means any person who handles infectious waste.

410 IAC 1-3-21 Applicability of standards

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-11

Sec. 21. (a) This rule applies, without regard to quantity, to defined facilities and persons involved in infectious waste activity.

(b) This rule represents minimum standards, and persons may utilize more stringent standards.

(c) All written policies required under this rule shall, at a minimum, comply with the requirements of IC 16-41-11.

410 IAC 1-3-22 Appropriate containment and labeling; effective treatment, transport, or disposal

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 22. For purposes of IC 16-41-16 and this rule, the generator of infectious waste is responsible for the appropriate containment, appropriate labeling, effective treatment, transport, and disposal of infectious waste as required by this rule. A person may provide services to the generator of infectious waste, including the appropriate containment, appropriate labeling, effective treatment, transport, or disposal of infectious waste. Both the generator of infectious waste and the person providing services to thegenerator of infectious waste are responsible for complying with the requirements set forth in this rule.

410 IAC 1-3-23 Written policies, procedures

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16-9

Sec. 23. All persons and facilities subject to this rule shall:

(1) have a written policy and procedures that, at a minimum, contain:
    (A) the requirements contained in this rule; and

(B) the sanctions, including discipline and dismissal of persons, if warranted, for failure to follow the requirements set forth in this rule;

(2) provide necessary instruction and materials, including protective garments, to implement this rule prior to giving a person an assignment where contact with infectious waste is likely;

(3) maintain a record of such instruction, including an attendance record of a person's participation in the instruction; and

(4) make all records available to the department for inspection under IC 16-41-16-9.

410 IAC 1-3-24 Containment

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 24. (a) All persons and facilities subject to this rule shall ensure that infectious waste is at all times contained in a manner that will reasonably protect waste handlers and the public from contracting dangerous communicable disease that may result from exposure to the infectious waste.

(b) All persons and facilities subject to this rule shall place contaminated sharps or contaminated objects that could potentially become contaminated sharps, infectious biological cultures, infectious associated biologicals, and infectious agent stock in containers that are:

(1) leak proof, rigid, puncture-resistant;

(2) tightly sealed to prevent expulsion;

(3) labeled with the biohazard symbol; and

(4) effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

(c) All persons and facilities subject to this rule shall place pathological waste; laboratory animal carcasses, laboratory animal body parts, laboratory animal blood and body fluids, and laboratory animal bedding; human blood; human blood products in liquid or semiliquid form; and human body fluids that are visibly contaminated with blood in containers that are:

(1) impervious to moisture;

(2) sufficient strength and thickness to prevent expulsion;

(3) secured to prevent leakage or expulsion;

(4) labeled with the biohazard symbol; and

(5) effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

410 IAC 1-3-25 Storage

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 25. If infectious waste is stored prior to final disposal, all persons subject to this rule shall:

(1) store infectious waste in a secure area that:

(A) is locked or otherwise secured to eliminate access by or exposure to the general public;

(B) affords protection from adverse environmental conditions and vermin; and

(C) has a prominently displayed biohazard symbol;

(2) store infectious waste in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction; and

(3) disinfect reusable containers for infectious waste each time that they are emptied, unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

410 IAC 1-3-26 Treatment

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 26. (a) All persons and facilities subject to this rule shall either effectively treat infectious waste in accordance with this rule or transport infectious waste off-site for effective treatment in accordance with this rule.

(b) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific infectious waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

(1) incineration;

(2) steam sterilization;

(3) chemical disinfection;

(4) thermal inactivation;

(5) irradiation; or

(6) discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(c) Except as provided in section 28 of this rule, all persons and facilities subject to this rule may store, transport, and dispose of infectious waste that has been effectively treated in accordance with this rule in the usual manner for waste that is noninfectious. *Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

410 IAC 1-3-27 Protection in transport

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 27. All persons and facilities subject to this rule shall:

(1) transport infectious waste in a manner that reasonably protects waste handlers and the public from contracting dangerous communicable disease; and

(2) effectively treat infectious waste in accordance with this rule before it is compacted.

410 IAC 1-3-28 Transporting off-site

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16

Sec. 28. (a) All persons and facilities subject to this rule who are transporting infectious waste off-site, whether effectively treated or not, shall:

(1) mark containers of infectious waste with a label that states the name, address, and telephone number of the generating facility and treatment facility, if applicable; and

(2) provide a form that contains:

(A) the name, address, and telephone number of the generating facility and treatment facility, if applicable;

(B) a brief description of the waste and the method of effective treatment; and

(C) the signature of a responsible person.

(b) The information required in subsection (a) may be enclosed between the secondary packaging and the outer packaging, when such packaging is used. The outer packaging must contain a biohazard symbol.

410 IAC 1-3-29 Penalties for violation

Authority: IC 16-19-3-4; IC 16-41-16-8
Affected: IC 16-41-16-10

Sec. 29. Penalties for violation of this rule are set forth in IC 16-41-16-10.

ARTICLE 18. VITAL RECORDS

Rule 0.5. Definitions

410 IAC 18-0.5-1 Applicability
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 1. The definitions in this section apply throughout this article.

410 IAC 18-0.5-2 "Adult" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 2. "Adult" means a person at least eighteen (18) years of age.

410 IAC 18-0.5-3 "Applicant" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 3. "Applicant" means the person making application to obtain a birth certificate or death certificate.

410 IAC 18-0.5-5 "Death certificate" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 5. "Death certificate" means a certified copy of a death record that includes the state registrar's signature and the seal of the state of Indiana.

410 IAC 18-0.5-6 "Direct descendant" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 6. "Direct descendant" means, in relation to the individual, all of his or her descendants of all generations.

410 IAC 18-0.5-7 "Domestic partner" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 7. "Domestic partner" means a person, other than a spouse, with whom one cohabits.

410 IAC 18-0.5-8 "Individual" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 8. "Individual" means the person named in the birth or death record.

410 IAC 18-0.5-9 "Legal guardian" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 9. "Legal guardian" means a person who has been appointed as guardian by the court.

410 IAC 18-0.5-10 "Parent" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 10. "Parent" means the biological or adoptive mother or father of the individual.

410 IAC 18-0.5-11 "Sibling" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 11. "Sibling" means a person who has one (1) or more parents in common with the individual.

410 IAC 18-0.5-12 "Spouse" defined
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 12. "Spouse" means the current husband or wife of the individual.

Rule 1. Provisional Notification of Death

410 IAC 18-1-1 Scope of rule
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 1. It is the express intent of this rule to provide an orderly and systematic procedure for the official registration of deceased persons dying in this state when a certification of the cause of death cannot be obtained in time to prevent delay of funeral arrangements and disposition of the remains. It is intended that use of a provisional notification of death shall be limited to those circumstances where the cause of death cannot be obtained prior to scheduled disposition of the remains without undue hardship upon the family of the deceased or the funeral director in charge of interment.

410 IAC 18-1-2 Provisional death notification information
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 2. A provisional notification of death shall, as follows:
(1) Be prescribed and furnished by the state department.
(2) Require, but not be limited to, the following information:
  (A) The name of the deceased.
  (B) The usual residence of the deceased.
  (C) The place of death or place where body was found.
  (D) The time and date of death.
  (E) The age, sex, and race or color of the deceased.
  (F) The name of the physician last in attendance to the deceased.
(3) Be considered a privilege, not a right, and its uses and limitations shall be administered by the state department and local health departments.

410 IAC 18-1-3 Permit for transportation or disposition of body; exceptions to use of provisional notification
Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 3. The delivery of a provisional notification of death and its acceptance by a local health officer authorized to use the same, shall entitle the person in charge of interment to a permit for transportation or disposition, or both, of the body except that a provisional notification of death shall not be used if disposition of the body is by cremation. If the circumstances suggest that the death is due to other than natural causes, permission of the coroner must be obtained prior to removal of the body or preparation of the body for burial. Upon use of a provisional notification of death, the person in charge of interment shall present to the local health officer of the jurisdiction in which the death occurred or the body was found, a properly executed certificate of death within seven (7) days of the date of death or discovery of the body.

410 IAC 18-1-4 Authorization of local boards for use of provisional notification

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 4. Local health departments shall:
(1) make application for use of a provisional notification of death; and
(2) have unrevoked written authorization from the state department prior to the use of any provisional notification of death.

410 IAC 18-1-5 Revocation of authorization

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 5. Failure to comply with the provisions of this rule or the laws, or both, governing the administration of vital statisticsshall be cause to revoke the authority for use of a provisional notification of death in the local health jurisdiction. Upon discoveryof willful or negligent violation or failure to comply with such provisions, the state department shall notify the local health officerby registered mail that authority to use the provisional notification of death is revoked, and the revocation shall be effective upon receipt. A local health officer shall not be eligible for reapplication within one (1) year from the date of revocation of authority touse the provisional notification of death.

410 IAC 18-1-6 Suspension of provisional notification privilege; liability

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 6. The local health officer may suspend the privilege of the provisional notification of death to any funeral home, firm, or establishment for failure to present a properly executed certificate of death or for other good and sufficient cause. A suspension of the privilege to use the provisional notification of death shall not be less than ninety (90) days nor more than twenty-four (24)months. The suspension shall be subject to review and amendment or repeal by the state department. The funeral home, firm, orestablishment shall be responsible for the acts of funeral directors or embalmers in its employ, and any suspension of privilege shallbe binding upon it equally with the person in charge of interment.

410 IAC 18-1-7 Suspension list

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 7. The state department shall issue on not less than a quarterly basis the name and address of all funeral homes for whichthe privilege is suspended and the duration of the suspension. All local health officers shall deny the use of the provisional notification of death to any funeral home named on the suspension list.

410 IAC 18-1-8 Advisory committee; members

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 8. There is hereby created, an advisory committee composed of five (5) persons who shall be appointed by the state health commissioner, and the members shall serve without pay for a three (3) year term or until their successors are appointed. The committee shall include the following:
(1) A local health officer.
(2) A physician.
(3) A representative of the Indiana Funeral Directors Association.
(4) A representative of the state board of embalmers and funeral directors.
(5) A representative of the state department, who shall act as chairperson.

The committee shall be advisory to the state department in matters pertaining to administration of the death registration system andthis rule.

Rule 4. Death Certificates

410 IAC 18-4-1 Issuance of death certificates

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 1. The state registrar may issue a death certificate to any one (1) or more of the following applicants:
(1) The parents of the individual.
(2) Grandparents of the individual.
(3) Siblings of the individual.
(4) The spouse or domestic partner of the individual.
(5) Adult children of the individual.
(6) Direct descendants.
(7) Other applicants at the discretion of the state registrar.

410 IAC 18-4-2 Documentation required to obtain death certificate

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-37-1-3
Affected: IC 16-37

Sec. 2. The applicant of a death certificate shall provide the following to the state registrar upon request:
(1) Valid identification.
(2) Other documentation as requested by the state registrar.
(3) A check or money order payable to the Indiana state department of health for the correct amount required by law.

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Chapter 16.1. Revised Uniform Anatomical Gift Act

IC 29-2-16.1-1 Definitions

Sec. 1. The following definitions apply throughout this chapter:

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

(2) "Agent" means an individual who is:

(A) authorized to make health care decisions on behalf of another person by a health care power of attorney under IC 30-5-5-16 or a health care representative under IC 16-36-7; or

(B) expressly authorized to make an anatomical gift on behalf of another person by a document signed by the person.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Bank" or "storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of human bodies.

(5) "Decedent":

(A) means a deceased individual whose body or body part is or may be the source of an anatomical gift; and

(B) includes:

(i) a stillborn infant; and

(ii) except as restricted by any other law, a fetus.

(6) "Disinterested witness" means an individual other than a spouse, child, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift or another adult who exhibited special care and concern for the individual. This term does not include a person to whom an anatomical gift could pass under section 10 of this chapter.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on:

(A) a driver's license;

(B) an identification card;

(C) a resident license to hunt, fish, or trap; or

(D) a donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means:

(A) a data base maintained by:

(i) the bureau of motor vehicles; or

(ii) the equivalent agency in another state;

(B) the Donate Life Indiana Registry maintained by the Indiana Donation Alliance Foundation; or

(C) a donor registry maintained in another state;

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) "Minor" means an individual under eighteen (18) years of age.
(16) "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) "Parent" means an individual whose parental rights have not been terminated.
(18) "Part" means an organ, an eye, or tissue of a human being. The term does not mean a whole body.
(19) "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) "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.
(21) "Physician" or "surgeon" means an individual authorized to practice medicine or osteopathy under the laws of any state.
(22) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.
(23) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made an appropriate refusal.
(24) "Reasonably available" means:
(A) able to be contacted by a procurement organization without undue effort; and
(B) willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.
(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.
(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
(27) "Refusal" means a record created under section 6 of this chapter that expressly states the intent to bar another person from making an anatomical gift of an individual's body or part.
(28) "Sign" means, with the present intent to authenticate or adopt a record:
(A) to execute or adopt a tangible symbol; or
(B) to attach to or logically associate with the record an electronic symbol, sound, or process.
(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an eye enucleator.
(31) "Tissue" means a part of the human body other than an organ or an eye. The term does not include blood or other bodily fluids unless the blood or bodily fluids are donated for the purpose of research or education.
(32) "Tissue 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 tissue.
(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

IC 29-2-16.1-2 Chapter application

Sec. 2. This chapter applies to:
(1) an anatomical gift;
(2) an amendment to an anatomical gift;
(3) a revocation of an anatomical gift; or
(4) a refusal to make an anatomical gift.

IC 29-2-16.1-3 Persons who may make anatomical gifts during the lifetime of a donor

Sec. 3. Subject to section 7 of this chapter, an anatomical gift of a donor›s body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 4 of this chapter by:
(1) the donor, if the donor is an adult or if the donor is a minor and is:
(A) emancipated; or
(B) authorized under state law to apply for a driver's license because the donor is at least sixteen (16) years of age;
(2) an agent, a health care representative, or a proxy (as defined by IC 16-36-7-20) of the donor, unless the health care power of attorney, advance directive, or other record prohibits the agent from making an anatomical gift;
(3) a parent of the donor, if the donor is not emancipated; or
(4) the donor's guardian.

IC 29-2-16.1-4 Methods of making anatomical gifts

Sec. 4. (a) A donor may make an anatomical gift:
(1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on:
(A) the donor's driver's license or identification card under IC 9-24-17; or
(B) the donor's resident hunting, fishing, or trapping license under IC 14-22-12-1;
(2) in a will;
(3) during a terminal illness or injury of the donor, by any form of communication directed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or
(4) as provided in subsection (b).

(b) A donor or other person authorized to make an anatomical gift under section 3 of this chapter may make a gift by:
(1) a donor card or other record signed by the donor or other person making the gift; or
(2) authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry.

(c) If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:
(1) be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
(2) state that it has been signed and witnessed as provided in subdivision (1).

(d) Revocation, suspension, expiration, or cancellation of:
(1) a driver's license;
(2) an identification card; or
(3) the donor's resident hunting, fishing, or trapping license;
that indicates an anatomical gift does not invalidate the gift.

(e) An anatomical gift made by will takes effect upon the donor›s death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

(f) Neither the state nor any organ recovery health care provider (as defined by IC 34-18-2-14) is civilly liable as a result of an individual making an unrevoked anatomical gift under this chapter.

IC 29-2-16.1-5 Amendment or revocation of anatomical gifts

Sec. 5. (a) Subject to section 7 of this chapter, a donor or other person authorized to make an anatomical gift under section 3 of this chapter may amend or revoke an anatomical gift by:

(1) a record signed by:
(A) the donor;
(B) the other person; or
(C) subject to subsection (b), another individual acting at the direction of the donor or the other person authorized to make an anatomical gift if the donor or other person is physically unable to sign; or
(2) a later executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(b) A record signed under subsection (a) (1) (C) must:
(1) be witnessed by two (2) adults, at least one (1) of whom is a disinterested witness, who are witnesses at the request of the donor or the other person authorized to make an anatomical gift; and
(2) state that the record has been signed and witnessed as described in subdivision (1).

(c) Subject to section 7 of this chapter, a donor or other person authorized to make an anatomical gift under section 3 of this chapter may revoke an anatomical gift by the destruction or cancellation of the:
(1) document of gift; or
(2) portion of the document of gift used to make the gift;
with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift as described in subsection (a).

IC 29-2-16.1-6 Refusal of anatomical gifts

Sec. 6. (a) An individual may refuse to make an anatomical gift of the individual›s body or part by:
(1) a record signed by:
(A) the individual; or
(B) subject to subsection (b), another individual acting at the direction of the individual if the individual is physically unable to sign;
(2) the individual's will, including if the will is admitted to probate or invalidated after the individual's death; or
(3) any form of communication made by the individual during the individual's terminal illness or injury to at least two (2) adults, and one (1) of the adults must be a disinterested witness.

(b) A record signed under subsection (a) (1) (B) must:
(1) be witnessed by two (2) adults, at least one (1) of whom is a disinterested witness, who are witnesses at the request of the donor or the other person acting at the direction of the donor; and
(2) state that the record has been signed and witnessed as described in subdivision (1).

(c) An individual who has made a refusal may amend or revoke the refusal:
(1) in the manner described in subsection (a);
(2) by subsequently making an anatomical gift under section 4 of this chapter that is inconsistent with the refusal; or
(3) by destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(d) Except as provided in section 7(h) of this chapter, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual›s unrevoked refusal to make an anatomical gift of the individual›s body or part bars another person from making an anatomical gift of the individual›s body or part.

IC 29-2-16.1-7 Persons prohibited from making, amending, or revoking an anatomical gift; donor revocation of an anatomical gift; unemancipated minors

Sec. 7. (a) Except as otherwise provided in subsection (g) and subject to subsection (f), in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor›s body or part if the donor made an anatomical gift of the donor›s body or part under section 4 of this chapter or an amendment to an anatomical gift of the donor›s body or part under section 5 of this chapter.

(b) A donor›s revocation of an anatomical gift of the donor›s body or part under section 5 of this chapter is not a refusal and does not bar the person specified in section 3 or 8 of this chapter from making an anatomical gift of the donor›s body or part under section 4 or 9 of this chapter.

(c) If a person other than the donor makes an unrevoked anatomical gift of the donor›s body or part under section 4 of this chapter or an amendment to an anatomical gift of the donor›s body or part under section 5 of this chapter, another person may not make, amend, or revoke the gift of the donor›s body or part under section 9 of this chapter.

(d) A revocation of an anatomical gift of a donor›s body or part under section 5 of this chapter by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 4 or 9 of this chapter.

(e) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 3 of this chapter, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(f) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 3 of this chapter, an anatomical gift of a part for one (1) or more of the purposes set forth in section 3 of this chapter is not a limitation on the making of an anatomical gift of the part for any of the other purposes of the donor or any other person under section 4 or 9 of this chapter.

(g) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor›s body or part.

(h) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

IC 29-2-16.1-8 Priority of persons authorized to make an anatomical gift of a decedent's body or part

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.

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

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

IC 29-2-16.1-9 Anatomical gift documents; amendments; revocations

Sec. 9. (a) A person authorized to make an anatomical gift under section 8 of this chapter may make an anatomical gift by a document or may make an anatomical gift by a document of gift signed by the person making the gift or by that person›s oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

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

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

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

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

IC 29-2-16.1-10 Anatomical gift recipients; unnamed recipients; anatomical gift uses; rules; delivery of anatomical gift documents; amendment; revocation

Sec. 10. (a) An anatomical gift may be made to the following persons named in the document of gift:

(1) A hospital.

(2) An accredited medical school, dental school, college, or university.

(3) An organ procurement organization.

(4) An appropriate person for research or education.

(5) Subject to subsection (b), an individual designated by the person making the anatomical gift if the individual is the recipient of the part.

(6) An eye bank.

(7) A tissue bank.

(b) If an anatomical gift to an individual under subsection (a) (5) cannot be transplanted into the individual, the part passes in accordance with subsection (g) in the absence of an express, contrary indication by the person making the anatomical gift.

(c) If an anatomical gift of one (1) or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (a) but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(1) If the part is an eye and the gift is for the purpose of:

(A) transplantation;

(B) therapy;

(C) education; or

(D) research;

the gift passes to the appropriate eye bank that has an agreement to recover donated eyes from patients who die within the hospital. The eye bank is considered to be the custodian of the donated eye.

(2) If the part is tissue and the gift is for the purpose of:

(A) transplantation; or

(B) therapy;

the gift passes to the appropriate tissue bank that has an agreement to recover donated tissue from patients that die within the hospital. The tissue bank is considered to be the custodian of the donated tissue.

(3) If the part is an organ and the gift is for the purpose of:

(A) transplantation; or

(B) therapy;

the gift passes to the appropriate organ procurement organization that has an agreement to recover donated organs from patients who die within the hospital. The procurement organization is considered to be the custodian of the donated organs.

(4) If the part is an organ, an eye, or tissue from a patient who dies within a hospital and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization that has an agreement to recover donated organs, tissue, or eyes from patients who die within the hospital.

(d) For the purpose of subsection (c), if there is more than one (1) purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(e) If an anatomical gift of one (1) or more specific parts is made in a document of gift that does not name a person described in subsection (a) and does not identify the purpose of the gift, the gift may be used only for transplantation, research, or therapy, and the gift passes in accordance with subsection (g).

(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as «donor», «organ donor», or «body donor», or by a symbol or statement of similar import, the gift may be used only for transplantation, research, or therapy, and the gift passes in accordance with subsection (g).

(g) For purposes of subsections (b), (e), and (f), the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) An anatomical gift of an organ for transplantation, therapy, or research, other than an anatomical gift under subsection (a) (2), passes to the organ procurement organization as custodian of the organ.

(i) If an anatomical gift does not pass pursuant to subsections (a) through (h) or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(j) A person may not accept an anatomical gift if the person knows that the:

(1) gift was not effectively made under section 4 or 9 of this chapter; or

(2) decedent made a refusal under section 6 of this chapter that was not revoked.

(k) For purposes of subsection (j), if a person knows that an anatomical gift was made on a document of gift, the person is considered to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(l) If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

(m) If the will, card, or other document, or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement;

(2) an oral statement made in the presence of two (2) persons and communicated to the donee;

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or

(4) a signed card or document found on the decedent's person or in the decedent's effects.

(n) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (m) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(o) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (m).

(p) Except as otherwise provided in subsection (a) (2), this chapter does not affect the allocation of organs for transplantation or therapy.

As added by P.L.147-2007, SEC.12.

IC 29-2-16.1-11 Searches for documents of gift or refusal

Sec. 11. (a) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death in a hospital for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(1) An organ procurement organization.

(2) A tissue bank.

(3) An eye bank.

(4) If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

(b) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (a) and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(c) A person is not subject to civil liability for failing to discharge the duties imposed by this section but may be subject to criminal liability or administrative sanctions.

IC 29-2-16.1-12 Petitions to determine anatomical gift or revocation of anatomical gift

Sec. 12. (a) The individual›s attending physician, or, if none, the:

(1) physician that certifies the individual's death;

(2) hospital where the individual is admitted;

(3) hospital where the individual's remains are being kept; or

(4) individual identified in section 8(a) of this chapter;

may petition a court with probate jurisdiction in the county where the remains of the individual who is the subject of the petition are located, or the county in which the individual died, for the information referred to in subsection (b).

(b) A person identified in subsection (a) may petition the court with probate jurisdiction specified in subsection (a) to determine whether the individual:

(1) made a written anatomical gift under section 4 of this chapter or IC 9-24-17; or

(2) made a written revocation of an anatomical gift under section 5 of this chapter or under IC 9-24-17.

(c) If the court with probate jurisdiction determines under subsection (b) that the individual made a written anatomical gift that was not subsequently revoked in writing by the individual, the court shall order that the anatomical gift of an organ, tissue, or an eye be recovered.

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

(1) the medical viability of the individual; or

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

IC 29-2-16.1-13 Organ or tissue donor queries for hospital patients

Sec. 13. (a) As used in this section:

(1) "Administrator" means a hospital administrator or a hospital administrator's designee.

(2) "Gift" means a gift of all or any part of the human body made under this chapter.

(3) "Representative" means a person who is:

(A) authorized under section 8 of this chapter to make a gift on behalf of a decedent; and

(B) available at the time of the decedent's death when members of a prior class under section 8 of this chapter are unavailable.

(b) An administrator of each hospital or the administrator›s designee may ask each patient who is at least eighteen (18) years of age if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(c) The governing board of each hospital shall adopt procedures to determine under what circumstances an administrator or an administrator›s designee may ask a patient if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(d) The administrator shall inform the representative of the procedures available under this chapter for making a gift whenever:

(1) an individual dies in a hospital;

(2) the hospital has not been notified that a gift has been authorized under section 4 of this chapter; and

(3) a procurement organization determines that the individual's body may be suitable of yielding a gift.

(e) If:

(1) an individual makes an anatomical gift on the individual's driver's license or identification card under IC 9-24-17; and

(2) the individual dies in a hospital;

the person in possession of the individual's driver's license or identification card shall immediately produce the driver's license or identification card for examination upon request, as provided in section 10(l) of this chapter.

(f) A gift made in response to information provided under this section must be signed by the donor or made by the donor›s telegraphic, recorded telephonic, or other recorded message.

(g) When a representative is informed under this section about the procedures available for making a gift, the fact that the representative was so informed must be noted in the decedent›s medical record.

(h) A person who fails to discharge the duties imposed by this section is not subject to civil liability but may be subject to criminal liability or administrative sanctions.

IC 29-2-16.1-14 Documents of gift

Sec. 14. (a) A document of gift need not be delivered during the donor›s lifetime to be effective.

(b) Upon or after an individual›s death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 10 of this chapter.

IC 29-2-16.1-15 Hospital referrals to procurement organizations; record searches; examination of medical suitability; rights of person to whom a part passes

Sec. 15. (a) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of:

(1) the bureau of motor vehicles;

(2) the equivalent agency to the bureau of motor vehicles in another state;

(3) the Indiana donor registry; and

(4) any other registry that the organization knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization must be allowed reasonable access to information in the records of the bureau of motor vehicles to ascertain whether an individual at or near death is a donor.

(c) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this chapter, at any time after a donor›s death, the person to whom a part passes under section 10 of this chapter may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this chapter, an examination under subsection (c) or (d) may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital under subsection (a), a procurement organization shall make a reasonable search for any person listed in section 8 of this chapter having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(h) Subject to section 10(i) of this chapter, IC 36-2-14-21, and IC 36-2-14-22.6, the rights of the person to whom a part passes under section 10 of this chapter are superior to the rights of all others with respect to the part, including a part from a person whose death within a hospital is under investigation by a coroner. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person who accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 10 of this chapter, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(i) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(j) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

IC 29-2-16.1-16 Hospital agreements with procurement organizations

Sec. 16. Each hospital in Indiana shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

As added by P.L.147-2007, SEC.12.

IC 29-2-16.1-17 Liability; immunity

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) (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.

IC 29-2-16.1-18 Validity of a document of gift

Sec. 18. (a) 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.

IC 29-2-16.1-19 BMV and DNR cooperation with donor registries; donor registry duties; personal information on donor registries

Sec. 19. (a) The bureau of motor vehicles and the department of natural resources shall cooperate with a person that administers any donor registry that this state establishes, contracts for, or recognizes for the purpose of transferring to the donor registry all relevant information regarding a donor›s making, amendment to, or revocation of an anatomical gift.

(b) A donor registry must:

(1) allow a donor or other person authorized under section 4 of this chapter to include on the donor registry a statement or symbol that the donor has made, amended, or revoked an anatomical gift;

(2) be accessible to a procurement organization and to coroners to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift; and

(3) be accessible for purposes of subdivisions (1) and (2) seven (7) days a week on a twenty-four (24) hour basis.

(c) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(d) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any such registry must comply with subsections (b) and (c).

IC 29-2-16.1-20 Declarations and advance health care directives; procurement organizations

Sec. 20. (a) As used in this section:

(1) "Advance health care directive" means a power of attorney for health care or a record signed by a prospective donor containing the prospective donor's direction concerning a health care decision for the prospective donor.

(2) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(3) "Health care decision" means any decision made regarding the health care of the prospective donor.

(b) If a prospective donor has a declaration or advance health care directive, unless the directive expressly states the contrary, hospitals must use measures necessary to allow a procurement agency to determine the medical suitability of an organ for transplantation or therapy by insuring that life support is not withdrawn from the prospective donor before consultation with the appropriate procurement agency to determine medical potential for donation. The procurement organization shall make every ef-

fort to determine donor potential within approximately two (2) hours from the time the procurement organization is contacted by the hospital. A hospital may, in accordance with a donor's declaration or advance health care directive, withdraw life support from the prospective donor if the procurement organization has not made a determination of donor potential within six (6) hours from the time the procurement organization is contacted by the hospital.

IC 29-2-16.1-21 Coroner cooperation with procurement organizations; postmortem examinations; removal of a part of organ from a decedent

Sec. 21. (a) A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, education, or training.

(b) If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with IC 36-2-14-22.6(f), the coroner or designee shall, when practicable, conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift. If a coroner conducts a postmortem examination outside of a compatible period, the coroner must document why examination occurred outside of a compatible period. It is considered sufficient documentation if the coroner documents that additional time was necessary to conduct an adequate medicolegal examination.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or pathologist from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner or from using the body or parts of a decedent under the jurisdiction of the coroner for the purposes of research, education, or training required by the coroner or pathologist.

ARTICLE 24. DRIVERS LICENSES
Chapter 17. Anatomical Gifts

IC 9-24-17-1 Forms

Sec. 1. The application form for a physical credential must allow an applicant to acknowledge the making of an anatomical gift under IC 29-2-16.1-4.

IC 9-24-17-2 Inquiries; completion of form

Sec. 2. (a) The bureau shall inquire of every individual who applies for a physical credential whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall provide the individual the form by which the individual makes the gift.

IC 9-24-17-7 Anatomical gift cards; persons less than 18 years of age

Sec. 7. Before an individual who is less than eighteen (18) years of age may make an anatomical gift, the bureau must obtain and document the consent of the individual required under section 8 of this chapter and the consent of the individual›s parent or guardian.

IC 9-24-17-8 Signature of donor; symbol on license or identification card

Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for a physical credential under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor: (1) at the donor›s direction and in the donor›s presence; and (2) in the presence of two (2) witnesses who must sign the document in the donor›s and each other›s presence.

(b) The bureau shall place an identifying symbol on the face of the physical credential to indicate that the person to whom the physical credential is issued has acknowledged the making of an anatomical gift on the application form for the physical credential as set forth in subsection (a).

(c) Revocation, suspension, cancellation, or expiration of the physical credential does not invalidate the anatomical gift.

(d) An anatomical gift is valid if the individual acknowledges the making of the anatomical gift by signing the application form for a physical credential under subsection (a). No other acknowledgment is required to make an anatomical gift.

IC 9-24-17-10 Liability; state and health care providers

Sec. 10. The state and any health care provider (as defined by IC 34-18-2-14) are not liable for damages alleged to have occurred as a result of an individual making an anatomical gift under this chapter.

ARTICLE 22.5. PHYSICIANS
Chapter 5. Licenses and Permits

IC 25-22.5-5-6 Eye enucleators; corneal excision technicians; registration; training programs

Sec. 6. (a) The board shall register as an eye enucleator an individual who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as an eye enucleator must submit evidence that the applicant has successfully completed a training program in the enucleation of eyes approved by the board. To be approved, a training program must:

(1) be taught by one (1) or more surgeons or physicians;
(2) include instruction and practice in:
(A) anatomy and physiology of the eye;
(B) the maintenance of a sterile field during the removal of an eye; and
(C) the use of appropriate instruments and sterile procedures for removing the eye; and
(3) comply with rules adopted by the board under IC 25-22.5-2-7.

Registration of an eye enucleator under this section does not qualify the eye enucleator to remove corneas or corneal tissue.

(b) The board shall register as a corneal excision technician a person who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as a corneal excision technician must submit evidence that the applicant has successfully completed a training program in corneal excision approved by the board. To be approved, a training program must:

(1) be taught by one (1) or more surgeons or physicians;
(2) include instruction and practice in:
(A) the anatomy and physiology of the eye;
(B) maintenance of a sterile field during the removal of a cornea, an eye, or part of an eye; and
(C) the use of appropriate instruments and sterile procedures for removing a cornea, an eye, or part of an eye; and
(3) comply with rules adopted by the board under IC 25-22.5-2-7.

A corneal excision technician registered under this section may remove an eye, part of an eye, a cornea, and corneal tissue.

(c) The board may revoke a registration issued under this section upon a showing of good cause for revocation.

(d) The board shall adopt rules under IC 25-22.5-2-7 to implement this section.

ARTICLE 2. GOVERNMENT OF COUNTIES GENERALLY
Chapter 14. County Coroner

IC 36-2-14-19 Cornea donations

Sec. 19. (a) As used in this section, «cornea» includes corneal tissue.

(b) As used in this section, «decedent» means a person described in section 6(a) (1) through 6(a) (5) of this chapter.

(c) As used in this section, «eye bank» means a nonprofit corporation:

(1) organized under Indiana law;

(2) exempt from federal income taxation under Section 501 of the Internal Revenue Code; and

(3) whose purposes include obtaining, storing, and distributing corneas that are to be used for corneal transplants or for other medical or medical research purposes.

(d) If under section 6(e) of this chapter the coroner requires an autopsy to be performed upon a decedent, the coroner may authorize the removal of one (1) or both of the decedent's corneas for donation to an eye bank for transplantation, if the following conditions exist:

(1) The decedent's corneas are not necessary for successful completion of the autopsy.

(2) The decedent's corneas are not necessary for use as evidence.

(3) Removal of the decedent's corneas will not alter the postmortem facial appearance of the decedent.

(4) A representative of the eye bank, authorized by the trustees of the eye bank to make requests for corneas, has done the following:

(A) Within six (6) hours after the time of death, made a reasonable attempt to:

(i) contact any of the persons listed in the order of priority specified in IC 29-2-16.1-8; and

(ii) inform the person of the effect of the removal of the decedent's corneas on the physical appearance of the decedent.

(B) Submitted to the coroner:

(i) a written request for the donation by the coroner of corneas of the decedent subject to autopsy under section 6(e) of this chapter; and

(ii) a written certification that corneas donated under this section are intended to be used only for cornea transplant.

(5) The removal of the corneas and their donation to the eye bank will not alter a gift made by:

(A) the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8;

to an agency or organization other than the eye bank making the request for the donation.

(6) The coroner, at the time the removal and donation of a decedent's corneas is authorized, does not know of any objection to the removal and donation of the decedent's corneas made by:

(A) the decedent, as evidenced in a written document executed by the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8.

(e) A person, including a coroner and an eye bank and the eye bank›s representatives, who exercises reasonable care in complying with subsection (d) (6) is immune from civil liability arising from cornea removal and donation allowed under this section.

(f) A person who authorizes the donation of a decedent›s corneas may not be charged for the costs related to the donation. The recipient of the donation is responsible for the costs related to the donation.

Body Donation

The Anatomical Education Program was created in 1903 by the Indiana General Assembly to ensure the quality of education for medical, dental and allied health students across the state of Indiana. This program is administered by Indiana University School of Medicine and is authorized to provide for the acquisition, distribution and standards of use of donated human remains.

At the time of an enrolled donor's passing, a health care professional should simply call the Anatomical Education Program at 317-274-7450 to report the death and go through a brief telephone screening. Upon acceptance of the donor, the Anatomical Education Program provides transportation and embalming, notifies Social Security, and assists in filing paperwork (such as death certificates and other necessary forms). Following use of the body for teaching, the remains are cremated and either inurned in Crown Hill Cemetery in Indianapolis or, upon request, returned to the family.

Frequently Asked Questions

Who may bequeath their body to medical science in Indiana?
Any person 18 years of age or over may donate their body to medical science in Indiana. No upper age limit applies.

How do I enroll to donate my body to the Anatomical Education Program?
Simply complete the Certificate of Bequeathal and Biographical Information forms and return the signed original documents to the Anatomical Education Program office. Body donors must be pre- registered with the program prior to death. Persons holding Power of Attorney or Health Care Representative may sign the bequeathal form on behalf of the donor if the donor is unable to sign.

Who may sign as a witness on my Certificate of Bequeathal?
Any adult family member or friend may witness a donor's signature. It is not necessary to have the Certificate notarized.

How much does the Anatomical Education Program pay for bodies?
No money is paid for procurement of bodies for anatomical studies. All human material utilized in teaching is acquired by donation only.

How much will it cost for me to donate my body to the program?
If an individual donates directly to the Anatomical Education Program, no costs are associated with the donation. The Anatomical Education Program will provide transportation and embalming as well as assistance in filing paperwork (e.g., burial permit, death certificate and other necessary forms) at no cost to the donor or their family. However, the family must pay directly for newspaper charges for obituaries and county health department fees for certified death certificates.

May I have a funeral service or use a funeral home for the services listed above?
If a donor or family elects to use a local funeral home, a healthcare professional must still call at the time of death to provide information for the medical screening to determine acceptance to the Anatomical Education Program. If accepted, the family may elect to have a funeral service with the donor's body present, after which the body is brought to the Anatomical Education Program. Some families choose a traditional funeral service, while most donate directly to the Anatomical Education Program and hold a memorial service with no remains present at a church or funeral home, or wait until the cremains are returned (up to 24 months after death) to hold a service. A funeral director will charge for their services, and the donor or their family will be responsible for all funeral home fees.

What procedure should be followed upon my death?
A nurse or doctor involved in the donor's healthcare should call the Anatomical Education Program at 317-274-7450. IU School of Medicine has a contract mortuary service available to receive reports of a donor's passing outside of normal business hours. A medical screening will be conducted over the phone to determine if the remains can be accepted.

What could prevent my body from being accepted?
The cause or manner of death could prevent use of a body for medical education. A body cannot be accepted if an infectious or communicable disease (including COVID-19) is present or if there is trauma to the body that renders it unusable for teaching. Ostomies/stomas, amputations, recent surgeries, or excessive height and/or weight could also prevent acceptance.

The Anatomical Education Program is unable to accept donors measuring over 6'1" tall or weighing more than 225 lbs; the maximum acceptable BMI for any donor is 30.

May an autopsy or post-mortem examination be conducted on a body that is intended for donation to medical education?
No, the Anatomical Education Program cannot accept autopsied bodies.

How will my body be used by this program?
All donations are used for the purpose of advancing medical education.

What happens if my body is not accepted by the Anatomical Education Program?
The Anatomical Education Program at the IU School of Medicine makes every effort to accept all donations. However, if a body is unable to be accepted, the donor's family will be notified at the time of the telephone medical screening and will be advised to call a funeral home to arrange an alternative form of disposition.

What happens to my body after the studies are complete?
Bodies donated to the Anatomical Education Program are individually cremated. The program usually requires 18 to 24 months before the cremains may be claimed or inurned.

Who pays for the cremation?
The Anatomical Education Program of Indiana University School of Medicine pays cremation costs.

Can my family receive a report of your findings?
Typically, no reports are provided to families. Because donors are utilized for education, bodies are studied by medical students who are not yet qualified to provide an assessment about causes of death or medical conditions. Donor bodies are studied to gain an in-depth understanding of human anatomy; research into specific diseases or conditions are not conducted.

Can my remains be returned to my family?
Yes, most families choose this option. The donor may stipulate on the Certificate of Bequeathal a wish to have cremains returned to the family. Following cremation, the family will be notified by a Final Disposition Letter and may confirm in writing to instruct the Program to return the cremains by certified, insured, express mail.

What if I do not want my cremains returned?
A portion of Crown Hill Cemetery in Indianapolis has been set aside for burial of those who gave their bodies to benefit medical education. The cemetery area is marked with a memorial wall and path that can be personalized at a family's request and expense. Inurnment in Crown Hill Cemetery requires written permission from the family.

Can a 'keepsake' portion of my remains be returned to my family if I choose inurnment at Crown Hill Cemetery?
No. If the donor or their family requests that the Anatomical Education Program assume responsibility for inurnment, cremated remains will not be divided before being laid to rest in Crown Hill Cemetery.

Is a memorial service held for donors?
The Anatomical Education Program annually hosts both a Service of Gratitude to honor all whole body donors and a graveside service for those who have chosen inurnment in Crown Hill Cemetery. The Service of Gratitude is held each spring and is open to all. The student-led Service of Gratitude includes a reading of the names of all donors from the previous calendar year. This service is an opportunity for students, faculty and staff to express thanks and it is not intended to replace a family's personalized memorial for their loved one.

Families whose loved ones' names will be read will receive an invitation in the mail. The graveside service at Crown Hill Cemetery is held each autumn. Families whose loved ones will be laid to rest in Crown Hill Cemetery will receive an invitation in the mail.

What if I die in a different state?
The Anatomical Education Program cannot accept the bodies of donors who die outside the State of Indiana. For information about whole body donation programs at other accredited institutions please visit: https://anatbd.acb.med.ufl.edu/usprograms/

Will the Anatomical Education Program accept my body if I donate my eyes and/or other organs or tissues for transplant?
A donor may donate their eyes through Donate Life Indiana, the Indiana Lions Eye Bank, Vision First, or another agency. Eye donation is the only type of tissue donation that may be performed; the donation of other tissues or organs would render the body unacceptable to the Anatomical Education Program.

Where can I get information on the donation of eyes organs and other tissue?
To register as an organ or tissue donor in Indiana, contact Donate Life Indiana – Lindsey Johnson, Director – 3760 Guion Rd., Indianapolis, IN 46222; 317-222-3414.

Should the bequeathal of my body be made a provision in my will?
It may be, but this is not necessary. If this provision is made only in a donor's will, the body may not be accepted, as there is usually a considerable delay before a will is probated. The Anatomical Education Program requests that the Certificate of Bequeathal be signed by the donor and two competent witnesses. It is not necessary to include a copy of a will.

May I pay the expenses that the Anatomical Education Program incurs with my body donation?
Yes. The Anatomical Education Program does accept monetary donations to help offset expenses associated with medical, dental and health professions education within the State of Indiana. Such donations qualify for an Indiana College Credit on state tax forms and also qualify for an itemized deduction on Federal tax forms.

Where can I find answers to additional questions I may have?
If you have additional questions about bequeathal procedures or the Anatomical Education Program, call 317-274-7450 or email anatdonr@iupui.edu.

Bequeathal Form Request
To be sent a packet of information about whole body donation along with enrollment forms, please complete the form below and click the SUBMIT button. (https://medicine.iu.edu/give/gift-types/body-donation/bequeathal-form-request)

Please note: Submitting this online form does NOT enroll you in the Anatomical Education Program. You must return the completed enrollment forms by mail with original signatures in order to be considered.

COVID-19-related lab and campus closures around the State have led to historically low demand for whole body donations. All enrolled donors are strongly encouraged to have a Plan B with a local funeral home in the event AEP is unable to accept a donation.

Indiana Anatomical Education Program
Administered by the Indiana University School of Medicine

CERTIFICATE OF BEQUEATHAL

It is my intention to make my body available to further the advancement of medical education. I therefore give my body to the Anatomical Education Program at the Indiana University School of Medicine, and direct that it or its appointees use my body and/or any portion thereof as it sees fit for medical, scientific or educational purposes. I hereby authorize the Anatomical Education Program to conduct blood and fluid testing. I understand that part of my body may be permanently preserved for teaching purposes. After use, my remains are to be cremated by the Indiana University School of Medicine.

I hereby direct the executor or administrator of my estate or other person who handles my affairs following my death to communicate with the appropriate persons associated with Indiana University regarding the handling of my body and its transportation to the Indiana University School of Medicine in Indianapolis, Indiana, immediately following my death. In order that my body be delivered to the Anatomical Education Program in its intact condition, I hereby direct that should medico-legal indication arise for an autopsy that no such post-mortem procedure be done prior to a conference with the Chair of the Board of the Anatomical Education Program.

By signing this form, I acknowledge that I have read and understand the Frequently Asked Questions document.

I further understand that signing this form does not guarantee automatic acceptance to the Program upon my death.

PLEASE PRINT LEGIBLY.

NAME: _____

ADDRESS: _____
(Street Address)

_____
(City) (State) (ZIP)

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ SAVE CREMATED REMAINS: Please provide individual who should be contacted to receive cremains.

NAME: _____

ADDRESS: _____

TELEPHONE: _____

☐ NON-SAVE CREMATED REMAINS: The Anatomical Education Program will assume responsibility for disposition of remains in Crown Hill Cemetery, Indianapolis, Indiana.

DONOR'S SIGNATURE: _____ DATE: _____

WITNESS SIGNATURES:

(1) _____ DATE: _____

(2) _____ DATE: _____

DONATIONS TO THE ANATOMICAL EDUCATION PROGRAM

Indiana University accepts monetary donation to help support its teaching programs. Enclosed please find my gift of $_____ to the Anatomical Education Program. This gift should be used to further teaching and educational programs for medical, dental and allied health students in the State of Indiana.

THIS FORM MUST CONTAIN ORIGINAL SIGNATURES

Mail completed form to:
Anatomical Education Program
Medical Science Building, MS 304
635 Barnhill Drive
Indianapolis, Indiana 46202

Indiana Anatomical Education Program
Administered by the Indiana University School of Medicine

BIOGRAPHICAL INFORMATION

DONOR NAME: _____

SOCIAL SECURITY NUMBER: _____-_____-_____

RESIDENCE: _____

_____

COUNTY OF RESIDENCE: _____

DATE OF BIRTH: _____

PLACE OF BIRTH: _____

EDUCATION LEVEL: _____

FATHER'S FULL NAME: _____

MOTHER'S FULL (MAIDEN) NAME: _____

MARITAL STATUS: _____

SPOUSE'S FULL MAIDEN NAME: _____

WERE YOU IN THE ARMED FORCES? Circle (YES) or (NO)

EMPLOYMENT:
Please provide information about the position you held for the longest length of time.

JOB TITLE: _____

INDUSTRY: _____

FAMILY INFORMATION

INFORMANT INFORMATION:
The informant is the individual who will provide information for the donor's death certificate. Typically, this is the closest next-of-kin.

INFORMANT NAME: _____ PHONE: _____

ADDRESS: _____

RELATIONSHIP TO DONOR: _____

SURVIVOR CONTACT INFORMATION:
Please provide name, address, and telephone number for family members.

SPOUSE: _____

_____

CHILDREN: _____
_____
_____
_____
_____

PARENTS: _____
_____

SIBLINGS: _____
_____
_____
_____
_____

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About the Burial Assistance Program

The Burial Assistance Program was established by the state of Indiana to help with burial costs for those who are eligible in specific categories of Medicaid. Additional assistance may be offered through township trustees to qualified low-income or indigent residents. The Social Security Administration may also provide some limited financial assistance as well.

ANNOUNCEMENT FOR BURIAL PROVIDERS

The phone number to call for funeral providers is 800-403-0864 prompt #7 to determine if someone is on a burial assistance Medicaid category. The prompt number can be chosen without the need to listen to all prompts.

Please note that the Burial Unit, 800-403-0864, and FSSA Accounts Payable play different roles in the claim approval and payment process. The 800 number will provide Health Coverage Status and the category so you can determine if the individual is categorically eligible for burial assistance. If found to be in a correct category for burial assistance then you may submit a claim for review. No one can state how much money will be received (including the burial unit) until the completed claim is submitted and processed.

The individual on the phone will be able to give you the information that you require to complete a burial claim which is the case number and the category of assistance. There has been no change with the burial eligibility categories. Burial assistance eligible categories are MA A, MA D, MA B, MA R, MASI, and MADW. Any other category received for the person in question is not eligible for burial assistance.

The individual on the phone will not be able to answer any questions related to the burial assistance claim itself. If you have additional questions, please call 317-234-1412 or email IndianaBurialClaims@fssa.in.gov with any questions specific to claim processing. Please refrain from using this mailbox or number to check Medicaid status.

Please see the steps below for burial claim submission and processing.

Step 1: Call 800-403-0864 to verify Medicaid case number and Medicaid category information to complete the claim form.

Step 2: Submit claim by fax at 317-234-5075 or email to IndianaBurialClaims@FSSA.in.gov for processing by the DFR Burial Unit.

Step 3: Burial assistance claim is reviewed and processed and sent to FSSA Accounts Payable

Step 4: FSSA Accounts Payable reviews and processes invoice.

Step 5: Invoices are then paid 35 days after invoicing.

We do hope that this process will allow for quicker response times and better service to all. If there are any issues, please report to cc@fssa.in.gov.

FREQUENTLY ASKED QUESTIONS

General

FSSA burial policy: https://www.in.gov/fssa/ompp/files/Medicaid_PM_4800.pdf

Indiana burial assistance program website: https://www.in.gov/fssa/dfr/about-dfr/about-the-burial-assistance-program/

Q: How do I receive burial assistance?
A: You will need to contact the funeral home or cemetery of your choice and ask them to apply on behalf of your family member or loved one who had died.

Q: What is a quick link to all forms necessary for burial assistance?
A: https://www.in.gov/auditor/forms/

Q: What are the categories that are eligible for burial assistance?
A: Category at time of death
MA A: Medicaid for the Aged
MA D: Medicaid for the Disabled
MA DW: Medicaid for the Disabled Working
MA B: Medicaid for the Blind
MA SI: Medicaid for the SSI
MA R: Medicaid for Room / Board Nursing Home

Q: What is the maximum amount the burial assistance program will offer?
A: $1200 for funeral expenses. $800 for cemetery expenses.

Funeral Homes and Cemeteries

Q: How do I return burial claim overpayments?
A: Contact the Accounts Payable office at claimsinfo@fssa.in.gov.

Q: How do I return excess funds from an estate, funeral trust or life insurance that was assigned to the funeral home?
A. Contact the state's Estate Recovery office at estaterecovery@fssa.in.gov.

Q: Is there a limit to the amount of contributions that can be collected?
A. There is no limit on the amount of contributions that can be collected.

Q: Can you use both a trust and exemption for expenses?
A: No, prearranged funerals/trusts and life insurance policies assigned to the funeral home cannot use the exemption amounts from the individual's accounts. You cannot use both a trust and the exemption from the individual's bank/nursing facility accounts. For more information contact Estate Recovery at estaterecovery@fssa.in.gov.

Q: Is there an expense for vaults not purchased through the cemetery?
A: Vaults and urn vaults are only required for burials, so they will always be a cemetery expense regardless of who they are purchased from.

Q: A cemetery receipt can be obtained however, it will reflect our cost not the retail cost. Will that affect the amount of financial assistance provided by the state, or are you looking for proof that our funeral home did in fact purchase the vault?
A: The amounts on receipts are not always expected to be the same as the charge on the contract. Per the Federal Funeral Rule on price lists, the amount charged can be at your cost or higher as long as your price list identifies it as a markup; however, remember that the contract and claim form must match. Yes, the state is trying to verify that the funeral home did indeed pay for the listed cemetery expenses.

Q: What is required to be sent in with the claim submission?
A: We no longer require additional documentation to be sent in with the claim. We reserve the right to request additional documentation in case of questions and all documentation needs to be kept on file in case of an audit.

Q: What is the generally anticipated turnaround time for claims, assuming that you receive all information necessary at the time of submission?
A: The state's goal is to process/send to Accounts Payable all received claims (that are in proper form) within 28 days of receipt. Accounts Payable's goal is within 30 days of receipt of an APPROVED claim. For further information, go to claimsinfo@fssa.in.gov for questions.

Q: When did the state stop accepting old claim forms?
A: We will be accepting old claim forms until July 1, 2020. New claim forms can be obtained on line at IN.gov forms (http://www.in.gov/fssa/forms.htm). Search for form number 35937.

Q: Does a W-9 form need to be included with each claim?
A: No, you only need to submit one W-9 form to the auditor of the state. You can submit it with your first claim or submit to claimsinfo@fssa.in-.gov. The W-9 form is located at https://www.in.gov/auditor/forms/.

Things to Know

- Only funeral homes and cemetery representatives can file state form 35937 on the behalf of the deceased.
- Funeral homes, cemeteries and sometimes local trustee offices will call to confirm the eligibility status of the person who has died prior to meeting with you to make arrangements. The trustee may also call as part of their process to determine if they will offer additional assistance to defray burial costs.
- The claim packet must be filed in proper form within 90 days from date of death.
    - Follow up with the funeral home/cemetery to ensure they have submitted your decedent's claim packet.
- A claim cannot be filed prior to the date of death.
- Approved burial assistance funds are submitted directly to the funeral home and/or cemetery checking account.
- The state does not reimburse family members.
- The state does not dictate the type of funeral/burial service you arrange with the funeral home or cemetery.
- Funeral homes and cemeteries should be able to assist you with making arrangements that are affordable for you and the deceased.
- The PowerPoint presentation can give you more detailed information on the state's Burial Assistance Program. (https://www.in.gov/fssa/dfr/files/IN-burial-assistance-program-webinar.pdf)
- County identification numbers for funeral homes submitting claim forms (see page 198).
- Burial provider agreement (see page 194).

4800.00.00 BURIAL ASSISTANCE (MED 1)

This chapter includes policies and procedures for the following:

- Estate of the Deceased (Section 4805)
- Maximum Payments for Burial Expenses (Section 4810)
- Submission of Burial Claims to DFR (Section 4815)
- Consideration of Burial Claims by DFR (Section 4820)
- Verification by DFR of Burial Contributions (Section 4825)
- Payment for Burial Expenses (Section 4830)
- Insurance Settlements (Section 4835).

Burial Assistance is available to recipients in the Medicaid Aged, Blind, and Disabled categories (MA A, MA B, MA D, MASI, MADW, or MA R) who die on or after 7-1-99. Burial Assistance is not available to recipients in the Disability Improved (MADI) category. It is 100% state funded.

Recipients in any other Medicaid category are not eligible for Burial Assistance.

A recipient is eligible for Burial Assistance regardless of where their death occurs or whether the funeral and interment take place in Indiana or elsewhere.

An individual who was receiving Medicaid for the Aged, Blind, or Disabled, at the time of death, or who applied for benefits prior to his death and was subsequently determined eligible for one of these categories, is eligible for Burial Assistance.[1]

Please note:

- Beginning July 1, 2023, the outside contribution funeral cap moves from $1,750 to $2,500; the cemetery cap would move from $400 to $1,000.
- Beginning July 1, 2024, those caps would move to $2,600 funeral: $1,100 for cemetery.
- Beginning July 1, 2025, $2,700 for funeral; $1,200 for cemetery
- Beginning July 1, 2026, $2,800 for funeral; $1,300 for cemetery

4805.00.00 ESTATE OF THE DECEASED (MED 1)
The estate consists of all assets, including both real and personal property, owned by the deceased recipient. An estate need not be established by formal legal proceedings. However, the value of the estate may be established by FSSA and a determination made of the total amount payable for burial expenses.

4805.05.00 RESOURCES OF THE DECEASED (MED 1)
The resources of the deceased recipient, such as a burial trust, bank account, or personal funds remaining on account in a nursing home, shall be used to meet burial expenses. The funeral director and/or cemetery representative must obtain these funds as payment for burial expenses in accordance with Indiana Probate Code (IC 29-1-1 et seq.).

Nursing home administrators should be guided by their own legal counsel regarding the disposition of deceased residents' resources.

4810.00.00 MAXIMUM PAYMENTS FOR BURIAL EXPENSES (MED 1)
The maximum allowable burial assistance payments are $1,200 for the funeral director's expenses[2] and $800 for cemetery expenses,[3] for a total of $2,000. The age of the deceased is not a factor in the amount of any payment.

4810.05.00 PAYMENT FOR FUNERAL DIRECTOR'S EXPENSES (MED 1)
If there are no other resources, payment not to exceed $1200 (including sales tax) will be paid to meet the expenses of the funeral director.[4]

The funeral director's expenses include:

- Reasonable expenses connected with preparation of the body, including cremation
- Purchase of necessary clothing
- Purchase of a casket
- Funeral services
- Transportation of the body
- Professional services of the funeral director.

4810.05.05 COMPUTATION OF FUNERAL DIRECTOR'S PAYMENT (MED 1)
Relatives and/or friends may contribute as much as they wish toward the funeral expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid by the Division.

An amount of $ 2,500 in contributions and resources is exempted in the computation of the amount of the payment to the funeral director.[5] Contributions and payments made from the estate of the deceased recipient more than the $2500 exclusion are subtracted from the statutory maximum of $1,200. The balance of the funeral director's unpaid expenses, up to the statutory maximum of $1,200, will be paid.

4810.05.05.05 CONTRIBUTIONS/RESOURCES OF $3,700 OR MORE (MED 1)
If all contributions, plus the resources of the deceased, total $3,700 or more, none of the funeral director's expenses will be paid.

4810.05.05.10 CONTRIBUTIONS/RESOURCES OF $2,500 TO $3,700 (MED 1)
If all contributions plus the resources of the deceased exceed $2,500 but are less than $3,700, the $1,200 maximum payment from state funds to the funeral director will be reduced dollar for dollar by the amount more than $2,500. The funeral director will be paid up to $1,200 or the amount of their unpaid expenses, whichever is less.

The two separate examples below show how the calculation is performed where the same contribution towards funeral expenses is made with differing amounts for declared Funeral expenses. This shows where the same contribution can have markedly different payment back to Funeral Home.

4810.05.05.15 CONTRIBUTIONS/RESOURCES OF $2,500 OR LESS (MED 1)
If all contributions plus the resources of the deceased total $2,500 or less, the funeral director's payment will be $1,200 or the amount of their unpaid expenses, whichever is less.

4810.10.00 PAYMENT FOR CEMETERY EXPENSES (MED 1)
Cemetery expenses include all expenses connected with the interment of the body or remains in a cemetery, such as:

- To cover provision of burial rights if necessary
- Opening and closing a burial plot and provision of an outer container.
- Service required by the cemetery authorities.[5]

Cremated remains must be buried in a cemetery to receive payment for burial expense. A cremation vault on its own will not be considered a cemetery expense. A signed burial transit permit must accompany all cemetery expense claims.

A monument or headstone is not considered a cemetery expense.
If there are no other resources, payment not to exceed $800 shall be paid to meet the cemetery expenses.[6]

4810.10.05 COMPUTATION OF CEMETERY PAYMENT (MED 1)
Relatives and/or friends may contribute as much as they wish toward the cemetery expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid.

An amount of $1,000 in contributions from friends and/or relatives and resources of the deceased is exempted in the computation of the amount of the payment to the cemetery.8 Contributions and payments made from the estate of the deceased recipient in excess of the $1,000exclusion are subtracted from the statutory maximum of $800. The balance of the cemetery's unpaid expenses, up to the statutory maximum of $800, will be paid.[9]

4810.10.05.05 CONTRIBUTIONS/RESOURCES OF $1,800 OR MORE (MED 1)
If all contributions plus the resources of the deceased total $1,800 or more, the cemetery representative's expenses will not be paid.

4810.10.05.10 CONTRIBUTION/RESOURCES OF $1,000 TO $1,800 (MED 1)
If all contributions plus the resources of the deceased exceed $1,000 but are less than $1,800, the $800 maximum payment from state funds to the cemetery will be reduced dollar for dollar by the amount more than $1,000. The cemetery representative's payment will be up to $800 or the amount of their unpaid expenses, whichever is less.

4810.10.05.15 CONTRIBUTIONS/RESOURCES OF $1,000 OR LESS (MED 1)
If all contributions plus the resources of the deceased total $1,000 or less, the cemetery representative's payment will be $800 or the amount of their unpaid expenses, whichever is less.

4815.00.00 SUBMISSION OF BURIAL CLAIMS TO FSSA (MED 1)
Except as provided in Subsection 4815.05.00, the funeral director and the cemetery representative are to file separately for payment of the deceased recipient's burial expenses.[7]

The form used for this purpose is State Form 35937 Medicaid Recipients Claim to Defray Burial Costs.

Effective July 1, 2014, any claim under this section must be submitted with the signed claim form and all necessary supporting documentation to the FSSA office within ninety (90) days of the date of death. Failure to submit all documents within 90 days of the date of death may result in denial of such claim by the FSSA.

4815.05.00 SUBMISSION OF CEMETERY CLAIM BY FUNERAL DIRECTOR (MED 1)
A funeral director may file and receive payment for cemetery expenses if they attach proof to the claim that either (1) They are a cemetery representative, or (2) they have been designated such by the cemetery representative.

In addition, the funeral director must attach a signed receipt verifying the cemetery expenses have been paid. If there was no charge for opening and closing the grave, a notation to this effect must be entered on the claim by the funeral director. If the funeral director is designated as the cemetery representative, cemetery claims submitted by any other party will not be paid.

4820.00.00 CONSIDERATION OF BURIAL CLAIMS BY FSSA (MED 1)
The payment of funeral and cemetery expenses is based upon the charges for burial expenses, the existence of other funds to meet such expenses, and the legal maximum payments from public funds. If other resources are determined to be available a summary of those resources should be listed. Amounts paid by all other sources toward burial expenses should be verified by the FSSA before a recommendation for payment is made. If resources are determined post payment, then reimbursement back to the FSSA will be requested.

If the FSSA determines that payments made toward burial expenses are insufficient to cover the costs, and payment of the claim is to be approved by the FSSA, the FSSA Authorized Designee shall:

- Certify that State Form 35937 is in proper form and that the amount being recommended for payment is correct based on information submitted by the funeral director or the cemetery representative.
- Sign the form, file the original copy, and submit a copy to Accounts Payable.

4825.00.00 VERIFICATION BY FSSA OF BURIAL CONTRIBUTIONS (MED 1)
In the event inaccurate information was recorded on the funeral and/or cemetery claim regarding the amount of the individual contribution, the FSSA will follow up. If it is determined that there was collusion, misrepresentation, or apparent fraud on the part of the funeral director and/or the cemetery representative to obtain more payment, the FSSA will refer the case for prosecution.

4830.00.00 PAYMENT FOR BURIAL EXPENSES (MED 1)
Recommendations for payment of funeral and cemetery expenses of deceased recipients of Medicaid for the Aged, Blind, and Disabled (MA A, MA B, MA D, MASI), Disabled Working (MADW), or Residential Care Assistance Program (MA R) are to be submitted for final approval to the Medicaid Medical Review Team, Office of Medicaid Policy and Planning.

Any business receiving payment from the Auditor of State must have a Vendor Information Form, State Form 53788 (R2/10-09), Request for Taxpayer Identification Number and Certification, on file in the State Auditor's office. If a business has never received payment through the State Auditor's office, a State Form 53788 (R2/10-09) W-9 must be attached to each business' initial claim form. Remittance will be made directly to the claimant.

Reimbursements of burial expenses are made to vendors by direct deposit in the account on file through completed vendor information form, State Form 53788 (R2/10-09).

4835.00.00 INSURANCE SETTLEMENTS (MED 1)
A surviving relative of a deceased recipient may be the beneficiary of a cash settlement from a life insurance policy on the deceased.

The insurance settlement is the income or resource of the surviving relative. However, if all or part of the insurance settlement is used to meet the burial expenses of the deceased recipient, the funds used for burial expenses are to be considered a contribution from a relative.

If the surviving relative is also an applicant or recipient, the insurance settlement may affect the applicant's eligibility depending on the program involved.

[1] IC 12-14-17-2
[2] IC 12-14-17-2(b)
[3] IC 12-14-17-3
[4] IC 12-14-17-2(b)
[5] IC 12-14-6-2
[6] IC 12-14-17-3
[7] IC 12-14-17-5

Chapter 6. Temporary Assistance for Needy Families; Funeral and Cemetery Expenses

IC 12-14-6-0.1 Application of certain amendments to chapter
Sec. 0.1. The amendments made to sections 3 and 4 of this chapter by P.L.118-1997 do not apply to an individual whose death occurs before July 1, 1997.

IC 12-14-6-1 Funeral director's expense payments
Sec. 1. (a) This section applies upon the death of either of the following:
(1) A recipient who is receiving assistance as a dependent child.
(2) A parent of the recipient.
(b) Unless otherwise determined by the director, the division shall pay one thousand two hundred dollars ($1,200) for the funeral director›s expenses of the decedent if the following conditions exist:
(1) The estate of the deceased is insufficient to pay the funeral director's expenses.
(2) The person legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.
[Pre-1992 Revision Citation: 12-1-7-13(a).]

IC 12-14-6-2 Cemetery expenses payment

Sec. 2. Unless otherwise determined by the director, in addition to the amount paid under section 1 of this chapter, not more than eight hundred dollars ($800) shall be paid for the cemetery›s expenses for the following:

(1) To cover provision of burial rights if necessary.

(2) Opening and closing a burial plot and provision of an outer con tainer.

(3) Service required by the cemetery authorities.

[Pre-1992 Revision Citation: 12-1-7-13(b) part.]

IC 12-14-6-3 Contributions excluded in determining amount paid to funeral director

Sec. 3. An amount not exceeding a combined total of seven hundred fifty dollars ($750) that is contributed by:

(1) friends;

(2) relatives; and

(3) the resources of the deceased;

may not be considered when determining the amount to be paid to the funeral director for expenses under this chapter. However, the resources of the deceased may not be used if the deceased has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility under IC 12-15-2.

[Pre-1992 Revision Citation: 12-1-7-13(b) part.]

IC 12-14-6-4 Contributions excluded in determining cemetery expenses payment

Sec. 4. An amount not exceeding a combined total of two hundred dollars ($200) that is contributed by:

(1) friends;

(2) relatives; and

(3) the resources of the deceased;

may not be considered when determining the amount to be paid to the cemetery for expenses under this chapter. However, the resources of the deceased may not be used if the deceased has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility under IC 12-15-2.

[Pre-1992 Revision Citation: 12-1-7-13(b) part.]

IC 12-14-6-5 Sworn claims indicating expenses; filing

Sec. 5. The funeral director and the cemetery representative shall file a sworn claim with the division indicating expenses incurred due to the death of a recipient.

[Pre-1992 Revision Citation: 12-1-7-13(c).]

Chapter 17. Supplemental Assistance; Funeral and Cemetery Expenses

IC 12-14-17-0.1 Application of certain amendments to chapter

Sec. 0.1. The amendments made to sections 4 and 5 of this chapter by P.L.118-1997 do not apply to an individual whose death occurs before July 1, 1997.

IC 12-14-17-1 Application of chapter

Sec. 1. This chapter applies to the following individuals:

(1) An individual who receives supplemental assistance to the aged.

(2) An individual who receives supplemental assistance to the blind.

(3) An individual who receives supplemental assistance for persons with disabilities.

(4) An individual who has a disability, is aged, or is blind who, at the time of death, was certified to receive medical assistance under Medicaid.

[1992 Revision Citation: New.]

IC 12-14-17-2 Application of section; funeral expenses payment; preferred claim

Sec. 2. (a) This section applies upon the death of either of the following:

(1) A recipient who is receiving supplemental assistance.

(2) An individual who had a disability, was aged, or was blind who, at the time of death, was certified as eligible to receive medical assistance under Medicaid.

(b) Except as provided in subsection (c), the division shall pay one thousand two hundred dollars ($1,200) for the funeral director›s expenses of the decedent if the following conditions exist:

(1) The estate of the deceased is insufficient to pay the funeral director's expenses.

(2) The individual legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

(c) If the division determines that the estate of the deceased is sufficient to pay all or part of the funeral director›s expenses, the division:

(1) shall pay one thousand two hundred dollars ($1,200) for expenses that the funeral director has incurred; and

(2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.

[Pre-1992 Revision Citations: 12-1-5-11 part; 12-1-6-11 part; 12-1-7.1-13 part.]

IC 12-14-17-3 Cemetery expenses payment; preferred claim

Sec. 3. (a) Except as provided in subsection (b), in addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay eight hundred dollars ($800) for the cemetery›s expenses for the deceased to cover the following:

(1) The provision of burial rights if necessary.

(2) The opening and closing of a burial plot and provision of an outer container.

(3) The service required by the cemetery authorities.

(b) If the division determines that the estate of the deceased is sufficient to pay all or part of the cemetery›s expenses, the division:

(1) shall pay eight hundred dollars ($800) for expenses that the cemetery has incurred; and

(2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.

[Pre-1992 Revision Citations: 12-1-5-11 part; 12-1-6-11 part; 12-1-7.1-13 part.]

IC 12-14-17-3.5 Superior claim

Sec. 3.5. Except for a claim for the costs and expenses of administration, a claim filed under sections 2(c) and 3(b) of this chapter is a superior claim.

IC 12-14-17-4 Funeral expenses payment; contributions excluded in determining amount

Sec. 4. The division:

(1) may not consider a combined total of two thousand five hundred dollars ($2,500) that is contributed by:

(A) friends;

(B) relatives; and

(C) the resources of the deceased; and

(2) may consider any amount that exceeds two thousand five hundred dollars ($2,500) contributed by:

(A) friends;

(B) relatives; and

(C) the resources of the deceased;

when determining the amount to be paid to the funeral director for expenses under this chapter. However, the resources of the deceased may not be used if the deceased has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility under IC 12-15-2. The division shall raise the dollar amounts in subdivisions (1) and (2) by one hundred dollars ($100) each year for three (3) years beginning on July 1, 2024.

IC 12-14-17-5 Cemetery expenses payment; contributions excluded in determining amount

Sec. 5. The division:

(1) may not consider a combined total of one thousand dollars ($1,000) that is contributed by:

(A) friends;

(B) relatives; and
(C) the resources of the deceased; and
(2) may consider any amount that exceeds one thousand dollars ($1,000) contributed by:
(A) friends;
(B) relatives; and
(C) the resources of the deceased;
when determining the amount to be paid to the cemetery for expenses under this chapter. However, the resources of the deceased may not be used if the deceased has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility under IC 12-15-2. The division shall raise the dollar amounts in subdivisions (1) and (2) by one hundred dollars ($100) each year for three (3) years beginning on July 1, 2024.

IC 12-14-17-6 Claims for expenses

Sec. 6. (a) The funeral director and the cemetery representative shall file a sworn claim with the county office indicating expenses incurred due to the death of a recipient.

(b) With respect to supplemental assistance to the blind and persons with disabilities, a sworn claim must be verified and forwarded to the division for payment.

[Pre-1992 Revision Citations: 12-1-5-11 part; 12-1-6-11 part; 12-1-7.1-13 part.]

Chapter 16. Provision of Various Forms of Township Assistance

IC 12-20-16-12 Funeral and burial or cremation expenses

Sec. 12. (a) This section does not apply if the county coroner assumes jurisdiction of an unclaimed body under IC 36-2-14-16.

(b) If:
(1) an individual dies in a township without leaving:
(A) money;
(B) real or personal property;
(C) other assets that may be liquidated; or
(D) other means necessary to defray funeral expenses; and
(2) the individual is not a resident of another township in Indiana;
the township trustee, as administrator of township assistance, shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual.

(c) The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for township assistance. A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's township assistance standards the maximum funeral and burial or cremation amount to be paid from township assistance funds. The trustee may deduct from the maximum amount the following:
(1) Any monetary benefits that the deceased individual is entitled to receive from a state or federal program.
(2) Any money that another person provides on behalf of the deceased individual.

(d) If an individual described in subsection (b) is a resident of a state institution at the time of the individual›s death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

(e) If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual›s death, the Indiana department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the Indiana department of health an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

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

(g) The township trustee may not cremate a deceased individual if:
(1) the deceased individual; or
(2) a surviving family member of the deceased individual;
has objected in writing to cremation.

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

ARTICLE 15. MEDICAID

Chapter 2. Eligibility

IC 12-15-2-17 Exclusion of resources in determining eligibility for Medicaid; conditions

Sec. 17. (a) This section applies beginning the later of the following:
(1) The date that the office is informed that the United States Department of Health and Human Services has approved Indiana's conversion to 1634 status within the Medicaid program.
(2) January 1, 2014.

(b) The office may apply this section only to the following Medicaid applicants or Medicaid recipients:
(1) An individual whose eligibility for Medicaid does not require a determination of income by the office.
(2) An individual who is at least sixty-five (65) years of age when age is a condition of eligibility.
(3) An individual whose eligibility is being determined on the basis of being blind or disabled, or on the basis of being treated as blind or disabled.
(4) An individual who requests coverage for long term care services and supports for the purpose of being evaluated for an eligibility group under which long term care services or supports are covered, including the following:
(A) Nursing facility services.
(B) Nursing facility level of care services provided in an institution.
(C) Home and community based services.
(D) Home health services.
(E) Personal care services.
(5) An individual applying for Medicare cost sharing assistance.

(c) Except as provided in subsections (d) and (f), if an applicant for or a recipient of Medicaid:
(1) establishes one (1) irrevocable trust that has a value of not more than ten thousand dollars ($10,000), exclusive of interest, and is established for the sole purpose of providing money for the burial of the applicant or recipient;
(2) enters into an irrevocable prepaid funeral agreement having a value of not more than ten thousand dollars ($10,000); or
(3) owns a life insurance policy with a face value of not more than ten thousand dollars ($10,000) and with respect to which provision is made to pay not more than ten thousand dollars ($10,000) toward the applicant's or recipient's funeral expenses;
the value of the trust, prepaid funeral agreement, or life insurance policy

may not be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(d) Subject to subsection (f), if an applicant for or a recipient of Medicaid establishes an irrevocable trust or escrow under IC 30-2-13, the entire value of the trust or escrow may not be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(e) Except as provided in IC 12-15-3-7, if an applicant for or a recipient of Medicaid owns resources described in subsection (c) and the total value of those resources is more than ten thousand dollars ($10,000), the value of those resources that is more than ten thousand dollars ($10,000) may be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(f) In order for a trust, an escrow, a life insurance policy, or a prepaid funeral agreement to be exempt as a resource in determining an applicant›s or a recipient›s eligibility for Medicaid under this section, the applicant or recipient must designate the office or the applicant›s or recipient›s estate to receive any remaining amounts after delivery of all services and merchandise under the contract as reimbursement for Medicaid assistance provided to the applicant or recipient after fifty-five (55) years of age. The office may receive funds under this subsection only to the extent permitted by 42 U.S.C. 1396p. The computation of remaining amounts shall be made as of the date of delivery of services and merchandise under the contract and must be the excess, if any, derived from:

(1) growth in principal;
(2) accumulation and reinvestment of dividends;
(3) accumulation and reinvestment of interest; and
(4) accumulation and reinvestment of distributions;

on the applicant's or recipient's trust, escrow, life insurance policy, or prepaid funeral agreement over and above the seller's current retail price of all services, merchandise, and cash advance items set forth in the applicant's or recipient's contract.

[Pre-1992 Revision Citation: 12-1-7-18.1.]

IC 12-15-2-17.5 Income exclusion in determining eligibility

Sec. 17.5. (a) This section applies beginning on the date on which the United States Department of Health and Human Services approves the request for changes by the office under this section.

(b) This subsection applies to applicants or recipients who are exempt from the use of modified adjusted gross income (MAGI) as described in 42 U.S.C. 1396a(e) (14) (D) in determining eligibility. The office may not consider income earned by an applicant, a recipient, or a member of the applicant›s or recipient›s family for participating in:

(1) a work based learning course (as defined in IC 20-43-8-0.7); or
(2) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

as income in determining the applicant's or recipient's eligibility for Medicaid.

(c) For an applicant or recipient for whom the modified adjusted gross income (MAGI) is applicable, the office shall elect to apply a reasonable method to include a prorated portion of reasonably predictable future income as a factor concerning the income earned by the applicant or recipient by participating in a work based learning course, as set forth in 42 CFR 435.603(h) (3).

(d) The office shall apply for any state plan amendment or Medicaid waiver necessary to implement this section.

Eric Holcomb, Governor
State of Indiana

Division of Family Resources
402 W. WASHINGTON STREET, ROOM W392
INDIANAPOLIS, IN 46204-2747

Funeral and cemetery service provider agreement

This agreement is entered into by and between the following:

The Family and Social Services Administration, Division of Family Resources

and

The funeral home/cemetery

I. **Purpose**

The purpose of this agreement is to define the responsibilities of the funeral home and/or cemetery provider, referred to herein as "provider", in submitting to and receiving reimbursement from the DFR for the following claims:

- Categorically eligible Medicaid recipient's claim to defray costs for funeral services and/or
- Categorically eligible Medicaid recipient's claim to defray costs for cemetery services

II. **Authority**

This agreement is written in accordance with IC 5-11-10-1(e), IC 12-14-17 and 45 CFR 164.512(g).

III. **Additional terms and conditions**

The provider agrees to perform the respective responsibilities described below.

a. Provider responsibilities:

1. Maintain updated contact information with the DFR to facilitate effective communications.

2. Comply with all applicable federal and state laws and regulations.

3. Follow all established procedures for assuring the accuracy of information contained in applications and supporting documentation. The provider shall not submit an application or supporting documentation that the provider knows or should know contains false or misleading information.

4. Submit a fully completed and signed claim form (State Form 35937) within 90 days of death of the Medicaid recipient. An incomplete form will not be processed.

5. Report any additional monies received to Claimsinfo@fssa.in.gov within 90 days of receipt. Additional monies received may result in a determination that the state overpaid and any overpaid amounts will need to be reimbursed back to the state.

6. If the provider uses the services of any subsidiary or other entity to provide funeral or cemetery services, the provider is fully responsible for ensuring that such subsidiary or other entity abides by all provisions of this agreement.

7. A signed provider agreement must be submitted for each individually owned facility.

IV. **Additional terms and conditions**

a. **Effective date**
This agreement shall take effect upon execution by both parties.

b. **Assignment**
Neither this agreement nor any part of it may be assigned to a third party without prior written consent from the Division of Family Resources.

c. **Modification**
This agreement may be modified at any time by mutual agreement of all parties. Any modification will be set forth in writing, signed by all parties and made a part of this agreement. If any part of this agreement is rendered invalid as a result of any state or federal law or regulation, the parties shall review and modify the terms of this agreement to comply with the law or regulation.

d. **Termination**
Either party may terminate this agreement at any time by giving 30 days written notice to the other party. The DFR may terminate this agreement immediately without notice if the provider breaches the terms of the agreement.

V. **Authorization**
The parties, having read and understood the terms of this agreement do, by their respective signatures below, hereby agree to the terms and conditions thereof.

Provider:

_____
Printed Name - Provider Federal ID Number

_____
Signature - Provider Date

Facility Name and Fax Number: _____

Division of Family Resources:

_____
Printed Name

_____
Signature Date

Submit signed Provider Agreement to the DFR at:

Fax: 317-234-5075 or
Email: Indianaburialclaims@fssa.in.gov

www.IN.gov/fssa
Equal Opportunity/Affirmative Action Employer

CLAIM TO DEFRAY FUNERAL AND CEMETERY EXPENSES

State Form 35937 (R6 / 4-22)
Approved by State Board of Accounts, 2022

Claimant must complete, sign and date form. Submit to Family and Social Services Administration (FSSA), Division of Family Resources (DFR), within ninety (90) days of date of death. Instructions on how to complete and submit form are on page 2.

SECTION 1 - RECIPIENT INFORMATION		
Name of Recipient *(last, first, middle)*	Medicaid Case Number	Date of Birth *(mm / dd / yyyy)*
Last Residence *(number and street, city, state, and ZIP code)*		County
Date of Death *(mm / dd / yyyy)*	Date Remains Received *(mm / dd / yyyy)*	Date of Burial *(mm / dd / yyyy)*

SECTION 2 - FUNERAL / CEMETERY EXPENSES	
Claim Type - Funeral	Claim Type - Cemetery
Total Expenses $	Total Expenses $

SECTION 3 - CONTRIBUTIONS AND RESOURCES	
Claim Type - Funeral	Claim Type - Cemetery
Total Contributions $	Total Contributions $
Contributor Name(s)	Telephone Number ( )

SECTION 4 - CLAIMANT AFFIRMATION STATEMENT		
Name of Funeral Home and/or Cemetery	Fax Number ( )	Telephone Number ( )
Amount Claimed Funeral $	Amount Claimed Cemetery $	Total Requested State Assistance

Pursuant to the provisions of IC 5-11-10-1(e), I certify that the foregoing account is true and correct, that the amount requested ($ _____) is legally due, after allowing all just credits, and that no part of the same has been paid.

Signature of Funeral Home / Cemetery Representative	Date Signed *(mm / dd / yyyy)*
Printed Name	Federal Tax Identification Number (EIN)

SECTION 5 - *TO BE COMPLETED BY THE STATE*	
Medicaid Effective Date *(mm / dd / yyyy)*	State Region Number

Medicaid Category

☐ MA A ☐ MA D ☐ MA B ☐ MASI ☐ MADW ☐ MA R

I hereby certify that this claim covering funeral and cemetery expenses is in proper form; that the deceased recipient on whose behalf payment is to be made has been found eligible for such services under the provisions of IC 12-14-17, and that this claim in the amount of $ _____ is being recommended for payment.

Signature of DFR Representative	Date Signed *(mm / dd / yyyy)*

INSTRUCTIONS FOR COMPLETING AND SUBMITTING STATE FORM 35937

SECTION 1 - RECIPIENT INFORMATION:

- Enter recipient's full name, Medicaid case number, and their date of birth. Enter recipient's last known residence; include county name.
- Enter the date of death, date claimant received the decedent's remains. If appropriate, the date of disposition / cremation or N/A.

SECTION 2 – FUNERAL / CEMETERY EXPENSES:

- Claim Type Funeral – Enter final total expenses (do not subtract any monies from contributions, resources, or discounts received or expected to receive).
- Claim Type Cemetery – Enter final total expenses (do not subtract any monies from contributions, resources or discounts received or expected to receive from the State).

SECTION 3 - CONTRIBUTIONS AND RESOURCES:

- Contributions – Enter total amount of monies received from family, friends, and estate resources (*do not include discounts or amounts expected from the State*).
- Each contributor's name and telephone number needs to be reported. Attach additional pages if space is needed.

SECTION 4 - CLAIMANT AFFIRMATION STATEMENT:

- Enter Funeral Home / Cemetery name, Fax number and Telephone number. Address is not needed.
- Amount Claimed – Funeral: Enter the expected state assistance for funeral expenses.
- Amount Claimed – Cemetery: Enter the expected state assistance for cemetery expenses.
- Total expected state assistance: Add the totals for both funeral and cemetery expenses and enter that amount here. Fill in the total expected amount of State assistance on the line within the claimant Affirmation Statement.
- Funeral and / or Cemetery Provider signs form, include current Federal Tax Identification Number and enter date claim was signed.

SECTION 5 - TO BE COMPLETED BY THE STATE

- Leave blank; State completes this portion of the claim.

IMPORTANT INFORMATION:

- Decedent qualification inquiries: Call **1-800-403-0864*; Option #7.***
- Report any additional monies received to Claimsinfo@fssa.in.gov within ninety (90) days of receipt. Additional monies received may result in a determination that the state overpaid and any overpayments will need to be reimbursed back to the State of Indiana.
- **A W-9 form must be on file with the FSSA Accounts Payable Office or the claim will not be paid.**
- Submit claims by either fax or e-mail to the Burial Assistance Office; see contact information below.
- More information can be found at www.in.gov/fssa/dfr/5277.htm.

CONTACT INFORMATION:

Burial Assistance Office at: **Telephone: 1-317-234-1412 Fax: 317-234-5075** **indianaburialclaims@fssa.in.gov** **FOR** Submitting a claim or reporting facility changes.	FSSA Accounts Payable at: **claimsInfo@fssa.in.gov** **FOR** Payment inquiries, submitting W-9 form, reporting overpayment, or submitting overpayment.	Estate Recovery at: **estaterecovery@fssa.in.gov** **FOR** Inquiries on the recipient's estate, funeral trusts, prepaid funerals.

INDIANA COUNTY NUMBERS AND COUNTY NAMES

CO #	COUNTY NAME	CO#	COUNTY NAME	CO #	COUNTY NAME
1	Adams	32	Hendricks	63	Pike
2	Allen	33	Henry	64	Porter
3	Bartholomew	34	Howard	65	Posey
4	Benton	35	Huntington	66	Pulaski
5	Blackford	36	Jackson	67	Putnam
6	Boone	37	Jasper	68	Randolph
7	Brown	38	Jay	69	Ripley
8	Carroll	39	Jefferson	70	Rush
9	Cass	40	Jennings	71	St. Joseph
10	Clark	41	Johnson	72	Scott
11	Clay	42	Knox	73	Shelby
12	Clinton	43	Kosciusko	74	Spencer
13	Crawford	44	LaGrange	75	Starke
14	Daviess	45	Lake	76	Steuben
15	Dearborn	46	LaPorte	77	Sullivan
16	Decatur	47	Lawrence	78	Switzerland
17	DeKalb	48	Madison	79	Tippecanoe
18	Delaware	49	Marion	80	Tipton
19	Dubois	50	Marshall	81	Union
20	Elkhart	51	Martin	82	Vanderburgh
21	Fayette	52	Miami	83	Vermillion
22	Floyd	53	Monroe	84	Vigo
23	Fountain	54	Montgomery	85	Wabash
24	Franklin	55	Morgan	86	Warren
25	Fulton	56	Newton	87	Warrick
26	Gibson	57	Noble	88	Washington
27	Grant	58	Ohio	89	Wayne
28	Greene	59	Orange	90	Wells
29	Hamilton	60	Owen	91	White
30	Hancock	61	Parke	92	Whitley
31	Harrison	62	Perry		

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Chapter 14. County Coroner

IC 36-2-14-1 Application of chapter

Sec. 1. This chapter applies to all counties.

[Pre-Local Government Recodification Citation: Ind. Const. Art. 6, § 2.]

IC 36-2-14-1.5 Child death pathologist

Sec. 1.5. As used in this chapter, «child death pathologist» means a physician described in IC 16-35-7-3(b).

IC 36-2-14-1.8 Vitreous

Sec. 1.8. As used in section 6 of this chapter, «vitreous» means the clear gelatinous substance that fills the eyeball between the retina and the lens.

IC 36-2-14-2 Residence; term of office

Sec. 2. (a) A county coroner must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The coroner forfeits office if the coroner ceases to be a resident of the county.

(b) The term of office of the county coroner under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

[Pre-Local Government Recodification Citations: Acts 1972, P.L.125, SECTION 2; 17-3-1-1 part; 17-3-17-0.1.]

IC 36-2-14-3 Commission of coroner

Sec. 3. The governor shall commission each county coroner.

[Pre-Local Government Recodification Citation: 17-3-17-1 part.]

IC 36-2-14-4 Duties as county sheriff

Sec. 4. The coroner shall perform the duties of the county sheriff only in cases in which the sheriff:

(1) is interested or incapacitated from serving; and

(2) has no chief deputy who may perform the sheriff's duties.

[Pre-Local Government Recodification Citations: 17-3-17-1 part; 17-3-17-2 part.]

IC 36-2-14-5 Service of warrant for arrest of county sheriff; custody of jail and prisoners

Sec. 5. A warrant for the arrest of the county sheriff shall be served by the coroner or any other person to whom it may be legally directed. The coroner, who shall commit the sheriff to the county jail, has custody of the jail and its prisoners during the imprisonment of the sheriff.

[Pre-Local Government Recodification Citation: 17-3-17-3.]

IC 36-2-14-5.3 Reproduction of original coroner's records; destruction or transfer of reproduced records; legal status of reproduced records; coroner immunity from liability under records statute

Sec. 5.3. (a) Notwithstanding IC 5-15-5.1, IC 5-15-6, or any rule, standard, or retention schedule adopted under IC 5-15-5.1 or IC 5-15-6, a coroner may do the following:

(1) Determine the materials, processes, and standards used to:

(A) correctly and accurately reproduce an original record (including producing an electronic record); and

(B) store a reproduction of an original record (including using cloud based document storage);

of the office of the coroner.

(2) At the time determined by the coroner, destroy or transfer an original record to the Indiana state archives after the coroner reproduces the record in accordance with the determination under subdivision (1).

(b) This subsection applies to records concerning a death that is the subject of a criminal investigation or proceeding. Notwithstanding any other provision of this section, a coroner shall retain the original record of

the following until final disposition of all appeals:

(1) Coroner's verdict and written report.

(2) Coroner's report containing the identification of the deceased, time and date of death, officers and officials present.

(3) Coroner's autopsy report including the written document of the complete autopsy, photos, video recordings, audio recordings, any health records, and the pathologist's finding, produced by the pathologist.

(4) Scene photographs.

(5) Toxicology report.

(6) Evidence generated by the coroner's office including DNA stain card and suicide notes.

(7) Investigative report or investigative notes.

(8) Coroner's release for cremation.

(9) Chain of custody and property release form.

(10) Clothing and personal property form.

(c) Copies, recreations, or reproductions made under subsection (a):

(1) shall have the same force and effect at law as the original record destroyed under subsection (a)(2); and

(2) shall be received as evidence in any court where the original record could have been so introduced;

if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by the coroner.

(d) A coroner who destroys an original record in accordance with the authority of the coroner under this section is immune from liability under IC 5-15-6-8.

IC 36-2-14-5.5 Duties of child death pathologist

Sec. 5.5. A child death pathologist shall:

(1) consult with a coroner concerning a death described in section 6.3(b) of this chapter;

(2) conduct an autopsy of a child as described in sections 6.3(c) and 6.7(b) of this chapter; and

(3) perform duties described in section 6.7(f) of this chapter.

IC 36-2-14-6 Determination of cause, manner, mechanism of death; suspicion of overdose; certificate of death; moving of body; autopsy; coroner duties

Sec. 6. (a) Whenever the coroner is notified that a person in the county:

(1) has died from violence;

(2) has died by casualty;

(3) has died when apparently in good health;

(4) has died in an apparently suspicious, unusual, or unnatural manner; or

(5) has been found dead;

the coroner shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in determining the cause, manner, and mechanism of death. The coroner shall hold the human remains until the investigation of how the person died and the medical investigation of the cause of death are concluded.

(b) If the coroner reasonably suspects the cause of the person›s death to be accidental or intentional overdose of a controlled substance (as defined by IC 35-48-1-9), the coroner shall do the following:

(1) Obtain any relevant information about the decedent maintained by the INSPECT program established by IC 25-1-13-4.

(2) Extract one (1) or more of the following bodily fluids from the decedent:

(A) Blood.

(B) Vitreous.

(C) Urine.

(3) Test a bodily fluid extracted under subdivision (2) to determine whether the bodily fluid contained any amount, including a trace amount, of a controlled substance at the time of the decedent's death.

(4) If the coroner reasonably suspects the cause of the person's death to be accidental or intentional overdose of an opioid (as defined in IC 35-48-1-21) or if the person was administered an overdose intervention drug (as defined in IC 16-18-2-263.9) prior to death and was unresponsive to the overdose intervention drug, the coroner shall test a bodily fluid extracted under subdivision (2) to determine whether the bodily fluid contained any amount, including a trace amount, of xylazine at the time of the decedent's death.

(5) Report the results of the test conducted under this subsection to the Indiana department of health after completing the medical investigation of the cause of the decedent's death.

(6) Provide the Indiana department of health notice of the decedent's death, including any information related to the controlled substances involved, if any.

(c) The coroner:

(1) shall file a certificate of death with the county health department, or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;

(2) shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and

(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(d) If this section applies, the body and the scene of death may not be disturbed until:

(1) the coroner has photographed them in the manner that most fully discloses how the person died; and

(2) law enforcement and the coroner have finished their initial assessment of the scene of death.

However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(e) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (g), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall arrange for the autopsy to be performed by a:

(1) physician who:

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

(B) holds a subspecialty board certification in forensic pathology from the American Osteopathic Board of Pathology and the American Osteopathic Association; or

(2) pathology resident acting under the direct supervision of a physician described in subdivision (1).

A physician employed under subdivision (1) to perform the autopsy shall be paid a fee of at least fifty dollars ($50) from the county treasury.

(f) If:

(1) at the request of:

(A) the decedent's spouse;

(B) a child of the decedent, if the decedent does not have a spouse;

(C) a parent of the decedent, if the decedent does not have a spouse or children;

(D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or

(E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(g) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is less than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (f) applies to the death of the child.

(h) After consultation with the law enforcement agency investigating the death of a decedent, the coroner shall do the following:

(1) Inform a crematory authority if a person is barred under IC 23-14-31-26(c) from serving as the authorizing agent with respect to the cremation of the decedent's body because the coroner made the determination under IC 23-14-31-26(c)(2) in connection with the death of the decedent.

(2) Inform a cemetery owner if a person is barred under IC 23-14-55-2(c) from authorizing the disposition of the body or cremated remains of the decedent because the coroner made the determination under IC 23-14-55-2(c)(2) in connection with the death of the decedent.

(3) Inform a seller of prepaid services or merchandise if a person's contract is unenforceable under IC 30-2-13-23(b) because the coroner made the determination under IC 30-2-13-23(b)(4) in connection with the death of the decedent.

IC 36-2-14-6.3 Coroner notification of child deaths; coroner consultation with child death pathologist; suspicious, unexpected, or unexplained child deaths; autopsy

Sec. 6.3. (a) A coroner shall immediately notify:

(1) the local office of the department of child services by using the statewide hotline for the department; and

(2) either:

(A) the local child fatality review team; or

(B) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of each death of a person who is less than eighteen (18) years of age, or appears to be less than eighteen (18) years of age and who has died in an apparently suspicious, unexpected, or unexplained manner.

(b) If a child less than eighteen (18) years of age dies in an apparently suspicious, unexpected, or unexplained manner, the coroner shall consult with a child death pathologist to determine whether an autopsy is necessary. If the coroner and the child death pathologist disagree over the need for an autopsy, the county prosecuting attorney shall determine whether an autopsy is necessary. If the autopsy is considered necessary, a child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy within twenty-four (24) hours after the prosecuting attorney notifies the pathologist or pathology resident of the determination. If the autopsy is not considered necessary, the autopsy shall not be conducted.

(c) If a child death pathologist and coroner agree under subsection (b) that an autopsy is necessary, the child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy of the child.

IC 36-2-14-6.5 Duty to make positive identification; manner of positive identification; exception; timely notification of next of kin

Sec. 6.5. (a) As used in this section, «DNA analysis» means an identification process in which the unique genetic code of an individual that is carried by the individual›s deoxyribonucleic acid (DNA) is compared to genetic codes carried in DNA found in bodily substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency›s investigative function.

(b) As used in this section, «human remains» has the meaning set forth in IC 35-45-19-1.5.

(c) As used in this section, «immediate family member» means, with respect to the human remains of a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

(1) The dead person's spouse.

(2) The dead person's child.

(3) The dead person's parent.

(4) The dead person's grandparent.

(5) The dead person's sibling.

(d) The coroner shall make a positive identification of human remains unless extraordinary circumstances described in subsection (e) exist. In making a positive identification, the coroner shall determine the identity of the human remains by one (1) of the following methods:

(1) Fingerprint identification.

(2) DNA analysis.

(3) Dental record analysis.

(4) Tracking a unique identifying number on a medical device (as defined in IC 24-4-12-7) that is surgically implanted in the dead person's body.

(5) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

(e) For the purposes of subsection (d), extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the five (5) methods described in subsection (d).

(f) Unless extraordinary circumstances described in subsection (e) exist, the coroner shall notify the decedent›s next of kin in a timely manner. The coroner shall retain the information derived from any of the methods described in subsection (d) until the decedent›s next of kin has been located.

IC 36-2-14-6.7 Autopsies of children who may have died of sudden infant death syndrome; autopsy reports

Sec. 6.7. (a) This section applies to a child who:

(1) died suddenly and unexpectedly;

(2) was less than three (3) years of age at the time of death; and

(3) was in apparent good health before dying.

(b) A child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct an autopsy of a child described in subsection (a).

(c) A county coroner may not certify the cause of death of a child described in subsection (a) until an autopsy is performed at county expense.

(d) The county coroner shall contact the parent or guardian of a child described in subsection (a) and notify the parent or guardian that an autopsy will be conducted at county expense.

(e) A county coroner may not certify the cause of death for an infant described in subsection (a) as a sudden unexplained infant death, including sudden infant death syndrome, until a comprehensive death investigation is performed at the county's expense that includes the following:

(1) Comprehensive autopsy including the following:

(A) Imaging.

(B) Pathology.

(C) Toxicology.

(2) Death scene investigation to include death scene photos.

(3) Submission of the sudden unexplained infant death report form to a child death pathologist.

(f) The child death pathologist shall:

(1) ensure that a tangible summary of the autopsy results is provided;

(2) provide informational material concerning sudden infant death syndrome; and

(3) unless the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guard-

ian has the right to receive the preliminary autopsy results;
to the parents or guardian of the child within one (1) week after the autopsy.

(g) If a parent or guardian of a child described in subsection (a) requests the autopsy report of the child, the coroner shall provide the autopsy report to the parent or guardian within thirty (30) days after the:

(1) request; or

(2) completion of the autopsy report;

whichever is later, at no cost.

(h) A coroner shall notify:

(1) a local child fatality review team; or

(2) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of the death of a child described in subsection (a).

IC 36-2-14-7 Examination of witnesses; service of physician; payment

Sec. 7. (a) At an investigation under this chapter, the coroner shall examine persons wanting to testify and may examine persons the coroner has summoned by the coroner›s subpoena. Witnesses shall answer under oath all questions concerning the death under investigation.

(b) If a physician is required to attend an investigation and make a post mortem examination, the coroner shall certify this service to the county executive, which shall order payment for the physician from the county treasury.

[Pre-Local Government Recodification Citation: 17-3-17-5.]

IC 36-2-14-8 Witness fees

Sec. 8. A witness testifying before a county coroner is entitled to the same fees as a witness testifying in the circuit court for the county.

[Pre-Local Government Recodification Citation: 5-7-9-5.]

IC 36-2-14-9 Witness testimony

Sec. 9. The testimony of each witness at a coroner›s investigation shall be reduced to writing and signed by the witness. The coroner shall, by recognizance in a reasonable sum, bind any witness whose testimony relates to the trial of a person concerned in the death to give evidence in court and shall send the written evidence and recognizance of the witness to the court. The coroner shall commit to the county jail a witness who refuses to enter into the recognizance required by this section.

[Pre-Local Government Recodification Citation: 17-3-17-6.]

IC 36-2-14-10 Coroner's verdict and report; autopsy records; confidentiality

Sec. 10. (a) After viewing the body, hearing the evidence, and making all necessary inquiries, the coroner shall draw up and sign the coroner›s verdict on the death under consideration. The coroner shall also make a written report giving an accurate description of the deceased person, the deceased person›s name if it can be determined, and the amount of money and other property found with the body. The verdict and the written report are subject to inspection and copying under IC 5-14-3-3.

(b) Except as provided in subsections (c), (d), and (e), a photograph, video recording, or audio recording of an autopsy in the custody of a medical examiner is declared confidential for purposes of IC 5-14-3-4(a) (1).

(c) A surviving spouse may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this section. If there is no surviving spouse or parent, an adult child shall have access to the records.

(d) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of official duties, the identity of the deceased must remain confidential.

(e) The coroner or the coroner›s designee having custody of a photograph, a video recording, or an audio recording of an autopsy may use or allow the use of the photograph, video recording, or audio recording of the autopsy for case consultation with a pathologist or forensic scientist. The coroner or the coroner›s designee having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording for training or educational purposes (as defined in IC 16-39-7.1-1.5) if all information that identifies the individual on whom the autopsy was performed is masked or removed from the photograph, video recording, or audio recording. For purposes of this subsection, information that identifies an individual consists of:

(1) the name;

(2) the address;

(3) the Social Security number;

(4) a full view of the face; or

(5) identifying marks on the body that are unrelated to the medical condition or medical status;

of the deceased individual. A coroner or coroner's designee who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the coroner or coroner's designee releases it that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released. Information disclosed under this subsection is confidential. A coroner or coroner's designee who fails to disclose the confidentiality restrictions of this information commits a Class A misdemeanor.

(f) Except as provided in subsection (e), the coroner or the coroner›s designee having custody of a photograph, a video, or an audio recording of an autopsy may not permit a person to:

(1) view or copy the photograph or video recording; and

(2) listen to or copy the audio recording;

of an autopsy without a court order.

(g) A court, upon a showing of good cause, may issue an order authorizing a person to:

(1) view or copy a photograph or video recording; and

(2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(h) In determining good cause under subsection (g), the court shall consider:

(1) whether the disclosure is necessary for the public evaluation of governmental performance;

(2) the seriousness of the intrusion into the family's right to privacy;

(3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and

(4) the availability of similar information in other public records, regardless of form.

(i) In all cases, the viewing, copying, listening to, or other handling of a photograph, video recording, or audio recording of an autopsy must be under the direct supervision of the coroner, or the coroner›s designee, who is the custodian of the record.

(j) A surviving spouse shall be given:

(1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;

(2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and

(3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(k) If there is no surviving spouse, the notice under subsection (j) must be given to the deceased›s parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

(l) A coroner or coroner›s designee who:

(1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and

(2) knowingly or intentionally violates this section;

commits a Class A misdemeanor.

(m) A person who knowingly or intentionally violates a court order

issued under this section commits a Class A misdemeanor.

(n) A person who:

(1) receives autopsy information under subsection (e); and

(2) knowingly or intentionally uses the information in a manner other than the specified purpose for which it was released;

commits a Class A misdemeanor.

[Pre-Local Government Recodification Citations: 17-3-17-7; 17-3-17-8 part.]

IC 36-2-14-11 Property or money of deceased person subject to coroner's investigation; found with body or at scene of death; taking possession; publication; search for person entitled; delivery to county treasurer or sheriff

Sec. 11. (a) This section applies to money or other personal property:

(1) owned by a deceased person whose death is subject to a coroner's investigation; or

(2) found:

(A) on a body; or

(B) at the scene of death.

(b) If money or personal property is not claimed by a person entitled to them, the coroner shall do the following:

(1) Take possession of the property.

(2) Publish, in accordance with IC 5-3-1, a description of the deceased and the name of the deceased if known.

(3) Make a reasonable search to find a person who is entitled to the money or other personal property.

(c) If, after complying with subsection (b), the coroner does not know of a person entitled to the money, the coroner shall deliver the money to the county treasurer for deposit in the county general fund.

(d) If, after complying with subsection (b), the coroner does not know of a person entitled to the personal property other than money that has an intrinsic value, the coroner shall deliver the personal property to the sheriff for sale at any auction that the sheriff conducts under law. The sheriff shall deposit the receipts from the auction of the personal property in the county general fund.

[Pre-Local Government Recodification Citations: 17-3-17-8 part; 17-3-17-10.]

IC 36-2-14-12.5 Coroner requests to hospitals for blood or tissue samples

Sec. 12.5. (a) A coroner shall make all reasonable attempts to promptly identify human remains, including taking the following steps:

(1) Photograph the human remains before an autopsy is conducted.

(2) X-ray the human remains.

(3) Photograph items found with the human remains.

(4) Fingerprint the remains, if possible.

(5) Obtain tissue, bone, or hair samples suitable for DNA typing, if possible.

(6) Collect any other information relevant to identification efforts.

(b) A coroner may not dispose of unidentified human remains or take any other action that will materially affect the condition of the remains until the coroner has taken the steps described in subsection (a).

(c) If human remains have not been identified after thirty (30) days, the coroner or other person having custody of the remains shall request the state police to do the following:

(1) Enter information that may assist in the identification of the remains into:

(A) the National Crime Information Center (NCIC) data base; and

(B) any other appropriate data base.

(2) Upload relevant DNA profiles from the remains to the missing persons data base of the State DNA Index System (SDIS) and the National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for data base entry.

(d) If unidentified human remains are identified as belonging to a missing person, the coroner shall:

(1) notify the law enforcement agency handling the missing persons case that the missing person is deceased; and

(2) instruct the law enforcement agency to make documented efforts to contact family members of the missing person.

(e) No person may order the cremation of unidentified human remains.

IC 36-2-14-13 Immunity from civil liability; autopsy

Sec. 13. A person who in good faith orders or performs a medical examination or autopsy under statutory authority is immune from civil liability for damages for ordering or performing the examination or autopsy.

[Pre-Local Government Recodification Citation: 17-3-17-15.]

IC 36-2-14-15 Compensation; expiration of statute

Sec. 15. (a) When fixing the compensation of county officers under this title, the county fiscal body shall fix:

(1) compensation for the coroner as if the coroner is licensed to practice as a physician in Indiana; and

(2) compensation for the coroner as if the coroner is not licensed to practice as a physician in Indiana.

The compensation fixed under subdivision (1) must be one and one-half (1 1/2) times that fixed under subdivision (2). The county fiscal body shall then determine whether or not the coroner is a licensed physician and shall fix the coroner's compensation in the proper amount.

(b) This subsection applies only to an individual who is elected or reelected to the office of coroner in the 2022 general election. The county fiscal body shall fix the compensation of the coroner for calendar years 2023, 2024, 2025, and 2026 in accordance with this section.

(c) This subsection applies only to an individual who is elected or reelected to the office of coroner in the 2024 general election. The county fiscal body shall fix the compensation of the coroner for calendar years 2025 and thereafter in accordance with:

(1) IC 36-2-5-3 and IC 36-2-5-11, in a county not having a consolidated city; or

(2) IC 36-3-6-2, in a county having a consolidated city.

(d) This section expires January 1, 2027.

IC 36-2-14-16 Counties over 400,000 population; disposition of unclaimed bodies

Sec. 16. (a) This section applies to each county having a population of more than four hundred thousand (400,000).

(b) For purposes of this section, a body is unclaimed if:

(1) a person cannot be located to take custody of the body; or

(2) there is a person to take custody of the body, but that person cannot or will not assume financial responsibility for disposition of the body.

(c) Except as provided in IC 21-44-2, the coroner may order the burial or cremation of any unclaimed body left in the coroner's custody.

(d) If the deceased died without leaving money or other means necessary to defray the funeral expenses, the coroner may contract with a funeral director licensed under IC 25-15 to dispose of the body. The necessary and reasonable expenses for disposing of the body shall be paid by the county auditor upon the order of the coroner.

IC 36-2-14-17 Violent or suspicious death of person; failure to notify authorities of discovery of body or moving body from scene; offenses

Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who:

(1) has died from violence;

(2) has died in an apparently suspicious, unusual, or unnatural manner; or

(3) has died at less than three (3) years of age;

commits a Class B infraction. However, the failure to immediately notify under this subsection is a Class A misdemeanor if the person fails to immediately notify with the intent to hinder a criminal investigation.

(b) A person who, with the intent to hinder a criminal investigation and without the permission of the coroner or a law enforcement officer,

knowingly or intentionally alters the scene of death of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a Level 6 felony.

IC 36-2-14-18 Public inspection and copying of information; investigatory records; copies of autopsy; availability of report

Sec. 18. (a) Notwithstanding IC 5-14-3-4(b) (1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner›s deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of a parent of the decedent, an adult child of the decedent, a next of kin of the decedent, or an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. A parent of the decedent, an adult child of the decedent, a next of kin of the decedent, and an insurance company are prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available, upon written request, a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

(1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;

(2) the statewide child fatality review committee established by IC 16-49-4; or

(3) a county child fatality review team or regional child fatality review team established under IC 16-49-2 for the area where the death occurred;

for purposes of an entity described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 16-49-1-2) and making a determination as to whether the death of the child was a result of abuse, abandonment, or neglect. An autopsy report made available under this subsection is confidential and shall not be disclosed to another individual or agency, unless otherwise authorized or required by law.

(f) Notwithstanding any other provision of this section, a coroner shall make available, upon written request, a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to the local fetal-infant mortality review team established under IC 16-49-6 for purposes of the local fetal-infant mortality review team conducting a review or an investigation of the circumstances surrounding a fetal death or an infant death (as defined in IC 16-49-6). An autopsy report made available under this subsection is confidential and shall not be disclosed to another individual or agency, unless otherwise authorized or required by law.

(g) Notwithstanding any other provision of this section, a coroner shall make available, upon written request, a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to the statewide maternity mortality review committee established under IC 16-50-1.

(h) Notwithstanding any other provision of this section, and except as otherwise provided in this subsection, a coroner may make available, upon written request, a full copy of an autopsy report to the peer review committee (as defined in IC 34-6-2-99) of a hospital at which the decedent was treated immediately before death for purposes of the hospital's peer review activities. An autopsy report made available under this subsection:

(1) may not include:

(A) a photograph;

(B) a video recording; or

(C) an audio recording;

of the autopsy; and

(2) is confidential and may not be disclosed to another individual or agency, unless otherwise authorized or required by law.

However, if immediately making available an autopsy report under this subsection will interfere with the coroner's investigation or other legal proceedings related to the decedent's death, the coroner may delay making available the requested autopsy related information until the investigation or other legal proceedings are concluded.

(i) Except as provided in subsection (j), the information required to be available under subsection (a) must be completed not later than fourteen (14) days after the completion of:

(1) the autopsy report; or

(2) if applicable, any other report, including a toxicology report, requested by the coroner as part of the coroner's investigation;

whichever is completed last.

(j) The prosecuting attorney may petition a circuit or superior court for an order prohibiting the coroner from publicly disclosing the information required in subsection (a). The prosecuting attorney shall serve a copy of the petition on the coroner.

(k) Upon receipt of a copy of the petition described in subsection (j), the coroner shall keep the information confidential until the court rules on the petition.

(l) The court shall grant a petition filed under subsection (j) if the prosecuting attorney proves by a preponderance of the evidence that public access or dissemination of the information specified in subsection (a) would create a significant risk of harm to the criminal investigation of the death. The court shall state in the order the reasons for granting or denying the petition. An order issued under this subsection must use the least restrictive means and duration possible when restricting access to the

information. Information to which access is restricted under this subsection is confidential.

(m) Any person may petition the court to modify or terminate an order issued under subsection (l). The petition for modification or termination must allege facts demonstrating that:

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death.

The person petitioning the court for modification or termination shall serve a copy of the petition on the prosecuting attorney and the coroner.

(n) Upon receipt of a petition for modification or termination filed under subsection (m), the court may:

(1) summarily grant, modify, or dismiss the petition; or

(2) set the matter for hearing.

If the court sets the matter for hearing, upon the motion of any party or upon the court's own motion, the court may close the hearing to the public.

(o) If the person filing the petition for modification or termination proves by a preponderance of the evidence that:

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;

the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request.

IC 36-2-14-19 Cornea donations

Sec. 19. (a) As used in this section, «cornea» includes corneal tissue.

(b) As used in this section, «decedent» means a person described in section 6(a) (1) through 6(a) (5) of this chapter.

(c) As used in this section, «eye bank» means a nonprofit corporation:

(1) organized under Indiana law;

(2) exempt from federal income taxation under Section 501 of the Internal Revenue Code; and

(3) whose purposes include obtaining, storing, and distributing corneas that are to be used for corneal transplants or for other medical or medical research purposes.

(d) If under section 6(e) of this chapter the coroner requires an autopsy to be performed upon a decedent, the coroner may authorize the removal of one (1) or both of the decedent›s corneas for donation to an eye bank for transplantation, if the following conditions exist:

(1) The decedent's corneas are not necessary for successful completion of the autopsy.

(2) The decedent's corneas are not necessary for use as evidence.

(3) Removal of the decedent's corneas will not alter the postmortem facial appearance of the decedent.

(4) A representative of the eye bank, authorized by the trustees of the eye bank to make requests for corneas, has done the following:

(A) Within six (6) hours after the time of death, made a reasonable attempt to:

(i) contact any of the persons listed in the order of priority specified in IC 29-2-16.1-8; and

(ii) inform the person of the effect of the removal of the decedent's corneas on the physical appearance of the decedent.

(B) Submitted to the coroner:

(i) a written request for the donation by the coroner of corneas of the decedent subject to autopsy under section 6(e) of this chapter; and

(ii) a written certification that corneas donated under this section are intended to be used only for cornea transplant.

(5) The removal of the corneas and their donation to the eye bank will not alter a gift made by:

(A) the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8;

to an agency or organization other than the eye bank making the request for the donation.

(6) The coroner, at the time the removal and donation of a decedent's corneas is authorized, does not know of any objection to the removal and donation of the decedent's corneas made by:

(A) the decedent, as evidenced in a written document executed by the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8.

(e) A person, including a coroner and an eye bank and the eye bank›s representatives, who exercises reasonable care in complying with subsection (d) (6) is immune from civil liability arising from cornea removal and donation allowed under this section.

(f) A person who authorizes the donation of a decedent›s corneas may not be charged for the costs related to the donation. The recipient of the donation is responsible for the costs related to the donation.

IC 36-2-14-20 County responsibility for costs of autopsies

Sec. 20. (a) This section applies only to the autopsy of a person whose death is:

(1) suspicious;

(2) violent;

(3) accidental; or

(4) from an overdose.

(b) As used in this section, «autopsy» means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.

(c) Except as provided in subsection (d) and IC 4-24-4-1, if an Indiana resident dies in an Indiana county as a result of an incident that occurred in another Indiana county, the county coroner where the death occurred shall discuss whether an autopsy is warranted with the coroner of the county where the incident occurred. If the coroners agree that an autopsy is needed, the coroner of the county where the death occurred shall bill the county in which the incident occurred for the cost of the autopsy, including the physician fee under section 6(e) of this chapter.

(d) Except as provided in subsection (c) and IC 4-24-4-1, payment for the costs of an autopsy requested by a party other than the:

(1) county prosecutor; or

(2) county coroner;

of the county in which the individual died must be made by the party requesting the autopsy.

(e) This section does not preclude the coroner of a county in which a death occurs from attempting to recover autopsy costs from the jurisdiction outside Indiana where the incident that caused the death occurred.

IC 36-2-14-21 Coroners obtaining decedent's health records; coroners provide health records to investigative units

Sec. 21. (a) As used in this section, «health records» means written, electronic, or printed information possessed by a provider concerning any diagnosis, treatment, or prognosis of the patient. The term includes mental health records, alcohol and drug abuse records, and emergency ambulance service records.

(b) As used in this section, «provider» has the meaning set forth in IC 16-18-2-295(b).

(c) As part of a medical examination or autopsy conducted under this chapter, a coroner may obtain a copy of the decedent›s health records.

(d) Except as provided in subsection (e), health records obtained under this section are confidential.

(e) The coroner may provide the health records of a decedent that were obtained under this section to a prosecuting attorney or law enforcement agency that is investigating the individual›s death. Health records received from a coroner under this subsection are confidential.

(f) A person who receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor.

IC 36-2-14-22 Providing climate controlled environment

Sec. 22. A coroner shall exercise reasonable care in providing a climate controlled environment for the purpose of retarding decomposition of a human body in the coroner›s custody.

IC 36-2-14-22.1 Coroner requests to hospitals for blood or tissue samples

Sec. 22.1. (a) Upon the request of a coroner who is conducting or will conduct a death investigation on an individual who is admitted or was admitted to a hospital, the hospital shall provide a sample of the individual›s blood or tissue to the coroner.

(b) A coroner does not need to obtain a warrant to request a blood or tissue sample under this section.

IC 36-2-14-22.3 Training courses for coroners and deputy coroners

Sec. 22.3. (a) The coroners training board established by IC 4-23-6.5-3, in consultation with the Indiana law enforcement academy, shall create and offer a training course for coroners and deputy coroners. The training course must include:

(1) at least forty (40) hours of instruction; and

(2) instruction regarding:

(A) death investigation;

(B) crime scenes; and

(C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The coroners training board, in consultation with the Indiana law enforcement academy, shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

(1) include at least eight (8) hours of instruction; and

(2) cover recent developments in:

(A) death investigation;

(B) crime scenes; and

(C) preservation of evidence at a crime scene for police and crime lab technicians.

(c) In creating the courses under subsections (a) and (b), the coroners training board shall consult with a pathologist certified by the American Board of Pathology regarding medical issues that are a part of the training courses.

(d) All training in the courses offered under subsections (a) and (b) that involves medical issues must be approved by a pathologist certified by the American Board of Pathology.

(e) All training in the courses offered under subsections (a) and (b) that involves crime scenes and evidence preservation must be approved by a law enforcement officer.

(f) The coroners training board shall issue a coroner or deputy coroner a certificate upon successful completion of the courses described in subsections (a) and (b).

IC 36-2-14-22.4 Organ and tissue procurement

Sec. 22.4. A coroner shall follow the procedures set forth in IC 29-2-16.1 concerning organ and tissue procurement.

IC 36-2-14-22.6 Information requests; medicolegal examinations; interference with postmortem examinations; denial of recovery

Sec. 22.6. (a) Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent›s body or part is medically suitable for transplantation, therapy, research, or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

(b) The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

(c) A person that has any information requested by a coroner under subsection (b) shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner, in consultation with a pathologist, initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent›s cause or manner of death or interfere with the preservation or collection of evidence, the coroner and pathologist shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner may allow the recovery, delay the recovery, or deny the recovery.

(f) Before the removal procedure, the coroner or designee may allow recovery by the procurement organization to proceed, or, if the coroner or designee reasonably believes that the part may be involved in determining the decedent›s cause or manner of death or, in tissue procurement cases, if the coroner or designee determines that, for evidentiary purposes, the body must remain undisturbed prior to autopsy, deny recovery by the procurement organization. The coroner or designee must be present at the scene before denying the recovery of a part. When practicable, the coroner and pathologist shall work with the procurement organization to facilitate removal of a part following any postmortem examination of the decedent.

(g) If the coroner or designee denies recovery under subsection (e) or (f), the coroner or designee shall:

(1) explain in a record the specific reasons for not allowing recovery of the part;

(2) include the specific reasons in the records of the coroner and forensic pathologist; and

(3) provide a record with the specific reasons to the procurement organization and the Indiana department of health.

(h) If the coroner or designee allows recovery of a part under subsection (d), (e), or (f), the procurement organization shall do the following:

(1) At the request of the coroner or designee and when practicable, perform diagnostic studies that would aid in documenting the presence or absence of injuries.

(2) Cause the physician or technician who removes the part to explain in a signed record the condition of the part, including the presence or absence of any injuries to the part or any surrounding tissue or organs.

(3) Provide a copy of the record described in subdivision (2) to the coroner and the investigating law enforcement agency.

(4) Cause the physician or technician who removes the part to photograph, collect, preserve, and maintain the appropriate chain of custody of any evidence that is found during procurement.

(5) Cause the physician or technician who removes the part to collect blood and other bodily fluid samples as directed by the coroner or designee.

(6) Cause the physician or technician who removes the part to, upon the request of the coroner or designee, photograph, biopsy, or provide any other information and observations concerning the part or body that would assist in the postmortem examination.

(i) If a coroner or designee must:

(1) be present at a removal procedure under subsection (f); or
(2) perform duties at times other than those that are usual and customary for the coroner or designee to maximize tissue or eye recovery under IC 29-2-16.1-21(b);

at the request of the coroner or designee, the procurement organization that requested the recovery of the part shall reimburse the coroner or designee for the additional costs incurred by the coroner or designee to comply with subsection (f) or IC 29-2-16.1-21(b).

IC 36-2-14-23 Requirement that coroner and deputy coroner complete course; auditor to withhold pay if course not timely completed; withheld pay released upon successful completion of course; exception

Sec. 23. (a) Each coroner shall successfully complete the training course offered under section 22.3(a) of this chapter within six (6) months after taking office.

(b) Each deputy coroner shall successfully complete the training course offered under section 22.3(a) of this chapter within one (1) year after beginning employment with a coroner›s office.

(c) Each coroner and each deputy coroner shall successfully complete the annual training course offered under section 22.3(b) of this chapter each year after the year in which the coroner or deputy coroner received the training required by section 22.3(a) of this chapter.

(d) After a coroner or deputy coroner has:
(1) successfully completed the training course as required under subsection (a) or (b); and
(2) successfully completed the annual training course as required under subsection (c);

the coroner or deputy coroner shall present a certificate or other evidence to the county executive, or in the case of a county that contains a consolidated city, the city-county council, that the coroner or deputy coroner has successfully completed the training required under subsection (a), (b), or (c).

(e) If a coroner or deputy coroner does not present a certificate or other evidence to the county executive, or in the case of a county that contains a consolidated city, the city-county council, that the coroner or deputy coroner has successfully completed the training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to withhold the paycheck of the coroner or deputy coroner until the coroner or deputy coroner satisfies the respective training requirements under subsections (a), (b), and (c), unless the county executive or city-county council adopts a resolution finding that:
(1) the failure of the coroner or deputy coroner to complete the respective training requirements under subsections (a), (b), and (c) is the result of unusual circumstances;
(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing the respective training requirements under subsections (a), (b), and (c); and
(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(f) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (e) and a coroner or deputy coroner later presents a certificate or other evidence to the county executive or city-county council that the coroner or deputy coroner has successfully completed training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to release all of the coroner's or deputy coroner's paychecks that were withheld from the coroner or deputy coroner.

IC 36-2-14-24 Requirement for the release of autopsy and other reports; auditor to withhold pay if autopsy or other reports not timely released; withheld pay released upon release of autopsy or other reports; exception

Sec. 24. (a) Except as provided in subsection (b), if a coroner does not release a written report required under section 10 of this chapter or a full copy of an autopsy report required under section 18 of this chapter as required by law, the county executive, or in the case of a county containing a consolidated city, the city-county council, shall order the auditor to withhold the paycheck of the coroner until the coroner properly releases the written report or full autopsy report, unless the county executive or city-county council adopts a resolution finding that:
(1) the failure of the coroner or deputy coroner to release the written report or full autopsy report is the result of unusual circumstances;
(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing and releasing the written report or full autopsy report; and
(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(b) A county auditor may not withhold the paycheck of a coroner if a coroner is legally prohibited from releasing a written report or from releasing a full autopsy report. However, a coroner is required to release a written report or full autopsy report as soon as possible after the legal prohibition on releasing the written report or full autopsy report ceases to exist.

(c) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (a) and a coroner properly releases the written report or full autopsy report, the county executive or city-county council shall order the auditor to release all of the coroner›s paychecks that were withheld from the coroner.

IC 36-2-14-25 Coroner; conflict of interest

Sec. 25. (a) If a coroner believes that a conflict of interest exists with respect to the exercise of the coroner›s official duties in a particular case, the coroner shall:
(1) recuse himself or herself from the case; and
(2) obtain the services of the coroner of another county to fulfill the coroner's official duties in the case.

(b) The coroner of the other county serving under this section shall be reimbursed for all costs incurred in the case by the county in which the conflict of interest exists.

IC 36-2-14-26 Rules

Sec. 26. The Indiana department of health may adopt rules under IC 4-22-2 in carrying out the department›s duties under this chapter.

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TITLE 9. MOTOR VEHICLES

IC 9-13-2-17 "Bus"

Sec. 17. «Bus» means a motor vehicle that is:

(1) designed for carrying more than nine (9) passengers, including the driver; and

(2) used to transport passengers.

[Pre-1991 Recodification Citations: subsection (a) formerly 9-1-1-2(l); 9-7-3-1(a) part; subsection (b) formerly 9-4-1-4 part.]

IC 9-13-2-21 "Chauffeur"

Sec. 21. (a) «Chauffeur», except as provided in subsection (b), means a person:

(1) operating a motor vehicle registered as having a gross weight of at least sixteen thousand (16,000) pounds but not more than twenty-six thousand (26,000) pounds for the purpose of transporting property for hire; or

(2) operating a private bus.

(b) «Chauffeur», for purposes of IC 9-25, means a person:

(1) who is employed for hire for the principal purpose of operating a motor vehicle upon the highways;

(2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or

(3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

[Pre-1991 Recodification Citations: subsection (a) formerly 9-1-1-2(aa); subsection (b) formerly 9-2-1-2 part.]

IC 9-13-2-69.3 "Funeral escort vehicle"

Sec. 69.3. «Funeral escort vehicle» means a vehicle driven by a person who provides escort services for funeral processions. The term does not include an authorized emergency vehicle or a vehicle owned and operated by a funeral home (as defined in IC 25-15-2-15).

IC 9-13-2-69.5 "Funeral procession"

Sec. 69.5. «Funeral procession» means two (2) or more vehicles, including a lead vehicle or a funeral escort vehicle, accompanying human remains.

ARTICLE 19. MOTOR VEHICLE EQUIPMENT

Chapter 11. Passenger Restraint Systems for Children

IC 9-19-11-1 Application of chapter

Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

(1) A school bus.

(2) A special purpose bus.

(3) A taxicab.

(4) A medical services vehicle.

(5) A bus, motorcycle, motor driven cycle, passenger motor vehicle or truck that was originally manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

(6) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.

(7) A motor vehicle that is being used in an emergency.

(8) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:

(A) a funeral procession;

(B) the return trip to a funeral home (as defined in IC 25-15-2-15); or

(C) both the funeral procession and return trip.

(9) This subdivision applies only while a TNC driver is providing a prearranged ride to a TNC rider. A motor vehicle used by a TNC driver to provide prearranged rides (as defined in IC 8-2.1-17-13.5).

[Pre-1991 Recodification Citation: 9-8-13-4; Pre-2016 Revision Citation: subdivision (4) formerly 9-13-2-3(b).]

Chapter 14. Special Equipment for Emergency Vehicles

IC 9-19-14-5.5 Red and white, red and blue, red, or amber lights; violation

Sec. 5.5. (a) Except for a:

(1) vehicle utilized in a funeral procession; or

(2) funeral escort vehicle bearing markings as described in IC 9-21-13-0.7;

a vehicle that is not described by sections 2 or 5 of this chapter may not display a red and white lamp or a red and blue lamp.

(b) A person who:

(1) possesses a vehicle with equipment described by sections 2 or 5 of this chapter; and

(2) is not authorized to display a red and white or red and blue lamp upon the vehicle;

shall immediately remove the red and white or red and blue lamp from the vehicle.

(c) A funeral escort vehicle, other than an authorized emergency vehicle used in a funeral procession or as a funeral escort vehicle, may display only red and white, red, or amber lights.

(d) Except as provided in subsection (e), a person who fails to comply with subsection (b) or (c) commits a Class C misdemeanor.

(e) Subsection (d) does not apply to a person who owns or operates a vehicle or combination of vehicles that:

(1) contains parts and accessories; and

(2) is equipped;

as required under regulations of the United States Department of Transportation.

ARTICLE 21. TRAFFIC REGULATION

Chapter 13. Funeral Processions

IC 9-21-13-0.7 Markings for funeral escort vehicle

Sec. 0.7. (a) Except as provided in subsection (b), a funeral escort vehicle must be clearly marked with the words «funeral escort» on both the right and left sides of the vehicle in letters that are at least five (5) inches in height.

(b) A motorcycle that is a funeral escort vehicle must be clearly marked with the words «funeral escort» on both the right and left sides of the vehicle in letters that are at least two (2) inches in height.

(c) A funeral escort vehicle may not bear:

(1) markings similar to the markings used by a law enforcement agency of the state or the federal government;

(2) words, emblems, seals, or other insignia that could cause a reasonable person to confuse the funeral escort vehicle with a police vehicle; or

(3) the words “sheriff”, “police”, “deputy”, “marshal”, “agent”, “patrolman”, “officer”, or another word that could cause a reasonable person to confuse the operator of the funeral escort vehicle with a law enforcement officer.

IC 9-21-13-1 Right-of-way at intersections; conditions; exceptions

Sec. 1. (a) A vehicle with lighted headlights in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is headed by a lead or funeral escort vehicle displaying alternately flashing red and white, flashing red, or flashing amber lights or an authorized emergency vehicle, except if either of the following conditions exist:

(1) When the right-of-way is required by an authorized emergency vehicle giving an audible signal.

(2) When the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, a person who drives a vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

[Pre-1991 Recodification Citation: 9-4-1.5-1.]

IC 9-21-13-2 Driving between vehicles of a funeral procession; prohibition; exceptions

Sec. 2. A person who drives a vehicle that is not in a funeral procession may not drive the vehicle between the vehicles of the funeral procession, except when:

(1) authorized to do so by a traffic officer; or

(2) the vehicle is an authorized emergency vehicle giving audible signal by siren.

[Pre-1991 Recodification Citation: 9-4-1.5-2.]

IC 9-21-13-3 Formation of procession and lighting headlights for purpose of securing right-of-way; prohibition

Sec. 3. A person who drives a vehicle that is not a part of a funeral procession may not join the procession or form a procession and have headlights lighted for the purpose of securing the right-of-way granted by this chapter to funeral processions.

[Pre-1991 Recodification Citation: 9-4-1.5-3.]

IC 9-21-13-4 Lead and escort vehicles; flashing lights; restrictions on use

Sec. 4. (a) The lead and funeral escort vehicles in a funeral procession may be equipped with flashing amber lights that may be used only when the vehicles are used in a funeral procession.

(b) Notwithstanding any other provisions in this article that govern emergency vehicles, the lead and funeral escort vehicles in a funeral procession may be equipped with flashing red lights that may be used only when the vehicles are used in a funeral procession. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

[Pre-1991 Recodification Citation: 9-4-1.5-4(a); (b).]

IC 9-21-13-4.5 Funeral procession; duty to exercise due caution; required lights

Sec. 4.5. (a) A person operating a vehicle in a funeral procession:

(1) must exercise due caution while in the funeral procession; and

(2) must follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) A vehicle that is part of a funeral procession:

(1) must have its headlights and taillights illuminated; and

(2) may display flashing amber lights.

(c) The operator of:

(1) a vehicle immediately following the lead vehicle in a funeral procession; and

(2) the last vehicle in the funeral procession;

may illuminate the vehicle’s hazard warning lights while in the funeral procession.

IC 9-21-13-5 Vehicle in procession; pennants, flags, or windshield stickers; lights

Sec. 5. A vehicle that is a part of a funeral procession may use:

(1) funeral pennants or flags;

(2) windshield stickers; or

(3) an amber light as described in section 4.5(b) of this chapter;

to identify the vehicle as a part of the procession.

[Pre-1991 Recodification Citation: 9-4-1.5-4(c).]

IC 9-21-13-6 Passing of funeral processions; multiple lane highways

Sec. 6. A person who drives a vehicle may pass a funeral procession on the procession›s left side on a multiple lane highway if the passing can be done safely.

[Pre-1991 Recodification Citation: 9-4-1.5-5.]

IC 9-21-13-7 Violations; Class C infraction

Sec. 7. A person who violates this chapter commits a Class C infraction.

[Pre-1991 Recodification Citation: 9-4-1.5-6.]

ARTICLE 24. DRIVERS LICENSES

Chapter 8.5. Endorsements

IC 9-24-8.5-5 For-hire endorsement; conditions; fees

Sec. 5. (a) The bureau shall add a for-hire endorsement to a driver›s license if the holder meets the following conditions:

(1) Is at least eighteen (18) years of age.

(2) Has held a valid driver's license for more than one (1) year.

(3) Makes a proper application in a form and manner prescribed by the bureau.

(4) Satisfactorily passes a written test approved by the bureau.

(5) Pays a fee of nineteen dollars ($19). The fee shall be distributed as follows:

(A) Fifty cents ($0.50) to the state motor vehicle technology fund.

(B) One dollar and twenty-five cents ($1.25) to the motor vehicle highway account.

(C) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(D) Sixteen dollars ($16) to the commission fund.

(b) The bureau may impose an additional fee of twenty-five dollars ($25) if the bureau processes an application for a physical credential under this chapter in a period of time that is shorter than the normal processing period. The bureau shall deposit the fee in the commission fund.

(c) A fee imposed under this section is in addition to any other fee imposed under this chapter.

IC 9-24-8.5-6 Operating privileges granted with for-hire endorsement

Sec. 6. (a) In addition to the operating privileges granted to the holder of a driver's license issued under IC 9-24-3, a driver's license issued under IC 9-24-3 with a for-hire endorsement entitles the holder to operate the following:

(1) A motor vehicle that is:

(A) registered as having a gross weight of at least sixteen thousand (16,000) pounds but not more than twenty-six thousand (26,000) pounds; and

(B) operated for the purpose of transporting property for hire.

(2) A motor vehicle that is:

(A) designed to transport fewer than sixteen (16) passengers, including the driver; and

(B) operated for the purpose of transporting passengers for hire.

(b) The holder of a driver's license issued under IC 9-24-3 with a for-hire endorsement is not entitled to operate a commercial motor vehicle.

IC 9-24-8.5-7 Employment of for-hire operator

Sec. 7. A person may not employ an individual to operate a motor vehicle in a manner for which a for-hire endorsement is required unless the individual holds one (1) of the following:

(1) A valid driver's license issued under IC 9-24-3 with a for-hire endorsement.

(2) A valid commercial driver's license.

(3) A valid chauffeur's license issued under IC 9-24-4 (before its expiration).

(4) A valid public passenger chauffeur's license issued under IC 9-24-5 (before its expiration).

[Pre-2016 Revision Citations: 9-24-4-5; 9-24-5-5.]

IC 9-24-8.5-8 Violation

Sec. 8. A person that violates this chapter commits a Class C infraction.

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16 CFR Part 453 - FUNERAL INDUSTRY PRACTICES

§ 453.1 Definitions.

(a) ***Alternative container.*** An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.

(b) ***Cash advance item.*** A "cash advance item" is any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser›s behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.

(c) ***Casket.*** A "casket" is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.

(d) ***Commission.*** "Commission" refers to the Federal Trade Commission.

(e) ***Cremation.*** "Cremation" is a heating process which incinerates human remains.

(f) ***Crematory.*** A "crematory" is any person, partnership or corporation that performs cremation and sells funeral goods.

(g) ***Direct cremation.*** A "direct cremation" is a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.

(h) ***Funeral goods.*** "Funeral goods" are the goods which are sold or offered for sale directly to the public for use in connection with funeral services.

(i) ***Funeral provider.*** A "funeral provider" is any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public.

(j) ***Funeral services.*** "Funeral services" are any services which may be used to:

(1) Care for and prepare deceased human bodies for burial, cremation or other final disposition; and

(2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.

(k) ***Immediate burial.*** An "immediate burial" is a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

(l) ***Memorial service.*** A "memorial service" is a ceremony commemorating the deceased without the body present.

(m) ***Funeral ceremony.*** A "funeral ceremony" is a service commemorating the deceased with the body present.

(n) ***Outer burial container.*** An "outer burial container" is any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

(o) ***Person.*** A "person" is any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.

(p) ***Services of funeral director and staff.*** The "services of funeral director and staff" are the basic services, not to be included in prices of other categories in § 453.2(b) (4), that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.

§ 453.2 Price disclosures.

(a) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in paragraph (b)

of this section is not engaged in the unfair or deceptive acts or practices defined here.

(b) ***Preventive requirements.*** To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b) (1), funeral providers must:

(1) ***Telephone price disclosure.*** Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (b) (2) through (4) of this section and any other readily available information that reasonably answers the question.

(2) ***Casket price list.***

(i) Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. The list must contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make a casket price list available if the funeral providers place on the general price list, specified in paragraph (b) (4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list."

(3) ***Outer burial container price list.***

(i) Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in paragraph (b) (4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as an "outer burial container price list."

(4) ***General price list.*** (i) (A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

(1) The prices of funeral goods or funeral services;

(2) The overall type of funeral service or disposition; or

(3) Specific funeral goods or funeral services offered by the funeral provider.

(B) The requirement in paragraph (b) (4) (i) (A) of this section applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at that time for authorization to embalm, required by § 453.5(a) (2), does not, by itself, trigger the requirement to offer the general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under paragraph (b) (4) (i) (A) of this section to give consumers a general price list.

(C) The list required in paragraph (b) (4) (i) (A) of this section must contain at least the following information:

(1) The name, address, and telephone number of the funeral provider's place of business;

(2) A caption describing the list as a "general price list"; and

(3) The effective date for the price list;

(ii) Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:

(A) Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price;

(B) Receiving remains from another funeral home, together with a list of the services provided for any quoted price;

(C) The price range for the direct cremations offered by the funeral provider, together with:

(1) A separate price for a direct cremation where the purchaser provides the container;

(2) Separate prices for each direct cremation offered including an alternative container; and

(3) A description of the services and container (where applicable), included in each price;

(D) The price range for the immediate burials offered by the funeral provider, together with:

(1) A separate price for an immediate burial where the purchaser provides the casket;

(2) Separate prices for each immediate burial offered including a casket or alternative container; and

(3) A description of the services and container (where applicable) included in that price;

(E) Transfer of remains to funeral home;

(F) Embalming;

(G) Other preparation of the body;

(H) Use of facilities and staff for viewing;

(I) Use of facilities and staff for funeral ceremony;

(J) Use of facilities and staff for memorial service;

(K) Use of equipment and staff for graveside service;

(L) Hearse; and

(M) Limousine.

(iii) Include on the price list, in any order, the following information:

(A) Either of the following:

(1) The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual caskets, disclosed in the manner specified by paragraph (b) (2) (i) of this section; and

(B) Either of the following:

(1) The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual outer burial containers, disclosed in the manner specified by paragraph (b) (3) (i) of this section; and

(C) Either of the following:

(1) The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)". If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral provid-

ers may include in the required disclosure the phrase "and overhead" after the word "services"; or

(2) The following statement: "Please note that a fee of (*specify dollar amount*) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (specify)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list together with the casket price range, required by paragraph (b) (4) (iii) (A) (*1*) of this section, or together with the prices of individual caskets, required by (b) (4) (iii) (A) (*2*) of this section.

(iv) The services fee permitted by § 453.2(b) (4) (iii) (C) (*1*) or (C) (*2*) is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law.

(5) ***Statement of funeral goods and services selected.***

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

(ii) The information required by this paragraph (b) (5) may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(6) ***Other pricing methods.*** Funeral providers may give persons any other price information, in any other format, in addition to that required by § 453.2(b) (2), (3), and (4) so long as the statement required by § 453.2(b) (5) is given when required by the rule.

§ 453.3 Misrepresentations.

(a) ***Embalming provisions*** **-**

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local law requires that a deceased person be embalmed when such is not the case;

(ii) Fail to disclose that embalming is not required by law except in certain special cases, if any.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §§ 453.4(b) (1) and 453.5(2), funeral providers must:

(i) Not represent that a deceased person is required to be embalmed for:

(A) Direct cremation;

(B) Immediate burial; or

(C) A closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming; and

(ii) Place the following disclosure on the general price list, required by § 453.2(b) (4), in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances.

(b) ***Casket for cremation provisions*** **-**

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local law requires a casket for direct cremations;

(ii) Represent that a casket is required for direct cremations.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(a) (1), funeral providers must place the following disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers)." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.

(c) ***Outer burial container provisions*** **-**

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case;

(ii) Fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container.

(2) ***Preventive requirement.*** To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by § 453.2(b) (3) (i), or, if the prices of outer burial containers are listed on the general price list, required by § 453.2(b) (4), in immediate conjunction with those prices: "In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements." The phrase "in most areas of the country" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require a container to surround the casket in the grave.

(d) ***General provisions on legal and cemetery requirements*** **-**

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in §§ 453.3(a) (1), 453.3(b) (1), and 453.3(c) (1), funeral providers must identify and briefly describe in writing on the statement of funeral goods and services selected (required by § 453.2(b) (5)) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

(e) ***Provisions on preservative and protective value claims.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(1) Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time;

(2) Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.

(f) ***Cash advance provisions*** **-**

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice

for a funeral provider to:

(i) Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case;

(ii) Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods and services selected, in immediate conjunction with the list of itemized cash advance items required by § 453.2(b) (5) (i) (B): "We charge you for our services in obtaining: (specify cash advance items)," if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

§ 453.4 Required purchase of funeral goods or funeral services.

(a) ***Casket for cremation provisions*** **-**

(1) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation.

(2) ***Preventive requirement.*** To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations.

(b) ***Other required purchases of funeral goods or funeral services*** **-**

(1) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to:

(i) Condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part;

(ii) Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for: (1) Services of funeral director and staff, permitted by § 453.2(b) (4) (iii) (C); (2) other funeral services and funeral goods selected by the purchaser; and (3) other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with § 453.3(d) (2).

(2) ***Preventive requirements.***

(i) To prevent these unfair or deceptive acts or practices, funeral providers must:

(A) Place the following disclosure in the general price list, immediately above the prices required by § 453.2(b) (4) (ii) and (iii): "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." Provided, however, that if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence: "However, any funeral arrangements you select will include a charge for our basic services" between the second and third sentences of the statement specified above herein. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral provider overhead;

(B) Place the following disclosure in the statement of funeral goods and services selected, required by § 453.2(b) (5) (i): "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below."

(ii) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

§ 453.5 Services provided without prior approval.

(a) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:

(1) State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or

(2) Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or

(3) The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) ***Preventive requirement.*** To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized statement of funeral goods and services selected, required by § 453.2(b) (5), the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

§ 453.6 Retention of documents.

To prevent the unfair or deceptive acts or practices specified in §§ 453.2 and 453.3 of this rule, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in §§ 453.2(b) (2) through (4), as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by § 453.2(b) (5), for at least one year from the date of the arrangements conference.

§ 453.7 Comprehension of disclosures.

To prevent the unfair or deceptive acts or practices specified in §§ 453.2 through 453.5, funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial container, and general price lists, required by §§ 453.2(b) (2)-(4), any statement or information that alters or contradicts the information required by this part to be included in those lists.

§ 453.8 Declaration of intent.

(a) Except as otherwise provided in § 453.2(a), it is a violation of this rule to engage in any unfair or deceptive acts or practices specified in this rule, or to fail to comply with any of the preventive requirements specified in this rule;

(b) The provisions of this rule are separate and severable from one another. If any provision is determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

(c) This rule shall not apply to the business of insurance or to acts in the conduct thereof.

§ 453.9 State exemptions.

If, upon application to the Commission by an appropriate state agency, the Commission determines that:

(a) There is a state requirement in effect which applies to any transaction to which this rule applies; and

(b) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by

this rule; then the Commission's rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the State administers and enforces effectively the state requirement.

FTC Funeral Rule

INTRODUCTION
These guidelines are intended to help you, the funeral provider, comply with the Federal Trade Commission (FTC or Commission) Funeral Rule. The Funeral Rule went into effect on April 30, 1984. The Commission revised the Rule early in 1994; revisions became effective later that year.

The Funeral Rule requires you to give consumers accurate, itemized price information and various other disclosures about funeral goods and services. In addition, the Rule prohibits you from:

- misrepresenting legal, crematory, and cemetery requirements;
- embalming for a fee without permission;
- requiring the purchase of a casket for direct cremation;
- requiring consumers to buy certain funeral goods or services as a condition for furnishing other funeral goods or services; and
- engaging in other deceptive or unfair practices.

If you violate the Funeral Rule, you may be subject to penalties of up to $43,792 per violation.

These guidelines do not amend or modify the Rule. They explain the requirements of the revised Funeral Rule and discuss how to prepare documents required by the Rule — the General Price List, the Casket Price List, the Outer Burial Container Price List, and the Statement of Funeral Goods and Services Selected. The guidelines also include sample price lists and a sample itemized statement form. These guidelines represent the FTC staff's view of what the law requires. They are not binding on the Commission.

WHO MUST COMPLY WITH THE FUNERAL RULE?
All "funeral providers" must comply with the Rule. You are a funeral provider if you sell or offer to sell both funeral goods and funeral services to the public.

Funeral goods are all products sold directly to the public in connection with funeral services.
Funeral services are:

- Services used to care for and prepare bodies for burial, cremation, or other final disposition; and
- Services used to arrange, supervise, or conduct the funeral ceremony or final disposition of human remains.

You are a funeral provider if you sell or offer to sell funeral goods and both types of funeral services. You do not have to be a licensed funeral director and your business does not have to be a licensed funeral home to be covered by the Funeral Rule. Cemeteries, crematories, and other businesses can also be "funeral providers" if they market both funeral goods and services.
You must comply with the Rule even if a particular consumer buys only goods or only funeral services, but not both. If you offer to sell both goods and services, you must comply with the Rule for every customer. However, you are not covered by the Rule if you sell only funeral goods, such as caskets, but not services relating to the disposition of remains.

You are covered by the Rule even if you organize your business to sell goods through one company and services through another. If you are a funeral provider, you cannot avoid being covered by the Rule by restructuring your business.

Does the Rule Apply to Pre-Need Arrangements?
The Rule's requirements apply to both pre-need and at-need funeral arrangements.

In pre-need situations, you must comply with all Rule requirements at the time funeral arrangements are pre-planned. You also need to comply with the Rule after the death of the individual who made pre-need arrangements. If the survivors inquire about goods or services, alter the pre-planned arrangements, or are required to pay additional sums of money, you must give them all relevant disclosures and price lists. For example, survivors may be asked to pay additional amounts if the pre-paid plan does not guarantee prices at the time of death. In other cases, survivors may change arrangements specified in the pre-need plan, adding or subtracting certain goods or services. In both situations, the requirements of the Rule apply. You must give the survivors relevant price lists, as well as an itemized Statement of Funeral Goods and Services Selected.

You also must comply with the Rule if you sell pre-need contracts on behalf of one or more funeral homes, but do not yourself provide funeral goods and services. In such a case, even though you don't provide the funeral items, you are an agent of a funeral provider and therefore are covered by the Rule.

The Rule does not apply to pre-need contracts entered into before the Rule went into effect in 1984. However, if a pre-need contract signed before 1984 is modified after 1984, the modification triggers all of the Rule's requirements.

Example: Mr. Green made pre-need arrangements in 1980; he dies in 2010. At the time of his death, his wife wants to change the casket specified in the pre-need contract and to add visitation hours. Because Mrs. Green is changing the contract after 1984, the funeral provider must comply with all of the Rule's requirements, including giving Mrs. Green a General Price List, showing her a Casket Price List, and providing her with an itemized Statement of Goods and Services Selected.

Note: In a situation like the example, you should check your state law to determine whether it allows you to alter the terms of such a contract.

THE GENERAL PRICE LIST
The General PriceList (GPL) is the key stone of the Funeral Rule. It must contain identifying information, itemized prices for the various goods and services that you sell, and other important disclosures. The GPL enables consumers to comparison shop and to purchase, on an itemized basis, only the goods and services they want.

Who Gets a GPL?
You must give the General Price List to anyone who asks, in person, about funeral goods, funeral services, or the prices of such goods or services. You must give the GPL to such individuals to keep. The request for information does not have to come from a consumer or someone who wants to make funeral arrangements now or in the future. You must give a GPL to all persons who inquire about funeral arrangements. This may include competitors, journalists, and representatives of businesses, religious societies, government agencies, or consumer groups.

Note: If someone asks you about the goods and services that you sell, you must give that person a General Price List. If you are uncertain whether the Rule applies in a particular situation, it would be sensible to provide the list.

When Should the GPL Be Offered?
You do not have to hand out the General Price List as soon as someone walks into your business. But, you must offer the price list when you begin to discuss any of the following:

- The type of funeral or disposition that you can arrange;
- The specific goods and services that you offer; or
- The prices of your goods and services.

Before giving a GPL to a bereaved individual, you may offer your condolences and discuss
preliminary matters like veteran's benefits or death certificates.

The triggering event for giving out the GPL is a face-to-face meeting. The face-to-face meeting can occur anywhere, not just at the funeral home. For example, you must give out a General Price List even if the discussion of prices or arrangements takes place in the family's home or while removing the deceased from a hospital or a nursing home. You should tell your employees to carry extra price lists with them.

Exception: You are not required to offer a General Price List if you remove the deceased for transportation to the funeral home and, at that time, only request the authorization to embalm. When you request authorization to embalm, however, you also must:

Disclose that embalming is not required by law (except in special cases, if relevant); and

Refrain from further discussion about prices or the selection of funeral goods or services while you remove the deceased. Any further discussion of prices or the selection of goods or services at this time would trigger the requirement to provide a GPL.

What About Phone or Mail Inquiries?
You must give certain information to people who telephone, but the Rule does not require you to send callers a General Price List. Similarly, you do not have to send a GPL in response to mail inquiries about funeral goods and services. Of course, you certainly are free to send a GPL to someone who calls or writes for information if you wish to do so. However, if a telephone or mail inquiry is followed up by a meeting at the funeral home or elsewhere, you must provide a GPL at that time.

Note: Some states require funeral providers to mail a price list upon request. You should check to see what the requirements are in your state.

Does the Rule Require the GPL Be Given to Keep?
A verbal offer of a GPL is not enough to comply with the Rule. You cannot merely tell consumers that a GPL is available for inspection. You also cannot show them a GPL in a booklet or binder where it appears that there is only one copy available or that the booklet is solely for the funeral director's use. You must physically offer consumers a General Price List that they can keep and take home with them. If the consumer does not want to accept or look at the General Price List, you do not have to do anything else. However, you should do nothing to discourage customers from looking at the GPL, such as telling them that it is unnecessary or difficult to understand.

Note: You cannot charge a fee for the price list or place any conditions upon giving consumers information that the Rule requires you to give to them. You must give all required information to anyone who asks, free of charge.

What About the GPL and Pre-need Arrangements?
You must give out a General Price List in all pre-need situations. Because you may sell different goods and services on a pre-need basis, your pre-need GPL may vary from the GPL you use in at-need situations. However, any General Price List that you use for pre-need arrangements must include all required disclosures and offer goods and services on an itemized basis. You cannot offer only package funerals to pre-need customers.

In addition, you must give a GPL to anyone who wishes to modify the funeral goods or services already purchased under a pre-need contract or to a survivor who must pay an additional sum because prices have increased since the time the arrangements were pre-planned.

Example: Mr. Stone made pre-need arrangements before his death. His wife wants to change the casket and the services that he bought under the pre-need contract. You must give Mrs. Stone a General Price List at the beginning of the discussions and show her a Casket Price List before she looks at any caskets.

INFORMATION REQUIRED ON THE GPL
Identifying Information
The General Price List should be printed or typewritten, and must contain the following identifying information:

- the name, address, and telephone number of the funeral provider's place of business, including (where relevant) the address and telephone number for each branch;
- the caption: "General Price List;" and
- the effective date of the price list.

Required Disclosures on the GPL
The Rule also requires you to make six disclosures on your General Price List.(1) These disclosures discuss:

1. The consumer's right to select only the goods and services desired;
2. Embalming;
3. Alternative containers for direct cremation;
4. The basic services fee;
5. The Casket Price List; and
6. The Outer Burial Container Price List.

Each of these disclosures is discussed in the following sections. You must place these required disclosures on the General Price List exactly as the Rule provides. (See the sample GPL.)

In addition, you must use the identical wording given in the Rule. You cannot edit or paraphrase.

Note: You can include additional information, such as a reference to your own state laws. But, you cannot change the FTC language or add anything that will modify the FTC language.

1. Right of Selection
The first disclosure informs consumers that they have a right to select only the items they want to buy, besides a non-declinable basic services fee.(2) You should place this statement immediately above the prices of the goods and services that you offer. The statement should read as follows:

> The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. How-

> ever, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.

You must include the third sentence of the disclosure, indicated in bold-face above, if customers cannot decline the basic services fee. You may add the phrase "and overhead" after the word "services," as shown above, if the fee includes the recovery of overhead costs.

2. Embalming
The second disclosure tells consumers that the law usually does not require embalming.(3) The statement should read as follows:

> [Except in certain special cases,] [E]mbalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.

Delete the phrase, "Except in certain special cases" from the embalming disclosure if state or local law in the area where you do business does not require embalming for a viewing and funeral. If you want to add information about state law requirements, you can do so after the FTC disclosure. You should place this disclosure in immediate conjunction with the price for embalming.

Note: "In immediate conjunction" means that the embalming disclosure must appear directly next to the price for embalming. You should not put the disclosure on a separate page or anywhere else on the GPL apart from the embalming price. (See the sample GPL.)

3. Alternative Containers
The third disclosure informs consumers that they may use alternative containers (defined in the revised Rule) for direct cremations.(4) This disclosure must read as follows:

> If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers).

You should place this disclosure in immediate conjunction with (directly next to) the price range for direct cremation. At the end of the last sentence, you should describe the specific kind of container(s) that you offer. If you don't arrange direct cremations, you don't need to include this disclosure on the GPL.

4. Basic Services Fee
The fourth disclosure tells consumers about any "basic services fee" (the fee for the professional services of the funeral director and staff) that you will add to the total cost of the funeral arrangements.(5) This basic services fee could include a charge for the services you perform in conducting the arrangements conference, planning the funeral, securing the necessary permits, preparing the notices, and coordinating the cemetery or crematory arrangements. This fee also may include overhead that you have not allocated elsewhere. You can include this fee on your General Price List in one of two ways:

Option 1: If you list a separate basic services fee and the charge is non-declinable (the consumer does not have the option of declining the charge), you must provide the following disclosure:

> This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)

If you decide on Option 1, this disclosure must appear together with the price for the basic services and with a description of the services you include for that price. (You cannot place this disclosure on a separate page or anywhere else on the GPL apart from the basic services price.) If this basic services fee is non-declinable, the price also must include all charges for the recovery of overhead that you have not allocated elsewhere. In this situation, the first sentence of your disclosure can include the phrase **"and overhead"** after the word **"services,"** as shown above.

Option 2: Instead of charging a separate basic services fee, you can include the services fee in your casket prices. With this alternative, you must include the following disclosure:

> Please note that a fee of (specify dollar amount) for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (specify).

If you decide on Option 2, the fee should include all charges for the recovery of overhead costs not allocated elsewhere, and you may add the phrase "and overhead" after the word "services" in the first sentence, indicated in bold-face above. The disclosure must appear on the GPL together with the prices for the individual caskets or together with the casket price range if you have a separate Casket Price List.

5. Casket Price List
The fifth disclosure tells consumers that a Casket Price List is available.(6) You may list casket prices either on the General Price List or on a separate "Casket Price List." If you use a separate Casket Price List, your GPL should state the range of prices for the caskets you sell, together with the following disclosure: A complete price list will be provided at the funeral home.

6. Outer Burial Container Price List
The sixth disclosure informs consumers that an Outer Burial Container Price List is available.(7) Again, you can either put the prices for the outer burial containers on your General Price List, or you can provide a separate "Outer Burial Container Price List." If you use a separate price list, your GPL should state the range of prices for the outer burial containers you sell, together with the following disclosure: **A complete price list will be provided at the funeral home.**

If you put the prices for the outer burial containers on your General Price List, you also must include the following disclosure in immediate conjunction with (directly next to) the outer burial container prices.

> **In most areas of the country**, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.

If instead you provide a separate price list for outer burial containers, then you must include the above disclosure on your Outer Burial Container Price List. You don't have to include the phrase, "in most areas of the country," indicated in bold-face above, in the disclosure if your state or local law does not require a container to surround the casket in the grave.

Required Itemized Prices on the GPL
The Rule requires you to itemize the prices for certain goods and services so consumers may choose only those elements of a funeral that they want.

You must list the following 16 specified items of goods and services on the GPL, together with the price for each item:(8)

1. Forwarding of remains to another funeral home;
2. Receiving remains from another funeral home;
3. Direct cremation;
4. Immediate burial;
5. Basic services of funeral director and staff, and overhead;
6. Transfer of remains to funeral home;
7. Embalming;
8. Other preparation of the body;
9. Use of facilities and staff for viewing;
10. Use of facilities and staff for funeral ceremony;
11. Use of facilities and staff for memorial service;
12. Use of equipment and staff for graveside service;
13. Hearse;
14. Limousine;
15. Either individual casket prices or the range of casket prices that appear on the Casket Price List; and
16. Either individual outer burial container prices or the range of outer burial container prices that appear on the Outer Burial Container Price List.

You can list these items in any order you want. You only have to list the items that you actually offer. If you do not offer one or more of the 16 items, you need not list those items on the General Price List. In addition to these 16 items, you also may list other items that you offer, such as acknowledgement cards and cremation urns. You also may provide prices for package funerals on your GPL. However, you must offer any package funerals in addition to and not in place of the required itemized prices.(9)

The itemized prices on your General Price List, as well as your Casket Price List and Outer Burial Container Price List, should be accurate and up-to-date. These prices should reflect the prices that you actually charge your customers.

Of course, you can offer a discount when there are special circumstances, such as arrangements for a friend or relative or a family that otherwise could not afford your services. The Rule does not prevent you from doing this. However, you should not inflate the prices on any of your price lists in order to offer all or most of your customers a discount. In that case, the "discounted" prices would be the accurate prices and should be reflected on the price lists.

Items 1-4: Minimal Services
Four items that the Rule requires you to list are: (1) forwarding of remains; (2) receiving remains; (3) direct cremation; and (4) immediate burial. Unlike the rest of the goods and services that you must list on the GPL, the prices for these four items must include any fee that you will charge consumers for the basic professional services of the funeral director and staff.

Example: Ms. James wants to arrange an immediate burial for her father. In addition, she chooses acknowledgement cards, use of a limousine, and a graveside service. You should charge her the fee for an immediate burial plus the fees for the other items that she wants. But, you should not charge her an additional non-declinable basic services fee. A charge for your basic services is already included in the price for the immediate burial. The required disclosure about the basic services fee informs the consumer of this fact.

For forwarding of remains and receiving remains, the GPL should list one price for each of these items and describe all services you will provide for the quoted price. The prices for these items should include all charges relating to each service, including any basic services fee and any facilities or equipment fees.

If you offer direct cremations, your GPL must state a price range, make the required disclosure about the availability of an alternative container and list each of these options within the range:

- a price for direct cremation if the consumer provides the casket or container
- a price for each direct cremation you offer with an alternative container.
    - If you offer **direct cremations**, the Rule requires you to offer at least one alternative container. If you offer direct cremations with more than one alternative container, separately list a description of each container and its price.

Your GPL must describe the services you provide for each direct cremation you offer, such as direct cremation with a memorial service or direct cremation with scattering of ashes.

If you include the cost of cremation in your direct cremation price, include the words "and cremation" in your GPL's description of what you provide for direct cremation. However, if you use a crematory that someone else owns, you may treat the cremation charge as a cash advance item. In that case,

- **do not include** the words "and cremation" in your GPL's description of what you provide for direct cremation, and
- clearly explain that the added crematory charge will be estimated or itemized in the Statement of Funeral Goods and Services Selected

For immediate burials, you must give a price range, together with each of the following separate options within the range:

- one price where the purchaser provides the casket; and
- a separate price for each form of immediate burial offered where you provide a casket or alternative container. (You are not required to make an alternative container available for this purpose. However, you may choose to offer this option.) You also must describe in the GPL the services and container provided for each price. If the immediate burial option is available with any casket on your Casket Price List, the General Price List can simply state the price of the service and refer the customer to the Casket Price List for casket prices.

Item 5: Basic services of funeral director and staff (and overhead)
The charge for services of funeral director and staff is a fee for the basic services that you furnish in arranging any funeral.(10) This is the "basic services fee" that is discussed in the Required Disclosures section. If the customer cannot decline this fee, a disclosure is required.

This basic services fee should include services that are common to virtually all forms of disposition or arrangements that you offer, such as conducting the arrangements conference, securing the necessary permits, preparing the notices, sheltering of remains, and coordinating the arrangements with the cemetery, crematory, or other third parties. The basic services fee should not include charges related to other items that must be separately listed on the General Price List and that the customer may decline to purchase.

Note: You should include any charges for the ordinary sheltering of remains by your funeral home in this basic services fee. However, you can list a separate charge for sheltering of remains if: 1) a significant percentage of your customers do not use the funeral home to hold the remains at any point, or 2) you receive a request to hold the remains for an unusually long period of time.

The basic services fee also may include overhead from various aspects of your business operation, such as the parking lot, reception and arrangements rooms, and other common areas. It also may include insurance, staff salaries, taxes, and fees that you must pay. Alternatively, instead of including all overhead in your basic services fee, you can spread the overhead

charges across the various individual goods and services you offer. As a third alternative, you can combine the first two approaches: spread some portion of the overhead charges across the individual items, while including the remainder of such charges in your basic services fee.

Note: These are the only ways to recoup overhead costs. In addition, if this basic services fee is non-declinable, the fee must include any charges for overhead that have not been allocated to the other goods and services.
You have two options for listing your basic services fee on the General Price List.

Option 1: You may list a separate price for the basic services of the funeral director and staff, together with a list of the principal services provided for the price and the required disclosures. If consumers cannot decline this fee, you should include in this separate price all charges for "unallocated overhead" — that is all overhead not distributed among the other items listed on the GPL.

Option 2: Instead of charging a separate basic services fee, you may include the fee in your casket prices. With this alternative, you must include the appropriate disclosure on the General Price List, together with the prices for the individual caskets or with the casket price range (if you have a separate Casket Price List). This fee also must include all charges for the recovery of unallocated overhead. As the disclosure indicates, you must specify the amount of the basic services fee that is included in the price of the caskets. If the customer provides a casket obtained elsewhere, that same basic services fee must be added to the total cost of the arrangements selected.

The Rule expressly states that the basic services fee is the only non-declinable fee allowed for services, facilities, or unallocated overhead, unless state or local law requires otherwise. Other than the basic services fee, you cannot charge any separate fee for overhead. Charging a second non-declinable fee, such as a "basic facilities fee" or a "casket handling fee," in addition to the basic services fee would violate the Rule. Moreover, you cannot list fees for "additional services" of the funeral director and staff, if those fees should be included in the basic services fee or in one of the other items required to be listed on the GPL.

Example: You have a non-declinable fee for the basic services of funeral director and staff. You also list the following fee on your General Price List: Additional Services of the Funeral Director and Staff. This charge includes: a) coordinating and directing funeral ceremony; b) paying competitive salaries to employees; c) providing 24-hour on-call service to each family; d) maintaining funeral service licensing; and e) complying with federal and state codes and regulations.

This fee for additional services violates the Rule. All of the charges listed should be included elsewhere on the GPL. You should include charge (a) for coordinating and directing the funeral ceremony in the separate charge for a funeral ceremony. The other items, (b) through (e), relate to basic overhead. You either should include such charges in the basic services fee or allocate these costs among all the items listed on the GPL.

Items 6 - 16
You must list the following items separately with their respective prices. The charge for each item should include all service fees and any equipment or facility charges for providing that particular good or service. (You will not, however, include any portion of the "basic services fee," in any of these items.)

Transfer of remains to funeral home. You can choose any pricing method, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.

Embalming. Your price for embalming should include use of the preparation room, as well as the professional services, equipment, and materials involved in performing embalming. In addition, you must tell consumers that the law does not require embalming.

Other preparation of the body. This charge should include such services as cosmetic work to prepare the deceased for viewing. Under this category, you can also show a price for washing and disinfecting when that procedure is used instead of embalming.

Use of facilities and staff for viewing. You may charge a flat fee or an hourly fee for the use of your facilities for viewing. Your price for a viewing should include charges for both the services of staff and the facilities used in connection with a viewing. You should not list two separate charges relating to a viewing, such as one for the facilities and another for the staff services. However, if you provide staff services for viewing held at another facility, such as a church or a home, you should list a separate fee for such services. (In this situation, a facilities charge would not be appropriate because your own facilities are not being used.)

Use of facilities and staff for funeral ceremony. The charge for a funeral ceremony, that is, a commemorative service with the body present, at the funeral home should include both the use of facilities and the necessary staff services. You should not list two separate charges relating to a funeral ceremony, such as one for the facilities and another for the staff services. However, if you provide staff services for a funeral ceremony at another facility, such as a church, you should list a separate fee for such services.

Use of facilities and staff for memorial service. This is a charge for a commemorative service without the body present. The charge should include both the use of facilities and the staff services. You should not list two separate charges relating to a memorial service, one for the use of facilities and another for the staff services. However, if you provide staff services for a memorial service at another facility, such as a church, you should list a separate fee for such services.

Use of equipment and staff for graveside service. Some families may choose to have a graveside service instead of a funeral ceremony at the funeral home. Your charge for this service should include both staff services and any equipment you may provide (such as a tent and chairs). You should not list two separate charges relating to a graveside service, one for equipment and another for staff services. If your charge for a funeral ceremony normally includes a committal service at the grave following the funeral, you can continue this practice, or you may offer a separate charge for a committal service following a funeral ceremony. The separate charge for a graveside service is intended for those situations where there is no funeral ceremony at the funeral home or elsewhere.

Hearse. You can use any pricing method for the use of a hearse, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.

Limousine. You can use any pricing method for the use of a limousine, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.
Casket prices. You can list casket prices in either of two ways: (1) you can list a casket price range, with the disclosure about the availability of the Casket Price List; or (2) you can list the prices of individual caskets on your General Price List.

Outer burial container prices. As with casket prices, you can list outer burial container prices in either of two ways: (1) you can list an outer burial container price range, with the relevant disclosure about the Outer Burial Container Price List; or (2) you can list the prices of individual containers on your General Price List.

ALTERNATIVE PRICE LISTS FOR SPECIAL GROUPS
In certain limited situations, you may use alternative price lists.

Remember: Even if you use alternative price lists, you still must comply with all Rule provisions, including mandatory disclosures and itemized prices.

1. Children and Infants
You can set different prices for funeral arrangements for children and infants. You can list the different fees in two ways. You can place these items on your General Price List, Casket Price List and Outer Burial Price List, along with your regular offerings; or you can prepare separate price lists for these arrangements. If you prepare separate price lists, you need not give them out to anyone except those persons inquiring about a funeral for a child or an infant.

2. Government Agencies
Some funeral providers enter into agreements with government agencies to provide funeral arrangements for indigent persons (or other persons entitled to a government benefit). When entering into such arrangements, you must follow all Rule requirements, including giving price lists to the government agent at the time you make or discuss such arrangements. You can add the prices for these special situations to your regular price list or prepare a separate price list for these arrangements. If you prepare a separate price list, you need not make it available to anyone except the government agency or persons who qualify for the special arrangements.

Some government agencies choose to contract for funeral arrangements on a package basis. You can offer funeral arrangements to anyone — including a government agency — on a package basis, as long as the funeral packages are offered in addition to, not in place of, itemized prices.

When qualifying persons inquire about these package funeral arrangements, you still should provide the GPL, with itemized prices and disclosures, and comply with all other Rule requirements at this time.

Note: You should check your state laws to determine whether arrangements handled as part of an agreement with a government agency can be supplemented or modified by qualifying persons.

3. Religious Groups and Memorial Societies
Some funeral providers enter into agreements with religious groups, burial societies, or memorial societies to arrange funerals for their members at special prices. You are free to enter into such arrangements, but you must still comply with the Rule's requirements. You must provide price lists to representatives of these groups when they inquire about funeral arrangements on behalf of their members. In addition, if an individual group member inquires in-person about funeral arrangements, you must provide the individual with your price lists. Even if a member chooses a package available only to society members, the member must have the opportunity to look at your price lists. You can either have separate price lists for qualifying members or include such prices on your regular price lists.

THE CASKET PRICE LIST: INFORMATION AND USE
If you do not list the retail price of each casket on your General Price List, you must prepare a separate printed or typewritten Casket Price List (CPL). (11)

Information to be included
The CPL must include the following basic information:

- the name of your business;
- the caption: "Casket Price List;"
- the effective date for the Casket Price List; and
- the retail price of each casket and alternative container that does not require special ordering, with enough information to identify it.

You must give enough descriptive information about each casket on the CPL to enable consumers to identify the specific casket or container and understand what they are buying. For example, the CPL could describe the exterior appearance (including the gauge of metal or type of wood), the exterior trim, and the interior fabric. You also may give any other information, such as a photograph or manufacturer name and model number. However, a photograph or model number alone is not a sufficient description under the Rule.

You need list only those caskets that you usually offer for sale that do not require special ordering, as well as the alternative container(s) you offer for direct cremation. "Special ordering" means purchasing a casket or container that is not in stock and not part of your regular offerings to your customers. Except for the requirement that you make an alternative container available if you offer direct cremation, the Rule does not require you to offer any particular caskets or alternative containers. However, both caskets and alternative containers should be listed on the CPL. You should not have a separate list for alternative containers.

The Rule does not require you to list the caskets or containers that you offer in any particular format or order. The Casket Price List can be in any form, including in a notebook or on a chart, as long as it contains the required information, displayed in a clear and conspicuous manner.

Moreover, you do not have to include customized caskets on your CPL, or list caskets that you keep in your inventory to fill pre-existing, pre-need contracts, but which you no longer regularly offer for sale. Nor is it necessary to prepare a new price list if a casket or container is temporarily out-of-stock. You can simply tell the consumer which casket is not available when you give the consumer the CPL. Also, if a particular casket is available in a variety of interior materials and designs or exterior hardware and finishes, you can simply note that fact on the Casket Price List; you need not list each variation separately. (See the sample CPL)

Using the CPL
You must show the Casket Price List to anyone who asks in person about the caskets or alternative containers that you offer or inquires about their prices. You must offer the CPL when you begin discussing caskets or alternative containers — but before showing these items. Consumers must be able to look at the price list before discussing their options or seeing the actual caskets.

Note: Consumers should not first learn of casket prices by entering the casket showroom and reading price cards placed on individual caskets or by having the funeral director recite such information orally.

You can use individual price cards, but only in addition to a Casket Price List. Unlike the General Price List, you do not have to give the consumer a Casket Price List to keep. However, you may do so if you wish.

The Rule does not require that you display the caskets in any specific manner. (Note, however, that many states have regulations regarding the manner of display.) In fact, the Rule does not require that you display any caskets. Some funeral providers present their selections through a book containing photographs of the various caskets offered for sale. In this case, you must incorporate in the book all the information required for the CPL, including the heading "Casket Price List."

If you use a manufacturer's or supplier's casket showroom outside of the funeral home, you must offer the CPL when the discussion of caskets begins. If you begin discussing caskets in your place of business, you must offer the Casket Price List at that time. However, if you do not begin discussing caskets until you arrive at the manufacturer's or supplier's showroom, you do not have to show a CPL until you arrive and the discussion begins.

In addition to using a CPL as described, you must show a Casket Price List to anyone who wishes to modify the particular casket already purchased under a pre-need contract.

Example: Ms. Todd's father entered into a pre-need contract in 1989. If Ms. Todd chooses to upgrade the casket provided under the pre-need contract or inquires about other casket offerings, you should show her a CPL.

THE OUTER BURIAL CONTAINER PRICE LIST: INFORMATION AND USE

If you sell outer burial containers and do not list the retail price of each such container on your General Price List, you must prepare a separate printed or typewritten Outer Burial Container Price List (OBC Price List).(12) The term "outer burial container" refers to any container designed to be placed around the casket in the grave. Such containers may include burial vaults, grave boxes, and grave liners.

Information to be included on the OBC Price List

The OBC Price List must contain the following basic information:

- the name of your business;
- the caption: "Outer Burial Container Price List;"
- the effective date of the price list;
- the retail price of each outer burial container you offer that does not require special ordering, with enough information to identify the container; and
- this disclosure:

  In most areas of the country, state, or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.

- You do not have to include the phrase "in most areas of the country" in the disclosure if your state or local law does not require a container to surround the casket in the grave.

You must give enough descriptive information about each outer burial container in your OBC Price List to enable consumers to identify the specific container. You need list only those containers that you usually offer for sale and that do not require special ordering. "Special ordering" means purchasing an outer burial container that is not in stock and not part of your regular offerings to your customers. However, the Rule does not require you to offer any particular outer burial containers; in fact, it does not require you to sell any outer burial containers.

The Rule does not require listing the containers that you offer in any particular order. The OBC Price List can be in any form, including in a notebook or on a chart, as long as it contains the required information, including the heading "Outer Burial Container Price List," displayed in a clear and conspicuous manner.

You do not have to list containers that you keep in your inventory to fill pre-existing pre-need contracts, but which you no longer regularly offer for sale. Nor is it necessary to prepare a new price list if a container is temporarily out-of-stock. You can simply tell the consumer which container is not available when you give the consumer the OBC Price List. (See the Sample OBC Price List)

Using the OBC Price List

You must show this price list to all persons asking about outer burial containers or their prices. You must offer this price list when you begin to discuss outer burial containers, but before showing the containers. Consumers must be able to look at the price list before discussing their options or seeing the actual containers. (The Rule does not require that you display outer burial containers in any specific manner. Note, however, that many states have regulations regarding the manner of display.)

Again, it is not enough for you to tell consumers about price information or to place price cards on top of individual containers or models of containers. You can use individual price cards, but only in addition to an OBC Price List. Unlike the GPL, you do not have to give the OBC Price List for retention. However, you may do so if you wish.

Some funeral providers present their outer burial container selections through a book containing photographs of the various containers offered for sale. If you choose this approach, you must incorporate all the information required for the OBC Price List into the book.

In addition to using an OBC Price List as described, you must show this price list to anyone who wishes to modify the particular container already purchased under a pre-need contract.

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED: COST INFORMATION AND DISCLOSURES

The Statement of Funeral Goods and Services Selected (Statement) is an itemized list of the goods and services that the consumer has selected during the arrangements conference.(13) The Statement allows consumers to evaluate their selections and to make any desired changes.

The Rule does not require any specific form, heading or caption on the Statement. The information required on the Statement can be included on a contract or any other document that you give to customers at the conclusion of the arrangements discussion. The categories of goods and services listed on the Statement (or other similar document) should generally correspond to the items listed on the GPL, so that customers can easily compare the two documents.

You must give each consumer a completed Statement at the end of the arrangements discussion. If arrangements are made in-person, you should give the Statement at this time. Giving a consumer a copy of the Statement at the funeral or mailing it to the consumer at some later date does not meet the requirements of the Rule.

Note: The Rule does not address the manner or timing of payment. That is between you and the customer.

If arrangements are made over the telephone, you should give the consumer the Statement at the earliest possible date.

Example: On Wednesday evening, Mrs. Shelley calls you to make funeral arrangements for her father and tells you that she will come to the funeral home on Thursday morning to finalize such arrangements. When Mrs. Shelley arrives the next morning, you should give her the required GPL and confirm the arrangements made. Then, once you finalize the arrangements, you should give Mrs. Shelley the Statement.

If a consumer makes all funeral arrangements by telephone, you should make a reasonable attempt to give a completed Statement to the consumer before a final disposition of the remains occurs. If the consumer does not visit the funeral home in person before the final disposition, you should still give or send a completed Statement to the consumer as soon as possible.

The Rule requires you to include cost information and specific disclosures on the Statement.

Cost Information

You should list all of the individual goods and services that the consumer will purchase, together with the price for each item. You cannot simply lump together goods and services that are listed separately on the GPL.

Example: Your Statement would violate the Rule if it listed only three broad categories for "Services," "Facilities," and "Automotive Equipment."

You may still offer funeral packages, as long as they are offered in addition to, not in place of, itemized prices. If the consumer selects a package (after you offer itemized prices), your Statement should describe the package, listing individually each of the goods and services included in the package, and state the package price.

You also must list each cash advance item separately on the Statement, together with the price for each item. Cash advance items are items of service or merchandise that:

- are described to a consumer as a "cash advance," "accommodation," "cash disbursement," or by any similar term; or
- you obtain from a third party and pay for on the consumer›s behalf.

Cash advance items may include such things as cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

If you don't know the price of a particular cash advance item, you should enter a good faith estimate. However, you should give a written statement of the actual charges before the final bill is paid.

Finally, you must give the consumer the total cost of the arrangements selected (individual goods and services plus cash advance items).

Disclosures
You must place the following three disclosures on your Statement. They should be set out, word-for-word, exactly as the Rule prescribes.

1. Legal Requirements
The first disclosure states that you will charge consumers only for the items they have selected and that you will explain any legal, cemetery, or crematory requirements in writing.(14)

> Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.

The form should leave enough space for you to identify and explain in writing any legal, cemetery, or crematory requirement that compels the consumer to purchase a specific funeral good or service. You should enter this information on the Statement before it is given to the customer.

2. Embalming
The second disclosure relates to embalming and the need for prior approval.(15)

> If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.

The form should leave enough space for you to explain the reason for embalming. You should enter this information on the Statement before giving it to the customer.

3. Cash Advance Items
The third disclosure relates to your charges for your services in buying cash advance items. If you charge for purchasing a cash advance item, or if you receive and retain a rebate, commission, or trade or volume discount for a cash advance item, you must make the following disclosure:(16)

> We charge you for our services in obtaining: (specify cash advance items).

You must place this disclosure in immediate conjunction with (directly next to) the list of itemized cash advance items on your Statement and specify those cash advance items to which the disclosure applies. You should not put the disclosure on a separate page or elsewhere on the Statement apart from the list of itemized cash advance items. (See the Sample Statement)

TELEPHONE PRICE DISCLOSURES
You must give consumers who telephone your place of business and ask about your prices or offerings accurate information from your General Price List, Casket Price List, and Outer Burial Container Price List. You also must answer any other questions about your offerings and prices with any readily available information that reasonably answers the question.(17)

Note: You cannot require callers to give their names, addresses, or phone numbers before you give them the requested information. You can ask callers to identify themselves, but you still must answer their questions even if they refuse to do so. You cannot require consumers to come to the funeral home in person to get price information.

You can use an answering machine or answering service to record incoming calls. However, you must respond to questions from callers on an individual basis.

Example: Your answering machine can have a message telling consumers to call a specified number during business hours for information about prices and offerings. You need to provide the requested information when consumers call during those hours, or, you can have an answering machine or answering service take consumers' names and phone numbers so that you can return the calls at your earliest convenience.

You may have an employee answering your phones who can respond to easier questions regarding your offerings and prices by referring to the printed price lists, but who refers more difficult questions to you. If you are unavailable when the call comes in, the employee can take a message so that you can return the call later.

You do not have to give price and other information after business hours if it is not your normal practice to do so. You can tell consumers who call during non-business hours that you will provide the information during regular business hours. However, if a consumer calls after hours to inquire about an at-need situation, and it is your practice to make funeral arrangements during non-business hours, you should provide price or other information the consumer requests.

If you are in the middle of one arrangements conference when another family calls about your offerings, you can take a message and return the call at a later time.

MISREPRESENTATIONS PROHIBITED BY THE RULE
The Funeral Rule prohibits specific misrepresentations in six areas.(18)
1. Embalming
You cannot tell consumers that state or local law requires embalming if that is not true. If state law does require embalming, you may tell the family that embalming is required due to the specific circumstances.

Example: Your state law requires either refrigeration or embalming after a certain period of time. If you have refrigeration facilities available, you must give the consumer the option of either refrigeration or embalming.

You also must tell the consumer in writing that embalming is not required by law if that's true in your state. You do this by including the mandatory embalming disclosure on your GPL.

Note: You must make this disclosure to all consumers, even if embalming is necessary.

Unless state or local law requires embalming, you may not tell consumers that embalming is required for practical purposes in the following situations:

- When the consumer wants a direct cremation;
- When the consumer wants an immediate burial; or
- When refrigeration is available and the consumer wants a closed-casket funeral with no formal viewing or visitation.

Example: A family wants to arrange a funeral with a formal viewing. The funeral will take place three days after death has occurred on a hot summer day. Your state does not require embalming. You do not have refrigeration facilities. In this situation, you can tell the family that the funeral home requires embalming as a practical necessity to delay decomposition of the remains and to preserve them for viewing. You may not tell the family that the law requires embalming in this case because that is not true.

Example: A family wants to arrange an immediate burial, but does not want to pay for embalming. Embalming is not required by your state law. Before burial takes place, one family member wants to look briefly at the deceased by lifting the lid of the casket. Here, you may not tell the family that embalming is required. The request to see the deceased does not constitute a formal viewing.

In situations like the example, you also cannot require the family to pay for "other preparation of the body," if they decline embalming.

2. Casket for Direct Cremation
You cannot tell consumers that state or local law requires them to buy a casket if they are arranging a direct cremation. (A direct cremation is one that occurs without any formal viewing of the remains or any visitation or ceremony with the body present.) You also must not tell consumers, in the case of direct cremations, that they must buy a casket for any other reason.

If you offer direct cremations, you must make an alternative container available and inform consumers that such containers are available for direct cremations. You do this by including on your GPL the mandatory disclosure about alternative containers.

An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains. It is made of fiberboard, pressed-wood, composition materials or like materials, with or without an outside covering.

Note: The Rule also prohibits crematories from requiring that a casket be purchased for direct cremation. However, the Rule allows crematories to set standards for the kind of alternative containers that they will accept. For example, a crematory might stipulate that it will accept only rigid containers.

3. Outer Burial Container
You cannot tell consumers that state or local law requires them to buy an outer burial container, if that is not true. You also must tell consumers that state law does not require them to purchase an outer burial container. You satisfy this obligation by including the mandatory disclosure on the Outer Burial Container Price List. The mandatory disclosure about outer burial containers also tells consumers that grave liners are suitable for meeting any cemetery requirement.

You may not tell consumers that a particular cemetery requires an outer burial container, if that is not true. You may want to keep updated rules of local cemeteries to make sure that your information is accurate. If the particular cemetery does require a container, then you should explain this to the family.

4. Legal and Cemetery Requirements
You cannot tell consumers that any federal, state, or local law or a particular cemetery or crematory requires them to buy a particular good or service, if that is not true. If you do tell a consumer that he or she must buy a particular item because of any legal, cemetery, or crematory requirement, you must identify and describe the particular requirement in writing on the Statement of Funeral Goods and Services Selected.

5. Preservative and Protective Value Claims
You cannot make any representations to consumers that funeral goods or services will delay the natural decomposition of human remains for a long term or an indefinite time. Although the Rule flatly prohibits you from making this representation, the Commission recognizes that it is possible for some funeral goods or services to delay decomposition for a short period.

Example: A family selects a funeral with a viewing. You may explain to the family that embalming will temporarily preserve the body to make it suitable for viewing. But, you cannot tell them that the embalming will preserve the body indefinitely.

You cannot tell consumers that funeral goods (such as caskets or vaults) have protective features or will protect the body from gravesite substances when that is not true.

Federal law requires you to make all warranty information available to consumers. Therefore, you must allow the family to read any of the manufacturer's warranties. However, you should indicate that these claims are made by the manufacturer and not by you.

Example: Mr. Morton has chosen casket A. You should allow him to read the written warranty that the manufacturer offers, but you must not adopt as your own any statement about preservation or protection that you know to be in violation of the Rule. You may want to inform Mr. Morton that the manufacturer has made certain statements about the product, but that you do not have personal knowledge of the protective value of the merchandise.

6. Cash Advance Items
If you mark up the charge on cash advance items or receive a commission, discount, or rebate that is not passed on to the consumer, you cannot state that the price charged for the cash advance item is the same as your cost. If there is an added charge, or if you receive and keep a rebate, commission, or trade or volume discount, you must tell the consumer that the price is not the same as your cost. You do this by including the mandatory disclosure on your Statement of Funeral Goods and Services Selected.

The Rule does not prevent you from adding a service charge, nor does it require you to disclose the amount of that charge. However, some states may have laws or regulations that prohibit any mark-up on cash advance items.

7. Other Misrepresentations
Other kinds of misrepresentations, though not specifically prohibited by the Funeral Rule, are also illegal. The FTC Act prohibits deceptive acts or practices. Likewise, the consumer protection laws of most states prohibit deceptive practices.

WHAT CONSUMERS CANNOT BE REQUIRED TO PURCHASE
You cannot require consumers to buy unwanted or unneeded goods and services to get the items that they do want. Consumers must be able to choose only the goods and services that they want, with certain limited exceptions.(19)

Accordingly, you cannot condition the furnishing of any funeral good or service to a consumer on the purchase of any other funeral good or service except for your basic services fee and any items required by law.(20) You also cannot refuse to serve a family because they do not purchase one particular item (e.g., a casket or embalming) or a combination of items or services from you.

In addition, you cannot include the charge for an optional item of service (such as embalming) in a non-declinable basic services fee. This would have the effect of making the optional item a required purchase for every customer.

The Rule expressly prohibits you from charging any fee, as a condition of furnishing any funeral goods or services, other than the fees for:

- The basic services of funeral director and staff (the one non-declinable fee allowed by the Rule);
- The funeral goods and services selected by the consumer; and
- The funeral goods and services required to be purchased by law (or by the cemetery or crematory),(21) as identified and explained on the itemized Statement.

This means that you cannot charge an additional fee or surcharge to consumers who purchase a casket elsewhere. Such a fee would not fall within the three categories of allowable charges listed above. This extra "casket handling" fee is simply a hidden penalty for those consumers who exercise the right to purchase a casket from another seller.

Moreover, you cannot alter your prices based upon the particular selections of each customer. Such a practice also would defeat the purpose of the Rule to give people accurate, itemized price information that affords them the opportunity to select the arrangements they want.

Exceptions: The three exceptions to the consumer's general right to choose only the goods and services wanted are:

- The one non-declinable basic services fee;
- Items required by law (or by the cemetery or crematory); and
- Impossible, impractical or excessively burdensome requests. You do not have to comply with such requests.(22) However, you cannot refuse a request simply because you don't like it or don't approve of it.

Example: During July, a family requests that a funeral occur five days after death, but does not want embalming. You don't have refrigeration facilities. Your state law does not require embalming under any circumstances. However, in this situation, you can refuse to provide these arrangements, unless the family buys embalming. You can consider such a request impractical or excessively burdensome.

Note: If a customer requests an item that you do not normally offer, you do not have to comply with the request. However, you are free to do so.

"Free" Items: You cannot list any of the 16 items required to be separately itemized on the GPL as "free" or "no charge." Because you recover the cost of the free item in your other prices on the GPL, the customer may not have the choice of rejecting the charge. However, you can offer items not required to be separately itemized on the General Price List (such as acknowledgment cards) at "no charge," as long as your state or local laws do not prohibit this practice.

PRIOR APPROVAL FOR EMBALMING

You can charge a fee for embalming, only in one of the following three circumstances:(23)

1. State or local law requires embalming under the particular circumstances regardless of any wishes the family might have. If this is the case, you must note on the itemized Statement of Funeral Goods and Services Selected that embalming was performed because of a legal requirement and briefly explain that requirement.

Note: Federal law does not require embalming under any circumstances.

2. You have obtained prior approval for embalming from a family member or other authorized person. (The Rule does not address the issue of who is an "authorized person" to give such approval. That is a matter of state or local law.) You must get express permission to embalm; it cannot be implied. **Example**: A family states that they want a viewing before burial and asks you to "prepare" the deceased. You must specifically ask the family for permission to embalm and must receive their permission before you embalm the body.

In order to obtain the family's express consent to embalm, you must: 1) specifically ask for and obtain their permission, and 2) not misrepresent when embalming is required.

Example: While making funeral arrangements, you tell a family that they will be charged for embalming, no matter what type of funeral arrangements they choose. If they agree to the funeral arrangements in general, this does not constitute express consent to embalm. In addition, if you charge a family for embalming here, you would be charging a second non-declinable fee that violates the Rule.

Note: When an individual makes pre-need arrangements and gives express approval for embalming at that time, you do not need to get any additional approval to embalm at the time of death.

The Rule does not require you to get the permission in writing, as long as it is express approval. Some states, however, may require written authorization.

On the Statement of Funeral Goods and Services Selected, you must explain the reason that you charged a fee for embalming. The reason may be that the family requested this service. However, if you tell a consumer that embalming is required for a specific reason (e.g., viewing or legal requirement), then you should list this specific reason on the Statement. Simply noting "family consent" for embalming does not convey the reason for embalming, only that the family has consented.

3. All of the following apply:

- You are unable to contact a family member or other authorized person after exercising due diligence. In trying to contact the family, you must exhaust all means known, given the time constraints. **Note**: If refrigeration is available, you may be required to take more steps to contact the family and to obtain embalming authorization than if no refrigeration is available.
- You have no reason to believe that the family does not want embalming performed.
- After embalming the body, you obtain subsequent approval. In seeking approval, you must tell the family that if they select a funeral where embalming would be required (such as a funeral with formal viewing), you will charge a fee, but that you will not charge a fee if they select a funeral where embalming would not be necessary (such as a direct cremation with a memorial service). If the family then expressly approves embalming or chooses a funeral where embalming is required, you may charge them for the embalming you performed. But, if the family chooses a funeral where no embalming would be required, you cannot charge for the embalming. **Note**: The required disclosure regarding embalming on the itemized Statement will let consumers know that they do not have to pay for embalming if you did not get their prior approval.

RECORDKEEPING

You must keep price lists for at least one year from the date you last distributed them to customers. You also must keep a copy of each completed Statement of Funeral Goods and Services Selected for at least one year from the date of the arrangements conference. You must make these documents available for inspection by FTC representatives upon request.(24)

COMPREHENSION OF DISCLOSURES

You must make all the required disclosures to consumers in a clear and conspicuous manner. Your goal should be to present the information in

a reasonably understandable form. In addition, the disclosures must be legible. The print or type must be large and prominent enough that consumers can easily notice and read the information. Finally, your price lists cannot include any information that alters or contradicts the information the Rule requires you to give in those price lists.(25) You can include other information on your price lists if you wish. But, this should not be done in such a way as to confuse or obscure the required information.

STATE EXEMPTION PROVISIONS

State agencies may apply to the Commission for a statewide exemption from the Funeral Rule.(26) The Commission may grant an exemption if it finds that:

1. There is a state requirement in effect that applies to the same transactions that the Funeral Rule covers; and

2. The state requirement provides an overall level of protection that is as great as, or greater than, the protection provided by the Funeral Rule.

If granted, the exemption will be in effect, as specified by the Commission, for as long as the state administers and enforces effectively the state requirement. An application for state exemption can be filed only by a state government agency. Funeral providers and trade associations cannot file for statewide exemption.

If your state has obtained such an exemption, you only need to comply with your state regulations. If the Commission has not granted your state an exemption, you must comply with all state regulations, as well as the FTC Funeral Rule. You must comply with your state regulations, even if they are more stringent than the Funeral Rule.

ENDNOTES

(1) Note: Before the 1994 revision, the Rule also required the following disclosure on the GPL:

This list does not include prices for certain items that you may ask us to buy for you, such as cemetery or crematory services, flowers, and newspaper notices. The prices for those items will be shown on your bill or statement describing the funeral goods and services selected. [And if appropriate] We charge you for our services in buying these items.

The Rule no longer requires this disclosure on the GPL. Instead, you must place a shorter version of the disclosure on the Statement of Goods and Services Selected. However, you may continue to place this disclosure on your GPL, if you wish.

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IC 10-17-10 Chapter 10. Veterans' Burial Allowance

IC 10-17-10-0.2 Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 10-5-3-1 (before its repeal, now codified in this chapter) apply to claims for burial expenses filed after June 30, 2003.

IC 10-17-10-1 Qualification for allowance

Sec. 1. If:

(1) a person:

(A) has served as a member of the armed forces of the United States as a soldier, sailor, or marine in the army, air force, or navy of the United States or as a member of the women's components of the army, air force, or navy of the United States, is a resident of Indiana, and dies while a member of the armed forces and before discharge from the armed forces or after receiving an honorable discharge from the armed forces; or

(B) is the spouse or surviving spouse of a person described in clause (A) and is a resident of Indiana; and

(2) a claim is filed for a burial allowance:

(A) by an interested person with the board of commissioners of the county of the residence of the deceased person; and

(B) stating the fact:

(i) of the service, death, and discharge if discharged from service before death; and

(ii) that the body has been buried in a decent and respectable manner in a cemetery or burial ground;

the board of commissioners shall hear and determine the claim like other claims and, if the facts averred are found to be true, shall allow the claim in an amount set by ordinance. However, the amount of the allowance may not be more than one thousand dollars ($1,000).

IC 10-17-10-2 Limit on allowance

Sec. 2. (a) Not more than one (1) claim for a burial allowance may be allowed for a decedent who qualifies under this chapter.

(b) The total sum of the claim filed and for which allowances must be made shall be set by ordinance and may not exceed one thousand dollars ($1,000).

[Pre-2003 Recodification Citation: 10-5-3-1(b) part.]

IC 10-17-10-3 Prohibition of reimbursement claim

Sec. 3. Money expended by a county under this chapter shall be considered a gift. Persons for and on behalf of the state or a political subdivision of the state may not file a claim for a lump sum death benefit with the federal Social Security Administration claiming reimbursement for money so expended.

[Pre-2003 Recodification Citation: 10-5-3-1(b) part.]

IC 10-17-10-4 Setting of grave marker

Sec. 4. Before a person enters into a contract to set a grave marker provided by the federal government for the grave of a person described in section 1(1) of this chapter with a person who receives the grave marker from the federal government or the person's representative, the person who will set the grave marker must disclose the following information to the person who receives the grave marker or the person's representative:

(1) The price of the least expensive installation procedure that the person who will set the grave marker will charge and a description of the goods and services included in the procedure.

(2) The prices of any other installation procedures or options that may be performed or provided by the person who will set the grave marker and a description of the goods and services included in the procedures or options.

Military funeral honors
Burial benefits
Eligibility for burial in a VA national cemetery

Military Funeral Honors
"Honoring Those Who Served"
The Department of Defense (DOD) is responsible for providing military funeral honors. "Honoring Those Who Served" is the title of the DOD program for providing dignified military funeral honors to Veterans who have defended our nation.

Upon the family's request, Public Law 106-65 requires that every eligible Veteran receive a military funeral honors ceremony, to include folding and presenting the United States burial flag and the playing of "Taps." The law defines a military funeral honors detail as consisting of two or more uniformed military persons, with at least one being a member of the Veteran's parent service of the armed forces.

The DOD program calls for funeral home directors to request military funeral honors on behalf of the Veteran's family. However, the Department of Veterans Affairs National Cemetery Administration cemetery staff can also assist with arranging military funeral honors at VA national cemeteries. Veterans organizations may also assist in providing military funeral honors. The DOD began the implementation plan for providing military funeral honors for eligible Veterans on January 1, 2000.

Questions or comments concerning the DOD military funeral honors program may be sent to the address listed below:
Office of the Deputy Assistant Secretary of Defense
(Military Community and Family Policy) 4000 Defense Pentagon, Room 5A726
Washington, DC 20380-4000

Burial Benefits
Burial benefits available include a gravesite in any of our National cemeteries with available space, opening and closing of the grave, perpetual care, a government headstone, marker, or medallion, a burial flag, and a Presidential Memorial Certificate, at no cost to the family. Some Veterans may also be eligible for burial allowances. Cremated remains are buried or inurned in national cemeteries in the same manner and with the same honors as casketed remains.

Burial benefits available for spouses and dependents buried in a national cemetery include burial with the Veteran, perpetual care, and the spouse or dependents name and date of birth and death will be inscribed on the Veteran's headstone, at no cost to the family. Eligible spouses and dependents may be buried, even if they predecease the Veteran.

The Veterans family should make funeral or cremation arrangements with a funeral provider or cremation office. Any item or service obtained from a funeral home or cremation office will be at the family's expense. The VA created Planning Your Legacy: VA Survivors and Burial Benefits Kit, to assist Veterans and their family members in pre-need planning and record storage.

Eligibility for burial in a VA national cemetery
Veterans, service members, and some family members may be eligible for burial in a VA national cemetery. Find out if you, or a person you're plan-

ning a burial for, can get this benefit.

Who's eligible for burial in a VA national cemetery?
Veterans, service members, spouses, and dependents may be eligible for burial in a VA national cemetery, as well as other benefits, if they meet one of these requirements.
One of these must be true:

- The person qualifying for burial benefits is a Veteran who didn't receive a dishonorable discharge, or
- The person qualifying for burial benefits is a service member who died while on active duty, active duty for training, or inactive duty for training, or
- The person qualifying for burial benefits is the spouse or minor child of a Veteran, even if the Veteran died first, or
- The person qualifying for burial benefits is in some cases, the unmarried adult dependent child of a Veteran

Eligibility information for specific groups
U.S. citizens who served in the armed forces of any government allied with the United States during a war
A U.S. citizen who served in the armed forces of a U.S. ally during wartime may be eligible if they meet both of these requirements.

Both of these must be true:

- The service member ended their last active service honorably by death or otherwise, and
- The service member was a U.S. citizen at the time they entered their last active service and at the time of their death

Members of Reserve components or the Reserve Officers' Training Corps
National Guard and Reserve members
A National Guard or Reserve member may be eligible if they meet any of these requirements.

At least one of these must be true:

- The National Guard or Reserve member met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn't receive a dishonorable discharge, or
- The National Guard or Reserve member was entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren't under 60 years of age at the time of death, or
- The National Guard or Reserve member died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, or
- The National Guard or Reserve member became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, or
- The National Guard or Reserve member became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training

National Guard and Reserve members
A National Guard or Reserve member may be eligible if they meet any of these requirements.
At least one of these must be true:

- The National Guard or Reserve member met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn't receive a dishonorable discharge, **or**
- The National Guard or Reserve member was entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren't under 60 years of age at the time of death, **or**
- The National Guard or Reserve member died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, **or**
- The National Guard or Reserve member became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, **or**
- The National Guard or Reserve member became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training

Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force
A member of the Reserve Officers' Training Corps may be eligible if they meet any of these requirements.
One of these must be true:

- The officer died under honorable conditions while attending an authorized training camp or on an authorized cruise, **or**
- The officer died under honorable conditions while performing authorized travel to or from a training camp or cruise, **or**
- The officer died under honorable conditions while hospitalized or getting treatment at the expense of the United States for an injury or illness that occurred while they were attending or traveling to a training camp or cruise under honorable conditions

Commissioned officers of the National Oceanic and Atmospheric Administration
A commissioned officer of the National Oceanic and Atmospheric Administration may be eligible if they meet any of these requirements.

At least one of these must be true:

- The office served on full-time duty on or after July 29, 1945, or
- The officer served before July 29, 1945, and was assigned to an area of immediate military hazard (as determined by the secretary of defense while in time of war or by a national emergency as declared by the president), or
- The officer served in the Philippine Islands on December 7, 1941, and continued to serve there until their death

Commissioned officers of the Public Health Service
A commissioned officer of the Public Health Service may be eligible if they meet at least one of these requirements.

One of these must be true:
The officer served on full-time duty on or after July 29, 1945. If their service was considered active duty for training, they must have become disabled or died from a disease or injury caused or made worse by their service.

The officer performed full-time duty prior to July 29, 1945:

- In time of war, or
- On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard, or
- While a part of the military forces of the United States by executive order of the president

The officer served on inactive-duty training, and their death resulted from an injury caused or made worse by their service.

World War II Merchant Mariners
A WWII Merchant Mariner may be eligible if they meet at least one of these requirements.

One of these must be true:

- The Merchant Mariner had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1945, or
- The Merchant Mariner had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1946, and died after November 11, 1998, or
- The Merchant Mariner served on blockships in support of Operation Mulberry during World War II

To get a DD214 documenting this service, mail an application to:
Commandant (G-MVP-6)
United States Coast Guard
2100 2nd Street, SW
Washington, DC 20593

Philippine Armed Forces Veterans

A Philippine Armed Forces Veteran may be eligible if they meet these requirements.

Both of these must be true:

- The Philippine Veteran was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death, and
- The Philippine Veteran was residing in the United States at the time of their death

And one of these must be true:

- The Philippine Veteran served before July 1, 1946, in the Philippine military (including recognized guerrilla forces), while these forces were in the service of the Armed Forces of the United States, and died on or after November 1, 2000, or
- The Philippine Veteran enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, and died on or after December 16, 2003

Hmong Veterans

A Hmong Veteran may be eligible if they meet all of these requirements.

All of these must be true:

- The Hmong Veteran died on or after March 23, 2018, and
- The Hmong Veteran resided in the U.S. at the time of death, and
- The Hmong Veteran was naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (also called the 2000 Act)

What burial benefits do Hmong Veterans qualify for?

Hmong Veterans are eligible for burial in a national or private cemetery. They're also eligible for a headstone or marker, but not for other memorial items (like a burial flag or Presidential Memorial Certificate) or for military funeral honors (like the playing of "Taps").

Spouses and surviving spouses of Hmong Veterans aren't eligible for interment or any other burial benefits, even if they were naturalized under the 2000 Act.

What's Public Law 115-141?

Public Law 115-141 allows eligible Hmong Veterans to be buried in a national cemetery. Be sure to refer to it when requesting burial benefits.

When you call the National Cemetery Scheduling Office in your time of need, tell the scheduler you're requesting interment under PL115-141.

When you're filling out a VA Form 40-10007 Application for Pre-need Determination of Eligibility for Burial in a VA National Cemetery, write "PL115-141" in Block 5. Write the Certification of Naturalization Registration "A" number in Block 6, and select Other in Block 13.

When requesting a headstone or marker for burial in a private cemetery using VA Form 40-1330, write "PL115-141" and the Certification of Naturalization Registration "A" number in Block 33.

INDIVIDUALS WHO AREN'T ELIGIBLE

Certain family members

These family members aren't eligible:

- A former spouse who isn't also a Veteran whose marriage to an eligible Veteran or service member ended by annulment or divorce
- Family members of a Veteran convicted of subversive activities (unless the Veteran receives a pardon from the President of the United States)
- Other family members who don't meet the eligibility requirements

Individuals who were drafted but then discharged before entering military service

Individuals aren't eligible if they were ordered to report to an induction station, but were discharged at that point and never actually entered military service.

Veterans with a certain character of discharge

Veterans aren't eligible if they:

- Separated from the Armed Forces under dishonorable conditions, or
- Have a character of service that disqualifies them

A VA regional office determines eligibility in cases where the Veteran has:

- An undesirable, bad conduct, and any other type of discharge other than honorable, or
- Multiple discharges of varying character

Veterans found guilty of a capital crime

Veterans aren't eligible if:

- They've been convicted of a federal or state capital crime and may receive a sentence of imprisonment for life or the death penalty—and the conviction is final, or
- Clear and convincing evidence shows that they've committed a federal or state capital crime, but they couldn't have a trial due to flight to avoid prosecution or death

These Veterans also don't qualify for a Presidential Memorial Certificate, burial flag, headstone, or marker.

Veterans convicted of certain sex offenses

Veterans aren't eligible if they were convicted of a Tier III sex offense and sentenced to a minimum of life imprisonment—and the conviction is final.

These Veterans also don't qualify for a Presidential Memorial Certificate, burial flag, headstone, or marker.

Veterans convicted of subversive activities

Veterans aren't eligible if they were convicted of subversive activities after September 1, 1959, unless they've received a pardon from the President of the United States.

ARLINGTON NATIONAL CEMETERY

Funeral Information

Arlington National Cemetery, our nation's most hallowed ground, is the final resting place for approximately 400,000 active duty service members, veterans and their families. This historic cemetery bears witness to American heritage and the military service and sacrifice of men and women in uniform throughout U.S. history.

Veterans are laid to rest with dignity and honor at Arlington National Cemetery by a compassionate and dedicated work force. We believe that caring

for our nation's heroes and their families during their time of need is a sacred duty entrusted to us.

- We conduct 27 to 30 services each weekday, and four to five services on Saturdays. Funeral services are held Monday through Friday (except on federal holidays) from 9 a.m. to 3 p.m., and on Saturday from 9 a.m. to 2 p.m. for placements and services for cremated remains that do not require military honors or military chaplain support. Services are not scheduled on Saturdays that precede a federal holiday on Monday.
- Family members and others attending a service should arrive at the cemetery approximately 45 minutes prior to the scheduled service time. Families will not be allowed entry into the cemetery earlier than one hour prior to the scheduled service.
- For funeral attendees, **up to TEN** family members are allowed inside the Administration Building for coordination on the day of the funeral. The maximum capacity for funeral services at Old Post Chapel is 200 persons.

For additional information, click on the tabs at left. To request or coordinate funeral services, please call 1-877-907-8585.

Extended Suspension of Caisson Platoon Funeral Operations at Arlington National Cemetery
Update: April 12, 2024
The Army has announced the extended suspension of caisson support to funerals services at Arlington National Cemetery. Though some families will be impacted by these changes, Arlington National Cemetery and the Army are working to minimize disruptions and ensure families can appropriately honor loved ones. Click here for a fact sheet that provides further detail.

Other Burial Options
ANC is one of many beautiful options for families to consider when laying their loved one to rest. The Department of Veterans Affairs (VA) National Cemetery Administration maintains 87 national cemeteries in 42 states and Puerto Rico that are open for first interment or inurnments. Use our Cemetery Locator Map to find a VA cemetery near you.

Frequently Asked Questions
Is my loved one eligible for burial or inurnment at Arlington National Cemetery?
Arlington National Cemetery's eligibility requirements for burial and inurnment are different from other national cemeteries that are maintained by the Department of Veterans Affairs. Eligibility for in-ground burial at Arlington National Cemetery is the most stringent of all U.S. national cemeteries. However, most veterans who have at least one day of active service (other than for training) and an honorable discharge are eligible for above-ground inurnment. Eligibility is determined at the time of need.

More information about eligibility: https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral/Establishing-Eligibility

How do I schedule a funeral service?
The process to schedule a burial at Arlington National Cemetery can be complex, and we handle each family's request individually with the utmost care and professionalism. Each request is unique. The length of time it takes for scheduling depends on many factors, including the family's ability to provide all documents to verify, the type of remains, the military resources available and any special requests (such as requests for the chapel located on Joint Base Myer-Henderson Hall).

First, the family or funeral home should call ANC's customer service center at **877-907-8585**. They will then be given a case number for tracking purposes and asked to email or fax all required documents for review. The cemetery staff will need to establish and confirm that the service member is eligible for burial at Arlington. We recommend that you have all of the required documentation together before you call to schedule the service. Any documents requested by cemetery staff can be emailed to arlington-cemetery.isb@army.mil and must include the case number provided by the customer service center. **Please Note:** Arlington National Cemetery will not respond to other inquiries via this email box.

More information about scheduling a service: https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral

What documents are required?
The required documents are:

- DD214 (or service equivalent), with an honorable character of service, to establish eligibility for the eligible service member.
- Death certificate, and cremation certificate, if applicable.
- Succession documents for the person authorized to direct disposition (PADD) to act on behalf of the primary next of kin (PNOK), if applicable. Only the PNOK or PADD can sign the required documents.
- Unmarried adult dependents require two additional documents: A) a notarized statement from an individual who has direct knowledge as to the marital status and degree of dependency of the deceased person, the name of the decedent's parent, and the military service from which the burial is being requested; and B) a certificate from the attending physician regarding the nature and duration of the dependent's physical and/or mental disability.
- Families will be required to validate that an urn contains 100 percent of the decedent's remains received from the crematorium or funeral home before Arlington National Cemetery conducts the burial service.

It is the family's responsibility to provide the service member's eligibility documents. A service will not be scheduled until all required documents are received. For instructions on how to make an emergency records request: https://www.archives.gov/veterans/military-service-records/emergencies
More information about required documents: https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral/Required-Documents

How long is the wait time for a service?
Scheduling military funeral services at ANC is primarily influenced by three factors: the type of remains, military resources available and the preferences of the individual family. We strive to communicate effectively with families throughout each step of the process, in order to help them understand the complexities of wait times and their options for scheduling a service.

The limited availability of military personnel for funeral honors support, coupled with an operational tempo of up to 30 funeral services per day, means that the wait time to schedule the most resource-intensive services at ANC (such as military honors services with funeral escort) has increased.

Services are scheduled in the order that they are received. They are then placed into a queue based upon the status of the deceased (active duty or veteran) and the nature of the remains (casketed or cremated).

Active duty deaths and casketed remains are prioritized in the scheduling process. Burials for current-conflict, active-duty service members killed in action or who died of wounds can be accommodated within two weeks of the date of death. Additionally, ANC prioritizes casketed remains due to the health and safety factors involved in storing these remains, as well as the cost to families. Services for casketed remains are generally scheduled within three weeks of receiving the request for burial. The service takes place when the military funeral honors for which the veteran is eligible are available.
For wait times on cremated remains cases, once documents are received, contact our call center at 877-907-8585.

More information about wait times and the scheduling process: https://

www.arlingtoncemetery.mil/Portals/0/Docs/Funeral Scheduling Process - May 2024.pdf?ver=gvAelle4XJH_WVcSNWWkWA%3d%3d

What are my options if I am concerned about the long wait time to schedule a burial at ANC?
Options include reducing military support or the level of honors rendered. However, ANC is one of many beautiful options for families to consider when laying their loved one to rest. The Department of Veterans Affairs (VA) National Cemetery Administration maintains 87 national cemeteries in 42 states and Puerto Rico that are open for first interment or inurnments. Use our Cemetery Locator Map to find a VA cemetery near you.

What happens at a typical service? What types of military honors are available?
Please see the following pages for detailed information:

- Order of events at an ANC funeral service: https://www.arlingtoncemetery.mil/Funerals/Attending-a-Funeral/Order-of-Events
- Military funeral honors: https://www.arlingtoncemetery.mil/Funerals/Funeral-Information/Military-Honors

Does Arlington National Cemetery provide transportation for funeral attendees?
Arlington National Cemetery does not provide transportation to funerals. Attendees must provide their own transportation.

Can I order a particular type of headstone?
The U.S. government will provide, at no cost to the estate of the deceased, an upright, white marble headstone or white marble niche cover. Arlington National Cemetery staff will place the order, which goes to the National Cemetery Administration (part of the Department of Veterans Affairs). The order for the headstone or niche cover will include the appropriate inscription and choice of an optional emblem. The next of kin will review the proposed headstone or niche cover text template prior to the date of interment, and the template will be finalized with cemetery staff prior to or on the day of the interment.

Arlington National Cemetery no longer accepts requests for new private (e.g. not government-provided) headstone markers, due to extremely limited space and interment challenges such as growth of trees, landscape and maintenance provisions, and safety concerns for families and staff.

More information about headstones and niche covers: https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral/Headstones-and-Niche-Covers

How can I find a grave or visit a loved one's place of burial or inurnment?
To locate a grave or place of inurnment, download our ANC Explorer app. If visiting in person, you may also inquire with the staff at the Welcome Center desk.

More information about visiting a gravesite: https://www.arlingtoncemetery.mil/Funerals/Visiting-a-Gravesite

What are your policies on gravesite floral tributes and wreaths?

- Fresh cut flowers may be placed on graves at any time. ANC provides portable temporary cones for flowers that the public may use. These cones can be found at locations throughout the cemetery.
- Artificial flowers may be placed on gravesites from October 10 through April 15.
- Permanent flower containers and planting of flowers and shrubs are prohibited.

More information on floral tributes and wreaths: https://www.arlingtoncemetery.mil/Funerals/Visiting-a-Gravesite

Hours of Operation for Funeral Services and Visitation
Funeral services are held Monday through Friday, except federal holidays, from 9 a.m. to 3 p.m. On Saturdays, services are available from 9 a.m. to 2 p.m. for placements and services for cremated remains that do not require military honors or military chaplain support.

Family members and others attending the service should arrive at the cemetery 45 minutes prior to the scheduled service time. Families will not be allowed entry into the cemetery earlier than one hour prior to the scheduled service. Click here for information on the order of events at a funeral.

Everyone attending funeral services at Arlington National Cemetery must provide their own transportation from the Administration Building or chapel to the final resting place (the gravesite or niche location).

To request or coordinate funeral services, please call 1-877-907-8585.

The cemetery is open for gravesite visitation daily from 8 a.m. to 5 p.m.

Military Honors
Military funeral honors provided at Arlington National Cemetery differ from those provided at other national cemeteries. There are three types of burial honors rendered at Arlington: military funeral honors, military funeral honors with funeral escort, and dependent honors. Every uniformed service member or veteran of the armed forces is eligible for military funeral honors, which are provided by the decedent's branch of service.

Military Funeral Honors
Enlisted service members, WO-1 through CW-3, and O-1 through O-3, who are interred or inurned at Arlington National Cemetery will receive military funeral honors. The elements of military funeral honors include:

- Casket team (body bearers/pallbearers)
- Firing party
- Bugler
- Folding of and presentation of the U.S. flag

Military Funeral Honors with Funeral Escort
Those military members who attained the grade of E-9, CW-4 and CW-5, and O-4 and above, or service members regardless of rank who receive the Medal of Honor, who were prisoners of war (POWs) or who were killed in action, may receive military funeral honors with funeral escort. The elements of military funeral honors with funeral escort include:

- Casket team (body bearers/pallbearers)
- Firing party
- Bugler
- Folding of and presentation of the U.S. flag
- Marching element (size varies according to the rank of the deceased)
- Military band
- The Army's Caisson Platoon support to funerals at Arlington National Cemetery has been suspended.

Spouse and Dependent Honors
When a spouse or other eligible dependent of a current or former member of the armed forces is buried at Arlington, the military service in which the member served will provide a casket team or body bearer and a military chaplain, if requested. No other military funeral honors will be rendered unless the spouse also served in the military.

Armed Forces Funeral Honors
Armed forces funeral honors are the same as military funeral honors with funeral escort, with the exception that escort platoons from each of the military services participate. These funerals are reserved for the president of the United States (as commander-in-chief), the secretary of defense, the chairman of the Joint Chiefs of Staff and officers granted multiple-service command.

Additional Funeral Elements

- Army and Marine Corps colonels and general officers may be provided a caparisoned (rider-less) horse, if available.
- Army, Navy and Marine Corps general officers may receive a battery cannon salute (17 guns for a four-star general, 15 for a three-star, 13 for a two-star, 11 for a one-star), if available.
- Folding of and presentation of the U.S. flag
- Minute guns may be used for general officers/flag officers of the Coast Guard, Marine Corps and Navy, if available.
- The president of the United States is entitled to a 21-gun salute, while other high state officials receive 19 guns.

Military Chaplain Support
A military chaplain may be scheduled by the cemetery staff, if requested, unless a family minister is desired and provided by the primary next of kin or the funeral home.
Click here for the sequence of events for military funeral honors.

Please note: In accordance with guidance from the Secretary of the Army (SecArmy Memorandum, Subject: Funeral Honors at Arlington National Cemetery for Soldiers Who Die as a Result of Wounds Received in Action, dated January 2, 2009), all service members who die from wounds received as result of enemy action and are being interred, inurned or memorialized at Arlington National Cemetery are eligible to receive military funeral honors with funeral escort.

Presidential Memorial Certificate
A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed by the current president, to honor the memory of honorably discharged deceased veterans.

The Department of Veterans Affairs (VA) administers the PMC program. Bearing the president's signature, certificates express the country's grateful recognition of the veteran's service in the United States Armed Forces.

Information on how to obtain a Presidential Memorial Certificate is available on the Department of Veterans Affairs website.

Arlington Ladies
The Arlington Ladies are a group of volunteers who attend funeral services at Arlington National Cemetery to ensure that no Soldier, Sailor, Airman or Coast Guardsman is buried alone.

The Arlington Ladies began in 1948 within the Air Force. The Chief of Staff of the Air Force, General Hoyt Vandenberg, and his wife, Gladys, routinely attended funeral services at the cemetery and noticed that some services had only a military chaplain present. The Vandenbergs believed that a member of the Air Force family should also attend, and Mrs. Vandenberg asked her friends to start attending services. She ultimately formed a group from the Officer's Wives Club. In 1973, General Creighton Abrams' wife, Julia, founded the Army's version of the group. In 1985, the Navy created a group, and in 2006 the Coast Guard followed suit. The Marines do not officially have a group, as they send a representative of the Marine Commandant to every funeral.

Today, the Air Force, Army, Navy and Coast Guard all have Arlington Ladies who perform similar volunteer duties, attending funeral services for active duty service members and veterans. The criteria to become an Arlington Lady is different for each military service, but each Lady has some connection to the respective service, generally as a current or former military member or as a spouse of a military member. The Ladies are an official part of the funeral service, representing the military service's chief of staff or equivalent. They present cards of condolence to the next of kin from the military service chief and spouse on behalf of the service family, and from the Arlington Lady herself.

Funeral Elements
Taps
A uniformed bugler sounds Taps at a military funeral at Arlington National Cemetery

The bugle call known as "Taps" dates from the American Civil War. In July 1862, while the Army of the Potomac camped near Harrison's Landing, Virginia, Brigadier General Daniel Butterfield summoned Private Oliver Willcox Norton, his brigade bugler, to his tent. Butterfield, who disliked the colorless "lights out" call then in use, whistled a different tune and asked the bugler to play it for him. After repeated trials, Norton played a 24-note call which suited the general. (According to some interpretations, Butterfield's tune was a variation on an earlier bugle call, the "Scott Tattoo," first published in 1835.) Butterfield then ordered that within his brigade, the new call would replace the regulation Army Taps. The next day, buglers from nearby brigades came to the camp of Butterfield's brigade to ask about the new call. They liked the tune and copied the music. During the Civil War, its popularity spread throughout Union ranks, and even among some Confederate forces.

Shortly after Butterfield composed the tune, Taps was first sounded at a military funeral for a Union cannoneer killed in action. The deceased soldier's commanding officer believed that a bugle call would be less risky than the traditional three-rifle volley, which the enemy could misinterpret as an attack. In 1874, Butterfield's Taps became the U.S. Army's official bugle call. Taps has been used by the U.S. armed forces ever since — at the end of the day, during flag ceremonies and at military funerals. Whenever a service member is buried with military honors anywhere in the United States, the ceremony concludes with the three-rifle volley and the sounding of Taps on a trumpet or bugle. Melancholy yet serene, the call lingers in memory.

The name "Taps" derives from the fact that the lights-out call was traditionally followed by three drum taps.

Ruffles and Flourishes
Ruffles are played on drums, and flourishes are played on bugles. They are sounded together, once for each star of the general officer being honored or according to title or office held by the honoree. Four ruffles and flourishes is the highest honor.

Burial Flags
Burial flags used for military honors at Arlington National Cemetery measure 5' x 9 ½'. Do not purchase a burial flag. The burial flag must be made in the United States. Most funeral homes will obtain the U.S. flag on behalf of the veteran's family. Requests for a burial flag must be made at the time of need (time of death). Burial flags may also be obtained from VA regional offices, Department of Veterans' Affairs and most U.S. post offices by completing VA Form 27-2008, Application for United States Flag for Burial Purposes ((https://www.arlingtoncemetery.mil/Portals/0/Docs/Burial-Flag-Application.pdf?ver=g6AYa4FlHxeKVJcZBmWFjg%3d%3d)), and submitting it with a copy of the veteran's discharge papers at one of these locations.

Disinterment Procedures
Burials at Arlington National Cemetery are considered final. Requests for disinterment of an individual interred or inurned at Arlington National Cemetery must be submitted in writing by the primary next of kin (PNOK)

or person authorized to direct disposition (PADD), in accordance with the Code of Federal Regulations (32 CFR Part 553). Please note: Disinterment is approved only for those requestors whose facts merit extraordinary circumstances and, if approved, can be accomplished without expense to the United States government. A request must include the following documents:

Notarized letter stating the name of the interred/inurned individual and a cogent reason for the disinterment request. The request should be sent to:

The Executive Director
Attn: Disinterment
Arlington National Cemetery
Arlington, VA 22211

Notarized statement from all close living relatives (parents, siblings and children) of the interred individual, stating that they do not object to the proposed disinterment. A notarized statement must also be signed by the person who directed the original interment, if still surviving.

Notarized statement from a third party who knows those persons who have provided the statements of no objection to the requested exception. The notarized statement must list by name all persons who have provided a statement, and attest that those persons who provided statements are indeed the only living parents, siblings and adult children of the person already interred.

The public disclosure form signed by the PNOK or PADD, available hereView Public Disclosure Form. https://www.arlingtoncemetery.mil/Portals/0/Docs/PublicDisclosureForm.pdf

Scheduling a Funeral Service
The process to schedule a burial at Arlington National Cemetery can be complex, and we handle each family's request individually with the utmost care and professionalism. Each request is unique. The length of time it takes for scheduling depends on many factors, including the family's ability to provide all documents to verify eligibility, the type of remains, the military resources available and any special requests (such as requests for the chapel located on Joint Base Myer-Henderson Hall).

When the family or funeral home makes the first call to the customer service center, they are given a case number for tracking purposes and are asked to fax or e-mail all required documents for review. The cemetery staff will need to establish and confirm that the service member is eligible for burial at Arlington. We recommend that you have all of the required documentation together before you call to schedule the service. Any documents requested by cemetery staff can be e-mailed to arlingtoncemetery.isb@army.mil and must include the case number provided by the customer service center. Please Note: Arlington National Cemetery will not respond to other inquiries via this email box.

The required documents are the DD214 (or service equivalent) with an honorable character of service to establish eligibility for the eligible service member, death certificate, and cremation certificate, if applicable. It is the family's responsibility to provide the service member's eligibility documents. A service will not be scheduled until all required documents are received. Click here for instructions on how to make an emergency records request.

Families will be required to validate that an urn contains 100 percent of the decedent's remains received from the crematorium or funeral home before Arlington National Cemetery conducts the burial service.

For more information on the scheduling process, click here for our fact sheet. (https://www.arlingtoncemetery.mil/Portals/0/Funeral%20Scheduling%20Process%20-%20June%202023%20Final%20PDF.pdf)

Attending a Funeral
Arlington National Cemetery is the most hallowed burial ground of our nation's fallen. A fully operational national cemetery since May 1864, Arlington conducts between 27 and 30 funeral services each weekday and between six and eight services on Saturdays — final farewells to fallen heroes and their family members.

Arlington is one of the few cemeteries that offers graveside burials with military funeral honors with escort. For families, a service at Arlington is the time when the United States military bestows the honors befitting the service and sacrifice of their loved one. We consider it part of our sacred trust to ensure that each funeral is executed with the utmost dignity and respect.

We suggest wearing attire that is appropriate for the season, but also respects the dignity of the occasion. Proper footwear that allows mobility on hard and soft surfaces is recommended.

Arlington National Cemetery does not provide transportation to funerals. Attendees must provide their own transportation.

Arlington National Cemetery requires 100% ID checks at all entrances.
All visitors 16 years of age and older (pedestrians, drivers and passengers) must present a valid photo identification upon entering the cemetery. Visitors include **all funeral attendees**, tourists and personnel on official business. School group leaders and tour guides must also present the required identification. **Original documentation is required.** Paper copies or cell phone photos of identification are not accepted.

- Visitors 18 years of age and older must present a valid U.S. state or federal government-issued photo identification for entry.
- Visitors 16 and 17 years old who do not have a U.S. state or federal government-issued photo identification may present an official school-issued photo identification for entry.
- Persons who are not U.S. citizens must present a valid passport or U.S. State Department-issued photo identification for entry.

Order of Events
We are honored you have chosen Arlington National Cemetery as the final resting place for your loved one. Here is what to expect on the day of your service.

The next of kin or family representative should provide the funeral start time to guests. The start time may also be listed on the ANC website if the next of kin has authorized it.

45 minutes prior to the scheduled service time:

- Family and guests arrive at the cemetery via Memorial Avenue.
- Gate guards will direct you to park in queuing lanes. Signs will let you know which lane is dedicated to your service.
- Proceed to the Administration Building, where the receptionist will guide you to your assigned family room.
- Note: Funeral services beginning at the Old Post Chapel must report to Fort Myer at least one hour prior to the start of the service in order to go through security.

10-15 minutes prior to the scheduled service time:

- The family's assigned ANC representative provides guidance on the funeral procession.
- Procession departs from queuing lanes, led by the family's assigned ANC representative, to the gravesite location or transfer point.

The service (generally 20-30 minutes):

- Committal service is conducted.
- Military funeral honors are rendered.
- Family departs gravesite to exit the cemetery.

Sequence of Events for Military Funeral Honors

- The funeral coach arrives at the gravesite. Military members present arms (render a salute).
- Casket team secures the casket. Non-commissioned officer-in-charge (NCOIC), officer-in-charge (OIC) and chaplain salute.
- Chaplain (military or civilian) leads the way to the gravesite, followed by casket team.
- Casket team sets down the casket and secures the flag.
- NCOIC/OIC ensures that the flag is stretched out, level and centered over the casket.
- Family is seated.
- NCOIC/OIC backs away and chaplain performs the service.
- For those eligible (i.e., general officers), a cannon salute is fired at conclusion of the interment service and before benediction.
- Chaplain concludes the service and backs away; NCOIC/OIC steps up to the casket.
- Cemetery representative asks family members to rise for honors.
- NCOIC/OIC presents arms to initiate the rifle volley.
- Rifle volley complete; bugler plays Taps.
- Family is asked to be seated.
- Casket team leader starts to fold the flag.
- Once the flag fold is completed, the flag is passed to the NCOIC/OIC.
- Casket team leaves gravesite.
- The flag is presented to the next of kin.
- For veterans of the Army, Air Force, Navy and Coast Guard, an Arlington Lady presents cards of condolence to the next of kin, on behalf of their service chief and the Lady herself.
- Chaplain/clergy extend condolences.
- Cemetery representative announces that the service has concluded.

For more information on military funeral honors, please see our fact sheet. (https://www.arlingtoncemetery.mil/Portals/0/ANC%20Military%20Funeral%20Honors%20Fact%20Sheet%202019.pdf)

Visiting a Gravesite

To find a loved one's gravesite, search for their name on our app, ANC Explorer, which can be accessed on the web and on mobile devices. Headstone/niche cover photos are loaded into the app approximately 90 days after a service is conducted. The app will provide walking directions from the Welcome Center to the gravesite.

Permanent and Temporary Family Passes

A permanent family pass is issued to the next of kin at the time of the interment. Additional permanent passes are available for the parents, spouse, siblings and children of the deceased. Applications for permanent passes are available at the Welcome Center Information Desk and the Administration Building, or you may download and print this form: ANC Parking Pass Application.

A temporary vehicle pass may be issued to the above family members who are presently at Arlington National Cemetery to visit their loved one and who have completed a permanent family pass request form.

PLEASE NOTE: Family passes may be used for gravesite visits only. Touring the cemetery with your family pass is not authorized.

At the entrance gates and immediately after funerals, family pass holders will receive a reminder card stating that the family pass is a privilege, intended only to allow them to visit their loved one's grave. All family pass holders must depart the cemetery immediately following their gravesite visit.

A free shuttle is available for gravesite visits and may be accessed by visiting the tram ticket desk in the Welcome Center.

Floral and Wreath Tributes at Gravesite

- Fresh cut flowers may be placed on graves at any time. ANC provides portable temporary cones for flowers that the public may use. These cones can be found throughout the cemetery in centralized containers.
- Artificial flowers may be placed on gravesites from October 10 through April 15.
- Flowers may be placed at the bottom of a column at the niche wall or in the columbarium.
- The government does not assume any responsibility for damaged or missing flower arrangements.
- Permanent flower containers are no longer authorized for placement.
- Planting of flowers, shrubs, etc. is prohibited.
- At the discretion of the cemetery, floral items will be removed from gravesites as soon as they become faded and unsightly.
- Potted plants are permitted seven days before and seven days after Easter Sunday.
- Wreaths are permitted during the holiday season (December 1 through January 31).
- Grave blankets and Christmas trees are prohibited.
- Prohibited items include, but are not limited to: ammunition, alcohol, knives or sharp objects, statues, vigil lights, flags, glass objects of any nature, and any type of commemorative items — except for U.S. flags placed on gravesites by government employees for Memorial Day.
- Affixing or attaching any item to a headstone or niche cover is prohibited.
- Items left at graves and niches will be collected and disposed of to facilitate normal cemetery maintenance procedures, such as mowing.
- Please click here for further guidance on ANC policy for Section 60.

Information for Funeral Directors

Arlington National Cemetery, our nation's most hallowed ground, is the final resting place for approximately 400,000 active duty service members, veterans and their families. This historic cemetery bears witness to American heritage and the military service and sacrifice of men and women in uniform throughout the nation's history. Families come from all over the country to bury their loved ones at Arlington National Cemetery. They come to Arlington because of the rich history of military honors that makes the service so special. The nation's veterans are laid to rest with dignity and honor by a compassionate and dedicated work force. We believe that caring for our nation's heroes and their families during their time of need is a sacred duty entrusted to us.

On average, Arlington National Cemetery conducts between 27 and 30 funeral services each weekday. There are up to six committal services an hour, five times a day. Saturday services are also available for placements and services for cremated remains that do not require military honors or military chaplain support. The cemetery generally conducts between six and eight services on Saturdays.

Understanding Arlington's Scheduling Process
The process to schedule a burial at Arlington National Cemetery can be complex, and we handle each family's request individually with the utmost care and professionalism. Each request is unique. The length of time it takes for scheduling depends on many factors, including the family's ability to provide all documents to verify eligibility, the type of remains, the military resources available and any special requests (such as requests for the chapel located on Joint Base Myer-Henderson Hall).

When the family or funeral home makes the first call to the customer service center, they are given a case number for tracking purposes and are asked to fax or e-mail all required documents for review. The cemetery staff will need to establish and confirm that the service member is eligible for burial at Arlington. We recommend that you have all of the required documentation together before you call to schedule the service. Any documents requested by cemetery staff can be e-mailed to arlingtoncemetery.isb@army.mil and must include the case number provided by the customer service center. **Please Note**: Arlington National Cemetery will not respond to other inquiries via this email box.

The required documents are the DD214 (or service equivalent) with an honorable character of service to establish eligibility for the eligible service member, death certificate and cremation certificate, if applicable. It is the family's responsibility to provide the service member's eligibility documents. A service will not be scheduled until all required documents are received. Click here for instructions on how to make an emergency records request. (https://www.archives.gov/veterans/military-service-records/emergencies)

Families will be required to validate that an urn contains 100 percent of the decedent's remains received from the crematorium or funeral home before Arlington National Cemetery conducts the burial service.

For more information on the scheduling process, please see our fact sheet. (https://www.arlingtoncemetery.mil/Portals/0/Docs/Fact-Sheets/Funeral-Scheduling-Processs-Fact-Sheet-2022.pdf)

Required Documentation
1. DD214 or equivalent service documentation showing honorable discharge and active duty service. (Mandatory for a veteran; not required for the second interment of spouse if ANC can verify the veteran's eligibility from historic archived records.)
2. Death certificate.
3. Cremation certificate, if applicable.
4. Succession documents for the person authorized to direct disposition (PADD) to act on behalf of the primary next of kin (PNOK).
5. Other documents, as requested by the cemetery.

Tips for Scheduling Services
- Provide the cemetery with multiple ways to contact the funeral home and the PNOK. An e-mail address is required for the PNOK. Only the PNOK or PADD is authorized to sign the required documents.
- Have all of the required documentation together before you call to schedule.
- If the decedent is being interred with someone already at Arlington National Cemetery, please provide the section and grave number for in-ground gravesites and court, or section, column and niche numbers for above-ground interments, if known.
- Consider a Saturday service for placements or services for cremated remains that do not require military honors or military chaplain support.

Important Information: Cremated Remains
Arlington National Cemetery requires certification of 100% of cremated remains and a cremated remains certificate. We support industry best practices of providing the cremation identification number, which is included with the remains and annotated on the cremation certificate. **Arlington does not accept cremated remains by mail.**

Urns should be no larger than 9" x 9" x 9" (not including companion urns). If the urn purchased by the family exceeds this size, please inform ANC staff prior to the interment date.

Saturday services are available for placements and services for cremated remains that do not require military honors or military chaplain support.

Important Information: Casketed Remains
Arlington National Cemetery will request that the funeral home provide additional information regarding unusually heavy caskets, oversize caskets or vaults, or any other item which could impact the handling of the remains on the day of the service.

Service Member with Honorable Discharge	Eligibility*	
	Inurnment in Columbarium Court or Niche Wall	In-Ground Burial (Casket)
Dies on Title 10 federal active duty (other than for training)	Yes	Yes
Dies on active duty for training only under Title 10	Yes	No
Veteran – retired from active duty and receiving retirement pay	Yes	Yes
Veteran – at least one day of active duty other than for training	Yes	No
Veteran – received Medal of Honor, Distinguished Service Cross (Air Force or Navy), Distinguished Service Medal, Silver Star or Purple Heart	Yes	Yes
Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while on active duty for training or performing full-time service	Yes	No
Any former prisoner of war who, while a prisoner of war, served honorably in the active military, naval or air service; whose last period of service terminated honorably; and who died on or after Nov. 30, 1993	Yes	Yes

*Reflects current eligibility criteria in accordance with the Code of Federal Regulations, Title 32, Part 553, Sections 12 and 13.

Documents Required for Scheduling a Funeral Service
Before a service can be scheduled, all documentation needs to be submitted and reviewed by Arlington staff to establish and confirm eligibility. We recommend that you have all of the required documentation together before you call Arlington National Cemetery to schedule the service. The following documents are required:

1. DD214 or equivalent service documentation showing honorable discharge and active duty service (mandatory for a veteran and the first interment of a dependent; requested for second interment of a spouse, but ANC may be able to verify eligibility based on archival records).
2. Death certificate. Must be the final/or certified copy with the full social security number. We can move the case forward with a working copy of the death certificate, but a final/or certified copy is required before scheduling can occur.
3. Cremation certificate, if applicable. The certificate must include the name of the deceased, date of cremation, name of crematory, signature or electronic stamp, and cremation tag number.
4. Succession documents for the person authorized to direct disposition (PADD) to act on behalf of the primary next of kin (PNOK), if applicable. Only the PNOK or PADD can sign the required documents.
5. Unmarried adult dependents require two additional documents: a) a notarized statement from an individual who has direct knowledge as to the marital status and degree of dependency of the deceased person, the name of the decedent's parent, and the military service from which the burial is being requested; and b) a certificate from the attending physician regarding the nature and duration of the dependent's physical and/or mental disability.
6. Other documents may be required for signature before the service can take place.

Important Information: Cremated Remains
Arlington National Cemetery requires certification of 100% of cremated remains and a cremated remains certificate. We support industry best practices of including the cremation identification number, which is included with the remains and annotated on the cremation certificate. Arlington does not accept cremated remains by mail.

Interment/Inurnment Costs
Arlington National Cemetery does not charge fees for an interment or inurnment at the cemetery. The only potential costs to the estate of the deceased are for vaults. Effective December 2017, placement of private markers is no longer available for service members and families. Secondary interments will still be authorized and required to have inscriptions placed on already existing private markers following interments by the estate or next-of-kin. The next of kin may elect to provide a private vault as an outside container other than the standard government-provided grave liner.

Government grave liners are made of reinforced concrete that surrounds the casket or urn. After the committal service, the casket or urn is lowered into the government liner and the concrete lid is placed on top. The purpose of the government liner is to prevent the grave from sinking. It is not designed to protect the casket or urn from the elements. A government liner is provided at no cost to the family.

A burial vault is made of reinforced concrete or other materials such as steel or bronze. Burial vaults come with a variety of special linings and may be sold with a warranty. The purpose of the burial vault is to protect the casket for some period of time and prevent the grave from sinking. Burial vaults are sold by funeral homes and not provided free of charge by the cemetery. If a family elects to purchase a burial vault, the cemetery will not provide the free government liner.

All costs associated with preparation of the remains, casket or urn, and shipping of the remains to the Washington, D.C. area are at the expense of the estate, unless the deceased was on active duty with a branch of the Armed Forces. Please check with your local VA and Social Security Administration office to determine if any benefits are available from either or both agencies.

Application for an Exception to the Interment/Inurnment Policy
Below is a list of the generally required documents for each type of exception request. However, every request for exception to the burial policy is slightly different, and Arlington National Cemetery may request additional documentation.

1. Exception which requires a new grave
A request for an exception which requires a new grave will first be reviewed by the ANC superintendent and a board comprised of Department of the Army Headquarters senior executive service and general officers. It will then be forwarded to the ANC executive director, who will thoroughly review all information submitted and provide a recommendation to the Secretary of the Army, who will make the decision. The Secretary of the Army will decide to approve or deny the request based on all information submitted, through the executive director, by the decedent's primary next of kin (PNOK) or person authorized to direct disposition (PADD).

Justification for the specific waiver is the responsibility of the requestor. The Department of Defense does not conduct research to help justify waivers for interment or inurnment at ANC. A person requesting an exception for a decedent should provide factual, detailed information, supported with accurate documentation, for each of the criteria listed below. Every effort is made to process requests (once all documentation is received) and to reach a decision as quickly as possible.

Each request for exception to the interment and inurnment policies will be evaluated using the following considerations:

1. The decedent's specific military service (contributions and acts) that directly and substantially benefited the United States military.
2. The decedent's specific civilian service (contributions and acts) that directly and substantially benefited the United States military and demonstrates the manner and level of sacrifice or heroism typical of military service.
3. Whether the decedent's combined military and civilian service presents extraordinary circumstances that justify approving an exception to the policy.
4. The degree to which a decedent meets eligibility standards for interment or inurnment.
5. The degree of consistency with past decisions.
6. The potential impact of a decision, as precedent, for future requests of like circumstance or degree.

The following information is required to process the request:

1. A written request, with notarized signature, from the PNOK or PADD of the deceased providing the reason(s) why the deceased should be favorably considered for an exception to policy. All relevant information regarding military service or service to the nation should be included.
2. Documentation of service such as DD Form 214, award certificates and orders.
3. The point of contact and both a daytime and evening telephone number for questions and notification purposes.
4. The public disclosure form signed by the PNOK or PADD. Copies of the public disclosure form are available here (https://www.arlingtoncemetery.mil/Portals/0/Docs/PublicDisclosureForm.pdf) or you may call 1-877-907-8585 to request a form.

2. Exception for burial in the same grave as a person already interred at Arlington National Cemetery
Requests for exception for burial in the same grave as a person already interred in Arlington National Cemetery will be thoroughly reviewed and then approved or denied by the ANC executive director.

Justification for the specific waiver is the responsibility of the requestor. The Department of Defense does not conduct research to help justify waivers for interment or inurnment at ANC. A person requesting an exception for a decedent should provide factual, detailed information, supported with accurate documentation, for each of the criteria listed below. Every effort is made to process requests (once all documentation is received) and to reach a decision as quickly as possible.

The following information is required to process the request:

1. A written request, with notarized signature, from the PNOK or PADD of the deceased seeking burial at Arlington National Cemetery, detailing the relationship between the deceased seeking burial and the person already buried at Arlington National Cemetery, as well as an explanation of why the request should be favorably considered. Particular attention should be given to honorable service in the U.S. military and/or lifetime achievements that provided significant and notable support to the U.S. military.
2. Statements with notarized signature from every living parent, sibling and adult child of the eligible veteran already interred, stating that they have no objection to the requested exception. If the eligible veteran is still alive, a statement with notarized signature from the eligible veteran is required.
3. Sworn statement with notarized signature from a third party who knows those persons who have provided the statements of no objection to the requested exception. The notarized sworn statement must list by name all persons who have provided a statement, and attest that those persons are indeed the only living parents, siblings and adult children of the person already interred.

Sample of Third Party Statement:
My name is _____ (insert the name of the person making the statement) and I am over the age of eighteen (18) years old.

I attest that the following are the only living parents, siblings, children or spouse of _____
(insert the name of deceased person already interred or inurned at Arlington National Cemetery)

(list the names of all living parents, siblings, adult children or a spouse of the deceased and the relationship to the deceased):

_____

_____

There are no other close living relatives.

Signature, printed name and address of Testator:

Notary Information

4. Death certificate and cremation certificate, if applicable.
5. Military documents of the deceased, if any.
6. The public disclosure form signed by the PNOK or PADD. Copies of the public disclosure form are available here (https://www.arlingtoncemetery.mil/Portals/0/Docs/PublicDisclosureForm.pdf) or you may call 1-877-907-8585 to request a form.

3. Where to send documentation
All documents must be notarized and can be emailed to: arlingtoncemetery.isb@mail.mil.
Please mail originals to:
Executive Director
Attn: Exception to Policy Request
Arlington National Cemetery
Arlington, VA 22211

Headstones and Niche Covers
The U.S. government will provide, at no cost to the estate of the deceased, an upright, white marble headstone or white marble niche cover. Arlington National Cemetery staff will place the order, which goes to the National Cemetery Administration (part of the Department of Veterans Affairs). The order for the headstone or niche cover will include the appropriate inscription and choice of an optional emblem of belief. The next of kin will review the proposed headstone or niche cover text template prior to the date of interment, and the template will be finalized with cemetery staff prior to or on the day of the interment.

Upright white marble headstones (13" x 24" x 4") generally contain 11 lines of text, with or without an emblem of belief. Generally, the stone can accommodate 13 characters (including spaces) on the name line, and 15 characters (including spaces) on all other lines. A veteran's government headstone must contain the deceased's name, rank, branch of service, date of birth and date of death. Other lines can include combat service and significant awards. An additional inscription, not to exceed three lines, can include a term of endearment or reference (e.g. Loving Father, Husband, and Son; Fought for Freedom; Proud Soldier).

White marble niche covers (15¾" x 11¼" x ⅞") generally contain 10 lines of text, with or without an emblem of belief. Generally, the niche cover can accommodate 11 characters (including spaces) on the name line, and 13 characters (including spaces) on all other lines except the 9th and 10th line, which can contain a maximum of nine characters (including spaces). An additional inscription, not to exceed two lines, can include a term of endearment or reference.

To check the status of an order, call 1-877-907-8585. Headstone/niche cover photos are loaded into Arlington's app, ANC Explorer, approximately 90 days after a service is conducted.

Private Headstone Markers
Arlington National Cemetery no longer accepts requests for new private (e.g. not government-provided) headstone markers, due to extremely limited space and interment challenges such as growth of trees, landscape and maintenance provisions, and safety concerns for families and staff.

Families that currently maintain a private marker, or foresee a secondary interment or inscription at Arlington National Cemetery, are reminded that they are responsible for the perpetual care of these headstones. Accurate commemoration of individuals on private markers is also the responsibility of the family.

For more information, please see our private markers fact sheet (see page 285).

Private Markers: Frequently Asked Questions
Q. Why is ANC no longer accepting private markers?
A. All of the original 13 sections designated for private markers (PMs) have been filled (as of December 2017). There is no more space in the remaining sections designated for PMs. A PM requires more space for its foundation than a government-issued headstone, and care of the grounds necessitates additional space.

Q. Were only VIPs authorized to have a private marker?
A. No. Any veteran or family member was eligible to request a PM at a loved one's time of need. Historically, during and after the Civil War, families that could afford a private marker would often choose a custom headstone as an emblem of honor and status; in the older sections of the cemetery, you will find large and often ornate headstones, many created by renowned artists. Today, however, headstones do not indicate rank or wealth. Indeed, government upright headstones mark the gravesites of four-star generals and Medal of Honor recipients.

Q. If a tree is removed, can a PM be reserved for that space?
A. When a dead or damaged tree is removed, an acceptable replacement tree will be planted to maintain the iconic look of cemetery grounds. Replacing trees is also important to maintaining the cemetery's Level II arboretum status.

Q. Will there be space in the new sections of the cemetery?
A. No. Per Title 10 USC § 553.28, PMs are authorized only in sections of the cemetery where they existed prior to January 1, 1947. All new sections will consist of either government upright headstones or columbarium court/wall marble niche covers.

Q. What does it mean for a family to maintain the perpetual care of a PM?
A. Families are responsible for all maintenance of private markers, including repairs and any additional inscriptions. ANC will conduct minor routine cleaning of the marker and maintain the ground around it.

Q. Do PMs pose problems in the cemetery?
A. Most of the problems with private markers are errors in fact (incorrect dates, misspelled names) or damage to the stone or foundation. Errors were likely from the families ordering the markers, or mistakes made by memorial companies. These can impact identification of the decedent, as well as causing confusion in ANC's interment databases. Private markers can also become safety hazards if they are damaged or fall off of their foundations. Coordinating corrections and resolving safety concerns requires additional staff hours and resources.

Lithochrome Policy
The first headstones at Arlington National Cemetery were simple white headstones with the personal information and gravesite number etched into the stone. Later, lithochrome — a type of water-resistant paint applied to headstones that darkens the letters — was introduced to make inscriptions easier to read.

Over time, the blackening fades. The fading occurs in a non-uniform way, both on individual headstones and across a section.

Arlington National Cemetery no longer uses lithochrome, except for on headstones ordered for first interments (at the time of interment) located in Section 60, as well as on niche covers in columbarium courts 1-9 and the niche wall. If a headstone requires replacement for another reason, it will not contain lithochrome. When niche covers are in need of replacement, lithochrome will be applied.

Memorial Sections
In the absence of remains, Arlington National Cemetery offers memorialization in specially designated memorial areas. Under federal regulations (32 CFR § 553.16), a memorial marker may be placed at Arlington National Cemetery to honor the memory of service members or veterans who are otherwise eligible for interment or inurnment and:

- Who are missing in action;
- Whose remains have not been recovered or identified;
- Whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;
- Whose remains were donated to science;
- Whose remains were cremated and the cremated remains scattered without interment or inurnment of any portion of those remains.

The one-gravesite-per-family policy applies to memorialization:

- When the remains of a primarily eligible person are unavailable for one of the above reasons, and a derivatively eligible person (e.g., a dependent) is already interred or inurned at Arlington National Cemetery, the primarily eligible person may be memorialized only on the existing headstone or a replacement headstone, ordered with a new inscription.
- When a memorial marker for a primarily eligible person is already in place, and a derivatively eligible person (e.g., a dependent) is subsequently interred or inurned at Arlington National Cemetery, an inscription memorializing the primarily eligible person will be placed on the new headstone or niche cover. The memorial marker will then be removed from the memorial area.

Policies for memorial markers are the same as those for interments or inurnments. The U.S. government will provide, at no cost to the estate of the deceased, an upright, white marble memorial marker. Arlington National Cemetery staff will place the order, which goes to the National Cemetery Administration (part of the Department of Veterans Affairs). The order will include the appropriate inscription and choice of an optional emblem of belief. The next of kin will review the proposed marker text template prior to the date of placement, and the template will be finalized with cemetery staff. Private markers are no longer authorized. Please see our Headstones and Niche Covers page for more information. (https://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral/Headstones-and-Niche-Covers)

To request a memorial marker, call 1-877-907-8585.

For policies on commemorative monuments, please click here (https://www.arlingtoncemetery.mil/About/Policies-and-Public-Notices/Commemorative-Monuments-Request)

VA NATIONAL CEMETERY
VA Burial Benefits and Memorial Items
VA burial benefits can help service members, Veterans, and their family members plan and pay for a burial or memorial service in a VA national cemetery. Family members can also order memorial items to honor the service of a Veteran. Find out how to apply for the burial benefits you've earned, and how to plan for a burial in advance or at time of need.

Get Veterans burial benefits
Find out if you qualify for burial in a VA national cemetery and for other burial honors.

Eligibility for burial in a VA national cemetery
Veterans, service members, and some family members may be eligible for burial in a VA national cemetery. Find out if you, or a person you're planning a burial for, can get this benefit.

WHO'S ELIGIBLE FOR BURIAL IN A VA NATIONAL CEMETERY?
Veterans, service members, spouses, and dependents may be eligible for burial in a VA national cemetery, as well as other benefits, if they meet one of these requirements.

One of these must be true:

- The person qualifying for burial benefits is a Veteran who didn't receive a dishonorable discharge, or
- The person qualifying for burial benefits is a service member who died while on active duty, active duty for training, or inactive duty for training, or
- The person qualifying for burial benefits is the spouse or surviving spouse of a Veteran (even if they remarried after the Veteran's death), or
- The person qualifying for burial benefits is the minor child of a Veteran (even if the Veteran died first) or, in some cases, the unmarried adult dependent child of a Veteran

ELIGIBILITY INFORMATION FOR SPECIFIC GROUPS
U.S. citizens who served in the Armed Forces of any government allied with the United States during a war
A U.S. citizen who served in the Armed Forces of a U.S. ally during wartime may be eligible if they meet both of these requirements.

Both of these must be true:
- The service member ended their last active service honorably by death or otherwise, and
- The service member was a U.S. citizen at the time they entered their last active service and at the time of their death

Members of Reserve components or the Reserve Officers' Training Corps
National Guard and Reserve members
A National Guard or Reserve member may be eligible if they meet any of these requirements.

At least one of these must be true:
- The National Guard or Reserve member met their legal minimum active-duty service requirements, was called up to active duty and served their full term of service, and didn't receive a dishonorable discharge, or
- The National Guard or Reserve member was entitled to retirement pay at their time of death, or would have been entitled to retirement pay if they weren't under 60 years of age at the time of death, or
- The National Guard or Reserve member died while hospitalized or getting treatment at the expense of the U.S. for an injury or illness that occurred while they were performing active-duty services for training or inactive-duty training under honorable conditions, or
- The National Guard or Reserve member became disabled or died from a disease or injury caused—or made worse—by their service during a period of active duty for training, or
- The National Guard or Reserve member became disabled or died from an injury or certain cardiovascular disorders caused—or made worse—by their service during a period of inactive-duty training

Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force
A member of the Reserve Officers' Training Corps may be eligible if they meet any of these requirements.

One of these must be true:
- The officer died under honorable conditions while attending an authorized training camp or on an authorized cruise, or
- The officer died under honorable conditions while performing authorized travel to or from a training camp or cruise, or
- The officer died under honorable conditions while hospitalized or getting treatment at the expense of the United States for an injury or illness that occurred while they were attending or traveling to a training camp or cruise under honorable conditions

Commissioned officers of the National Oceanic and Atmospheric Administration
A commissioned officer of the National Oceanic and Atmospheric Administration may be eligible if they meet any of these requirements.

At least one of these must be true:
- The officer served on full-time duty on or after July 29, 1945, or
- The officer served before July 29, 1945, and was assigned to an area of immediate military hazard (as determined by the secretary of defense while in time of war or by a national emergency as declared by the president), or
- The officer served in the Philippine Islands on December 7, 1941, and continued to serve there until their death

Commissioned officers of the Public Health Service
A commissioned officer of the Public Health Service may be eligible if they meet at least one of these requirements.

One of these must be true:
The officer served on full-time duty on or after July 29, 1945. If their service was considered active duty for training, they must have become disabled or died from a disease or injury caused or made worse by their service.

The officer performed full-time duty prior to July 29, 1945:
- In time of war, or
- On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard, or
- While a part of the military forces of the United States by executive order of the president

The officer served on inactive-duty training, and their death resulted from an injury caused or made worse by their service.

World War II Merchant Mariners
A WWII Merchant Mariner may be eligible if they meet at least one of these requirements.

One of these must be true:
- The Merchant Mariner had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1945, or
- The Merchant Mariner had oceangoing service during the period of armed conflict from December 7, 1941, to December 31, 1946, and died after November 11, 1998, or
- The Merchant Mariner served on blockships in support of Operation Mulberry during World War II

To get a DD214 documenting this service, mail an application to:
Commandant (G-MVP-6)
United States Coast Guard
2100 2nd Street, SW
Washington, DC 20593

Philippine Armed Forces Veterans
A Philippine Armed Forces Veteran may be eligible if they meet these requirements.

Both of these must be true:
- The Philippine Veteran was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death, and
- The Philippine Veteran was residing in the United States at the time of their death

And one of these must be true:
- The Philippine Veteran served before July 1, 1946, in the Philippine military (including recognized guerrilla forces), while these forces were in the service of the Armed Forces of the United States, and died on or after November 1, 2000, or
- The Philippine Veteran enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, and died on or after December 16, 2003

Hmong Veterans
A Hmong Veteran may be eligible if they meet all of these requirements.

All of these must be true:
- The Hmong Veteran died on or after March 23, 2018, and
- The Hmong Veteran resided in the U.S. at the time of death, and
- The Hmong Veteran was naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (also called the 2000 Act)

What burial benefits do Hmong Veterans qualify for?

- Hmong Veterans are eligible for burial in a national or private cemetery. They're also eligible for a headstone or marker, but not for other memorial items (like a burial flag or Presidential Memorial Certificate) or for military funeral honors (like the playing of "Taps").

Spouses and surviving spouses of Hmong Veterans aren't eligible for interment or any other burial benefits, even if they were naturalized under the 2000 Act.

What's Public Law 115-141?
Public Law 115-141 allows eligible Hmong Veterans to be buried in a national cemetery. Be sure to refer to it when requesting burial benefits.

When you call the National Cemetery Scheduling Office in your time of need, tell the scheduler you're requesting interment under PL115-141.

When you're filling out a VA Form 40-10007 Application for Pre-need Determination of Eligibility for Burial in a VA National Cemetery, write "PL115-141" in Block 5. Write the Certification of Naturalization Registration "A" number in Block 6, and select Other in Block 13.

When requesting a headstone or marker for burial in a private cemetery using VA Form 40-1330, write "PL115-141" and the Certification of Naturalization Registration "A" number in Block 33.

SPECIFIC GROUPS THAT AREN'T ELIGIBLE
Certain family members
These family members aren't eligible:

- A former spouse who isn't also a Veteran whose marriage to an eligible Veteran or service member ended by annulment or divorce
- Family members of a Veteran convicted of subversive activities (unless the Veteran receives a pardon from the President of the United States)
- Other family members who don't meet the eligibility requirements

People who were drafted but never entered military service
People aren't eligible if they were ordered to report to an induction station, but were discharged at that point and never actually entered military service.

Veterans with a certain character of discharge
Veterans aren't eligible if they:

- Separated from the Armed Forces under dishonorable conditions, or
- Have a character of service that disqualifies them

A VA regional office determines eligibility in cases where the Veteran has:

- An undesirable, bad conduct, and any other type of discharge other than honorable, or
- Multiple discharges of varying character

Veterans found guilty of a capital crime
Veterans aren't eligible if:

- They've been convicted of a federal or state capital crime and may receive a sentence of imprisonment for life or the death penalty—and the conviction is final, or
- Clear and convincing evidence shows that they've committed a federal or state capital crime, but they couldn't have a trial due to flight to avoid prosecution or death

These Veterans also don't qualify for a Presidential Memorial Certificate, burial flag, headstone, or marker.

Veterans convicted of certain sex offenses
Veterans aren't eligible if they were convicted of a Tier III sex offense and sentenced to a minimum of life imprisonment—and the conviction is final.

These Veterans also don't qualify for a Presidential Memorial Certificate, burial flag, headstone, or marker.

Veterans convicted of subversive activities
Veterans aren't eligible if they were convicted of subversive activities after September 1, 1959, unless they've received a pardon from the President of the United States.

What should I do if I received an other than honorable, bad conduct, or dishonorable discharge?
If you've received one of these discharge statuses, you may not be eligible for VA benefits.

There are 2 ways you can try to qualify:
Find out how to apply for a discharge upgrade
(https://www.va.gov/discharge-upgrade-instructions/)

Learn about the VA Character of Discharge review process
(https://www.va.gov/discharge-upgrade-instructions/#other-options)

BURIAL IN A PRIVATE CEMETERY
Learn about the burial benefits available to a Veteran buried in a private cemetery.

Memorial items
Is a Veteran buried in a private cemetery eligible for memorial items?
Yes. Veterans buried in a private cemetery may be eligible for these memorial items:

- Headstone, marker, or medallion
- Burial flag
- Presidential Memorial Certificate

Learn about eligibility for a memorial item
(https://www.va.gov/burials-memorials/memorial-items/headstones-markers-medallions/)

Is a spouse or dependent child buried in a private cemetery eligible for memorial items?
No. A spouse or dependent child buried in a private cemetery isn't eligible for VA memorial items. Only an eligible Veteran can receive a headstone, marker, or medallion for burial in a private cemetery.

Is a spouse or dependent child eligible for an inscription on the Veteran's headstone or marker in a private cemetery?
Yes. If the spouse or dependent child is eligible for burial in a VA national cemetery (but isn't buried there), we'll pay for an inscription on the Veteran's headstone or marker.

Learn about eligibility for burial in a national cemetery
(https://www.va.gov/burials-memorials/eligibility/)

To apply for an inscription
Add the inscription information in block 18 of the Claim for Standard Government Headstone or Marker (VA Form 40-1330). When you submit the form, please include documents that show the spouse or dependent relationship (like a marriage license or birth certificate).

Get VA Form 40-1330
(https://www.va.gov/find-forms/about-form-40-1330/)

The type of inscription you can apply for depends on when the Veteran died.

If the Veteran died on or after October 1, 2019
We'll inscribe an eligible spouse or dependent child's name, date of birth, and date of death on the Veteran's headstone or marker. We'll also inscribe a term of endearment (like "Loving Father") if you request this.

We'll place the inscription on the back of an upright headstone, or below the Veteran's information on a flat marker.

Note: If a Veteran who died on or after October 1, 2019, already has a government headstone or marker, we'll pay for a replacement to add an inscription for an eligible spouse or dependent child. Use VA Form 40-1330 to request a replacement. The family will need to pay all fees to remove the original and install the replacement headstone or marker.

If the Veteran died before October 1, 2019
We'll inscribe an eligible spouse's name on the Veteran's headstone or marker. The spouse's name will appear after the words "Husband of," "Wife of," or "Spouse of." We won't inscribe the spouse's date of birth or death.

We'll place the inscription below the Veteran's information on a upright headstone or flat marker.

In some cases, we may inscribe an eligible dependent child's name. You can apply for this type of inscription and we'll review your request.

If I'm planning in advance for my own burial in a private cemetery, how can I find out which memorial items I'm eligible for?
You can fill out a pre-need eligibility application to determine if you can get a VA headstone or marker.

Learn more about pre-need eligibility
(https://www.va.gov/burials-memorials/pre-need-eligibility/)

Note: In their time of need, when a family member files a claim for a headstone or marker, they should include this note in block 27: "Decedent has a VA pre-need decision letter."

Private cemetery burial costs
How much does a burial in a private cemetery cost?
It depends. We provide memorial items related to the burial to you and your family at no extra cost. But a private cemetery may charge setting, placement, maintenance, or other fees. We recommend that you ask about these additional costs when planning a burial in a private cemetery.

Can VA help with the cost of a Veteran's burial in a private cemetery?
Yes. If a Veteran is eligible, we may be able to help you with some of the cost of their burial.

Learn more about burial allowance and find out how to apply
(https://www.va.gov/burials-memorials/veterans-burial-allowance/)

How do I request a memorial item for a private cemetery burial?
Fill out a claim for a memorial item
For a headstone, grave marker, or niche cover, fill out a Claim for Standard Government Headstone or Marker (VA Form 40-1330).

Get VA Form 40-1330
(https://www.va.gov/find-forms/about-form-40-1330/)

Note: If this is your second request, or if you're requesting a replacement, please explain this in block 27 of the form.

For a medallion to be placed on a privately purchased headstone or marker, fill out a Claim for Government Medallion for Placement in a Private Cemetery (VA Form 40-1330M).

Get VA Form 40-1330M
(https://www.va.gov/find-forms/about-form-40-1330m/)

Note: If you're requesting an MOH medallion, check "Other" in block 11 of the form and write "MOH."

Make a copy of the Veteran's DD214 or other discharge documents
Please make a copy of the Veteran's DD214 or other discharge documents to send to us. Don't send the originals since we can't return them.

Learn more about which discharge documents we'll accept
(https://www.va.gov/records/discharge-documents/)

Send us your claim and supporting documents
You can send us your claim and documents in any of these ways:

Online
Submit your claim and supporting documents online using the QuickSubmit tool through AccessVA.

If it's your first time signing into this tool, you'll need to register first. After you've registered, you can upload your claim and documents online.

Use the QuickSubmit tool through AccessVA
(https://eauth.va.gov/accessva/?cspSelectFor=quicksubmit)

By mail
Mail your claim and supporting documents to this address:

NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

By fax
You can also fax your claim to 800-455-7143.

If you need help, please call us at 800-697-6947. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

Note: Only the National Cemetery Administration can inscribe a memorial item. This is to protect the condition and consistency of memorial items. We don't allow private or local contractors to inscribe memorial items.

Find out more about requesting memorial items
(https://www.va.gov/burials-memorials/memorial-items/headstones-markers-medallions/)

Get help applying for a headstone, marker, or medallion by calling 800-697-6947. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

More information about burial in a private cemetery
What questions should I ask to prepare for a private cemetery burial?
If you're planning a burial in a private cemetery, you may want to ask these questions to the cemetery you're working with:

- If the private cemetery is offering a free gravesite for Veterans, will I be required to buy a gravesite in addition to the free Veteran gravesite?
- If I have to buy an additional gravesite, what will it cost? Where will it be located?
- Can I get a written list of the services my family and I will get from the private cemetery during the burial process?
- Can I get a written list of the information or resources I need to give the private cemetery in order to plan the burial?
- What type of trust fund does the private cemetery have to protect buyers?

- Are there any requirements or restrictions on headstones or grave markers in the private cemetery?
- Do I need to buy a special marker base before ordering a VA headstone?
- Will I have to pay to place, set, or take care of a VA headstone or marker? If yes, will this cost more than if I buy a private headstone or marker?
- Do I need to buy an outer container (sometimes called a "vault" or a "grave liner") to surround the casket? If yes, how much will this cost?

What should I do if I applied for a memorial item for a Veteran buried in a private cemetery, but the grave is still unmarked?
If the Veteran's grave is still unmarked and more than 30 days have passed since you filed your claim, call us at 800-697-6947 to make sure we received your claim. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

If you know we've received your claim and more than 60 days have passed, contact the cemetery, funeral home, or other party responsible for accepting delivery of the headstone, marker, or medallion. If they haven't received it, call us at 800-697-6947. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

What can I do if I have a complaint about a private cemetery?
If you have a complaint about a private cemetery policy, there are organizations that can help you resolve it.

Get help resolving your complaint
(https://www.cem.va.gov/facts/Consumer_Affairs_Guidance.asp)

BURIAL AT SEA
Learn about the Navy's Burial at Sea program and find out if you can plan a burial at sea for a Veteran.

Is burial at sea provided by the Navy or the National Cemetery Administration?
The U.S. Navy provides burial at sea. The National Cemetery Administration can't perform this type of committal service.

Learn more about the Navy's Burial at Sea program
(https://www.mynavyhr.navy.mil/Support-Services/Casualty/Mortuary-Services/Burial-at-Sea/)
For information, call the U.S. Navy Mortuary Affairs office at 866-787-0081. We're here Monday through Friday, 8:30 a.m. to 5:00 p.m. ET.

Can I get a memorial item for a Veteran who's already been buried at sea?
Yes. Active-duty service members and Veterans who were buried at sea may be eligible for a headstone or marker.

PRE-NEED ELIGIBILITY FOR BURIAL IN A VA CEMETERY
You can apply to find out in advance if you can be buried in a VA national cemetery. This is called a pre-need determination of eligibility—and it can help make the burial planning process easier for your family members in their time of need. Follow the steps below to apply.

Note: "Pre-need" means before the time of need. This application is for planning for your own burial in advance. Please don't complete this form if you're requesting burial at the time of need.

Find out how to schedule a burial
(https://www.va.gov/burials-memorials/schedule-a-burial/)

How do I prepare before starting my application?

1. **Find out if you're eligible. One of these must describe you:**
   - A Veteran who didn't receive a dishonorable discharge when you separated from the military, or
   - The spouse or dependent child of a service member or Veteran, even if the service member or Veteran has already passed away, or
   - In some cases, the adult dependent child of a service member or Veteran (if you aren't married)

We base our decision of whether or not you qualify for burial in a VA national cemetery on your service history—or the service history of the Veteran or service member who's sponsoring your application for burial as a spouse, surviving spouse, or unmarried adult child.

Note: If a service member dies on active duty, they're eligible for burial without a pre-need decision letter.

2. **Choose the VA national cemetery where you'd prefer to be buried.**

Find a VA national cemetery (https://www.va.gov/find-locations/)

Please note:
- This application is only for VA national cemeteries. If you'd like to be buried in a state or tribal Veterans cemetery, contact that specific cemetery ahead of time to find out about their pre-need program. Some state Veterans cemeteries require that you live in that state or have other rules around eligibility. You can apply for a pre-need determination of eligibility from VA and also from a state or tribal Veterans cemetery.
- Find a state Veterans cemetery

- This application doesn't apply to Arlington National Cemetery or the United States Soldiers and Airmen's Home National Cemetery. If you'd like to be buried in either of these Department of the Army cemeteries, please call 877-907-8585 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 5:30 p.m. ET, and Saturday, 9:00 a.m. to 1:00 p.m. ET.
- Getting a pre-need determination of eligibility doesn't guarantee you'll be buried in a specific VA national cemetery. We don't take reservations at any VA national cemetery. However, we ask where you prefer to be buried so we can try to help fulfill your final wishes.

3. **Gather the supporting documents and information you'll need to fill out the application.**

Please see the list below. If you don't have everything on the list, you can still apply and we'll help by finding the supporting documents we need. Just keep in mind that the more information you can give us when you apply, the faster we can review your application and give you a decision. We'll contact you if we need you to provide additional information.

4. **Be sure to fill out an application for each person requesting a pre-need eligibility determination.**

If both you and your spouse are applying, you'll each need to fill out your own application.

What information do I need to apply?
To apply, you'll need your (or your sponsor's):
- Social Security number
- Date and place of birth
- Military status and service history (like service dates, discharge character, and rank—commonly found on the DD214 or other separation documents)
- Discharge papers (DD214 or other separation documents)

Note: If you don't have discharge papers, find out how to request the DD214.

If you're applying as a spouse, surviving spouse, or unmarried adult child, you'll also need your personal information, including your Social Security number.

If you're applying on behalf of someone else, you'll also need supporting documents showing you have the authority to apply for that person. You'll need to fill out one of these forms:

- Appointment of Veterans Service Organization as Claimant's Representative (VA Form 21-22)
  Get VA Form 21-22 (https://www.va.gov/find-forms/about-form-21-22/)

Or

- Appointment of Individual as Claimant's Representative (VA Form 21-22a)
  Get VA Form 21-22a (https://www.va.gov/find-forms/about-form-21-22a/)

If you're applying for an unmarried adult child of a Veteran or service member, you'll also need to provide supporting documents with information about the child's disability. The Veteran or guardian of the child should also ask the child's current doctor to verify the documents. These documents should include all of the following information:

- The date of the disability's onset, and
- A description of the disability, mental or physical, and
- A description of how dependent the disabled child is on the Veteran, and
- The marital status of the child

How do I apply?
You can apply online right now.

Apply for pre-need eligibility
(https://www.va.gov/burials-and-memorials/pre-need/form-10007-apply-for-eligibility/introduction)

You can also apply:
By mail
Fill out an Application for Pre-need Determination of Eligibility for Burial in a VA National Cemetery (VA Form 40-10007).
Get VA Form 40-10007 (https://www.va.gov/find-forms/about-form-40-10007/)

The person applying for a pre-need determination must sign the form. If that person is under 18 years old, mentally unable to make decisions for themselves (sometimes called mentally incompetent), or physically unable to sign the form, a spouse, parent, or court-appointed representative may sign the form.

If you're signing the form on behalf of someone else, you'll need to:

- Select box 33B on the form and provide your name, address, phone number, and email address in blocks 34 through 37
- Provide supporting documents that show why the person applying can't sign
- Provide supporting documents that show your relationship to the person applying

Send your completed application (with copies of your supporting documents) to:
NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

Please don't send us the originals of your DD214 and other supporting documents since we can't return them. Send copies only.

By fax
You can fax your application to the National Cemetery Scheduling Office at 855-840-8299.

What if I need help filling out my application?
Call our toll-free hotline at 800-535-1117 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET.

Get help from a trained professional trusted to help with VA-related claims, like an accredited representative or Veterans Service Officer (VSO).
Find a representative (https://www.benefits.va.gov/vso/varo.asp)
Find your state's Veterans agency
(https://department.va.gov/about/state-departments-of-veterans-affairs-office-locations/)

Note: These services are free. No one should ever ask you to pay them to help you fill out VA Form 40-10007 or file your request.

What happens after I apply?
Find out what happens after you apply for a pre-need eligibility determination
(https://www.va.gov/burials-memorials/pre-need-eligibility/after-you-apply/)

Note: We've received a large number of pre-need eligibility applications, and it's slowing down our approval process. We'll let you know when we've received your application and how long we think it'll take to make a decision. We're sorry for the delay.

For more information, you can call 800-535-1117 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET. Please wait to hear back about your application rather than applying again.

Apply for pre-need eligibility determination
Equal to VA Form 40-10007 (Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery).

Sign in now to save your work in progress
Here's how signing in now helps you:

- We can fill in some of your information for you to save you time.
- You can save your work in progress. You'll have 60 days from when you start or make updates to your application to come back and finish it.

Note: You can sign in after you start your application. But you'll lose any information you already filled in.

Sign in to start your application
(https://www.va.gov/burials-and-memorials/pre-need/form-10007-apply-for-eligibility/introduction)

Start your application without signing in
(https://www.va.gov/burials-and-memorials/pre-need/form-10007-apply-for-eligibility/applicant-information)

Follow the steps below to apply for a pre-need eligibility determination
Prepare
When you apply, be sure to have these on hand:

- The name of the VA national cemetery where you'd prefer to be buried.
  Find a VA national cemetery (https://www.va.gov/find-locations)
- Service history or the service history of the service member or Veteran who's sponsoring your application. This includes your or your sponsor's:
  - Social Security number (and Military Service number if it's different than the Social Security number)

- VA claim number (if you know it)
- Date and place of birth
- Date of death (if the service member or Veteran has died)
- Military status and history

You'll need to upload:
A copy of your or your sponsor's DD214 or other separation documents

Additional information and documents needed for certain applicants:
- **If you're applying as the legally married spouse or surviving spouse or the unmarried adult child of a service member or Veteran**, you'll need your personal information (including Social Security number and date of birth).
- **If you're applying on behalf of someone else**, you'll need to upload supporting documents or an affidavit (a written statement of facts confirmed by an oath or affirmation) showing that you're:
  - The applicant's court-appointed representative, or
  - The applicant's caregiver (including a spouse or other relative), or
  - An attorney or agent acting on behalf of the applicant under a durable power of attorney, or
  - The manager or principal officer of an institution in which the applicant is being cared for
- **If you're applying for an unmarried adult child, you'll need to upload supporting documents showing:**
  - Medical evidence of a disability
  - Start date of a disability
  - The child's age when diagnosed with a disability

What if I need help filling out my application?
An accredited representative, like a Veterans Service Officer (VSO), can help you fill out your claim.
Get help filing your claim (https://www.va.gov/disability/get-help-filing-claim/)

Apply
Complete this pre-need eligibility determination form.

After submitting the form, you'll get a confirmation message. You can print this for your records.

VA review
We'll let you know by mail if we need more information.

Decision
After we process your claim, you'll get a notice in the mail about the decision.

After you apply for an eligibility determination
Find out what happens after you apply for a pre-need eligibility determination for burial in a VA national cemetery.

How long does it take VA to make a decision?
The amount of time it takes to review your application depends on:
- The number of applications we're reviewing, and
- How much information you provided in your application, and
- Whether you provided your (or your sponsor's) DD214 or other separation documents along with your application

Note: We've received a large number of pre-need eligibility applications, and it's slowing down our approval process. We'll let you know when we've received your application and how long we think it'll take to make a decision. We're sorry for the delay.

For more information, you can call us at 800-535-1117 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET.

Please wait to hear back about your application rather than applying again. You don't need to do anything while you wait. We'll contact you if we need more information to make a decision.

If you qualify for burial benefits
You'll receive a VA burial and memorial benefits folder from us in the mail.

Your folder will include:
- A letter telling you if you can be buried in a VA national cemetery. This is called your pre-need decision letter.
- A National Cemetery Administration brochure and a burial benefits information sheet. These will tell you more about the benefits you'll receive.
- A copy of the supporting documents you submitted with your application

What should I do after I receive my pre-need decision letter and folder?
Keep your pre-need decision letter and folder in a safe place. Talk to your family members or authorized representative about your burial wishes—including any memorialization requests and inscriptions—and make sure they know where your benefits folder is located. They'll need this information to request your burial at the time of need.

You may also want to choose a funeral home to help you with pre-need funeral plans. Provide a copy of your pre-need decision letter to your funeral director and tell them about your plans to be buried in a national cemetery.

What do my family members need to do to request my burial at the time of need?
At the time of need, the person arranging your burial should call the National Cemetery Scheduling Office at 800-535-1117 (TTY: 711) to request a burial. We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET. They'll need your pre-need decision letter at that time.

We'll also keep a copy of your pre-need application, the decision letter, and your supporting documents in our system to help speed up burial arrangements. When your family member or authorized representative requests your burial, we'll confirm your pre-need eligibility determination based on the laws in effect at that time.

Learn more about planning a burial for a family member
(https://www.va.gov/burials-memorials/schedule-a-burial/)

Will my family have to pay for my burial?
No. If you qualify for burial in a VA national cemetery, you'll receive burial benefits at no cost to your family.

Burial benefits include:
- Opening and closing of the grave
- A burial liner provided by the government
- A headstone or marker provided by the government
- Perpetual (ongoing) care of the gravesite

The person arranging your burial can also request additional honors and memorial items.

If you're a Veteran, your surviving spouse or other family members may also qualify for survivor benefits, including help paying for funeral costs.

What if I change my mind and don't want to be buried in a VA national cemetery?
Your family members can make arrangements for your burial at a private cemetery even if we've already sent you a pre-need decision letter. There's no need to contact VA about this change of plans.

However, even if you're buried at a private cemetery, your family members can still request a headstone or marker at the time of need. The family

member can make this request using the Claim for Standard Government Headstone or Marker (VA Form 40-1330).

Get VA Form 40-1330 (https://www.va.gov/find-forms/about-form-40-1330/)

To make this request, print out the form and fill it out, and mail the completed form to:
Memorial Products Service (41B)
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903

If you don't qualify for burial benefits
We'll send you a denial decision letter explaining the reasons or basis of our denial. We'll also send you a form called Your Right to Seek Review of Our Decision (VA Form 20-0998) along with your denial letter. This form explains your rights to appeal or to request another review, and how to submit more evidence. You can send us more supporting documents whether or not you choose to appeal the pre-need decision.

Get VA Form 20-0998 (https://www.va.gov/find-forms/about-form-20-0998/)

Learn more about appeals and reviews of VA claims (https://www.va.gov/decision-reviews/)

Get more information about claims and review processes (https://www.va.gov/opa/publications/benefits_book/benefits_chap14.asp)

Check your VA claim status (https://www.va.gov/claim-or-appeal-status/)

How much time do I have to appeal the decision or request another review?
It depends on which option you use to request a review or to appeal. Each option has a different time requirement. Your options include:

- Add new and relevant evidence (file a Supplemental Claim)
- Ask for a higher-level reviewer to review your case (request a Higher-Level Review)
- Appeal to a Veterans Law Judge (request a Board Appeal)

Get time requirements for each type of claim appeal and review (https://www.va.gov/decision-reviews/)

Learn how to file your claim using VA Form 20-0998 (https://www.va.gov/find-forms/about-form-20-0998/)

Can my family member or authorized representative still apply for my burial in a VA national cemetery at the time of need?
Yes. Laws and personal circumstances may change earlier eligibility decisions. We'll make the final decision of whether you qualify for burial at the time of need.

How to update your information
You can update your information at any time. Call our toll-free hotline at 800-535-1117. We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET.

How to apply for a Veterans burial allowance
Find out how to get Veterans burial allowances (sometimes called "Veterans death benefits") to help cover burial, funeral, and transportation costs.

Am I eligible for allowances to help pay for a Veteran's burial and funeral costs?
You may be eligible for Veterans burial allowances if you're paying for the burial and funeral costs and you won't be reimbursed by any other organization, like another government agency or the Veteran's employer. You must also meet all of these requirements.

One of these relationships or professional roles describes your connection to the Veteran:

- You're the Veteran's surviving spouse (Note: We recognize same-sex marriages.), or
- You're the surviving partner from a legal union (a relationship made formal in a document issued by the state recognizing the union), or
- You're a surviving child of the Veteran, or
- You're a parent of the Veteran, or
- You're the executor or administrator of the Veteran's estate (someone who officially represents the Veteran)

The Veteran must not have received a dishonorable discharge, and one of these circumstances must be true:

- The Veteran died as a result of a service-connected disability (a disability related to service), or
- The Veteran died while getting VA care, either at a VA facility or at a facility contracted by VA, or
- The Veteran died while traveling with proper authorization, and at VA's expense, either to or from a facility for an examination, or to receive treatment or care, or
- The Veteran died with an original or reopened claim for VA compensation or pension pending at the time of death, if they would've been entitled to benefits before the time of death, or
- The Veteran died while receiving a VA pension or compensation, or
- The Veteran died while eligible for a VA pension or compensation at their time of death, but instead received full military retirement or disability pay

Or:

- The Veteran had been getting a VA pension or compensation when they died, or
- The Veteran had chosen to get military retired pay instead of compensation

Note: We'll also provide an allowance for the cost of transporting a Veteran's remains for burial in a national cemetery.

You can't get burial allowances for certain individuals
We don't provide burial allowances if the individual died in any of these ways:

- On active duty, or
- While serving as a member of Congress, or
- While serving a federal prison sentence

What kind of burial benefits can I get?
If you're eligible, you may receive these benefits:

- VA burial allowance for burial and funeral costs
- VA plot or interment allowance for the cost of the plot (gravesite) or interment
- VA transportation reimbursement for the cost of transporting the Veteran's remains to the final resting place

We provide burial benefits for all legal burial types, including cremation and burial at sea. We also provide burial benefits for donating the Veteran's remains to a medical school.

Is there a time limit for filing?
You must file a claim for a non-service-connected burial allowance within 2 years after the Veteran's burial. If a Veteran's discharge was changed after death from dishonorable to another status, you must file for an allowance claim within 2 years after the discharge update.

There's no time limit to file for a service-connected burial, plot, or interment allowance.

What documents do I need to send with my application?
You'll need to send copies of these documents:

- The Veteran's military discharge papers (DD214 or other separation documents)
- The Veteran's death certificate
- Any documents or receipts you have for the cost of transporting the Veteran's remains
- A statement of account (preferably with the letterhead of the funeral director or cemetery owner)

The statement of account should include this information:

- The Veteran's name
- The type of service or item purchased
- Any credits
- The unpaid balance

As a surviving spouse, do I need to file a claim for burial costs?
No, you don't need to file a claim as a surviving spouse, as long as you're listed as the Veteran's spouse on the Veteran's profile. When we receive notice of the Veteran's death, we automatically pay a set amount to those eligible surviving spouses to help pay for the plot, the cost of interment, or transportation of the remains to the cemetery.

How do I apply?
You can apply online right now.
(https://www.va.gov/burials-and-memorials/application/530/introduction)

You can also apply by mail:
Fill out an Application for Burial Benefits (VA Form 21P-530EZ).
(https://www.vba.va.gov/pubs/forms/VBA-21P-530EZ-ARE.pdf)

Mail the application and copies of supporting documents to your nearest VA regional office.
Find your nearest VA regional office (https://www.va.gov/find-locations/?facilityType=benefits)

What if I have more questions?
Call us at 800-827-1000 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 9:00 p.m. ET. Or call your VA regional office.

BURIAL ALLOWANCE AMOUNTS
Burial allowance amounts for a service-connected death

Status	Maximum burial allowance (in U.S. $)
If the Veteran died on or after September 11, 2001	2,000
If the Veteran died before September 11, 2001	1,500
If the Veteran is buried in a VA national cemetery	We may pay you back for some or all of the costs of moving the Veteran's remains

Burial allowance amounts for a non-service-connected death

Status	Maximum burial allowance
If the Veteran died on or after October 1, 2023	We'll pay a $948 burial allowance and $948 for a plot
If the Veteran died on or after January 5, 2023, but before October 1, 2023	We'll pay a $893 burial allowance and $893 for a plot
If the Veteran died on or after October 1, 2022, but before January 5, 2023	We'll pay a $300 burial allowance and $893 for a plot
If the Veteran died on or after October 1, 2021, but before October 1, 2022	We'll pay a $300 burial allowance and $828 for a plot
If the Veteran died on or after October 1, 2020, but before October 1, 2021	We'll pay a $300 burial allowance and $807 for a plot
If the Veteran died on or after October 1, 2019, but before October 1, 2020	We'll pay a $300 burial allowance and $796 for a plot
If the Veteran died on or after October 1, 2018, but before October 1, 2019	We'll pay a $300 burial allowance and $780 for a plot
If the Veteran died on or after October 1, 2017, but before October 1, 2018	We'll pay a $300 burial allowance and $762 for a plot
If the Veteran died on or after October 1, 2016, but before October 1, 2017	We'll pay a $300 burial allowance and $749 for a plot
If the Veteran died on or after October 1, 2015, but before October 1, 2016	We'll pay a $300 burial allowance and $747 for a plot
If the Veteran died on or after October 1, 2014, but before October 1, 2015	We'll pay a $300 burial allowance and $745 for a plot
If the Veteran died on or after October 1, 2013, but before October 1, 2014	We'll pay a $300 burial allowance and $734 for a plot

Note: If a Veteran's remains aren't claimed, we'll pay the person or organization responsible for the Veteran's burial a burial allowance based on the rates in this table. If the deceased qualifies, we may pay you back for the costs of moving the Veteran's remains to a VA national cemetery.

Burial allowance amounts for a non-service-connected death if the Veteran was hospitalized by VA at the time of their death

Status	Maximum burial allowance
If the Veteran died on or after October 1, 2023	We'll pay a $948 burial allowance and $948 for a plot
If the Veteran died on or after October 1, 2022, but before October 1, 2023	We'll pay a $893 burial allowance and $893 for a plot
If the Veteran died on or after October 1, 2021, but before October 1, 2022	We'll pay a $828 burial allowance and $828 for a plot
If the Veteran died on or after October 1, 2020, but before October 1, 2021	We'll pay a $807 burial allowance and $807 for a plot
If the Veteran died on or after October 1, 2019, but before October 1, 2020	We'll pay a $796 burial allowance and $796 for a plot
If the Veteran died on or after October 1, 2018, but before October 1, 2019	We'll pay a $780 burial allowance and $780 for a plot
If the Veteran died on or after October 1, 2017, but before October 1, 2018	We'll pay a $762 burial allowance and $762 for a plot
If the Veteran died on or after October 1, 2016, but before October 1, 2017	We'll pay a $749 burial allowance and $749 for a plot
If the Veteran died on or after October 1, 2015, but before October 1, 2016	We'll pay a $747 burial allowance and $747 for a plot
If the Veteran died on or after October 1, 2014, but before October 1, 2015	We'll pay a $745 burial allowance and $745 for a plot
If the Veteran died on or after October 1, 2013, but before October 1, 2014	We'll pay a $734 burial allowance and $734 for a plot

We may also pay you back for some or all of the costs of moving the Veteran's remains if one of these descriptions is true:

- The Veteran was hospitalized or in a VA-contracted nursing home at the time of death, **or**
- The Veteran died while traveling to VA-authorized care

HEADSTONE OR MARKER ALLOWANCE AMOUNTS

Headstone or marker allowance amounts based on when the Veteran died

Status	Maximum headstone or marker allowance (in U.S. $)
If the Veteran died on or after October 1, 2021	231
If the Veteran died on or after October 1, 2020, but before October 1, 2021	231
If the Veteran died on or after October 1, 2019, but before October 1, 2020	236
If the Veteran died on or after October 1, 2018, but before October 1, 2019	290
If the Veteran died on or after October 1, 2017, but before October 1, 2018	195
If the Veteran died on or after October 1, 2016, but before October 1, 2017	208
If the Veteran died on or after October 1, 2015, but before October 1, 2016	218
If the Veteran died on or after October 1, 2014, but before October 1, 2015	199
If the Veteran died on or after October 1, 2013, but before October 1, 2014	205

Honor a Veteran or Reservist with memorial items

While planning a burial for a Veteran or Reservist, you can apply for certain memorial items to honor their military service. An eligible spouse or other family member buried in a national cemetery, or certain other Veterans or military cemeteries, may also qualify for a headstone or marker to identify the place of burial.

MEMORIAL ITEMS FOR BURIAL

Veterans headstones, markers, and medallions

Apply for one of these memorial items to identify the burial place of a Veteran or eligible spouse or other family member.
https://www.va.gov/burials-memorials/memorial-items/headstones-markers-medallions/

Veterans headstones, markers, and medallions
Find out how to apply for a headstone, grave or niche marker, or medallion to honor a Veteran, service member, or eligible family member.

Eligibility
For Veterans and active-duty service members to get a headstone or marker
A Veteran who didn't receive a dishonorable discharge or a service member who died while on active duty may be eligible for a headstone or marker if they meet these requirements.

At least one of these must be true:
- The Veteran or service member died on or after November 1, 1990, and their grave is currently marked with a privately purchased headstone, or
- The Veteran or service member was buried in an unmarked grave, anywhere in the world

Note: If the Veteran or service member served before World War I, we require detailed documents, like muster rolls, extracts from state files, or the military or state organization where they served.

And for Veterans who served as enlisted personnel after September 7, 1980, or as officers after October 16, 1981, at least one of these must also be true:
- The Veteran served for a minimum of 24 months of continuous active duty, or
- The Veteran died while serving on active duty

Note: Hmong individuals who were living in the U.S. when they died are eligible if they were naturalized under the Hmong Veterans Naturalization Act of 2000 and died on or after March 23, 2018.

For Veterans and active-duty service members to get a medallion
Medallions are for eligible Veterans and service members who are buried in a private cemetery marked with a privately purchased headstone or marker. We may provide these types of medallions:
- Bronze, or
- Medal of Honor

Service members who died while serving on active duty on or after April 17, 1917, are eligible for a medallion.

Veterans who didn't receive a dishonorable discharge may be eligible for a medallion if they meet these requirements specific to when they served:
- Enlisted personnel who served before September 7, 1980, must have served for at least 1 day of active duty on or after April 6, 1979.
- Enlisted personnel who served after September 7, 1980, must have served for a minimum of 24 months of continuous active duty.
- Officers who served before October 16, 1981, must have served for at least 1 day of active duty on or after April 6, 1979.
- Officers who served after October 16, 1981, must have served for a minimum of 24 months of continuous active duty.

Note: A commissioned officer may be eligible for a medallion if they served in active Public Health Service on or after April 6, 1917.

For National Guard members and Reservists
A National Guard member or Reservist may be eligible for a headstone, marker, or medallion if they meet any of the requirements specific to their type of service. We may provide these types of medallions:
- Bronze, or
- Medal of Honor

National Guard members
At least one of these must be true:
- The National Guard member was entitled to retirement pay at their time of death (or would have been entitled if they were over 60 years old), or
- The National Guard member served in a federal status and for the period of time they were called to serve

Reservists
At least one of these must be true:
- The Reservist was entitled to retirement pay at their time of death (or would have been entitled if they were over 60 years old), or
- The Reservist was called to active duty for purposes other than training

Note: National Guard members or Reservists who have only limited active-duty service for training aren't eligible in most cases. They may be eligible in certain situations, such as if they died during or as the result of the training.

For spouses and dependent children
A spouse or dependent child buried in a national cemetery, state or tribal Veterans cemetery, military post cemetery, or military base cemetery may be eligible for a headstone or marker. They may still be eligible even if they die before the Veteran.

In most cases, we provide one gravesite and a single headstone for all eligible family members. But if 2 Veterans are married and we receive a request for separate gravesites and headstones, we can provide side-by-side gravesites with separate headstones.

Learn more about government headstones and markers
https://www.va.gov/resources/government-headstones-and-markers-faqs/
Spouses and dependent children buried in a private cemetery aren't eligible for a headstone or marker. But they may be eligible for an inscription on the Veteran's headstone or marker in a private cemetery.

Learn about spouse and child inscriptions in private cemeteries
https://www.va.gov/burials-memorials/eligibility/burial-in-private-cemetery/#is-a-spouse-or-dependent-child-1
Note: Spouses and dependents aren't eligible for a medallion.

Applying For a Memorial Item
Can I apply for one of these memorial items?
In most cases, you can apply for one of these memorial items if you're representing the deceased Veteran, service member, or family member in any of these relationships or professional roles.
- One of these must describe your relationship to the deceased:
- A family member, or
- A personal representative (someone who officially represents the deceased), or
- A representative of an accredited Veterans Service Organization, or
- An employee of a state or local government whose official responsibilities include serving Veterans, or
- Any person who's legally responsible for making arrangements for unclaimed remains or for details having to do with the deceased's interment or memorialization, or
- Any individual representing the deceased, if the Veteran's service ended before April 6, 1917

You must be a member of the deceased's family to apply for a memorial item if any of these descriptions is true:
- The deceased's remains haven't been recovered or identified, or
- The deceased's remains were buried at sea, or
- The deceased's remains were donated to science, or
- The deceased's remains were cremated and scattered

How do I apply for a memorial item?
You can apply for a memorial item online, by mail, or by fax.

Fill out an application
For a headstone, grave marker, or niche marker, fill out the Claim for Standard Government Headstone or Marker (VA Form 40-1330).

VA Form 40-1330 (https://www.va.gov/vaforms/va/pdf/VA40-1330.pdf)

Note: If this is your second request, or if you're requesting a replacement because of a mistake with the inscription or a damaged headstone or marker, be sure to explain this in block 27 of the form.

For a medallion to be placed on a privately purchased headstone or marker, fill out the Claim for Government Medallion for Placement in a Private Cemetery (VA Form 40-1330M).

Get VA Form 40-1330M (https://www.va.gov/vaforms/va/pdf/VA40-1330M.pdf)

Send us your application and supporting documents
You can send us your application and documents in any of these ways:

Online
Submit your application and supporting documents online using the QuickSubmit tool through AccessVA.

If it's your first time signing into this tool, you'll need to register first. After you've registered, you can upload your application and documents online.

Use the QuickSubmit tool through AccessVA

By mail
Mail your application, along with a copy of the Veteran's DD214 or other discharge documents to this address:
NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

Note: Please don't send original documents since we can't return them to you.

By fax
You can also fax your application to 800-455-7143.

If you need help, please call us at 800-697-6947 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

MORE INFORMATION ABOUT HEADSTONES AND MARKERS
Can I choose the type of headstone or marker?
Yes. You'll choose either a headstone or marker and the material you'd like it to be made of. You'll make your choice by selecting one of the boxes in block 15 of the Claim for Standard Government Headstone or Marker (VA Form 40-1330).

Get VA Form 40-1330 (https://www.va.gov/vaforms/va/pdf/VA40-1330.pdf)

You can request any of these:
- Upright headstones, in granite or marble
- Flat markers, in granite, marble, or bronze
- Niche markers, in bronze

Check our headstones and markers (https://www.cem.va.gov/cem/hmm/types.asp)

Note: For burial in a private cemetery, check with officials at the specific cemetery to make sure they allow the style you want.

What information goes on the headstone or marker, and who provides it?
All headstones and markers must include:
- The person's legal name
- The Veteran's service branch
- The beginning and ending years of the person's life
- The section and grave number (if in a state or national cemetery)

You can also choose to inscribe:
- The full beginning and ending dates of the person's life
- The highest rank the Veteran attained
- The Veteran's awards and war service
- An emblem of belief

We may approve other requests, such as:
- Nicknames
- Terms of endearment (like "Loving Father")
- Special unit identification

The person's next of kin, or an authorized representative (like a funeral home director) must provide this information to cemetery officials at a national cemetery, state Veterans cemetery, military post cemetery, or military base cemetery. These officials will order the headstone or marker for you.

When will the headstone or marker I requested arrive, and who sets it?
For national or state cemeteries, please contact the cemetery directly to find out when the headstone or marker will arrive.

Cemetery staff in national, military post, and military base cemeteries are responsible for setting the headstone or marker at no cost to you. Some state Veterans cemeteries may charge you a small fee for setting a government headstone or marker.

Does VA provide a headstone or marker if remains aren't available?
- We provide memorial headstones and markers for:
- Eligible deceased active-duty service members and qualified Veterans when their remains are missing, not identified, donated to science, buried at sea, or scattered, and
- Eligible spouses and other dependents whose remains are not available, whether or not they pass away before the eligible Veteran

Note: For spouses and other dependents, this benefit is for burial only in national, military post, military base, or state Veterans cemeteries, not private cemeteries.

The words engraved on the memorial item must begin, "IN MEMORY OF."

Can 2 Veterans who are married get separate headstones?
Yes. All Veterans are eligible for their own headstone and gravesite.

Spouses can be buried in:
- Side-by-side graves with separate headstones, or
- The same gravesite with inscriptions on a shared headstone

Can I request a replacement headstone?
If you're the family member of a deceased Veteran who was given a government-issued headstone or marker, and you want to replace it, we may be able to give you a replacement. Read below to learn about eligibility for a replacement headstone or marker.

The headstone or marker must meet one of the requirements listed below to be eligible for replacement.

One of the following must be true. The headstone or marker:

- Is badly deteriorated, unreadable, stolen, or vandalized, or
- Has an incorrect inscription, or
- Was damaged during shipping, or
- Doesn't meet certain contract specifications

Some historic headstones and markers, or those that are more than 50 years old, may also be eligible for a replacement.

If a historic marker has inaccurate information, which can be verified with documents like death certificates or discharge papers, we will correct the error. Then we'll replace the marker "in kind," which means the marker will have the same type, style, and inscriptions used when the Veteran was buried.

However, if a historic government headstone or marker in a private cemetery is damaged by cemetery personnel, the cemetery should pay all replacement costs.

Note: Marble and granite headstones or markers that are replaced and removed from a grave must be destroyed to make sure that the inscription is no longer readable. Bronze markers must be returned to the contractor.

For information about replacing a Veteran's headstone or marker, you can call us at 800-697-6947. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET. Please be sure to have the Veteran's name, Social Security or service number, and the date of the Veteran's death.

BURIAL FLAGS
Apply for a United States flag to drape over a casket or coffin or place with an urn.
https://www.va.gov/burials-memorials/memorial-items/burial-flags/

Burial flags to honor Veterans and Reservists
We provide a United States flag to drape on a casket (or coffin) or place with an urn in honor of the military service of a Veteran or Reservist. Find out how to apply for this burial honor.

Am I eligible for a burial flag?
You may be eligible for a burial flag if you're the next of kin or a close friend of the Veteran or Reservist and one of these descriptions are true for that person.

One of these must describe the service of the Veteran or Reservist:

- They served in wartime, or
- They died while serving on active duty after May 27, 1941, or
- They served after January 31, 1955, or
- They served in peacetime and left military service before June 27, 1950, after serving at least 1 enlistment, or because of a disability that was caused—or made worse—by their active military service, or
- They served in the Selected Reserves (in certain cases), or served in the military forces of the Philippines while in service of the United States and died on or after April 25, 1951. For more information on either of these situations, call 800-827-1000, Monday through Friday, 8:00 a.m. to 9:00 p.m. ET.

How do I get a burial flag to honor a Veteran or Reservist?
To get a burial flag, fill out the Application for United States Flag for Burial Purposes (VA Form 27-2008).
Get VA Form 27-2008 (https://www.vba.va.gov/pubs/forms/VBA-27-2008-ARE.pdf)

Bring the application form to:

- A funeral director, or
- A VA regional office, or
- A United States post office. Call ahead to make sure your local post office has burial flags. If they don't, they can direct you to one that does.

Follow these guidelines to care for the flag:

- To protect the flag from weather damage, don't leave it outside for long periods of time.
- Use and display the flag carefully so it can't be damaged in any way.
- Don't add or attach any words or symbols or other kinds of drawings to the flag.
- Don't use the flag to hold or carry anything.

On the last page of the Application for United States Flag for Burial Purposes, you can read more about how to care for a burial flag. You can also see how the flag will be displayed and then folded at a memorial service.

Read more about burial flags on the last page of the application

What should I do with a flag that I don't want to keep anymore?
If the flag is in good condition, you can donate it to a national cemetery that has an Avenue of Flags. The cemetery can fly the flag on patriotic holidays.

You can also give a flag in any condition to a Veterans Service Organization (VSO). If your flag is ripped, faded, frayed, or otherwise damaged (called "unserviceable"), the VSO will retire it from use.

Please don't send your flag back to us.

Can I get a replacement flag?
We can't replace flags that are lost, destroyed, or stolen. But some Veterans organizations may be able to help you get a replacement.

PRESIDENTIAL MEMORIAL CERTIFICATES
Apply for an engraved certificate signed by the current president.
https://www.va.gov/burials-memorials/memorial-items/presidential-memorial-certificates/

Presidential Memorial Certificates
A Presidential Memorial Certificate (PMC) is an engraved paper certificate signed by the current president. Find out how to request a certificate to honor the military service of a Veteran or Reservist.

Am I eligible for a Presidential Memorial Certificate?
You may be eligible for a Presidential Memorial Certificate if you meet both of these requirements.

Both of these must be true:

- The Veteran or Reservist is eligible for burial in a national cemetery, and
- You're the next of kin, family member, or close friend of the Veteran or Reservist (or an authorized service representative for a family member or friend of the Veteran or Reservist)

Find out if you're eligible for burial in a national cemetery (https://www.va.gov/burials-memorials/eligibility/)

Will I automatically get a PMC or do I need to apply for one?
It depends on where the Veteran is buried and your relationship to them. If the Veteran is buried in a national cemetery, we'll automatically present a PMC to a Veteran's next of kin at the burial. If the Veteran is eligible for burial in a national cemetery but is instead buried in a private cemetery, a family member or close friend can apply to get a PMC. We'll accept multiple requests for a PMC.

To speed up the claim process, please submit the Veteran's military discharge documents and death certificate. Don't send original documents since we can't return them.

Review our list of military discharge documents
https://www.cem.va.gov/CEM/hmm/discharge_documents.asp

How do I apply for a Presidential Memorial Certificate?
You can apply for a PMC online, in person, by mail, or by fax.

Fill out an application
Fill out the Presidential Memorial Certificate Request Form (VA Form 40-0247).

Get VA Form 40-0247 (https://www.va.gov/vaforms/va/pdf/VA40-0247.pdf)

Send us your application and supporting documents
You can send us your application and documents in any of these ways:

Online
Submit your application and supporting documents online using the QuickSubmit tool through AccessVA.

If it's your first time signing into this tool, you'll need to register first. After you've registered, you can upload your application and documents online.

Use the QuickSubmit tool through AccessVA

In person
You can apply at any VA regional office.

By mail
Mail your application, along with copies of the Veteran's death certificate and DD214 or other discharge documents, to this address:
NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

Note: Please don't send original documents since we can't return them to you.

By fax
You can also fax your application to 800-455-7143.

If you need help, please call us at 800-697-6947. We're here Monday through Friday, 8:00 a.m. to 5:00 p.m. ET.

Check the status of your request
If it's been more than 4 months since you applied for a PMC and you haven't received it yet, call us at 202-632-7300 to find out the status of your request. Please don't send a second application unless we ask you to.

BEREAVEMENT COUNSELING
If you're the surviving spouse, child, or parent of a service member who died while serving their country, you may qualify for bereavement counseling through our Vet Centers. Bereavement counseling (sometimes called "grief counseling") provides assistance and support for people going through emotional and psychological stress after the death of a loved one.

Am I eligible for bereavement (or grief) counseling?
You may be eligible for bereavement counseling if you're the surviving spouse, child, or parent of someone who fits one of these descriptions:

- A service member who died while serving their country, or
- A Reservist who died while on active duty, or
- A National Guard mem ber who died while on active duty, or
- A Veteran who was receiving Vet Center services at the time of their death

What kinds of benefits can I get with bereavement counseling?
Bereavement counseling includes these free services:

- Outreach
- Counseling
- Referrals

Our trained counselors and team members can help support you after the death of a loved one.

We provide these services at our community-based Vet Centers or at another location where you feel most comfortable. We also provide services through telehealth (phone or video appointments).

Learn more about Vet Centers (https://www.vetcenter.va.gov/)

How do I get these benefits?
You can request bereavement counseling through your nearest Vet Center.

Find a Vet Center near you
(https://www.va.gov/find-locations/?facilityType=vet_center)

Or call us at 877-927-8387 (TTY: 711). We're here 24/7.

SCHEDULE A BURIAL FOR A VETERAN OR FAMILY MEMBER
Find out how to make burial plans for a Veteran, spouse, or dependent family member.

How do I schedule a burial for a Veteran or other family member?
If you have a pre-need decision letter that confirms eligibility
To start, you or the funeral director can call the National Cemetery Scheduling Office at 800-535-1117 (TTY: 711) to request a burial. We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET.

Keep in mind that the pre-need decision letter doesn't identify a specific cemetery or gravesite, since it's not possible to reserve these in advance. In some cases, we may review your eligibility again at your time of death, as laws and circumstances may have changed since your pre-need application.

You don't need to do anything else except prepare yourself and your family for the funeral.

Find out what to expect at a military funeral or memorial service
https://www.va.gov/burials-memorials/what-to-expect-at-military-funeral/

If you don't have a pre-need decision letter
To start, you may want to choose a funeral director to help you plan the burial. Then either you or the funeral director will need to take these 3 steps to schedule the burial.

1. **Gather the information and documents you'll need to identify the deceased when you call the National Cemetery Scheduling Office**

You'll need the DD214 or other discharge documents of the Veteran or service member whose military service will be used to determine eligibility for burial in a VA national cemetery. Their discharge from service needs to have been under conditions other than dishonorable.

We may also need other documents to verify a relationship to a Veteran or the status of a dependent. These may include a death certificate, letters from your doctor, a divorce decree, a statement from the Social Security Administration, or other documents to support your claim.

Find out which discharge documents we accept along with your application
https://www.cem.va.gov/CEM/hmm/discharge_documents.asp

Find out how to request the Veteran's DD214
https://www.va.gov/records/get-military-service-records/#how-do-i-request-someone-elses

Use this helpful checklist to help you organize your documents (see page 288)

If you can't find these documents, please ask for our help when you call. It may take us several days to check eligibility if you don't have discharge documents.

Note: Discharge documents aren't usually needed for scheduling when a Veteran or eligible dependent is already interred in a national cemetery.

You'll also need this information about the deceased:

- Name
- Gender
- Social Security number or Military Service number (Veteran ID)
- Date of birth
- Relationship to the service member or Veteran whose military service will be used to decide eligibility
- Marital status
- Date of death (and zip code and county at the time of death

You'll need this information about the next of kin (the closest living relative of the deceased):

- Name
- Relationship to the deceased
- Social Security number
- Phone number
- Address

You may also need more information in certain cases:

- If the person was married, you'll also need the surviving spouse's status as Veteran, service member, or family member.
- If the person has any children with disabilities, you'll need the status and detailed information for any disabled children who may be buried in the future in a national cemetery.
- If the person's spouse passed away previously and was buried in a VA national cemetery, you'll need the full name of the spouse as well as the cemetery section and site number where they're buried.

2. **Decide on the burial details and gather all related information**

You'll need to tell us this information:

- The cemetery where you'd prefer the Veteran, spouse, or dependent family member be buried.
  Find a VA national cemetery (https://www.va.gov/find-locations/)
  Find a state Veterans cemetery (https://www.cem.va.gov/find-cemetery/)
- The type of burial you'd like for the person (casket or cremation) and the size of the casket or cremation urn.
- The type of gravesite memorial you'd like. This may be a headstone, grave marker, niche cover, or medallion.
- Any religious emblem or optional inscription that you'd like on the headstone or marker.

If the person is a Veteran or Reservist, you'll also need to tell us if you'd like burial honors or memorial items, such as these:

- A burial flag
- A Presidential Memorial Certificate
- Other possible military honors beyond the playing of "Taps" and flag folding and presentation
- Request gravesite memorials and burial honors
-

3. **Contact the National Cemetery Scheduling Office**

The funeral director you've chosen can help you with these steps too:

- For burial in a national cemetery, fax any discharge papers to the National Cemetery Scheduling Office at 866-900-6417. Or scan and email the papers to NCA.Scheduling@va.gov with the person's name you're requesting burial benefits for in the subject line.
- Then call 800-535-1117 (TTY: 711) to confirm the burial application. We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET. Be sure to have all the information ready that's listed in steps 1 and 2.

When can I schedule a burial?

National cemeteries are open for burials Monday through Friday. When a federal holiday is on a Monday or Friday, national cemeteries will open for burials one day during that holiday weekend.

To find available burial times for each cemetery, you can call the National Cemetery Scheduling Office at 800-535-1117 (TTY: 711). We're here Monday through Friday, 8:00 a.m. to 7:30 p.m. ET, and Saturday, 9:00 a.m. to 5:30 p.m. ET.

Note: The National Cemetery Scheduling Office is closed on the Fourth of July, Memorial Day, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day.

Would I ever need to contact a national cemetery directly?

Yes, you should contact a national cemetery directly in these cases:

- To schedule a burial for an active-duty service member
- To cancel or reschedule a burial
- To change any information you already provided to the scheduling office
- To request a disinterment and/or relocation to another national cemetery
- To get information that's specific to a cemetery, like what can be inscribed on a headstone, the policy for flowers, and the hours of operation

Can I get information about the Burial at Sea program?

If you have questions about the Burial at Sea program, please contact the United States Navy Mortuary Affairs office toll-free at 866-787-0081. We're here Monday through Friday, 8:30 a.m. to 5:00 p.m. ET.

Can I get help paying for burial costs?

If you're the spouse of record (the legally recognized spouse) or a designated (legally chosen) family member of a Veteran, you may be able to get financial help for burial and funeral costs.

Find out how to apply for a Veterans burial allowance
https://www.va.gov/burials-memorials/veterans-burial-allowance/

REQUEST YOUR MILITARY SERVICE RECORDS (INCLUDING DD214)

Submit a military records request to get your DD214 or other military service records through the milConnect website.

You'll need to sign in to milConnect to get your military service records

To use this feature, you'll need a Premium DS Logon account. Your My HealtheVet or ID.me credentials won't work on the milConnect website. Go to milConnect to sign in, register, or upgrade your DS Logon account to Premium.
https://milconnect.dmdc.osd.mil/milconnect/

Once I've signed in to milConnect, how do I request my DD214 or other military records?
Follow these steps to submit a military records request.

1. From your signed-in homepage, click or tap on Correspondence/ Documentation. Then select Defense Personnel Records Information (DPRIS) from the drop-down menu.
2. Choose the Personnel File tab.
3. Select Request My Personnel File.
4. Fill out the form. In the Document Index section, check the boxes next to the document(s) you'd like to request.
5. Click or tap on the Create and Send Request button.

What types of records can I request with this tool?
You can request documents from your Official Military Personnel File to review and download.

You can request your:

- DD214
- DD215
- Report of Separation
- Other release papers

You can also request documents with information about your service, such as your:

- Orders and endorsements
- Performance reports
- Awards and decorations (commendatory items)
- Qualifications, licenses, and certificates
- Security clearance

What happens after I request my military records?
You'll receive an email letting you know we're processing your request. You'll receive a second email when your request is complete and your files are ready for you to review and download.

You can also check the status of your military records request by signing in to milConnect and going to the Personnel File tab within the Defense Personnel Records Information (DPRIS) section. This is also where you'll review and download your files once they're ready.

Are there other ways to get my military records?
Yes.

You can request your military records in any of these ways:

- Mail or fax a Request Pertaining to Military Records (Standard Form SF 180) to the National Personnel Records Center (NPRC). Get Form SF 180 (https://www.va.gov/find-forms/about-form-sf180/)
- Write a letter to the NPRC. Send it to:
  1 Archives Drive
  St. Louis, Missouri 63138
- Visit the NPRC in person
- Contact your state or county Veterans agency
- Hire an independent researcher

HOW DO I REQUEST SOMEONE ELSE'S MILITARY RECORDS?
If you're a family member planning a burial for a Veteran in a VA national cemetery
Call our National Cemetery Scheduling Office at 800-535-1117. We can help you get the Veteran's DD214 or other discharge documents you may need.

If you're the next of kin of a Veteran who has passed away
You can request a copy of the Veteran's military records in any of these ways:

- Mail or fax a Request Pertaining to Military Records (Standard Form SF 180) to the National Personnel Records Center (NPRC). Get Form SF 180 (https://www.va.gov/find-forms/about-form-sf180/)
- Write a letter to the NPRC. Send it to:
  1 Archives Drive
  St. Louis, Missouri 63138
- Visit the NPRC in person
- Contact your state or county Veterans agency
- Hire an independent researcher

You may be considered the next of kin if you're related to the Veteran in any of these ways:

- Surviving spouse who hasn't remarried, or
- Parent, or
- Child, or
- Sibling

If you're not the Veteran's next of kin
If the Veteran was discharged more than 62 years ago, you can order a copy of their military records. The National Archives opens all records to the public 62 years after discharge.
Learn how to access archived records (https://www.archives.gov/personnel-records-center/military-personnel/ompf-archival-requests)

If the Veteran was discharged less than 62 years ago, you may be able to request limited information from their Military Personnel File.
Find out about general public access to military records (https://www.archives.gov/personnel-records-center/ompf-access-public)

Information to reconstruct your records
Reconstruct military records destroyed in NPRC fire (https://www.va.gov/records/get-military-service-records/reconstruct-records/)
Find out if your records may have been destroyed in the 1973 fire at the National Personnel Records Center (NPRC) in St. Louis and how to reconstruct your records to support a VA disability compensation claim.

NATIONAL CEMETERY ADMINISTRATION
Frequently Asked Questions (FAQs)
1. Does the VA pay for cremation or burial expenses?
The VA does not pay for cremation directly. Any item or service obtained from a funeral home will be at the families' expense. Some Veterans' families may be entitled to a burial allowance, which may cover some of these expenses.

2. What are my burial benefits?
Burial benefits available include a gravesite in any of our national cemeteries with available space, opening and closing of the grave, perpetual care, a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the family.

Some Veterans may also be eligible for Burial Allowances. Cremated remains are buried or inurned in national cemeteries in the same manner and with the same honors as casketed remains.

3. What can I do now to prepare for burial in a national cemetery?
You should advise your family of your wishes and where your discharge papers are kept. These papers are very important in establishing your eligibility. Upon request, VA will make eligibility determinations for burial in a VA national cemetery in advance of need. At the time of need your family would contact a funeral home who will assist them with making burial arrangements at the national cemetery. You may wish to make pre-need arrangements with a funeral home.

To schedule a burial: Fax all discharge documentation to the National Cemetery Scheduling Office at 1-866-900-6417 and follow-up with a phone call to 1-800-535-1117.

4. I do not have my military discharge, how can I get a copy?
You can contact the National Archives* to obtain a copy of your discharge papers.

5. Am I eligible for a burial flag and how do I get one?
A United States flag is provided, at no cost, to drape the casket or accompany the urn of a deceased Veteran who served honorably in the U.S. Armed Forces. Learn more.

6. What is a Presidential Memorial Certificate?
A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed by the current President, to honor the memory of honorably discharged deceased Veterans.

7. How can I order a headstone, marker, or medallion for placement in a private cemetery?
Complete the appropriate VA Form.

8. Is my mother, who is not a Veteran, entitled to a Government marker in a private cemetery?
Spouses and dependents are not entitled to a Government-furnished headstone or marker in a private cemetery.

9. Can I be buried at Arlington National Cemetery?
The Department of the Army maintains two national cemeteries, the Arlington National Cemetery* and the U.S. Soldiers' & Airmen's Home National Cemetery. Please contact them directly for their eligibility information.

10. How can I find out the status of a headstone order?
To obtain the status of headstones or markers ordered for national or state cemeteries, please contact the cemetery directly.

Private Cemetery: If more than 60 days have passed since submitting your claim and the grave is still not marked, you should contact the cemetery, funeral home, or other party responsible for accepting delivery of the headstone, marker or medallion to see if they have received it. If they have not received it, you may call our Applicant Assistance Unit between the hours of 8:00 a.m. and 5:00 p.m. (ET), Monday through Friday, at 1-800-697-6947.

11. What do I do if the headstone inscription is incorrect?
Contact your national cemetery administration office for assistance. If the Veteran is buried in a private cemetery, contact our Applicant Assistance Office at 1-800-697-6947.

12. What is the proper way to clean a government headstone or marker?
View our Cleaning Government-Furnished Headstones and Markers page that provides information on how to safely clean them.

13. Can VA provide burial at sea?
The VA does not provide burial at sea. If you have any questions about the Burial at Sea program, please contact the United States Navy Mortuary Affairs office toll-free at 1-866-787-0081. Or contact the Department of the Navy* for information.

Military Funeral Honors and the Committal Service
Committal Service
Upon your arrival at the cemetery you will be met by a cemetery representative who will provide the deceased's burial documents. The cemetery representative will then lead your procession to the appropriate committal shelter for your service.

Viewing facilities are not available and funeral services cannot be held at VA national cemeteries, but a final committal service may be performed. For safety reasons, these services are held in committal shelters located away from the gravesite. Committal services are generally 20 minutes in length which includes the time needed for rendering of military honors. Burial will take place following the committal service.

Floral arrangements may accompany the casket or urn from the committal shelter and will be placed on the grave after burial. You may view your national cemetery's floral policy by visiting their website.

All Veterans interred at a national cemetery are eligible for a headstone or marker. It normally takes less than 60 days following a burial for the headstone or marker to be completed and in place. A headstone or marker will be ordered by cemetery personnel upon inscription approval by the next of kin and a burial flag will be provided.

Upright headstones are standard in most national cemeteries, however, some have both upright headstone and flat marker sections and in some cases above ground columbarium niches for cremated remains. Be sure to discuss these options with the cemetery representative prior to burial.

The same procedures are followed if the Veteran's eligible spouse or dependent predeceases the Veteran. In most cases, one gravesite is provided for the burial of all eligible family members and a single headstone or marker is provided. When both spouses are Veterans, two gravesites and two headstones or markers may be provided if requested.

Gravesites are assigned and cannot be selected in advance. Assignments are made without regard to rank, ethnic or religious background, branch of service or other factors. A husband and wife are interred in the same plot unless both were Veterans. In that case, they may be buried side by side in separate plots. Cremated remains are buried in the ground in specially designated sections of the cemetery or in above ground columbaria.

The Department of Defense (DOD) is responsible for providing Military Funeral Honors. The DOD program, "Honoring Those Who Served," calls for funeral directors to request military funeral honors on behalf of the Veterans' families. Veterans' organizations may assist in the provision of military funeral honors. In support of this program, VA national cemetery staff may assist to coordinate military funeral honors.

Military Funeral Honors
"Honoring Those Who Served"
Overseen by the Department of Defense (DOD) the Military Funeral Honors Program establishes procedures for requesting and rendering military funeral honors. By law, an honor guard detail for the burial of an eligible veteran shall consist of at least two members of the armed forces. One member of the detail shall be a representative of the veteran's service branch.

The honor detail will, at a minimum, perform a ceremony that includes the playing of Taps and the folding and presentation of the American flag to the next of kin. Taps will be played by a bugler, if available, or by a ceremonial bugle.

The DOD program calls for funeral home directors to request military funeral honors on behalf of the Veteran's family. However, the Department of Veterans Affairs National Cemetery Administration cemetery staff can also assist with arranging military funeral honors at VA national cemeteries. VA suggests that you contact DOD a minimum of 48 to 72 hours prior to a scheduled service to make arrangements for military funeral honors.

Veterans Service Organizations (VSO) and Authorized Provider Partnership Programs may also assist in providing military funeral honors, such as detail elements for funeral honors to include rifle detail, pallbearers or escort services.

The DOD began the implementation plan for providing military funeral honors for eligible Veterans on January 1, 2000. Upon the family's request, Public Law 106-65 requires that every eligible Veteran receive a military funeral honors ceremony.

Questions or comments concerning the DOD military funeral honors program* may be sent to the address listed below:

Office of the Deputy Assistant Secretary of Defense
(Military Community and Family Policy)
1500 Defense Pentagon
Washington, DC 20380-4000

For assistance please contact Military OneSource at 800-342-9647.

Commemorative Urn and Plaque
The urn and plaque are two memorial items that commemorate a Veteran whose cremated remains have not been interred. A "commemorative urn" is used to hold the remains of a deceased cremated Veteran and a "commemorative plaque" is designed to hang on a wall. Claimants may request either the urn or the plaque to honor the Veteran's service according to their preference.

It's important to note that if a family chooses an urn or a plaque to commemorate a Veteran, VA is prohibited by law from interring that Veteran's remains in a VA national cemetery or from providing a headstone, marker or medallion for placement in any cemetery. Families should be certain of their choice. If the family chooses to receive an urn or a plaque to commemorate their Veteran, their decision cannot be undone. The law does not provide a method to restore these benefits.

To be eligible, the Veteran (or service member who died on active duty) must have served in the Armed Forces on or after April 6, 1917; the Veteran must be eligible for a headstone or marker under 38 U.S.C. § 2306(d), and the Veteran's remains must have been cremated — with no portion of the remains interred at any location.

To apply for a commemorative urn or plaque, fill out the Claim for Commemorative Urn or Plaque for Veterans' Cremains Not Interred (VA Form 40-1330UP). See page 260.

Department of Veterans Affairs Cemetery Listing

The Department of Veterans Affairs' (VA) National Cemetery Administration maintains 155 national cemeteries in 42 states and Puerto Rico as well as 34 soldier's lots and monument sites. Please note that there is not a VA national cemetery in every state.

Definitions of Burial Space
Open:
This cemetery has space available to accommodate casketed and cremated remains.

Closed:
This cemetery is closed to new interments. The only interments that are being accepted are subsequent interments for veterans or eligible family members in an existing gravesite. Periodically however, burial space may become available due to a canceled reservation or when a disinterment has been completed. When either of these two scenarios occurs the cemetery will assign such gravesites or columbarium niches to other eligible Veterans or family members at the time of the request. Since there is no way to know in advance when a gravesite may become available, please contact the cemetery at the time of need to inquire whether space is available.

Cremation Only:
This cemetery has space available for cremated remains. We may be able to accommodate casketed remains in the same gravesite of previously interred family members.

ALABAMA
Alabama National Cemetery (Open)
3133 Highway 119
Montevallo, AL 35115
P: 205-665-9039 | F: 205-665-7790

Fort McClellan Post Cemetery (Closed)
540 Goode Rd
Montevallo, AL 35115
P: 205-665-9039 | F: 205-665-7790

Fort McClellan EPW Cemetery (Closed)
3541 Shipley Rd
Anniston, AL 36201
P: 205-665-9039 | F: 205-665-7790

Fort Mitchell National Cemetery (Open)
553 Highway 165
Ft. Mitchell, AL 36856
P: 334-855-4731 | F: 334-855-4470

Mobile National Cemetery (Closed)
1202 Virginia Street
Mobile, AL 36604
P: 850-453-4846 Or 850-453-4108
F: 850-453-4635

ALASKA
Fort Richardson National Cemetery (Open)
Bldg 58-512 Davis Hwy
Fort Richardson, AK 99505
P: 907-384-7075 | F: 907-384-7111

Sitka National Cemetery (Open)
803 Sawmill Creek Road Sitka, AK 99835
P: 907-384-7075 | F: 907-384-7111

ARIZONA
National Memorial Cemetery of Arizona (Open)
23029 North Cave Creek Road
Phoenix, AZ 85024
P: 480-513-3600 | F: 480-513-1412

Prescott National Cemetery (Cremation Only)
500 Highway 89 North
Prescott, AZ 86313
P: 928-717-7569 | F: 928-717-7570

ARKANSAS
Fayetteville National Cemetery (Open)
700 Government Avenue
Fayetteville, AR 72701
P: 479-442-2566 | F: 479-442-3046

Fort Smith National Cemetery (Open)
522 Garland Avenue and South 6th Street
Fort Smith, AR 72901
P: 479-783-5345 | F: 479-785-4189

Little Rock National Cemetery (Closed)
2523 Springer Boulevard
Little Rock, AR 72206
P: 479-783-5345 | F: 479-785-4189

CALIFORNIA
Bakersfield National Cemetery (Open)
30338 East Bear Mountain Blvd.
Arvin, CA 93203
P: 661-867-2250 Or 866-632-1845
F: 661-867-2253

Benicia Arsenal Post Cemetery (Closed)
Birch Rd
Benicia, CA 94510
F: 707-693-2460 | F: 707-693-2479

Fort Rosecrans National Cemetery (Closed)
Cabrillo Memorial Drive
San Diego, CA 92106
P: 619-553-2084 | F: 619-553-6593

Golden Gate National Cemetery (Closed)
1300 Sneath Lane
San Bruno, CA 94066
P: 650-589-7737 | F: 650-873-6578

Los Angeles National Cemetery (Cremation Only)
950 S Sepulveda Blvd.
Los Angeles, CA 90049
P: 310-268-4675 | F: 310-268-3257

Miramar National Cemetery (Open)
5795 Nobel Drive
San Diego, CA 92122
P: 858-658-7360 | F: 858-658-7397

Riverside National Cemetery (Open)
22495 Van Buren Blvd.
Riverside, CA 92518
P: 951-653-8417 | F: 951-653-5233

Sacramento Valley National Cemetery (Open)
5810 Midway Road
Dixon, CA 95620
P: 707-693-2460 | F: 707-693-2479

San Francisco National Cemetery (Closed)
1 Lincoln Boulevard
Presidio of San Francisco
San Francisco, CA 94129
P: 650-589-7737 | F: 650-873-6578

San Joaquin Valley National Cemetery (Open)
32053 W McCabe Rd.
Santa Nella, CA 95322
P: 209-854-1040 | F: 209-854-3944

COLORADO
Fort Logan National Cemetery (Open)
4400 W. Kenyon Ave.
Denver, CO 80236
P: 303-761-0117 | F: 303-781-9378

Fort Lyon National Cemetery (Open)
15700 County Road HH
Las Animas, CO 81054
P: 303-761-0117 | F: 303-781-9378

Pikes Peak National Cemetery (Open)
10545 Drennan Road
Colorado Springs, CO 80925
P: 719-216-1025

DISTRICT OF COLUMBIA
Congressional Cemetery (Closed)
Government Lots 1801 E Street, SE
Washington, DC 20003
P: 410-644-9696 | F: 410-644-1563

FLORIDA
Barrancas National Cemetery (Open)
1 Cemetery Road
Pensacola, FL 32508
P: 850-453-4108 | F: 850-453-4635

Bay Pines National Cemetery (Cremation Only)
10000 Bay Pines Boulevard North
St. Petersburg, FL 33708
P: 727-319-6479 | F: 727-319-6490

Cape Canaveral National Cemetery (Open)
5525 U.S. Highway 1
Mims, FL 32754
P: 321-383-2638 | F: 321-383-2642

Florida National Cemetery (Open)
6502 S.W. 102nd Avenue
Bushnell, FL 33513
P: 352-793-7740 | F: 352-793-9560

Jacksonville National Cemetery (Open)
4083 Lannie Road
Jacksonville, FL 32218
P: 904-766-5222 | F: 904-766-5980

Saint Augustine National Cemetery (Closed)
104 Marine Street
St. Augustine, FL 32084
P: 904-766-5222 | F: 904-766-5980

Sarasota National Cemetery (Open)
9810 State Road 72
Sarasota, FL 34241
P: 877-861-9840 | F: 941-922-3457

South Florida National Cemetery(Open)
6501 S. State Road 7
Lake Worth, FL 33449
P: 561-649-6489 | F: 561-649-3948

Tallahassee National Cemetery (Open)
5015 Apalachee Parkway
Tallahassee, FL 32311
P: 850-402-8941 | F: 850-402-4099

GEORGIA
Georgia National Cemetery (Open)
1080 Scott Hudgens Drive Canton, GA 30114
P: 866-236-8159 Or 770-479-9300
F: 770-479-9311

Marietta National Cemetery (Closed)
500 Washington Avenue
Marietta, GA 30060
P: 866-236-8159 | F: 770-479-9311

HAWAII
National Memorial Cemetery of the Pacific (Cremation Only)
2177 Puowaina Drive
Honolulu, HI 96813
P: 808-532-3720 | F: 808-532-3756

IDAHO
Snake River Canyon National Cemetery (Open)
1585 East Elm Street (E 4150 N)
Buhl, ID 83316
P: 208-732-7499

ILLINOIS
Abraham Lincoln National Cemetery (Open)
20953 W. Hoff Road
Elwood, IL 60421
P: 815-423-9958 | F: 815-423-5824

Alton National Cemetery (Closed)
600 Pearl Street
Alton, IL 62002
P: 314-845-8320 | F: 314-845-8355

Camp Butler National Cemetery (Open)
5063 Camp Butler Road
Springfield, IL 62707-9722
P: 217-492-4070 | F: 217-492-4072

Danville National Cemetery (Open)
1900 East Main Street
Danville, IL 61832
P: 217-554-4550 | F: 217-554-4803

Fort Sheridan National Cemetery (Cremation Only)
Vattman Road
Lake Forest, IL 60035
P: 217-554-4550

Mound City National Cemetery (Open)
Junction - Highway 37 & 51
Mound City, IL 62963
P: 314-845-8320 | F: 314-845-8355

Quincy National Cemetery (Closed)
36th & Maine Street
Quincy, IL 62301
P: 309-782-2094 | F: 309-782-2097

Confederate Mound (Closed)
1035 E 67th St
Chicago, IL 60637
P: 815-423-9958 | F: 815-423-5824

North Alton Confederate Cemetery (Closed)
635 Rozier Street
Alton, IL 62003
P: 314-845-8320 | F: 314-845-8355

Rock Island Confederate Cemetery (Closed)
Rodman Avenue
Rock Island Arsenal
Rock Island, IL 61299
P: 309-782-2094 | F: 309-782-2097

Rock Island National Cemetery (Open)
Rock Island Arsenal, Bldg 118
Rock Island, IL 61299
P: 309-784-0000 | F: 309-782-2097

INDIANA
Crown Hill Columbarium Annex (Cremation Only)
725 West 42nd Street
Indianapolis, IN 46208
P: 765-525-9821 | F: 765-674-4521

Marion National Cemetery (Open)
1700 East 38th Street
Marion, IN 46952
P: 765-674-0284 | F: 765-674-4521

New Albany National Cemetery (Cremation Only)
1943 Ekin Avenue
New Albany, IN 47150
P: 502-893-3852 | F: 502-893-6612

Crown Hill Cemetery Confederate Plot (Closed)
700 West 38th Street
Indianapolis, IN 46208
P: 765-674-0284 | F: 765-674-4521

Woodlawn Monument Site (Closed)
North 3rd Street and 4th Avenue
Terre Haute, IN 47802
P: 815-423-9958 | F: 815-423-5824

IOWA
Keokuk National Cemetery (Open)
1701 J Street
Keokuk, IA 52632
P: 319-524-1304 | F: 319-524-8118

Oakdale Cemetery Soldiers' Lot (Closed)
Oakdale Memorial Gardens
2501 Eastern Avenue
Davenport, IA 52807
P: 309-782-2094 | F: 309-782-2097

KANSAS
Fort Leavenworth National Cemetery (Cremation Only)
395 Biddle Boulevard
Fort Leavenworth, KS 66027
P: 913-758-4105 | F: 913-758-4136

Fort Scott National Cemetery (Open)
900 East National Avenue
Fort Scott, KS 66701
P: 620-223-2840 | F: 620-223-2505

Leavenworth National Cemetery (Open)
150 Muncie Road
Leavenworth, KS 66048
P: 913-758-4105 | F: 913-758-4136

Baxter Springs City Soldiers' Lot (Closed)
Baxter Springs City Cemetery
Baxter Springs, KS 66713
P: 913-758-4105 | F: 913-758-4136

Mound City Cemetery Soldiers' Lot (Closed)
Woodland Cemetery
Mound City, KS 66506
P: 913-758-4105 | F: 913-758-4136

KENTUCKY
Camp Nelson National Cemetery (Open)
6980 Danville Road
Nicholasville, KY 40356
P: 859-885-5727 | F: 859-887-4860

Cave Hill National Cemetery (Closed)
701 Baxter Avenue
Louisville, KY 40204
P: 502-893-3852 | F: 502-893-6612

Danville National Cemetery (Closed)
277 North First Street
Danville, KY 40422
P: 859-885-5727 | F: 859-887-4860

Lebanon National Cemetery (Open)
20 Hwy 208
Lebanon, KY 40033
P: 270-692-3390 | F: 270-692-0018

Lexington National Cemetery (Closed)
833 West Main Street
Lexington, KY 40508
P: 859-885-5727 | F: 859-887-4860

Mill Springs National Cemetery (Open)
9044 West Highway 80
Nancy, KY 42544
P: 859-885-5727 | F: 859-887-4860

Zachary Taylor National Cemetery (Closed)
4701 Brownsboro Road
Louisville, KY 40207
P: 502-893-3852 | F: 502-893-6612

Evergreen Cemetery Soldiers' Lot (Closed)
25 South Alexandria Pike
Southgate, KY 41071
P: 859-885-5727 | F: 859-887-4860

LOUISIANA
Alexandria National Cemetery (Closed)
209 East Shamrock Street
Pineville, LA 71360
P: 601-445-4981 | F: 601-445-8815

Baton Rouge National Cemetery (Closed)
220 North 19th Street
Baton Rouge, LA 70806
P: 225-654-1988 | F: 225-654-1989

Louisiana National Cemetery (Open)
303 W. Mount Pleasant Road
Zachary, LA 70791
P: 225-654-1988 | F: 225-654-1989

Port Hudson National Cemetery (Cremation Only)
20978 Port Hickey Road
Zachary, LA 70791
P: 225-654-1988 | F: 225-654-1989

MAINE
Acadia National Cemetery (Open)
1799 U.S. Route 1
Jonesboro, ME 72404
P: 508-563-7113 | F: 508-564-9946

Togus National Cemetery (Closed)
VA Medical & Regional Office Center
Togus, ME 4330
P: 508-563-7113 | F: 508-564-9946

Mount Pleasant Cemetery Soldiers' Lot (Closed)
North Street
Augusta, ME 04330
P: 508-563-7113 | F: 508-564-9946

MARYLAND
Annapolis National Cemetery (Closed)
800 West Street
Annapolis, MD 21401
P: 410-644-9696 | F: 410-644-1563

Baltimore National Cemetery (Cremation Only)
5501 Frederick Avenue
Baltimore, MD 21228
P: 410-644-9696 | F: 410-644-1563

Loudon Park National Cemetery (Closed)
3445 Frederick Avenue
Baltimore, MD 21228
P: 410-644-9696 | F: 410-644-1563

Point Lookout Confederate Cemetery (Closed)
Point Lookout
Ridge, MD 20680
P: 410-644-9696 | F: 410-644-1563

MASSACHUSETTS
Fort Devens Post Cemetery (Cremation Only)
35 Patton Road
Devens, MA 01434
P: 508-563-7113 | F: 508-564-9946

Massachusetts National Cemetery (Open)
Connery Avenue
Bourne, MA 02532
P: 508-563-7113 | F: 508-564-9946

Woodlawn Cemetery Soldiers' Lot (Closed)
Harvard Street
Ayer, MA 01432
P: 508-563-7113 | F: 508-564-9946

MICHIGAN
Fort Custer National Cemetery (Open)
15501 Dickman Rd.
Augusta, MI 49012
P: 269-731-4164 | F: 269-731-2428

Great Lakes National Cemetery (Open)
4200 Belford Road
Holly, MI 48442
P: 248-328-0386 Or 866-348-8603
F: 248-328-0612

Fort Mackinac Post Cemetery (Closed)
Mackinac State Park
Mackinac Island, MI 49757
P: 248-328-0386 | F: 248-328-0612

Lakeside Cemetery Soldiers' Lot (Closed)
3781 Gratiot Street
Port Huron, MI 48060
P: 248-328-0386 | F: 248-328-0612

MINNESOTA
Fort Snelling National Cemetery (Open)
7601 34th Avenue
South Minneapolis, MN 55450
P: 612-726-1127 | F: 612-725-2059

MISSISSIPPI
Biloxi National Cemetery (Open)
400 Veterans Avenue
Bldg. 1001
Biloxi, MS 39531
P: 228-388-6668 | F: 228-523-5784

Corinth National Cemetery (Open)
1551 Horton Street
Corinth, MS 38834
P: 901-386-8311 | F: 901-382-0750

Natchez National Cemetery (Open)
41 Cemetery Road
Natchez, MS 39120
P: 601-445-4981 | F: 601-445-8815

MISSOURI
Jefferson Barracks National Cemetery (Open)
2900 Sheridan Road
St. Louis, MO 63125
P: 314-845-8320 | F: 314-845-8355

Jefferson City National Cemetery (Closed)
1024 E. McCarty Street
Jefferson City, MO 65101
P: 314-845-8320 | F: 314-845-8355

Springfield National Cemetery (Cremation Only)
1702 East Seminole Street
Springfield, MO 65804
P: 417-881-9499 | F: 417-881-7862

Union Confederate Monument Site (Closed)
227 E. 28th Street Terrace
Kansas City, MO 64108
P: 913-758-4105 | F: 913-758-4136

MONTANA
Fort Missoula Post Cemetery (Closed)
Guardsman Lane
Missoula, MT 59084
P: 303-761-017 | F: 303-781-9378

Yellowstone National Cemetery (Open)
55 Buffalo Trail Road
Laurel, MT 59044
P: 406-647-2746

NEBRASKA
Fort McPherson National Cemetery (Open)
12004 South Spur 56A
Maxwell, NE 69151
P: 308-582-4433 | F: 308-582-4616

Omaha National Cemetery (Open)
14250 Schram Road
Omaha, NE 68138
P: 402-253-3949

Forest Lawn Cemetery Soldiers' Lot (Closed)
Forest Lawn Memorial Park
7909 Mormon Bridge Road
Omaha, NE 68112
P: 913-758-4105 | F: 913-758-4136

NEW JERSEY
Beverly National Cemetery (Closed)
916 Bridgeboro Road
Beverly, NJ 08010
P: 215-504-5610 | F: 215-504-5611

Finn's Point National Cemetery (Cremation Only)
454 Fort Mott Road
Pennsville, NJ 08070
P: 215-504-5610 | F: 215-504-5611

NEW MEXICO
Fort Bayard National Cemetery (Open)
200 Camino De Paz
Fort Bayard, NM 88036
P: 505-988-6400 | F: 505-988-6497

Santa Fe National Cemetery (Open)
501 North Guadalupe Street
Santa Fe, NM 87501
P: 505-988-6400 | F: 505-988-6497

NEW YORK
Bath National Cemetery San Juan Avenue (Open)
Bath, NY 14810
P: 607-664-4853 | F: 607-664-4761

Calverton National Cemetery (Open)
210 Princeton Boulevard
Calverton, NY 11933
P: 631-727-5410 | F: 631-369-4397

Cypress Hills National Cemetery (Closed)
625 Jamaica Avenue
Brooklyn, NY 11208
P: 631-454-4949 | F: 631-694-5422

Gerald B. H. Solomon Saratoga National Cemetery (Open)
200 Duell Road
Schuylerville, NY 12871
P: 518-581-9128 | F: 518-583-6975

Long Island National Cemetery (Cremation Only)
2040 Wellwood Avenue
Farmingdale, NY 11735
P: 631-454-4949 | F: 631-694-5422

Western New York National Cemetery (Open)
1254 Indian Falls Road
Corfu, NY 14901
P: 585-297-1300

Woodlawn National Cemetery (Cremation Only)
1825 Davis Street
Elmira, NY 14901
P: 607-732-5411 | F: 607-732-1769

Albany Rural Cemetery Soldiers' Lot (Closed)
Cemetery Avenue
Albany, NY 12204
P: 518-581-9128 | F: 518-583-6975

NORTH CAROLINA
New Bern National Cemetery (Closed)
1711 National Avenue
New Bern, NC 28560
P: 252-637-2912 | F: 252-637-7145

Raleigh National Cemetery (Closed)
501 Rock Quarry Road
Raleigh, NC 27610
P: 252-637-2912 | F: 704-636-2661

Salisbury National Cemetery (Open)
501 Statesville Boulevard
Salisbury, NC 28144
P: 704-636-2661 | F: 704-636-1115

Wilmington National Cemetery (Closed)
2011 Market Street
Wilmington, NC 28403
P: 910-815-4877 | F: 252-637-7145

NORTH DAKOTA
Fargo National Cemetery (Open)
8709 40th Ave. N, County Road 20
Harwood, ND 58042
P: 701-451-4650

OHIO
Dayton National Cemetery (Open)
4400 West Third Street
Dayton, OH 45428
P: 937-268-2221 | F: 937-268-2225

Ohio Western Reserve National Cemetery (Open)
10175 Rawiga Road
Seville, OH 44273
P: 330-335-3069 | F: 330-335-5087

Camp Chase Confederate Cemetery (Closed)
2900 Sullivant Avenue
Columbus, OH 43204
P: 937-268-2221 | F: 937-268-2225

Confederate Stockade Cemetery (Closed)
Johnson's Island
Sandusky, OH 44870
P: 330-335-3069 | F: 330-335-5087

Woodland Cemetery Soldiers' Lot (Closed)
6901 Woodland Avenue
Cleveland, OH 44104
P: 330-335-3069 | F: 330-335-5087

OKLAHOMA
Fort Gibson National Cemetery (Open)
1423 Cemetery Road
Ft. Gibson, OK 74434
P: 918-478-2334 | F: 918-478-2661

Fort Sill National Cemetery (Open)
2648 NE Jake Dunn Road
Elgin, OK 73538
P: 580-492-3200 | F: 580-492-3208

OREGON
Eagle Point National Cemetery (Open)
2763 Riley Rd.
Eagle Point, OR 97524
P: 541-826-2511 | F: 541-826-2888

Fort Stevens National Cemetery (Open)
1090-1140 Russell Drive
Hammond, OR 97121
P: 503-273-5250 | F: 503-273-5251

Roseburg National Cemetery (Open)
913 NW Garden Valley Blvd
Roseburg, OR 97471
P: 541-677-3152 | F: 541-677-3044

Willamette National Cemetery (Open)
11800 SE Mt. Scott Blvd.
Portland, OR 97086
P: 503-273-5250 | F: 503-273-5251

PENNSYLVANIA
Indiantown Gap National Cemetery (Open)
Indiantown Gap Rd.
Annville, PA 17003
P: 717-865-5254 | F: 717-865-5256 (Closed)

National Cemetery of the Alleghenies (Open)
1158 Morgan Road
Bridgeville, PA 15017
P: 724-746-4363 | F: 724-746-4360

Philadelphia National Cemetery (Closed)
Haines St. and Limekiln Pike
Philadelphia, PA 19138
P: 215-504-5610 | F: 215-504-5611

Washington Crossing National Cemetery (Open)
830 Highland Road
Newtown, PA 18940
P: 215-504-5610 | F: 215-504-5611

Allegheny Cemetery Soldiers' Lot (Closed)
4734 Butler Street
Pittsburgh, PA 15201
P: 724-746-4363 | F: 724-746-4360

Ashland Cemetery Soldiers' Lot (Closed)
630 South Hanover Street
Carlisle, PA 17013
P: 717-865-5254 | F: 717-865-5256

Mount Moriah Cemetery Soldiers' Lot (Closed)
62nd Street and Kingsessing Ave.
Philadelphia, PA 19142
P: 215-504-5610 | F: 215-504-5611

Mount Moriah Cemetery Naval Plot (Closed)
62nd Street and Kingsessing Ave.
Philadelphia, PA 19142
P: 215-504-5610 | F: 215-504-5611

Prospect Hill Cemetery Soldiers' Lot (Closed)
700 North George Street
York, PA 17404
P: 717-865-5254 | F: 717-865-5256

PUERTO RICO
Puerto Rico National Cemetery Avenue (Open)
Cementerio Nacional #50
Bayamon, PR 00961
P: 787-798-8400 | F: 787-785-7281

Morovis National Cemetery (Open)
900 Carretera 137
Morovis, PR 00678
P: 787-798-8400 | F: 787-785-7281

SOUTH CAROLINA
Beaufort National Cemetery (Open)
1601 Boundary St.
Beaufort, SC 29902
P: 843-524-3925 | F: 843-524-8538

Florence National Cemetery (Open)
803 E National Cemetery Rd.
Florence, SC 29501
P: 843-669-8783 | F: 843-662-8318

Fort Jackson National Cemetery (Open)
4170 Percival Road
Columbia, SC 29229
P: 866-577-5248 | F: 803-699-3086

SOUTH DAKOTA
Black Hills National Cemetery (Open)
20901 Pleasant Valley Drive
Sturgis, SD 57785
P: 605-347-3830 | F: 605-347-0269

Fort Meade National Cemetery (Closed)
Old Stone Rd.
Sturgis, SD 57785
P: 605-347-3830 | F: 605-347-0269

Hot Springs National Cemetery (Closed)
VA Medical Center
Hot Springs, SD 57747
P: 605-347-3830 | F: 605-347-0269

TENNESSEE
Chattanooga National Cemetery (Open)
1200 Bailey Ave.
Chattanooga, TN 37404
P: 423-855-6590 | F: 423-855-6597

Knoxville National Cemetery (Cremation Only)
939 Tyson St. NW
Knoxville, TN 37917
P: 423-855-6590 | F: 423-855-6597

Memphis National Cemetery (Cremation Only)
3568 Townes Ave.
Memphis, TN 38122
P: 901-386-8311 | F: 901-382-0750

Mountain Home National Cemetery (Open)
53 Memorial Avenue
Mountain Home, TN 37684
P: 423-979-3535 | F: 423-979-3521

Nashville National Cemetery (Cremation Only)
1420 Gallatin Rd. S
Madison, TN 37115
P: 615-860-0086 | F: 615-860-8691

TEXAS
Dallas-Fort Worth National Cemetery (Open)
2000 Mountain Creek Parkway
Dallas, TX 75211
P: 214-467-3374 | F: 214-467-3316

Fort Bliss National Cemetery (Open)
5200 Fred Wilson Rd.
El Paso, TX 79906
P: 915-564-0201 | F: 915-564-3746

Fort Sam Houston National Cemetery (Open)
1520 Harry Wurzbach Rd.
San Antonio, TX 78209
P: 210-820-3891 | F: 210-820-3445

Houston National Cemetery (Open)
10410 Veterans Memorial Dr.
Houston, TX 77038
P: 281-447-8686 | F: 281-447-0580

Kerrville National Cemetery (Closed)
3600 Memorial Blvd.
Kerrville, TX 78028
P: 210-820-3891 | F: 210-820-3445

San Antonio National Cemetery (Cremation Only)
517 Paso Hondo Street
San Antonio, TX 78202
P: 210-820-3891 | F: 210-820-3445

UTAH
Fort Douglas Post Cemetery (Closed)
405 Chipeta Way
Salt Lake City, UT 84108
P: 303-761-0117 | F: 303-781-9378

VERMONT
Green Mount Cemetery Soldiers' Lot (Closed)
250 State Street
Montpelier, VT 05602
P: 508-563-7113 | F: 508-564-9946

Prospect Hill Cemetery Soldiers' Lot (Closed)
94 South Main Street
Brattleboro, VT 05301
P: 508-563-7113 | F: 508-564-9946

VIRGINIA
Alexandria National Cemetery (Closed)
1450 Wilkes St.
Alexandria, VA 22314
P: 703-221-2183 | F: 703-221-2185

Ball's Bluff National Cemetery (Closed)
Rt. 7
Leesburg, VA 22075
P: 540-825-0027 | F: 540-825-6684

City Point National Cemetery (Closed)
10th Ave. and Davis St.
Hopewell, VA 23860
P: 804-795-2031 | F: 804-795-1064

Cold Harbor National Cemetery (Closed)
6038 Cold Harbor Road
Mechanicsville, VA 23111
P: 804-795-2031 | F: 804-795-1064

Culpeper National Cemetery (Open)
305 US Ave.
Culpeper, VA 22701
P: 540-825-0027 | F: 540-825-6684

Danville National Cemetery (Cremation Only)
721 Lee St.
Danville, VA 24541
P: 704-636-2661 | F: 704-636-1115

Fort Harrison National Cemetery (Closed)
8620 Varina Rd.
Richmond, VA 23231
P: 804-795-2031 | F: 804-795-1064

Glendale National Cemetery (Closed)
8301 Willis Church Rd.
Richmond, VA 23231
P: 804-795-2031 | F: 804-795-1064

Hampton National Cemetery (Closed)
Cemetery Rd. at Marshall Ave.
Hampton, VA 23669
P: 757-723-7104 | F: 757-723-0027

Hampton National Cemetery (VAMC) (Closed)
Emancipation Drive
Hampton, VA 23667
P: 757-723-7104 | F: 757-723-0027

National Memorial Cemetery at Quantico (Open)
18424 Joplin Rd.
Triangle, VA 22172
P: 703-221-2183 | F: 703-221-2185

Richmond National Cemetery (Closed)
1701 Williamsburg Rd.
Richmond, VA 23231
P: 804-795-2031 | F: 804-795-1064

Seven Pines National Cemetery (Closed)
400 E Williamsburg Rd.
Sandston, VA 23150
P: 804-795-2031 | F: 804-795-1064

Staunton National Cemetery (Closed)
901 Richmond Ave.
Staunton, VA 24401
P: 540-825-0027 | F: 540-825-6684

Winchester National Cemetery (Closed)
401 National Ave.
Winchester, VA 22601
P: 540-825-0027 | F: 540-825-6684

WASHINGTON
Fort Lawton Post Cemetery (Closed)
Texas Way
Seattle, WA 98199
P: 425-413-9614 | F: 425-413-9618

Fort Worden Post Cemetery (Cremation Only)
1300-1398 W St
Port Townsend, WA 98368
P: 425-413-9614 | F: 425-413-9618

Tahoma National Cemetery (Open)
18600 SE 240th Street
Kent, WA 98042
P: 425-413-9614 | F: 425-413-9618

Vancouver Barracks National Cemetery (Cremation Only)
1455 E 4th Plain Blvd.
Vancouver, WA 98663
P: 503-273-5250 | F: 503-273-5251

WEST VIRGINIA
Grafton National Cemetery (Closed)
431 Walnut St.
Grafton, WV 26354
P: 304-265-2044 | F: 304-265-4336

West Virginia National Cemetery (Open)
42 Veterans Memorial Lane
Grafton, WV 26354
P: 304-265-2044 | F: 304-265-4336

WISCONSIN
Northwoods National Cemetery (Open)
4520 Lakewood Road
Harshaw, WI 54529
P: 612-726-1127 | F: 612-726-9119

Wood National Cemetery (Closed)
5000 W National Ave. Bldg. 1301
Milwaukee, WI 53295
P: 414-382-5300 | F: 414-382-5321

Fort Winnebago Cemetery Soldiers' Lot (Closed)
Highway EE
Portage, WI 53901
P: 414-382-5300 | F: 414-382-5321

Forest Hill Cemetery Soldiers' Lot (Closed)
One Speedway Road
Madison, WI 53705
P: 414-382-5300 | F: 414-382-5321

Forest Home Cemetery Soldiers' Lot (Closed)
2405 West Forest Home Avenue
Milwaukee, WI 53215
P: 414-382-5300 | F: 414-382-5321

Fort Crawford Cemetery Soldiers' Lot (Closed)
413 South Beaumont Road
Prairie du Chien, WI 53821
P: 414-382-5300 | F: 414-382-5321

Mound Cemetery Soldiers' Lot (Closed)
1147 West Boulevard
Racine, WI 53405
P: 414-382-5300 | F: 414-382-5321

WYOMING
Cheyenne National Cemetery (Open)
8611 Hildreth Rd
Cheyenne, WY 82009
P: 307-778-7316

VA Grant-Funded Cemeteries (State, Territory and Tribal Veterans Cemeteries)
Many states, territories and tribes have established VA Grant-Funded Veterans Cemeteries. Eligibility is similar to Department of Veterans Affairs (VA) national cemeteries, but may include residency requirements. Even though they may have been established or improved with Government funds through VA's Veterans Cemetery Grants Program, state, territory and tribal veterans cemeteries are operated and maintained by the states, territories or tribes. VA cannot answer your questions or comments about any of these state, territory or tribal veterans cemeteries. Please contact the specific cemetery for information.

ALABAMA
Alabama State Veterans Memorial Cemetery at Spanish Fort
34904 State Highway 225
Spanish Fort, AL 36577
P: 251-625-1338 | F: 251-626-9204

ALASKA
Metlakatla Veterans Memorial Cemetery
470 Oceanview Road
Metlakatla, AK 99926
P: 907-886-4441

ARIZONA
Arizona Veterans' Memorial Cemetery at Camp Navajo
14317 Veterans Drive, Camp Navajo
PO Box 16419
Bellemont, AZ 86015
P: 928-214-3474 | F: 928-214-3479

Arizona Veterans' Memorial Cemetery at Marana
15950 N Luckett Road
Marana, AZ 85653
P: 520-638-4869 | F: 520-300-8403

Monte Calvario Cemetery
5149 W. Omokol
Tucson, AZ
P: 520-879-6317 | F: 520-879-6308

San Carlos Apache Tribal Veterans Cemetery in San Carlos
42700 W US Highway 70
San Carlos, AZ 85550
P: 928-475-2361

Southern Arizona Veterans' Memorial Cemetery
1300 Buffalo Soldier Trail
Sierra Vista, AZ 85635
P: 520-458-7144 | F: 520-458-7147

ARKANSAS
Arkansas State Veterans Cemetery at Birdeye
3600 Highway 163
Birdeye, AR 72324
P: 870-588-4608 | F: 870-588-4666

Arkansas State Veterans Cemetery at North Little Rock
1501 West Maryland Avenue
North Little Rock, AR 72120
P: 501-683-2259 | F: 501-992-0162

CALIFORNIA
California Department of Veterans Affairs
1227 O Street
Sacramento, CA 95814
Mailing Address:
Veterans Services Division
P.O. Box 942895
Sacramento, CA 94295
P: 916-653-2573 | F: 916-651-9069

Big Sandy Rancheria Veterans Cemetery
37387 Auberry Mission Rd.
Auberry, CA 93602
P: 559-374-0066 x212

California Central Coast Veterans Cemetery
2900 Parker Flats Road
Seaside, CA 93955
P: 831-393-9371 | F: 831-393-9391

Northern California Veterans Cemetery
11800 Gas Point Road
Igo, CA 96047-0076
P: 866-777-4533 | F: 530-396-2523

Yountville Veterans Home Cemetery
260 California Drive
Yountville, CA 94599
P: 707-944-4815

Yurok Veterans Cemetery
28263 Bald Hills Road
Weitchpec, CA 95546
P: 707-482-1350

COLORADO
Veterans Memorial Cemetery of Western Colorado
2830 Riverside Parkway
Grand Junction, CO 81501
P: 970-263-8986 | F: 970-257-7450

CONNECTICUT
Department of Veterans Affairs
287 West Street
Rocky Hill, CT 06067
P: 860-616-3683 | F: 860-616-3652

Connecticut State Veterans Cemetery
317 Bow Lane
Middletown, CT 06457
P: 860-616-3683 | F: 860-616-3652

Colonel Raymond F. Gates Memorial Cemetery
392 West Street
Rocky Hill, CT 06067
P: 860-616-3683 | F: 860-616-3652

Spring Grove Veterans Cemetery (Closed)
22 Hecker Avenue
Darien, CT 06820
P: 860-616-3683 | F: 860-616-3652

DELAWARE
Delaware Veterans Memorial Cemetery - New Castle County
2465 Chesapeake City Road
Bear, DE 19701-2344
P: 302-834-8046 | F: 302-834-3787

Delaware Veterans Memorial Cemetery - Sussex County
26669 Patriots Way
Millsboro, DE 19966-1694
P: 302-934-5653 | F: 302-934-5647

GEORGIA
Georgia Department of Veterans Services
GDVS Central Office
Floyd Veterans Memorial Building, Suite E-970
Atlanta, GA 30334
P: 478-445-2544 | F: 478-445-0828

Georgia Veterans' Memorial Cemetery – Glennville
8819 U.S. Highway 301
Glennville, GA 30427
P: 912-654-5398 | F: 912-654-2963

Georgia Veterans' Memorial Cemetery – Milledgeville
2617 Vinson Highway
Milledgeville, GA 31061
P: 478-445-3363 | F: 478-445-3360

GUAM
Guam Veterans Cemetery
490 Chalan Palayso
Agatna Heights, GU 96910
P: 671-475-8388 | F: 671-475-8396

HAWAII
Hawaii Office of Veteran Services
459 Patterson Road
E-Wing, Room 1-A103
Honolulu, HI 96819-1522
P: 808-433-0420 | F: 808-433-0385

East Hawaii Veterans Cemetery - 1 (Closed)
150 Kapiolani Street
Hilo, HI 96720
Mailing Address:
101 Pauahi Street Ste 6
Hilo, HI 96720
P: 808-961-8311 | F: 808-961-8411

East Hawaii Veterans Cemetery - 2
110 Laimana Street
Hilo, HI 96720
Mailing Address:
101 Pauahi Street Ste 6
Hilo, HI 96720
P: 808-961-8311 | F: 808-961-8411

Hawaii State Veterans Cemetery
45-349 Kamehameha Highway
Kaneohe, HI 96744
P: 808-369-3575 | F: 808-233-3633

Kauai Veterans Cemetery
4331 Lele Road
Hanapepe, HI 96716
Mailing Address:
4444 Rice Street, Room 150
Lihue, HI 96766-1340
P: 808-241-4460 | F: 808-241-5126

Lanai Veterans Cemetery
Cemetery Road
Lanai City, HI 96763
Mailing Address:
P.O. Box 630359
Lanai City, HI 96763
P: 808-565-6979

Maui Veterans Cemetery
Baldwin Avenue
Makawao, HI 96786
Mailing Address:
P.O. Box 117
Makawao, HI 96768
P: 808-572-7272 | F: 808-573-0757

Molokai Veterans Cemetery
2725 Lihi Pali Avenue
Hoolehua, HI 96748
Mailing Address:
P.O. Box 526
Kauna Kakai, HI 96748
P: 808-553-3221 | F: 808-553-5050

West Hawaii State Veterans Cemetery
72-3245 Queen Kaahumanu Highway
Kailua-Kona, HI 96740
Mailing Address:
(See East Hawaii)
P: 808-961-8311

IDAHO
Idaho State Veterans Cemetery at Blackfoot
2651 Cromwell Lane
Blackfoot, ID 83221
P: 208-780-1344

Idaho State Veterans Cemetery at Boise
10100 Horseshoe Bend Road
Boise, ID 83714
P: 208-780-1340 | F: 208-780-1341

ILLINOIS
Sunset Cemetery
1707 N. 12th Street
Quincy, IL 62301
P: 217-222-8641 x202 | F: 217-222-9621

INDIANA
Indiana State Soldiers' Home Cemetery
3851 N. River Road
W. Lafayette, IN 47906-3765
P: 765-463-1502 | F: 765-497-869

Indiana Veterans Memorial Cemetery
1415 North Gate Road
Madison, IN 47250
P: 812-273-9220 | F: 812-273-9221

IOWA
Iowa Department of Veterans Affairs
7105 NW 70th Avenue
Johnston, IA 50131-1902
P: 515-242-5331

Iowa Veterans Cemetery
34024 Veterans Memorial Drive
Adel, IA 50003-3300
P: 515-996-9048 | F: 515-996-9102

Iowa Veterans Home Cemetery
1301 Summit Street
Marshalltown, IA 50158
P: 641-753-4309 | F: 641-753-4278

KANSAS
Kansas Commission on Veterans' Affairs Office
700 S.W. Jackson Street, Suite 1004
Topeka, KS 66603
P: 785-296-3976 | F: 785-296-1462

Kansas Veterans' Cemetery at Ft. Dodge
11560 U.S. Highway 400
Dodge City, KS 67801
Mailing Address:
714 Sheridan, Unit 66
Fort Dodge, KS 67843
P: 620-338-8772 | F: 620-338-8776

Kansas Veterans' Cemetery at Ft. Riley
5181 Wildcat Creek Road
Manhattan, KS 66503-9616
P: 785-717-3050 | F: 785-717-3070

Kansas Veterans' Cemetery at Wakeeney
403 South 13th, PO Box 185
Wakeeney, KS 67672
P: 785-743-5685 | F: 785-743-5648

Kansas Veterans' Cemetery at Winfield
P.O. Box 626
1208 North College Street
Winfield, KS 67156
P: 620-705-6300 | F: 620-229-2291

KENTUCKY
Kentucky Veterans Cemeteries
1111B Louisville Rd
Frankfort, KY 40601
P: 502-564-9203 | F: 502-564-9240

Kentucky Veterans Cemetery-Central
2501 North Dixie Boulevard
Radcliff, KY 40160
P: 270-351-5115 | F: 270-351-5445

Kentucky Veterans Cemetery-North
205 Eibeck Lane
Williamstown, KY 41097
Mailing Address:
P.O. Box 467
P: 859-823-0720 | F; 859-824-0324

Kentucky Veterans Cemetery-Northeast
100 Veterans Memorial Drive
Grayson, KY 41143
P: 606-929-5354 | F: 606-929-5347

Kentucky Veterans Cemetery-Southeast
1280 KY Hwy 118
(Tim Couch Pass)
Hyden, KY 41749
P: 606-672-2168

Kentucky Veterans Cemetery-West
5817 Fort Campbell Boulevard
Hopkinsville, KY 42240
P: 270-889-6106 | F: 270-889-6109

LOUISIANA
Central Louisiana Veterans Cemetery
3348 University Parkway
Leesville, LA 71446
P: 337-238-6405 | F: 337-238-6448

Northeast Louisiana Veterans Cemetery
2413 Hwy 425
Rayville, LA 71269
P: 318-728-4346 | F: 318-728-5921

Northwest Louisiana Veterans Cemetery
7970 Mike Clarke Road
Keithville, LA 71047
P: 318-925-0612 | F: 318-925-5521

Southeast Louisiana Veterans Cemetery
34888 Grantham College Drive
Slidell, LA 70460
P: 985-646-6458 | F: 985-646-6481

Southwest Louisiana State Veterans Cemetery
1620 Evangeline Road
Jennings, LA 70546
P: 337-246-7094 | F: 337-246-7096

MAINE
Central Maine Veterans' Cemetery
Civic Center Drive
143 Blue Star Avenue
Augusta, ME 04330
P: 207-287-3481 | F: 207-287-3473

Houlton Band of Maliseet Indians Veterans Cemetery
88 Bell Road
Littleton, ME 04730
P: 207-532-4273 x202 | F: 207-532-6883

Maine Veterans' Memorial Cemetery-Mt. Vernon
163 Mt. Vernon Road
Augusta, ME 04330
P: 207-287-3481 | F: 207-626-4471

Northern Maine Veterans Cemetery
37 Lombard Road
Caribou, ME 04736
P: 207-492-1173 | F: 207-492-1175

Southern Maine Veterans Cemetery
83 Stanley Road
Springvale, ME 04083
P: 207-287-3481 | 207-492-0339

MARYLAND
Maryland Department of Veterans Affairs Cemetery Program
1122 Sunrise Beach Road
Crownsville, MD 21032
P: 410-923-6981 | F: 410-987-3920

Cheltenham Veterans Cemetery
11301 Crain Highway
Cheltenham, MD 20623
Mailing Address:
P.O. Box 10
P: 301-372-6398 | F: 301-782-7310

Crownsville Veterans Cemetery
1122 Sunrise Beach Road
Crownsville, MD 21032
P: 410-987-6320 | F: 410-987-3920

Eastern Shore Veterans Cemetery
6827 E. New Market Ellwood Road
Hurlock, MD 21643
P: 410-943-3420 | F: 410-943-3680

Garrison Forest Veterans Cemetery
11501 Garrison Forest Road
Owings Mills, MD 21117
P: 410-363-6090 | F: 410-363-1533

Rocky Gap Veterans Cemetery
14205 Pleasant Valley Road, NE
Flintstone, MD 21530
P: 301-777-2185 | F: 301-777-2402

MASSACHUSETTS
Massachusetts State Veterans' Cemetery – Agawam
1390 Main Street
Agawam, MA 01001
P: 413-821-9500 | F: 413-831-9838

Massachusetts State Veterans' Cemetery – Winchendon
111 Glenallen Street
Winchendon, MA 01475
P: 978-297-9501 | F: 978-297-4271

MICHIGAN
Grand Rapids Home for Veterans Cemetery
3000 Monroe, NE
Grand Rapids, MI 49505
P: 616-364-5322 | F: 616-365-3826

MINNESOTA
Leech Lake Veterans Cemetery
16477 69th Ave. NW
Cass Lake, MN 56633
P: 218-335-4463

Minnesota State Veterans Cemetery – Duluth
4777 Hwy 53
Duluth, MN 55811
P: 218-520-0120 | F: 218-520-0121

Minnesota State Veterans Cemetery - Little Falls
15550 Hwy 115
Little Falls, MN 56345
P: 320-616-2527 | F: 320-616-2529

Minnesota State Veterans Cemetery – Preston
715 Highway 52
Preston, MN 55965
P: 507-765-7320 | F: 507-765-3793

Minnesota State Veterans Cemetery - Redwood Falls
33752 Noble Avenue
Redwood Falls, MN 56283
P: 651-833-0946

MISSISSIPPI
Mississippi State Veterans Affairs
660 North State Street, Suite 200
Jackson, MS 39207
P: 601-576-4850 | F: 601-576-4868

Mississippi Veterans Memorial Cemetery – Kilmichael
2 Legion Road
Kilmichael, MS 39747
P: 662-262-4232 | F: 662-262-4241

Mississippi Veterans Memorial Cemetery - Newton
248 Honor Circle
Newton, MS 39345
P: 601-683-2959 | F: 601-683-2958

MISSOURI
Missouri Veterans Commission
2400 Veterans Memorial Drive
Cape Girardeau, MO 63701
P: 573-290-5752

Missouri State Veterans Cemetery-Bloomfield
17357 Stars and Stripes Way
Bloomfield, MO 63825
P: 573-568-3871 | F: 573-568-3421

Missouri State Veterans Cemetery-Fort Leonard Wood
25350 Highway H
Waynesville, MO 65583
P: 573-774-3496 | F: 573-774-2160

Missouri State Veterans Cemetery-Higginsville
20109 Bus. Hwy 13
Higginsville, MO 64037
P: 660-584-5252 | F: 660-584-9525

Missouri State Veterans Cemetery-Jacksonville
1479 County Road 1675
Jacksonville, MO 65260
P: 660-295-4237 | F: 660-295-4259

Missouri State Veterans Cemetery-Springfield
5201 South Southwood Road
Springfield, MO 65804
P: 417-823-3944 | F: 417-823-0252

St. James Missouri Veterans Home Cemetery
620 N. Jefferson Street
St. James, MO 65559
P: 573-265-3271 | F: 573-265-5771

MONTANA
Montana Department of Military Affairs
1911 Tower Road
Missoula, MT 59804
P: 406-721-2995

Apsaalooke Veterans Cemetery
Highway 1 and Xavier Street
Crow Agency, MT 59022
P: 406-620-3504

Eastern Montana State Veterans Cemetery – Miles City
Highway 59 and Cemetery Road
Miles City, MT 59301
Mailing Address:
P.O. Box 1741
P: 406-218-2945 | F: 406-417-3291

Montana State Veterans Cemetery – Fort Harrison
Fort Harrison
Helena, MT 59604
P: 406-324-4793| F: 406-417-3301

Western Montana Veterans Cemetery
1911 Tower Road
Missoula, MT 59804
Curt Aasved, Cemetery Manager
P: 406-721-2995

NEBRASKA
Nebraska Veterans Cemetery at Alliance
P.O. Box 718
2610 C.R. 57
Alliance, NE 69301
P: 308-763-2958 | F: 308-763-2963

Nebraska Veterans Home Cemetery
2300 West Capital Avenue
Grand Island, NE 68803
Mailing Address:
Nebraska Veterans Cemetery at Alliance
P.O. Box 718, 2610 CR 57
Alliance, NE 69301-0718
P: 308-385-6252 x230 | F: 308-385-6257

NEVADA
Northern Nevada Veterans Memorial Cemetery
14 Veterans Way
Fernley, NV 89408
Mailing Address:
P.O. Box 1919
P: 775-575-4441 | F: 775-575-5713

Southern Nevada Veterans Memorial Cemetery
1900 Veterans Memorial Drive
Boulder City, NV 89005
P: 702-486-5920 | F: 702-486-5923

NEW HAMPSHIRE
New Hampshire State Veterans Cemetery
110 Daniel Webster Highway, Rt 3
Boscawen, NH 03303
P: 603-796-2026 x100 | F: 603-796-6300

NEW JERSEY
Brigadier General William C. Doyle Veterans Memorial Cemetery
350 Provinceline Road, Rt. #2
Wrightstown, NJ 08562
P: 609-738-2400 | F: 609-758-0169

New Jersey Memorial Home Cemetery (Closed)
524 N.W. Boulevard
Vineland, NJ 08360
P: 609-696-6350 | F: 609-696-6995

NEW MEXICO
New Mexico Department of Veterans Services
407 Galisteo St., Rm 13
Santa Fe, NM 87501
P: 505-827-6304

Angel Fire State Veterans Cemetery
31 Onate Rd.
Angel Fire, NM 87710
P: 505-225-4341

Ft. Stanton State Veterans Cemetery
1398 State Highway 220
Ft. Stanton, NM 88323
P: 505-383-4382

Gallup State Veterans Cemetery
333 National Cemetery Drive
Gallup, New Mexico, 87305
P: 505-383-4832

NEW YORK
New York State Veterans Cemetery - Finger Lakes
6632 NY-96A
Romulus, NY 14541
P: 607-379-0197

NORTH CAROLINA
Coastal Carolina State Veterans Cemetery
Albemarle Building, Suite 1065
325 N. Salisbury St.
Raleigh, NC 27699-1315
P: 844-624-8387

Coastal Carolina State Veterans Cemetery
110 Montford Point Road
Jacksonville, NC 28541
Mailing Address:
P.O. Box 1486
Jacksonville, NC 28541
P: 910-347-4550 | F: 910-347-3570

Eastern Carolina State Veterans Cemetery
164 Longs Plant Farm Road
Goldsboro, NC 27534
P: 919-648-0510

Sandhills State Veterans Cemetery
400 Murchison Rd.
Spring Lake, NC 28390
Mailing Address:
P.O. Box 39
Spring Lake, NC 28390
P: 910-436-5630 | F: 910-436-5727

Western Carolina State Veterans Cemetery
962 Old US 70 Highway
Black Mountain, NC 28711
P: 828-669-0684 | F: 828-669-0685

NORTH DAKOTA
All Nations Veterans Cemetery near Fort Yates
Bldg. 1 N. Standing Rock Avenue
Ft. Yates, ND 58538
Standing Rock Sioux Tribe
P: 701-854-8527 | F: 701-854-8596

North Dakota Veterans Cemetery
1825 46th Street
Mandan, ND 58554
P: 701-667-1418 | F: 701-667-1419

OHIO
Ohio Veterans Home Cemetery
3416 Columbus Avenue
Sandusky, OH 44870
P: 419-625-2454 x200 | F: 419-625-3207

OKLAHOMA
Oklahoma Veterans Cemetery
2312 NE 36th Street
Oklahoma City, OK 73111-4398
Mailing Address:
3501 Military Circle

Seaman First Class Billy Turner Ardmore Veterans Cemetery
1555 Myall Road
Ardmore, OK 73401
P: 405-523-4000

Seminole Nation and Veterans Memorial Cemetery
35419 Hwy 59
Seminole, OK 74868
P: 405-234-5242

White Eagle Cemetery
20 White Eagle Drive
Ponca City, OK 74601
P: 580-762-8104

PENNSYLVANIA
Pennsylvania Soldiers' and Sailors' Home Cemetery
560 East Third Street
Erie, PA 16512-6239
Mailing Address:
P.O. Box 6239
(open only to residents of home)
P: 814-871-4531 |F: 814-871-4617

PUERTO RICO
Atlantic Garden Veteran Cemetery
Garden of Eden Boulevard
State Rd 110 km6.6
Aguadilla, PR
P: 787-221-6858

RHODE ISLAND
Rhode Island Veterans Memorial Cemetery
301 South County Trail
Exeter, RI 02822-9712
P: 401-268-3088 | F: 401-295-8797

SAIPAN
Commonwealth of the Northern Mariana Islands Veterans Cemetery
Banzai Cliff Rd
P.O. Box 503416
Saipan, MP 96950
P: 670-664-2650

SOUTH CAROLINA
M.J. Dolly Cooper Veterans Cemetery
140 Inway Drive
Anderson, SC 29621
P: 864-332-8022 | F: 864-332-8021

SOUTH DAKOTA
South Dakota Department of Veterans Affairs
1600 W. Russell Street
Suite 406
Sioux Falls, SD 57104
P: 605-360-4173

South Dakota Veterans Cemetery
25965 477th Avenue
Sioux Falls, SD 57104
P: 605-277-8094

Akicita Owicahe Lakota Freedom Veterans Cemetery
202-35 B.I.A. 2
Kyle, SD 57752
P: 605-455-1497

Sicangu Akicita Owicahe Veterans Cemetery
27404 U.S. Highway 83
White River, SD 57579

Sisseton-Wahpeton Oyate Veterans Cemetery
453851 BIA 10
Sisseton, South Dakota, 57262
P: 605-698-3388

TENNESSEE
Tennessee Department of Veterans Services
312 Rosa L. Parks Avenue
Nashville, TN 37243
P: 615-741-2345 | F: 615-741-5056

East Tennessee State Veterans Cemetery - Gov. John Sevier Hwy.
2200 East Governor John Sevier Hwy
Knoxville, TN 37920
P: 865-577-3228 | F: 865-573-3630

East Tennessee State Veterans Cemetery - Lyons View Pike
5901 Lyons View Pike
Knoxville, TN 37919
P: 865-577-3228 | F: 865-594-5181

Middle Tennessee State Veterans Cemetery
7931 McCrory Lane
Nashville, TN 37221
P: 615-532-2643 | F: 615-532-2241

Tennessee State Veterans Cemetery at Parkers Crossroads
693 Wildersville Rd.
Parkers Crossroads, TN 38388
P: 731-967-4127 | F: 731-967-4130

West Tennessee State Veterans Cemetery
4000 Forest Hill-Irene Road
Memphis, TN 38125
P: 901-543-7005 | F: 901-543-7141

TEXAS
State Veterans Cemeteries Texas Veterans Land Board
1700 N. Congress Avenue
Austin, TX 78701-1496
P: 512-463-5977 | F: 512-475-2294

Central Texas State Veterans Cemetery in Killeen
11463 South Highway 195
Killeen, TX 76542
P: 254-616-1770 | F: 254-616-1769

Coastal Bend State Veterans Cemetery
9974 IH 37 Access Road
Corpus Christi, TX 78410
P: 361-248-4830 | F: 361-248-4965

Rio Grande Valley State Veterans Cemetery in Mission
2520 South Inspiration Road
Mission, TX 78572
P: 956-583-7227 | F: 956-583-7887
Texas State Veterans Cemetery in Abilene
7457 W. Lake Road
Abilene, TX 79601
P: 325-673-4446 | F: 325-673-4448

UTAH
Utah Veterans Memorial Cemetery
17111 S. Camp Williams Road
Bluffdale, UT 84065
P: 801-254-9036 | F: 801-254-5756

VERMONT
Vermont Veterans Memorial Cemetery
487 Furnace Road
Randolph Center, VT 05061
Mailing Address:
118 State Street
Montpelier, VT 05620-4401
P: 802-828-3379 | F: 802-828-5932

VIRGINIA
Virginia Department of Veterans Services
10300 Pridesville Road
Amelia, VA 23002
P: 855-482-8387| F: 804-561-1455

Albert G. Horton, Jr. Memorial Veterans Cemetery
5310 Milners Road
Suffolk, VA 23434
P: 855-482-8387 | F: 757-255-7047

Southwest Virginia Veterans Cemetery
5550 Bagging Plant Road
Dublin, VA 24084
P: 855-481-8387 | F: 540-674-6897

Virginia Veterans Cemetery in Amelia
10300 Pridesville Road
Amelia, VA 23002
P: 855-482-8387 | F: 804-561-1445

WASHINGTON
Washington State Veterans Cemetery Medical Lake
21702 W Espanola Rd
Medical Lake, WA 99022
P: 509-299-6280

WEST VIRGINIA
Donel C. Kinnard Memorial State Veterans Cemetery
130 Academy Drive
Dunbar, WV 25064
P: 304-746-0026

WISCONSIN
Wisconsin Veterans Affairs
201 West Washington Avenue
P.O. Box 7843
Madison, WI 53707-7843
P: 608-267-7124

Central Wisconsin Veterans Memorial Cemetery
N2665, Highway QQ
King, WI 54946
P: 715-256-5000 | F: 715-256-3513

Northern Wisconsin Veterans Memorial Cemetery
N4063 Veterans Way
Spooner, WI 54801
P: 715-635-5360 | F: 715-635-5363

Southern Wisconsin Veterans Memorial Cemetery
21731 Spring Street
Union Grove, WI 53182
P: 262-878-5660 | F: 262-878-5664

WYOMING
Oregon Trail State Veterans Cemetery
80 Veterans Road, Box 669
Evansville, WY 82636
P: 307-235-6673 | F: 307-235-6211

CLAIM FOR COMMEMORATIVE URN OR PLAQUE FOR VETERANS' CREMAINS NOT INTERRED

GENERAL INFORMATION SHEET

RESPONDENT BURDEN - An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 2900-0937, and it expires 05/31/2027. Public reporting burden for this collection of information is estimated to average 10 minutes per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate and any other aspect of this collection of information, including suggestions for reducing the burden, to VA Reports Clearance Officer at VACOPaperworkReduAct@va.gov. Please refer to OMB Control No. 2900-0937 in any correspondence. Do not send your completed VA Form 40-1330UP to this email address.

PRIVACY ACT - VA considers the responses you submit confidential (38 U.S.C. 5701). VA may only disclose this information outside the VA if the disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 48VA40B, published in the Federal Register. VA considers the requested information relevant and necessary to determine maximum benefits under the law.

BENEFIT PROVIDED:

a. **COMMEMORATIVE URN:** a container that signifies the deceased individual's status as a veteran, in which the individual's cremated remains may be placed at private expense.

b. **COMMEMORATIVE PLAQUE:** a commemorative plaque means a tablet that signifies the deceased individual's status as a veteran.

WHO CAN BE COMMEMORATED BY AN URN OR PLAQUE - A deceased Veteran who has been cremated with no portion of the remains interred* at any location at the time of application, and who was discharged under conditions other than dishonorable on or after April 6, 1917, or any Servicemember of the Armed Forces of the United States who dies on active duty whose remains have been cremated and is NOT interred at any location. **Service after September 7, 1980 for enlisted personnel, and October 16, 1981 for officer personnel, must be for a minimum of 24 months continuous active duty or be completed under special circumstances, e.g., death on active duty**. Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances, e.g., death while on active duty, or as a result of training. Reservists and National Guard members who, at time of death, were entitled to retired pay, or would have been entitled, but for being under the age of 60, are eligible; please submit a copy of the Reserve Retirement Eligibility Benefits Letter with the claim. Reservists called to active duty other than training and National Guard members who are Federalized and who serve for the period called are eligible.

** Interment means the burial or entombment of casketed or cremated remains, including the placement of cremated remains in a columbarium niche.*

BENEFITS FORFEITED IN-LIEU OF A COMMEMORATIVE URN OR PLAQUE - A commemorative urn or plaque may only be provided in-lieu of other benefits that will be forfeited. If VA provides an urn or plaque for a Veteran or Servicemember, VA is prohibited from interring the Veteran or Servicemember in a VA national cemetery or providing a headstone or marker or medallion that would mark the Veterans grave. If VA provides an applicant a commemorative urn or plaque to commemorate a Veteran it may also negatively impact interment in other cemeteries including, but not limited to, cemeteries operated by the Department of Defense, including Arlington National Cemetery. VA encourages potential applicants for a commemorative urn or plaque who might seek interment in the future to check directly with other cemeteries regarding its effect on potential interment at those cemeteries. VA encourages careful consideration of the consequences before applying to VA for a commemorative urn or plaque. Many Veterans and family members consider the benefits which will be forfeited to be of greater monetary and symbolic value than an urn or plaque. Consideration should also be given to the future disposition of the remains of a Veteran or Servicemember for whom an urn or plaque has been provided. Because options for future interment are more limited, there is greater risk for remains to become lost or unclaimed throughout time. For these reasons, it is critical that the family member consider the final disposition of the Veteran's remains and be certain of their decision before completing this application for an urn or plaque.

WHO MAY APPLY FOR AN URN OR PLAQUE TO COMMEMORATE A VETERAN - The family member who holds the entirety of the cremated remains and is authorized to make decisions about the disposition of the Veteran. Family members include the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent.

HOW TO SUBMIT A CLAIM - Please attach a copy of the deceased Veteran's discharge certificate (DD Form 214 or equivalent), the VA Pre-Need Eligibility Determination letter, or a copy of other official document(s) establishing qualifying military service. If you are unable to locate copies of military records, apply anyway, as VA will attempt to obtain records necessary to make an eligibility determination. **Do not send original documents**; they will not be returned.

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at **access.va.gov**. You will be instructed to register during your first sign-on attempt.

If you prefer, you may
MAIL claims to: NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

ASSISTANCE NEEDED - Should you have questions when filling out this form, you may contact our Applicant Assistance Unit toll free at: 1-800-697-6947, or at: ask.va.gov. No fee should be paid in connection with the preparation of this claim.

TRANSPORTATION AND DELIVERY OF URN OR PLAQUE - VA will ship the commemorative urn or plaque without charge to the applicant designated in block 10a of the claim.. The applicant must provide the full delivery address and telephone number. If you fail to include the required address and telephone number, we will not deliver the urn or plaque. Upon receipt, a signature will be required. Unless the urn or plaque was damaged during shipping, VA will not replace the product.

OMB Approved No. 2900-0937
Respondent Burden: 10 minutes
Expiration Date: 05/31/2027

VA U.S. Department of Veterans Affairs

CLAIM FOR COMMEMORATIVE URN OR PLAQUE FOR VETERANS' CREMAINS NOT INTERRED

IMPORTANT: Please read the General Information Sheet before completing this form. Type or print clearly all information except for signatures. Illegible printing could result in incorrect or delayed delivery. Failure to complete each block may result in delayed processing. *Blocks outlined in bold are optional inscription items.* **PLEASE INCLUDE MILITARY DISCHARGE DOCUMENTS.**

1. TYPE OF PRODUCT REQUESTED

☐ PLAQUE ☐ URN

VETERAN'S SERVICE AND IDENTIFYING INFORMATION *(Use numbers only, e.g., 05-15-1941)*

2. NAME OF DECEASED VETERAN TO BE COMMEMORATED

FIRST *(Or Initial)*	MIDDLE *(Or Initial)*	LAST	SUFFIX *(Sr., Jr., II, III, etc.)*

3. VETERAN'S SOCIAL SECURITY NO. AND/OR SERVICE NO.

SSN: SVC. NO.:

4. PLACE OF BIRTH *(City and State or Country)*

5. VETERAN'S RACE AND/OR ETHNICITY *(You may select more than one. Information will be used for statistical purposes only)*

☐ ASIAN OR ASIAN AMERICAN ☐ BLACK OR AFRICAN AMERICAN ☐ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ☐ WHITE
☐ AMERICAN INDIAN OR ALASKA NATIVE ☐ HISPANIC OR LATINO ☐ NOT HISPANIC OR LATINO

6. SEX *(Information will be used for statistical purposes only)*

☐ MALE ☐ FEMALE ☐ UNSPECIFIED OR ANOTHER GENDER IDENTITY

PERIODS OF ACTIVE MILITARY DUTY

7A. DATE OF BIRTH *(MM/DD/YYYY)*	7B. DATE OF DEATH *(MM/DD/YYYY)*	8A. DATE(S) ENTERED *(MM/DD/YYYY)*	8B. DATE(S) SEPARATED *(MM/DD/YYYY)*

9. BRANCH OF SERVICE *(Check applicable box(es))*

☐ ARMY ☐ MARINE CORPS ☐ COAST GUARD ☐ MERCHANT MARINE ☐ NAVY ☐ AIR FORCE ☐ ARMY AIR FORCES *(WWII)*
☐ SPACE FORCE ☐ PUBLIC HEALTH SVC. ☐ NATL. OCEANIC AND ATMOSPHERIC ADMIN. ☐ OTHER *(Specify)*: _____

APPLICANT INFORMATION AND CERTIFICATION

10A. NAME AND MAILING ADDRESS OF APPLICANT *(No., Street, City, State, and ZIP Code)*	10B. DAYTIME PHONE NO. OF APPLICANT	10C. E-MAIL ADDRESS *(Optional)*

11. BENEFITS FORFEITED IN-LIEU OF A COMMEMORATIVE URN OR PLAQUE

A commemorative urn or plaque may only be provided in-lieu of other benefits that will be forfeited. If VA provides an urn or plaque for a Veteran or Servicemember, VA is prohibited from interring the Veteran or Servicemember in a VA national cemetery or providing a headstone or marker or medallion that would mark the Veterans grave. If VA provides an applicant a commemorative urn or plaque to commemorate a Veteran it may also negatively impact interment in other cemeteries including, but not limited to, cemeteries operated by the Department of Defense, including Arlington National Cemetery. VA encourages potential applicants for a commemorative urn or plaque who might seek interment in the future to check directly with other cemeteries regarding its effect on potential interment at those cemeteries. VA encourages careful consideration of the consequences before applying to VA for a commemorative urn or plaque. Many Veterans and family members consider the benefits which will be forfeited to be of greater monetary and symbolic value than an urn or plaque. Consideration should also be given to the future disposition of the remains of a Veteran or Servicemember for whom an urn or plaque has been provided. Because options for future interment are more limited, there is greater risk for remains to become lost or unclaimed throughout time. For these reasons, it is critical that the family member consider the final disposition of the Veteran's remains and be certain of their decision before completing this application for an urn or plaque.

12. CERTIFICATION

I certify the decedent's remains were cremated and are not interred in any location. (*Interment means the burial or entombment of casketed or cremated remains, including the placement of cremated remains in a columbarium niche.)*

I certify that I (full name), _____, understand and have considered the VA benefits that will be forfeited if I apply for, and VA provides, an urn or plaque (see Box 11 above); and I understand that interment in other cemeteries may be affected by the provision of a VA commemorative urn or plaque.

I certify that I am the _____ (familial relationship) of the Veteran or Servicemember (see Information Sheet and "Who May Apply");

I certify that I am the family member authorized to make decisions about the disposition of the decedent's cremated remains;

I certify that I am in possession of the entirety of the remains; and

I certify, to the best of my knowledge, that the decedent has never committed a serious crime, such as murder or other offenses that could have resulted in imprisonment for life, has never been convicted of a serious crime, and has never been convicted of a sexual offense for which the Veteran was sentenced to a minimum of life imprisonment or a period of 99 years or more.

PENALTY: The law provides severe penalties, which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false or for the fraudulent acceptance of any benefit to which you are not entitled.

13. SIGNATURE OF APPLICANT	14. DATE *(MM/DD/YYYY)*

GENERAL INFORMATION SHEET

CLAIM FOR STANDARD GOVERNMENT HEADSTONE OR MARKER

RESPONDENT BURDEN - Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. VA cannot conduct or sponsor a collection of information unless it has a valid OMB number. Your response (per OMB guidance) is voluntary, however, your response is required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the VA Clearance Officer (005R1B), 810 Vermont Avenue, NW, Washington, DC 20420. Please DO NOT send claims for benefits to this address.

PRIVACY ACT - VA considers the responses you submit confidential (38 U.S.C. 5701). VA may only disclose this information outside the VA if the disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 48VA40B, published in the Federal Register. VA considers the requested information relevant and necessary to determine maximum benefits under the law.

BENEFIT PROVIDED

a. BURIAL HEADSTONE OR MARKER

For Veterans who died on or after November 1, 1990 - VA will furnish a burial headstone or marker for the grave of any eligible deceased Veteran in a private or local government cemetery regardless of whether or not the grave is marked with a privately-purchased, permanent and durable headstone or marker.

For Veterans who died before November 1, 1990 - VA will furnish a burial headstone or marker for the **UNMARKED GRAVE** of any eligible deceased Veteran. The applicant must certify by checking "NO" in block 4 that a privately-purchased, permanent and durable headstore or marker or Government-furnished headstone or marker is not present on the grave.

b. MEMORIAL HEADSTONE OR MARKER - VA will furnish a memorial headstone or marker to commemorate an eligible deceased Veteran whose remains have not been recovered or identified, were buried at sea, donated to science, or cremated and the remains scattered. VA will only furnish a memorial headstone or marker after the disposition of the Veteran's remains. Once provided by VA, a memorial headstone or marker **must be placed in an established cemetery**, and will not be used as a memento. For a memorial headstone or marker, the applicant must check box in block 2 and explain the disposition of the remains.

c. PRESIDENTIAL MEMORIAL CERTIFICATE - A Presidential Memorial Certificate (PMC) is an engraved paper certificate, bearing the signature of the current president, to honor the memory of Veterans discharged under other than dishonorable conditions. VA will provide the applicant with a PMC if the Veteran is eligible for a headstone, marker, or medallion. The applicant may request additional PMCs by indicating how many in block 22 of this form. Applicants may use a VA Form 40-0247, Presidential Memorial Certificate Request Form to order additional PMCs to other addresses.

WHO IS ELIGIBLE - Any deceased Veteran who was discharged under conditions other than dishonorable or any Servicemember of the Armed Forces of the United States who dies on active duty may be eligible. **Service after September 7, 1980, must be for a minimum of 24 months continuous active duty or be completed under special circumstances, e.g., death on active duty**. Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances, e.g., death while on active duty, or as a result of training. Reservists and National Guard members who, at time of death, were entitled to retired pay, or would have been entitled, but for being under the age of 60, are eligible; please submit a copy of the Reserve Retirement Eligibility Benefits Letter with the claim. Reservists called to active duty other than training and National Guard members who are Federalized and who serve for the period called are eligible. Service prior to World War I requires detailed military and burial documentation, e.g., muster rolls, extracts from State files, military or State organization where served, pension or land warrant, etc.

WHO CAN APPLY - Federal regulation defines "applicant" for a **Burial Headstone or Marker** that will mark the gravesite or burial site of an eligible deceased individual as:

(i) A decedent's family member, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent;
(ii) A personal representative, defined as a family member or other individual who has identified himself or herself as the person responsible for making decisions concerning the interment of the remains of or memorialization of a deceased individual;
(iii) A representative of a Congressionally-chartered Veterans Service Organization;
(iv) An individual employed by the relevant state, tribal organization, or local government whose official responsibilities include serving veterans and families of veterans, such as a state or county veterans service officer;
(v) Any individual who is responsible, under the laws of the relevant state or locality, for the disposition of the unclaimed remains of the decedent or for other matters relating to the interment or memorialization of the decedent; or
(vi) Any individual, if the dates of service of the veteran to be memorialized, or on whose service the eligibility of another individual for memorialization is based, ended prior to April 6, 1917.

Federal regulation defines "applicant" for a **Memorial Headstone or Marker** to commemorate an eligible individual as a member of the decedent's family, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent.

HOW TO SUBMIT A CLAIM

Please attach a copy of the deceased Veteran's discharge certificate (DD Form 214 or equivalent) the VA Pre-Need Eligibility Determination letter, or a copy of other official document(s) establishing qualifying military service. If you are unable to locate copies of military records, apply anyway, as VA will attempt to obtain records necessary to make an eligibility determination. **Do not send original documents**; they will not be returned.

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at access.va.gov. You will be instructed to register during your first sign-on attempt. **Multiple claims can be submitted electronically via Quick Submit.**

If you prefer, you may
MAIL claims to: NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

FAX VA Form 40-1330 claims and supporting documents to **1-800-455-7143**.
IMPORTANT: *If faxing more than one claim - fax each claim package (claim plus supporting documents) individually, i.e.,disconnect the call and redial for each submission.*

SIGNATURES REQUIRED - The applicant signs in block 23; the person agreeing to accept delivery (consignee) in block 27, and the cemetery or other responsible official in block 31. If there is no official on duty at the cemetery, the signature of the person responsible for the property listed in block 29 is required. VA will not accept entries of "None," "Not Applicable," or "NA". State Veterans' Cemeteries are not required to complete blocks 25 through 33.

ASSISTANCE NEEDED - Should you have questions when filling out this form, you may contact our Applicant Assistance Unit toll free at: 1-800-697-6947, or at: ask.va.gov. If additional assistance is needed to complete this claim, contact the nearest VA Regional Office, national cemetery, or a local veterans' organization. No fee should be paid in connection with the preparation of this claim.

TRANSPORTATION AND DELIVERY OF MARKER - VA will ship the headstone or marker without charge to the consignee designated. The truck driver is required to bring the pallet or monument to the end of the trailer. The consignee must utilize their equipment to unload the pallet or monument from the truck and inspect the headstone or marker for accuracy prior to installation. **VA will not deliver a headstone or marker to a Post Office box.** The applicant must provide the full delivery address and telephone number of the consignee. The applicant must explain in block 33 if the consignee is not a business. For delivery to a Rural Route address, the applicant must include a daytime telephone number including area code. If the applicant fails to include the required address and telephone number, VA will not deliver the marker. The Government is not responsible for costs to install or remove the headstone or marker in private cemeteries.

CAUTION *- To avoid delays in the production and delivery of the headstone or marker, please check carefully to be sure you have accurately furnished all required information before faxing or mailing the claim. If inaccurate information is furnished, it may result in an incorrectly inscribed headstone or marker. Headstones and markers furnished remain the property of the United States Government and may not be used for any purpose other than to be placed at an eligible individual's grave or in a memorial section within a cemetery.*

DETACH AND RETAIN THIS GENERAL INFORMATION SHEET FOR YOUR RECORDS.

VA FORM AUG 2022 **40-1330** **ALL PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE.**

ILLUSTRATIONS OF STANDARD GOVERNMENT HEADSTONES AND MARKERS

UPRIGHT HEADSTONE WHITE MARBLE (U) OR LIGHT GRAY GRANITE (V)



This headstone is 42 inches long, 13 inches wide and 4 inches thick. Weight is approximately 230 pounds. Variations may occur in stone color, and the marble may contain light to moderate veining. Additional inscription is limited to 15 characters (including spaces) up to four lines maximum.

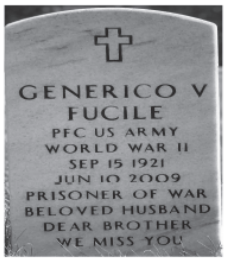


Spousal inscription information (i.e., name, date of birth, and date of death) is authorized on a Government-furnished headstone or marker if the Veteran's date of death is on or after October 1, 2019. For flat markers, the spousal information is inscribed at the bottom. For upright headstones, the spousal information is inscribed on the back.

BRONZE NICHE (Z)



This niche marker is 8-1/2 inches long, 5-1/2 inches wide, with 7/16 inch rise. Weight is approximately 3 pounds; mounting bolts and washers are furnished with the marker. Used for columbarium or mausoleum interment. Also provided to supplement a privately-purchased, permanent and durable headstone or marker for eligible Veterans who died on or after November 1, 1990 and are buried in a private cemetery. Additional inscription is limited to 27 characters (including spaces) up to two lines maximum.



VA will include a Prisoner of War (POW) or Former Prisoner of War (FPOW) inscription, upon request and with confirmation. Character and space limitations apply based on marker type.

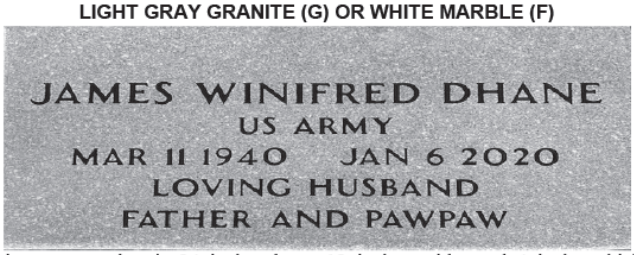
FLAT MARKERS

BRONZE (B)



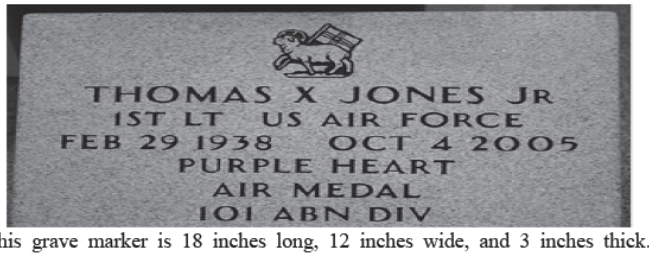
This grave marker is 24 inches long, 12 inches wide, with 3/4 inch rise. Weight is approximately 18 pounds. Anchor bolts, nuts and washers for fastening to a base are furnished with the marker. The base is not furnished by the Government. Additional inscription is limited to 27 characters (including spaces) up to two lines maximum.

LIGHT GRAY GRANITE (G) OR WHITE MARBLE (F)



This grave marker is 24 inches long, 12 inches wide, and 4 inches thick. Weight is approximately 130 pounds. Variations may occur in stone color; the marble may contain light to moderate veining. Additional inscription is limited to 27 characters (including spaces) up to two lines maximum.

SMALL FLAT GRANITE (L)



This grave marker is 18 inches long, 12 inches wide, and 3 inches thick. Weight is approximately 70 pounds. Variations may occur in stone color. Additional inscription is limited to 27 characters (including spaces) up to two lines maximum.

NOTE: Historic headstones (Prior to World War I) - In addition to the headstone and markers pictured, two special styles of upright headstones are available for those who served with Union Forces during the Civil War or for those who served in the Spanish-American War. Another style headstone is available for those who served with the Confederate States of America during the Civil War. The applicant must submit detailed documentation to VA that supports eligibility for a historic headstone. Inscriptions on these headstone types are intentionally limited to assure historic accuracy. For example, only ranks above 'Private' were historically authorized; emblems of belief and the words 'Civil War' are not authorized.

INSCRIPTION INFORMATION

MANDATORY ITEMS - Information in English about the decedent (provided by an authorized applicant). Such items are: Legal Name, Branch of Service, Year of Birth, Year of Death, and for State Veterans and National Cemeteries only, the section and grave number. Branches of Service include: U.S. Army (USA), U.S. Navy (USN), U.S. Air Force (USAF), U.S. Marine Corps (USMC), U.S. Coast Guard (USCG), U.S. Space Force (USSF), U.S. Army Air Forces (USAAF), Women's Army Auxiliary Corps (WAAC), U.S. Public Health Service (USPHS), National Oceanic & Atmospheric Administration (NOAA), Women's Air Force Service Pilots (WASP), and other organizations authorized for certain periods of time Different examples of inscription formats are illustrated above. More than one branch of service is permitted, subject to space availability. VA will inscribe the phrase "IN MEMORY OF" on all memorial headstones and markers, as required under 38 CFR 38.630(c).

OPTIONAL ITEMS - Information in English about the decedent (provided by an authorized applicant). Optional items are identified by bold blocks on this form. War service includes active duty service during a recognized period of war and the individual does not have to serve in the actual place of war, e.g., Korea may be inscribed if the Veteran served during the Korean War period, even though the individual never served in the country. VA will inscribe authorized country names (e.g., Afghanistan, Iraq, etc.) as the war service only if the individual served in country. The applicant must submit supporting documentation to VA to have the highest rank and/or awards inscribed on the headstone or marker.

ADDITIONAL ITEMS - Information in English or non-English text about the decedent (provided by an authorized applicant), consisting only of characters of the Latin alphabet and/or numbers. Examples of additional items include appropriate terms of endearment, nicknames (in expressions such as "OUR BELOVED POPPY"), military or civilian credentials or accomplishments such as DOCTOR, REVEREND, etc., and special unit designations such as WOMEN'S ARMY CORPS, ARMY AIR CORPS, ARMY NURSE CORPS or SEABEES. The applicant must request an additional inscription item in block 18, and each request is subject to VA approval. VA will not inscribe graphics, emblems or pictures. VA will inscribe authorized emblems of belief, the Medal of Honor, and the Southern Cross of Honor for Civil War Confederates.

INCOMPLETE OR INACCURATE INFORMATION ON THE CLAIM MAY RESULT IN ITS RETURN TO THE CLAIMANT, A DELAY IN RECEIPT OF THE HEADSTONE OR MARKER, OR AN INCORRECT INSCRIPTION.

Department of Veterans Affairs
National Cemetery Administration
Memorial Products Service

To: MEMORIAL PRODUCTS SERVICE (41B)
Quick Submit: access.va.gov or Fax Number: 1-800-455-7143
From:
Sender's Phone Number:
Sender's E-Mail Address:
Sender's Fax Number:
Total No. of Pages (including cover sheet):

This optional cover sheet is provided for your convenience.

Include all supporting documents with this application (i.e., DD Form 214 or equivalent discharge documents). If you do not have supporting documents, please submit your application anyway and VA will request documents from the National Personnel Records Center for you, if necessary. Please note, this may result in a longer processing time.

You may:

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at access.va.gov.
You will be instructed to register during your first sign-on attempt. **Multiple claims can be submitted electronically via Quick Submit.**

OR

MAIL claim to NCA FP EVIDENCE INTAKE CENTER
PO BOX 5237
JANESVILLE, WI 53547

OR

FAX VA Form 40-1330 and supporting documents to: 1-800-455-7143. This fax line is dedicated to the transmission of applications for the headstone, marker, or medallion. Applications for other Government benefits will not be accepted.
IMPORTANT: *If faxing more than one claim - fax each claim package (claim plus supporting documents) individually (disconnect the call and redial for each submission).*

Form approved, OMB No. 2900-0222
Expiration Date: Sept. 30, 2024
Respondent Burden: 15 minutes

VA U.S. Department of Veterans Affairs

CLAIM FOR STANDARD GOVERNMENT HEADSTONE OR MARKER

IMPORTANT: Please read the General Information Sheet before completing this form. Type or print clearly all information except for signatures. Illegible printing could result in an incorrect headstone or marker or delivery. Failure to complete each block may result in delayed processing. *Blocks outlined in bold are optional inscription items.* **PLEASE INCLUDE MILITARY DISCHARGE DOCUMENTS.**

1. TYPE OF REQUEST
☐ INITIAL REQUEST *(First time)*
☐ REPLACEMENT *(Specify reason in Block 33, Remarks)*

2. CHECK BOX IF REMAINS ARE NOT BURIED AND EXPLAIN IN BLOCK 33 *(e.g., buried at sea, remains scattered, etc.)*
☐ REMAINS NOT BURIED

3. NAME OF DECEASED TO BE INSCRIBED ON HEADSTONE OR MARKER *(No Nicknames or titles permitted)*

FIRST *(Or Initial)*	MIDDLE *(Or Initial)*	LAST	SUFFIX *(Sr., Jr., II, III, etc.)*

4. IS GRAVE CURRENTLY MARKED WITH A PRIVATELY PURCHASED, PERMANENT AND DURABLE MARKER
☐ YES ☐ NO

5. RACE OR ETHNICITY *(You may select more than one. Information will be used for statistical purposes only.)*
☐ ASIAN OR ASIAN AMERICAN
☐ AMERICAN INDIAN OR ALASKA NATIVE
☐ BLACK OR AFRICAN AMERICAN
☐ HISPANIC OR LATINO
☐ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
☐ NOT HISPANIC OR LATINO
☐ WHITE

6. SEX *(Information will be used for statistical purposes only.)*
☐ MALE
☐ UNSPECIFIED OR ANOTHER GENDER IDENTITY
☐ FEMALE

VETERAN'S SERVICE AND IDENTIFYING INFORMATION *(Use numbers only, e.g., 05-15-1941)*

7. VETERAN'S SOCIAL SECURITY NO. AND/OR SERVICE NO.
SSN: SVC. NO.:

8. PLACE OF BIRTH *(City and State or Country)*

9A. DATE OF BIRTH			9B. DATE OF DEATH		
MONTH	DAY	YEAR	MONTH	DAY	YEAR

PERIODS OF ACTIVE MILITARY DUTY *(For additional space use Block 33)*

10A. DATE(S) ENTERED			10B. DATE(S) SEPARATED		
MONTH	DAY	YEAR	MONTH	DAY	YEAR

11. HIGHEST RANK ATTAINED ***(Optional, but if included, no pay grades)***

12. PRISONER OF WAR *(Optional, but if included, documentation must be provided)*
☐ POW ☐ FORMER POW (FPOW)

13. BRANCH OF SERVICE *(Check applicable box(es) - must be consistent with rank in Box 11)*
☐ ARMY ☐ NAVY ☐ MARINE CORPS ☐ COAST GUARD ☐ AIR FORCE ☐ ARMY AIR FORCES ☐ MERCHANT MARINE ☐ SPACE FORCE ☐ PUBLIC HEALTH SVC. ☐ OTHER *(Specify)*

14. VALOR OR PURPLE HEART AWARD(S) ***(Optional, but if included, documentation must be provided)***
☐ MEDAL OF HONOR ☐ DST SVC CROSS ☐ SILVER STAR ☐ DST FLYING CROSS ☐ PURPLE HEART ☐ AIR MEDAL ☐ OTHER *(Specify)*

15. TYPE OF HEADSTONE OR MARKER REQUESTED *(Please ensure marker selection is permitted at selected cemetery.)* **(Check one)**
☐ FLAT BRONZE B ☐ FLAT GRANITE G ☐ UPRIGHT MARBLE U ☐ FLAT MARBLE F ☐ BRONZE NICHE Z ☐ UPRIGHT GRANITE V ☐ SMALL FLAT GRANITE L

16. WAR SERVICE *(Optional, but if included, check all applicable box(es))*
☐ WORLD WAR II ☐ PERSIAN GULF
☐ KOREA ☐ AFGHANISTAN
☐ VIETNAM ☐ IRAQ
☐ OTHER *(Specify)*

17. EMBLEM OF BELIEF *(Optional)*
EMBLEM NUMBER *(Specify)*
(See page 5 for available emblems)
☐ _____
☐ NONE

18. ADDITIONAL INSCRIPTION/TERM OF ENDEARMENT ***(Optional)*** *(Space will vary according to type of marker)*

19a. NAME AND MAILING ADDRESS OF APPLICANT *(No., Street, City, State, and ZIP Code)*

19b. DAYTIME OR CELL TELEPHONE NUMBER OF APPLICANT *(Include Area Code)*

19c. E-MAIL ADDRESS *(Optional)*

19d. FAX NO. *(Optional)*

20. APPLICANT IS:
☐ FAMILY MEMBER *(Specify relationship)* _____ ☐ VETERANS SERVICE OFFICER ☐ PERSONAL REPRESENTATIVE *(Person responsible for decisions concerning burial of decedent; include written authorization)*

21. IF REMAINS ARE UNCLAIMED, APPLICANT IS:
☐ FUNERAL HOME *(that received remains)* ☐ CEMETERY *(where remains are buried)*

22. PRESIDENTIAL MEMORIAL CERTIFICATE *(bearing the signature of the current President) the number you request to be mailed to you. VA will send one certificate if no quantity is indicated and "none" is not selected.*
_____ NUMBER REQUESTED ☐ NONE

CERTIFICATION: By signing below I certify the headstone or marker will be installed in the cemetery listed in block 29 at no expense to the Government and all information entered on this form is true and correct to the best of my knowledge. I also certify, to the best of my knowledge, that the decedent has never committed a serious crime, such as murder or other offense that could have resulted in imprisonment for life, has never been convicted of a serious crime, and has never been convicted of a sexual offense for which the Veteran was sentenced to a minimum of life imprisonment.

PENALTY: The law provides severe penalties, which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false or for the fraudulent acceptance of any benefit to which you are not entitled.

23. SIGNATURE OF APPLICANT

24. DATE *(MM/DD/YYYY)*

CERTIFICATION: By signing below I agree to accept prepaid delivery of the headstone or marker for placement on the gravesite for which it is requested, or if placement on the grave is impossible or impractical, as close to the grave as possible within the grounds of the private or local governmental cemetery where the grave is located.

25. NAME AND DELIVERY ADDRESS OF BUSINESS (CONSIGNEE) THAT WILL ACCEPT PREPAID DELIVERY *(No., Street, City, State, and ZIP Code; P.O. BOX IS NOT ACCEPTABLE)* **MUST SIGN IN BLOCK 27**

26. DAYTIME OR CELL PHONE NO. OF CONSIGNEE *(Include Area Code)*

27. **PRINTED NAME AND SIGNATURE** OF PERSON REPRESENTING BUSINESS (CONSIGNEE) NAMED IN BLOCK 25

28. DATE *(MM/DD/YYYY)*

CERTIFICATION: By signing below I certify the type and placement of the headstone or marker in block 15 adheres to the policies and guidelines of the selected private cemetery in block 25.

29. NAME AND ADDRESS OF CEMETERY OR FAMILY PLOT WHERE GRAVE IS LOCATED *(No., Street, City, State, and ZIP Code)* **MUST SIGN IN BLOCK 31**

30. DAYTIME PHONE NO. OF CEMETERY *(Include Area Code)*

31. **PRINTED NAME AND SIGNATURE** OF CEMETERY OR OTHER RESPONSIBLE OFFICIAL

32. DATE *(MM/DD/YYYY)*

33. REMARKS

34. STATION NO. *(State/Tribal Cemetery Only)*

35. SECTION/GRAVE NO. *(State/Tribal Cemetery Only)*

VA FORM AUG 2022 **40-1330**

ALL PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE

AVAILABLE EMBLEMS OF BELIEF FOR PLACEMENT ON GOVERNMENT HEADSTONES AND MARKERS *(See block 17)*



To obtain the most recent information about headstones and markers including the complete and most current list of available emblems of belief (listing and graphics), please visit our website at www.cem.va.gov.

VA FORM 40-1330, AUG 2022

GENERAL INFORMATION SHEET

CLAIM FOR GOVERNMENT MEDALLION TO AFFIX TO A PRIVATE MARKER

RESPONDENT BURDEN - Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. VA cannot conduct or sponsor a collection of information unless it has a valid OMB number. Your response is voluntary, however, your response is required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the VA Clearance Officer (005R1B), 810 Vermont Avenue, NW, Washington, DC 20420. Please DO NOT send applications for benefits to this address.

PRIVACY ACT - VA considers the responses you submit confidential (38 U.S.C. 5701). VA may only disclose this information outside the VA if the disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 48VA40B, published in the Federal Register. VA considers the requested information relevant and necessary to determine maximum benefits under the law.

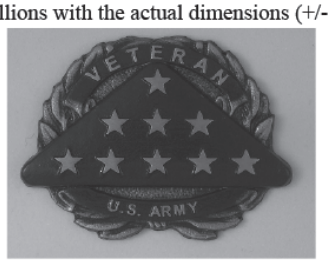
BENEFIT PROVIDED - MEDALLION (Only for eligible deceased Veterans who served in the Armed Forces on or after April 6, 1917, regardless of their date of death**)**

VA will furnish a medallion upon receipt of claim for affixing to an existing privately-purchased headstone or marker placed at the gravesite of an eligible deceased Veteran who is buried in a private or local Government cemetery. The medallion is made of bronze and available in three sizes: Large, Medium, Small. Each medallion is inscribed with the word VETERAN across the top and the Branch of Service at the bottom *(see Note in Block 10 of the claim for further information*).

Shown below are the three medallions with the actual dimensions (+/- 1/32") for width and height.



Large Medallion
Dimensions: 6 3/8" W, 4 3/4" H, 1/2" D



Medium Medallion
Dimensions: 3 3/4" W, 2 7/8" H, 1/4" D



Small Medallion
Dimensions: 2" W, 1 1/2" H, 1/3" D

WHO IS ELIGIBLE - Any deceased Veteran discharged under honorable conditions, who served in the Armed Forces on or after April 6, 1917, and is buried in a private cemetery in a grave marked with a privately purchased headstone or marker. Any Servicemember of the Armed Forces of the United States who served on or after April 6, 1917, and died on active duty and is buried in a private cemetery in a grave marked with a privately purchased headstone or marker. **Service after September 7, 1980, must be for a minimum of 24 months continuous active duty or be completed under special circumstances, e.g., death on active duty**. Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances, e.g., death while on active duty, or as a result of training. Reservists and National Guard members who, at time of death, were entitled to retired pay, or would have been entitled, but for being under the age of 60, are eligible; please submit a copy of the Reserve Retirement Eligibility Benefits Letter with the claim. Reservists called to active duty other than training and National Guard members who are Federalized and who serve for the period called are eligible.

WHO CAN APPLY - An "applicant" for a Medallion may be any of the following:

(i) A decedent's family member, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent;

(ii) A personal representative, defined as a family member or other individual who has identified himself or herself as the person responsible for making decisions concerning the interment of the remains of or memorialization of a deceased individual;

(iii) A representative of a Congressionally-chartered Veterans Service Organization;

(iv) An individual employed by the relevant state, tribal organization, or local government whose official responsibilities include serving veterans and families of veterans, such as a state or county veterans service officer; or

(v) Any individual who is responsible, under the laws of the relevant state or locality, for the disposition of the unclaimed remains of the decedent or for other matters relating to the interment or memorialization of the decedent.

PRESIDENTIAL MEMORIAL CERTIFICATE - A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed bearing the signature of the current president, to honor the memory of Veterans discharged under other than dishonorable conditions. VA will provide the applicant with a PMC if the Veteran is eligible for a headstone, marker, or medallion. The applicant may request additional PMCs by indicating how many in block 17 of this form. Applicants may use a VA Form 40-0247, Presidential Memorial Certificate Request Form to order additional PMCs to other addresses.

HOW TO SUBMIT A CLAIM - Please attach a copy of the deceased Veteran's discharge certificate (DD Form 214 or equivalent), the VA Pre-Need Eligibility Determination letter, or a copy of other official document(s) establishing qualifying military service. If you are unable to locate copies of military records, apply anyway, as VA will attempt to obtain records necessary to make an eligibility determination. **Do not send original document**s; they will not be returned.

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at access.va.gov. You will be instructed to register during your first sign-on attempt. **Multiple claims can be submitted electronically via Quick Submit.**

If you prefer, you may
MAIL claims to: NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

FAX VA Form 40-1330M claims and supporting documents to **1-800-455-7143**.
IMPORTANT: *If faxing more than one claim - fax each claim package (claim plus supporting documents) individually, i.e., disconnect the call and redial for each submission.*

VA will furnish a medallion only upon receipt of a fully completed and signed claim with required supporting documentation.

SIGNATURES REQUIRED - The claimant signs in block 18; the cemetery or other responsible official signs in block 23. If there is no official on duty at the cemetery, the signature of the person responsible for the property listed in block 22 is required. Entries of "None," "Not Applicable," or "NA" will not be accepted.

ASSISTANCE NEEDED - Should you have questions when filling out this form, you may contact our Applicant Assistance Unit toll free at: 1-800-697-6947, or at: **ask.va.gov** . If additional assistance is needed to complete this claim, contact the nearest VA Regional Office, national cemetery, or a local veterans' organization. No fee should be paid in connection with the preparation of this claim.

DELIVERY - VA will ship the medallion without charge to the name/address designated in Block 20. The Government is not responsible for costs associated with affixing the medallion to the privately purchased headstone or marker. Appropriate affixing adhesives, hardware and instructions will be provided with the medallion.

CAUTION *- To avoid delays in the production and delivery of the medallion, please check carefully to be sure you have accurately furnished all required information and documents before faxing or mailing the claim. The Government is not responsible for costs associated with affixing the medallion to the privately purchased headstone or marker. Medallions furnished remain the property of the United States Government and may not be used for any purpose other than to be affixed to the privately purchased headstone or marker of an eligible deceased Veteran buried in a private or local Government cemetery.*

DETACH AND RETAIN THIS GENERAL INFORMATION SHEET FOR YOUR RECORDS.

VA FORM
AUG 2022 **40-1330M**

ALL PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE

Department of Veterans Affairs
National Cemetery Administration
Memorial Products Service

To: MEMORIAL PRODUCTS SERVICE (41B)
Quick Submit: access.va.gov or Fax Number: 1-800-455-7143
From:
Sender's Phone Number:
Sender's Fax Number:
Total No. of Pages (including cover sheet):

This optional cover sheet is provided for your convenience.

Include all supporting documents with this application (i.e., DD Form 214 or equivalent discharge documents). If you do not have supporting documents, please submit your application anyway and VA will request documents from the National Personnel Records Center for you, if necessary. Please note, this may result in a longer processing time.

You may:

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at **access.va.gov**.
You will be instructed to register during your first sign-on attempt. **Multiple claims can be submitted electronically via Quick Submit.**

OR

MAIL claim to NCA FP EVIDENCE INTAKE CENTER
PO BOX 5237
JANESVILLE, WI 53547

OR

FAX VA Form 40-1330M and supporting documents to: 1-800-455-7143. This fax line is dedicated to the transmission of applications for the headstone, marker, or medallion. Applications for other Government benefits will not be accepted.
IMPORTANT: *If faxing more than one claim - fax each claim package (claim plus supporting documents) individually (disconnect the call and redial for each submission).*

Form approved, OMB No. 2900-0222
Expiration Date: Sept. 30, 2024
Respondent Burden: 15 minutes

VA U.S. Department of Veterans Affairs

CLAIM FOR GOVERNMENT MEDALLION FOR PLACEMENT IN A PRIVATE CEMETERY

IMPORTANT: Please read the General Information Sheet before completing this claim. Type or print clearly all information except for signatures. Illegible printing could result in incorrect delivery of the medallion. Failure to complete each block may result in delayed processing. **PLEASE INCLUDE MILITARY DISCHARGE DOCUMENTS.**

1. CHECK BOX BELOW IF REMAINS ARE NOT BURIED AND EXPLAIN BELOW *(e.g., buried at sea, remains scattered, etc.)*
☐ REMAINS NOT BURIED

2. NAME OF DECEASED VETERAN

FIRST *(Or Initial)*	MIDDLE *(Or Initial)*	LAST	SUFFIX

3. THERE MUST BE A SET HEADSTONE, MAUSOLEUM, OR CRYPT IN PLACE TO AFFIX THE MEDALLION. IS GRAVE CURRENTLY MARKED WITH A PRIVATELY PRUCHASED PERMANENTAND DURABLE MARKER?
☐ YES ☐ NO

4. RACE OR ETHNICITY *(You may select more than one. Information will be used for statistical purposes only.)*
☐ ASIAN OR ASIAN AMERICAN
☐ AMERICAN INDIAN OR ALASKA NATIVE
☐ BLACK OR AFRICAN AMERICAN
☐ HISPANIC OR LATINO
☐ NOT HISPANIC OR LATINO
☐ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
☐ WHITE

5. SEX *(Information will be used for statistical purposes only.)*
☐ MALE
☐ FEMALE
☐ UNSPECIFIED OR ANOTHER GENDER IDENTITY

VETERAN'S SERVICE AND IDENTIFYING INFORMATION *(Use numbers only, e.g., 05-15-1941)*

6. VETERAN'S SOCIAL SECURITY NO. AND/OR SERVICE NO.
SSN: SVC. NO.:

7. PLACE OF BIRTH *(City and State or Country)*

8A. DATE OF BIRTH			8B. DATE OF DEATH			PERIODS OF ACTIVE MILITARY DUTY					
						9A. DATE(S) ENTERED			9B. DATE(S) SEPARATED		
MONTH	DAY	YEAR	MONTH	DAY	YEAR	MONTH	DAY	YEAR	MONTH	DAY	YEAR

10. BRANCH OF SERVICE (BOS) *(Check applicable box(es))* ***NOTE:*** *If one BOS is selected, it will be spelled out on the medallion, i.e. U.S. ARMY, U.S. AIR FORCE, etc. If more than one BOS is selected, they will be abbreviated on the medallion, i.e. USA, USAF, USN, USMC, USCG, etc.*
☐ ARMY ☐ MARINE CORPS ☐ COAST GUARD ☐ MERCHANT MARINE ☐ NAVY ☐ AIR FORCE ☐ ARMY AIR FORCES (WWII)
☐ SPACE FORCE ☐ PUBLIC HEALTH SVC. ☐ NATL. OCEANIC AND ATMOSPHERIC ADMIN. ☐ OTHER *(Specify)*

11. MEDALLION SIZE REQUESTED *(Check one) (Refer to general information sheet for exact sizes)*
☐ LARGE (M5) ☐ MEDIUM (M3) ☐ SMALL (M1)

12. APPLICANT IS:
☐ FAMILY MEMBER *(Specify relationship)* _____
☐ VETERANS SERVICE OFFICER
☐ PERSONAL REPRESENTATIVE *(Person responsible for decisions concerning burial of decedent; include written authorization)*
☐ OTHER *(Specify)* _____

13. IF REMAINS ARE UNCLAIMED, APPLICANT IS:
☐ FUNERAL HOME *(that received remains)* ☐ CEMETERY *(where remains are buried)*

14. NAME AND MAILING ADDRESS OF APPLICANT *(No., Street, City, State, and ZIP Code)*	15. DAYTIME PHONE NO. OF APPLICANT	16. E-MAIL ADDRESS *(Optional)*

17. PRESIDENTIAL MEMORIAL CERTIFICATE *(bearing the signature of the current President) the number you request to be mailed to you. VA will send one certificate if no quantity is indicated and "none" is not selected.*
_____ NUMBER REQUESTED ☐ NONE

CERTIFICATION: By signing below I certify the medallion will be affixed to a privately purchased headstone or marker in the cemetery listed in Block 22 at no expense to the Government, and that I (or the party listed in Block 20) have agreed to accept delivery, and all information entered on this claim is true and correct to the best of my knowledge. I also certify, to the best of my knowledge, that the decedent has never committed a serious crime, such as murder or other offense that could have resulted in imprisonment for life, has never been convicted of a serious crime, and has never been convicted of a sexual offense for which the Veteran was sentenced to a minimum of life imprisonment.

PENALTY: The law provides severe penalties, which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false or for the fraudulent acceptance of any benefit to which you are not entitled.

18. SIGNATURE OF APPLICANT	19. DATE *(MM/DD/YYYY)*

20. NAME AND DELIVERY ADDRESS FOR MEDALLION *(No., Street, City, State, and ZIP Code); (If same as applicant, please enter SAME)*	21. DAYTIME PHONE NO. *(Include Area Code)*	22. NAME AND ADDRESS OF CEMETERY WHERE PRIVATELY PURCHASED HEADSTONE, MARKER, MAUSOLEUM, OR CRYPT TO AFFIX THE MEDALLION OF THE DECEASED VETERAN IS LOCATED *(No., Street, City, State, and ZIP Code)*

CERTIFICATION: By signing below I certify the size medallion indicated above is permitted in the cemetery.

23. SIGNATURE OF CEMETERY OFFICIAL	24. DATE *(MM/DD/YYYY)*

VA FORM AUG 2022 **40-1330M** **ALL PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE**

Form Approved, OMB No. 2900-0567
Expiration Date: Aug. 31, 2026
Respondent Burden: 3 Minutes

VA U.S. Department of Veterans Affairs

PRESIDENTIAL MEMORIAL CERTIFICATE REQUEST FORM

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average three minutes per response, including the time to review instructions, search existing data sources, gather the necessary data, and complete and review the collection of information. The obligation to respond is voluntary and not required to obtain or retain benefits. Statutory authority for the Presidential Memorial Certificate (PMC) Program is 38 U.S.C. 112. The information requested is approved under OMB Control Number 2900-0567, and is necessary to allow eligible recipients (next of kin, other relatives or friends) to request PMC.

The National Cemetery Administration does not give, sell or transfer any personal information outside of the agency. The Department of Veterans Affairs (VA) may not conduct or sponsor, and you are not required to respond to this collection of information unless it displays a valid OMB Control Number. Responding to this collection is voluntary. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to VA Clearance Officer (005R1B), 810 Vermont Avenue NW, Washington, DC 20420. **SEND COMMENTS ONLY.** *Please do not send applications for benefits to this address.*

SECTION I - INSTRUCTIONS FOR COMPLETING VA FORM 40-0247, PRESIDENTIAL MEMORIAL CERTIFICATE REQUEST FORM

Military/Discharge Documents: VA recommends that you attach photocopies of readily available supporting documents so that we can make the determination quickly. Documents may include the most recent discharge document (DD Form 214) showing active duty service records other than for training purposes, or active duty for a minimum of 24 continuous months for enlisted Servicemembers after September 7, 1980; for officers, after October 16, 1981, or the full period for which the person was called to active duty. If you are unable to locate copies of military records, apply anyway, as VA will attempt to obtain records necessary to make a determination.

Name of Veteran: DO NOT include nicknames, military rank or civilian title(s).

Name and Mailing Address of Person Requesting Certificate: Provide the full name and complete mailing address to avoid delays in delivery.

We strongly recommend you download this form online (http://www.cem.va.gov/pmc.asp), complete, sign, and electronically submit it.

For replacement Presidential Memorial Certificates, select the REPLACEMENT check box in 12. Type of Request and complete SECTION II - VETERAN/SERVICEMEMBER INFORMATION.

Complete a new VA Form 40-0247 for each additional address where certificates will be mailed to.

Privacy Act Information: VA considers the responses you submit confidential (38 U.S.C. 5701). VA may only disclose this information outside the VA if the disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 175VA41A published in the Federal Register.

SECTION II - VETERAN/SERVICEMEMBER INFORMATION

1. NAME OF VETERAN *(First, Middle, Last)*	2. VETERAN SSN OR SERVICE NUMBER OR VA FILE NUMBER *(Required)*

3. RACE OR ETHNICITY *(You may select more than one. Information will be used for statistical purposes only.)*

☐ AMERICAN INDIAN OR ALASKA NATIVE ☐ ASIAN OR ASIAN AMERICAN ☐ BLACK OR AFRICAN AMERICAN ☐ WHITE

☐ HISPANIC OR LATINO ☐ NOT HISPANIC OR LATINO ☐ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER

4. SEX *(Information will be used for statistical purposes only.)*

☐ MALE ☐ FEMALE ☐ UNSPECIFIED OR ANOTHER GENDER IDENTITY

5. DATE OF BIRTH	6. DATE OF DEATH	

SECTION III - PERSON REQUESTING CERTIFICATE INFORMATION

7. NAME OF PERSON REQUESTING CERTIFICATE	8. MAILING ADDRESS OF PERSON REQUESTING CERTIFICATE
9. HOME OR WORK TELEPHONE NUMBER *(Include area code)*	

10. REQUESTOR EMAIL ADDRESS	11. NUMBER OF CERTIFICATES REQUESTED	12. TYPE OF REQUEST
		☐ INITIAL REQUEST *(First time)* ☐ REPLACEMENT, REORDER, ADDITIONAL

SECTION IV - CERTIFICATION AND SIGNATURE

CERTIFICATION: I certify, to the best of my knowledge, that the decedent has never committed a serious crime, such as murder or other offense that could have resulted in imprisonment for life, has never been convicted of a serious crime, and has never been convicted of a sexual offense for which the decedent was sentenced to a minimum of life imprisonment.

13. SIGNATURE OF PERSON REQUESTING CERTIFICATE (*Required*)

SECTION V - SUBMITTING FORM AND DOCUMENTS

ELECTRONICALLY submit your claim and supporting documents by using Quick Submit at **access.va.gov**. You will be instructed to register during your first sign-on attempt.

Or

MAIL your claim and supporting documents to:
NCA FP Evidence Intake Center
PO Box 5237
Janesville, WI 53547

Or

FAX claim and supporting documents to:
1 (800) 455-7143

(The blocks below are for official use only)

14. CASE MANAGER NAME	15. PMC ID NUMBER	16. CASE MANAGER EMAIL

VA FORM JUN 2023 **40-0247**

ALL VERSIONS OF THIS FORM DATED BEFORE MAY 2013 WILL NOT BE ACCEPTED OR PROCESSED.

OMB Control No. 2900-0013
Respondent Burden: 15 Minutes
Expiration Date: 05/31/2027

Department of Veterans Affairs

APPLICATION FOR UNITED STATES FLAG FOR BURIAL PURPOSES

PRIVACY ACT NOTICE: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22/28, Compensation, Pension, Education, and Veteran Readiness and Employment Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. Giving us the veteran's SSN account information is voluntary. Refusal to provide the veteran's SSN by itself will not result in the denial of benefits. VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by a Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine entitlement to benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 2900-0013, and it expires 05/31/2027. Public reporting burden for this collection of information is estimated to average 15 minutes per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate and any other aspect of this collection of information, including suggestions for reducing the burden, to VA Reports Clearance Officer at VACOPaperworkReduAct@va.gov. Please refer to OMB Control No. 2900-0013 in any correspondence. Do not send your completed VA Form 27-2008 to this email address.

NOTE - The form is available to download at www.va.gov/vaforms or https://www.va.gov/burials-memorials/memorial-items/presidential-memorial-certificates/.

IMPORTANT - Postmaster or other issuing official: Submit this form by mail to the address shown under "**How to Submit**".

INFORMATION ABOUT THE DECEASED VETERAN *(Complete as much as possible)*
(Information provided is considered essential when applying for other VA benefits.)

1. FIRST, MIDDLE, LAST NAME OF VETERAN *(Print or type)*

2. MAIDEN NAME OR OTHER NAME(S) VETERAN USED WHILE ON ACTIVE DUTY *(Print or type)*

3. VA FILE NUMBER

4. SOCIAL SECURITY NUMBER

5. MILITARY SERVICE NUMBER/SERIAL NUMBER

6. BRANCH OF SERVICE *(Check box)*

☐ ARMY ☐ NAVY ☐ AIR FORCE ☐ SPACE FORCE ☐ MARINE CORPS
☐ COAST GUARD ☐ USPHS ☐ NOAA
☐ SELECTED SERVICE *(See Section C(3) on page 2):*
☐ OTHER *(See Section C(1) on page 2):*

7. DATE ENTERED ACTIVE DUTY *(or Selected Reserve) (MM/DD/YYYY)*

8. DATE RELEASED FROM ACTIVE DUTY *(or Selected Reserve) (MM/DD/YYYY)*

9. DATE OF BIRTH *(MM/DD/YYYY)*

10. DATE OF DEATH *(MM/DD/YYYY)*

11. DATE OF BURIAL *(MM/DD/YYYY)*

12. PLACE OF BURIAL *(Name of cemetery, city, and State)*

13. HAS DOCUMENTATION BEEN PRESENTED OR ATTACHED THAT SHOWS THE VETERAN MEETS THE ELIGIBILITY CRITERIA? *(See Paragraphs C, D, and E of the "Instructions")*

☐ YES ☐ NO *(If "No," explain in Item 15, "Remarks" (See paragraph E of the "Instructions"))*

INFORMATION ABOUT THE FLAG RECIPIENT AND APPLICANT

14A. NAME OF PERSON ENTITLED TO RECEIVE FLAG

14B. RELATIONSHIP OF DECEASED VETERAN *(See Paragraph F of the "Instructions")*

14C. ADDRESS OF PERSON ENTITLED TO RECEIVE FLAG *(Number and street or rural route, city or P.O., State and ZIP Code)*

14D. TELEPHONE NUMBER

15. REMARKS

I CERTIFY that the statements made in this document are true and complete to the best of my knowledge. I further certify that the deceased veteran is eligible, in accordance with the attached instructions, for issue of a United States flag for burial purposes, and such flag has not been previously applied for or furnished.

16. SIGNATURE OF APPLICANT *(Sign in INK)*

17. ADDRESS OF APPLICANT (*Number and street or rural route, city or P.O., State and ZIP Code)*

18. RELATIONSHIP TO DECEASED VETERAN

19. DATE SIGNED *(MM/DD/YYYY)*

PENALTY - **The law provides that whoever makes any statement of a material fact knowing it to be false shall be punished by a fine, imprisonment, or both.**

ACKNOWLEDGMENT OF RECEIPT OF FLAG *(ONLY ONE FLAG MAY BE ISSUED FOR EACH DECEASED VETERAN)*

20. SIGNATURE OF PERSON RECEIVING FLAG *(Sign in INK)*

21. DATE FLAG ISSUED *(MM/DD/YYYY)*

HOW TO SUBMIT

MAIL TO

When the burial flag is issued, send the completed VA Form 27-2008 to:
NCA Field Programs Evidence Intake Center
P. O. Box 5237
Janesville, WI 53547

INSTRUCTIONS

A. How can I contact VA if I have questions?

If you have questions about this form, how to fill it out, or about benefits, contact your nearest VA regional office. You can locate the address of the nearest regional office in your telephone book blue pages under "United States Government, Veterans" or call 1-800-827-1000 (Hearing Impaired TDD relay line is 711). You may also contact VA by Internet at https://ask.va.gov.

B. How do I apply for a burial flag?

Complete VA Form 27-2008, and submit it to any VA regional office or U.S. Post Office. When a burial is in a national, State, or military post cemetery, a burial flag will be provided by a funeral home.

NOTE: Applicants residing overseas can apply for burial flags at U.S. embassies and consulates.

C. Who is eligible for a burial flag?

Generally, veterans with an other than dishonorable discharge.

(1) This includes veterans who served in the Philippine military forces while such forces were in the service of the U.S. armed forces under the President's Order of July 26, 1941 and died on or after April 25, 1951, and veterans who served in the Philippine military services are eligible for burial in a national cemetery.

(2) Veterans who were entitled to retired pay for service in the reserves, or would have been entitled to such pay but not for being under 60 years of age.

(3) Members or former members of the Selected Reserve (Army, Air Force, Coast Guard, Marine Corps, or Naval Reserve; Air National Guard; or Army National Guard) who served at least one enlistment or, in the case of an officer, the period of initial obligation, or were discharged for disability incurred or aggravated in line of duty, or died while a member of the Selected Reserve.

D. Who is not eligible for a burial flag?

Veterans who received a dishonorable discharge.

- Members of the Selected Reserve whose last discharge from service was under conditions less favorable than honorable.
- Peacetime veterans who were discharged before June 27, 1950 and did not serve at least one complete enlistment or incur or aggravate a disability in the line of duty.
- Veterans who were convicted of a Federal capital crime and sentenced to death or life imprisonment, or were convicted of a State capital crime and sentenced to death or life imprisonment without parole, or were found to have committed a Federal or State capital crime but were not convicted by reason of not being available for trial due to death or flight to avoid prosecution.
- Discharged or rejected draftees, or members of the National Guard, who reported to camp in answer to the President's call for World War I service but who, when medically examined, were not finally accepted for military service.
- Persons who were discharged from World War I service prior to November 12, 1918, on their own application or solicitation by reason of being an alien, or any veterans discharged for alienage during a period of hostilities.
- Persons who served with any of the forces allied with the United States in any war, even though United States citizens, if they did not serve with the United States armed forces.
- Persons inducted for training and service who, before entering such training and service were transferred to the Enlisted Reserve Corps and given a furlough.
- Former temporary members of the United States Coast Guard Reserve.

E. What documentation is required in order to receive a burial flag?

Provide a copy of the veteran's discharge documents that shows service dates and the character of service, such as DD Form 214, or verification of service from the veteran's service department or VA. Various information requested, is considered essential to the proper processing of the application. Ensure these areas are completed as fully as possible.

NOTE: If the claimant is unable to provide documentary proof, a flag may be issued when a statement is made by a person of established character and reputation that he/she personally knows the deceased to have been a veteran who meets the eligibility criteria.

F. Who is eligible to receive a burial flag?

Only one flag may be issued for each deceased veteran. Generally, the flag is given to the next-of-kin as a keepsake after its use during the funeral service. The flag is given to the following person(s) in the order of precedence listed:

- surviving spouse
- children, according to age
- parents, including adoptive, stepparents, and foster parents
- brothers or sisters, including brothers or sisters of half blood
- uncles or aunts
- nephews or nieces
- others, such as cousins or grandparents

NOTE: When there is no next-of-kin, VA will furnish the flag to a friend making a request for it. If there is no living relative or one cannot be located, and no friend requests the flag, it must be returned to the nearest VA facility.

G. Can a burial flag be replaced?

VA cannot replace a burial flag if it is lost, destroyed or stolen. However, some veteran organizations or community groups may be able to help you get another flag.

ISSUING OFFICIAL WILL DETACH THIS SHEET AND PRESENT IT TO THE RECIPIENT OF THE FLAG

USE OF THE FLAG

1. This flag is issued on behalf of the Department of Veterans Affairs to honor the memory of one who has served our country.

2. When used to drape the casket, the flag should be placed as follows:

   (a) Closed Casket - When the flag is used to drape a closed casket, it should be so placed that the union (blue field) is at the head and over the left shoulder of the deceased.

   (b) Half Couch (Open) - When the flag is used to drape a half-couch casket, it should be placed in three layers to cover the closed half of the casket in such a manner that the blue field will be the top fold, next to the open portion of the casket on the deceased's left.

   (c) Full Couch (Open) - When the flag is used to drape a full-couch casket, it should be folded in a triangular shape and placed in the center part of the head panel of the casket cap, just above the left shoulder of the deceased.

3. During a military commitment ceremony, the flag which was used to drape the casket is held waist high over the grave by the pallbearers and, immediately after the sounding of "Taps," is folded in accordance with the illustration below.

4. Folding the flag (see illustration below):

5. The flag should not be lowered into the grave or allowed to touch the ground. When taken from the casket, it should be folded as shown (see illustration).

6. The flag should form a distinctive feature of the ceremony of the unveiling of a statue or monument, but it should never be used as a covering for the statue or monument.

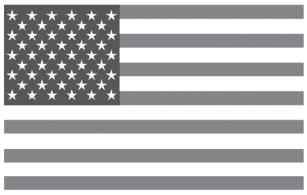
7. The flag should never be fastened, displayed, used, or stowed in such a manner as will permit it to be easily torn, soiled, or damaged in any way.

8. The flag should never have placed upon it, nor any part of it, nor attached to it, any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

9. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

10. The flag, when badly worn, torn, or soiled should no longer be publicly displayed, but privately destroyed by burning in such a manner as to convey no suggestion of disrespect or irreverence.

CORRECT METHOD OF FOLDING THE UNITED STATES FLAG



A)



(A) Straighten out the flag to full length and fold lengthwise once, folding the lower striped section of the flag over the blue field.

B)



(B) Fold the flag lengthwise a second time to meet the open edge, making sure that the union of stars on the blue field remains outward in full view.

C)



(C) A triangular fold is then started by bringing the striped corner of the folded edge to the open edge.

D)



(D) The outer point is then turned inward, parallel with the open edge to form a second triangle.



E)



(E) The diagonal or triangular folding is continued toward the blue union until the end is reached, with only the blue showing and the form being that of a cocked (three corner) hat.

ARLINGTON NATIONAL CEMETERY
HONOR · REMEMBER · EXPLORE

FACT SHEET
APRIL 2019

Military Funeral Honors at Arlington National Cemetery

Military funeral honors provided at Arlington National Cemetery differ from those provided at other national cemeteries. There are three types of burial honors rendered at Arlington: military funeral honors, military funeral honors with funeral escort, and dependent honors.

Every uniformed service member or veteran of the armed forces is eligible for military funeral honors, which are provided by the decedent's branch of service.

MILITARY FUNERAL HONORS

Enlisted service members WO-1 through CW-3, and O-1 through O-3, interred/inurned at Arlington National Cemetery will receive military funeral honors. The elements of military funeral honors include:

- A casket team (body bearers/pallbearers)
- A firing party
- A bugler
- Folding of and presentation of the U.S. flag



MILITARY FUNERAL HONORS WITH FUNERAL ESCORT

Those military members who attained the grade of E-9, CW-4 and CW-5, and O-4 and above, or service members regardless of rank who receive the Medal of Honor or who are killed in action, may receive military funeral honors with funeral escort.



The elements of military funeral honors with funeral escort include:

- A casket team (body bearers/pallbearers)
- A firing party
- A bugler
- Folding of and presentation of the U.S. flag
- A marching element (size varies according to rank of deceased)
- A military band



Those eligible for a funeral escort at Arlington National Cemetery may request the caisson, if available.

1 Memorial Avenue | Arlington, Virginia 22211 1-877-907-8585 | www.arlingtoncemetery.mil

ARLINGTON NATIONAL CEMETERY

HONOR · REMEMBER · EXPLORE

FACT SHEET

April 2019

Spouse and Dependent Honors

When a spouse or other eligible dependent of a current or former member of the armed forces is buried at Arlington, the military service in which the member served will provide a casket team or body bearer and a military chaplain, if requested. No other military funeral honors will be rendered unless the spouse also served in the military.

Military Chaplain Support

A military chaplain may be scheduled by the cemetery staff, if requested, unless a family minister is desired and provided by the primary next of kin or the funeral home.

Additional Funeral Elements



- Army and Marine Corps colonels and general officers may be provided a caparisoned (riderless) horse, if available.
- Army general officers may receive a battery cannon salute (17 guns for a four-star general, 15 for a three-star, 13 for a two-star, 11 for a one-star), if available.
- Minute guns may be used for general officers/flag officers of the Coast Guard, Marine Corps and Navy, if available.
- The president of the United States is entitled to a 21-gun salute, while other high state officials receive 19 guns.

Armed Forces Funeral Honors

Armed forces funeral honors are the same as military funeral honors with funeral escort, with the exception that escort platoons from *each* of the military services participate. These funerals are reserved for the President of the United States (as commander-in-chief), the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and officers granted multiple-service command.

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ARLINGTON NATIONAL CEMETERY
HONOR · REMEMBER · EXPLORE

FACT SHEET
JULY 2019

Private Markers

Since December 2017, Arlington National Cemetery (ANC) no longer accepts requests for new private markers. It is imperative that families do not create, order from a vendor or coordinate to install a private marker.

ANC no longer has appropriate space available for placement of new private markers due to extremely limited space in the thirteen authorized sections, and due to interment challenges—growth of trees, landscape provisions and safety concerns for families and staff—in older sections.

Families that currently have private markers, or foresee a secondary interment or inscription, are reminded that the perpetual care of these headstones is the family's responsibility.

Perpetual Care for Existing Private Markers

- Private markers are to be maintained by the estate or next-of-kin into perpetuity. This includes updating inscriptions for subsequent interments and replacing the private marker if it becomes unsightly or unsafe.
- The estate or next-of-kin must be willing and able to assume this long-term responsibility.
- Arlington National Cemetery may remove or replace a private marker with a government marker in the event that it becomes unsightly, unsafe or is not maintained. This includes updating inscriptions for subsequent decedents to ensure that the veteran and any interred family members are properly commemorated.
- The template for updated or replacement private markers must meet the specifications provided in the Arlington National Cemetery Memorialization Policy.
- Ledgers, markers of freestanding cross design, narrow shafts, mausoleums and over-ground vaults are prohibited.
- Any replacement of an existing private marker may not exceed four feet in width and four feet in height, including both the base and the die.

1 Memorial Avenue | Arlington, Virginia 22211 1-877-907-8585 | www.arlingtoncemetery.mil

ARLINGTON NATIONAL CEMETERY

HONOR · REMEMBER · EXPLORE

FACT SHEET

JULY 2019

GUIDELINES FOR PRIVATE MARKER INSCRIPTIONS

INSCRIPTION MUST INCLUDE:	PROHIBITED INSCRIPTIONS INCLUDE:
• Name of eligible service member • Full names for all decedents interred in the location • Dates of birth and death for all decedents interred in the location • Service information (rank, branch of service and qualifying awards) for all interred service members • Relationship to the veteran (spouse, child, etc.) for all interred non-service members • Section and grave number in the bottom left corner on the back of the marker	• Information for surviving spouses (markers may include space for a planned engraving for a surviving spouse) • Names of persons, organizations, fraternities or societies responsible for the purchase and erection of the private marker • Names of persons not interred in the location (with the exception of the eligible service member) • Text or images deemed to be disrespectful or not in accordance with National Shrine standards • Inscriptions utilizing a script other than the Latin alphabet

The estate or next-of-kin will be asked to approve the design of a government marker template, which will be used to order a government marker if the private marker is not maintained in accordance with the Arlington National Cemetery Memorialization Policy.

SECONDARY PRIVATE MARKER TEMPLATE REVIEW AND APPROVAL TIMELINES

To ensure that all decedents interred at Arlington National Cemetery are fully and properly commemorated in accordance with PL111-339, strict timelines for the update of private markers are included in the Arlington National Cemetery Memorialization Policy.

- Templates for inscription update requests must be provided to Arlington National Cemetery within 60 days of the subsequent interment.
- Inscription updates must be completed within 60 days of notification of approval.

Failure to meet these deadlines will result in the retraction of approval for the update and the setting of a government marker that fully commemorates all decedents interred in that location.

1 Memorial Avenue | Arlington, Virginia 22211 1-877-907-8585 | www.arlingtoncemetery.mil

ARLINGTON NATIONAL CEMETERY
HONOR · REMEMBER · EXPLORE

FACT SHEET
JUNE 2023

The Funeral Scheduling Process at Arlington National Cemetery

Caring for the nation's heroes and their families during their time of need is a sacred duty entrusted to the compassionate and dedicated work force at Arlington National Cemetery (ANC).

ANC is one of many beautiful options for families to consider when laying their loved one to rest. The Department of Veterans Affairs (VA) National Cemetery Administration maintains 87 national cemeteries in 42 states and Puerto Rico that are open for first interment or inurnments. Visit here for more information on these cemeteries.

The process of scheduling a veteran or eligible dependent's burial at ANC can be complex, as each request is truly unique. ANC oversees each family's case with the utmost care and professionalism to ensure their loved one is laid to rest with honor and dignity. Additionally, we strive to communicate effectively with families throughout each step of the process to help them understand the complexities of wait times and their options for scheduling a service.

Scheduling military funeral services at ANC is primarily influenced by three factors: the nature of the remains, the availability of military resources, and the preferences of the individual family. The limited availability of military personnel for funeral honors support, coupled with both an ever-increasing demand for interment/inurnment and an operational tempo of up to 30 funeral services per day at ANC, has greatly contributed to an increase in wait times to schedule a service at ANC. This has particularly affected wait times for resource-intensive services, such as military funeral honors with escort.

Services are prioritized for scheduling in the order that they are received. They are then placed into a queue based upon the nature of the remains (casketed or cremated). Currently, active-duty deaths and casketed remains are prioritized in the scheduling process. Burials for active-duty service members killed in action or who died of wounds can be accommodated immediately after receipt and review of all required documents. Additionally, ANC prioritizes casketed remains due to the health and safety factors involved in storing these remains, as well as the cost to families. Services for casketed remains are generally scheduled within two weeks of receipt of documents and eligibility determination. The service takes place when the military funeral honors resources, for which the veteran is eligible, are available.

For cremated remains, the current wait time for scheduling averages approximately 15 months for a service requiring military funeral honors with escort, military funeral honors service without escort or a dependent honors service. These wait times may vary according to service branch, due to the varying numbers of cases in the queue from each service branch.

If an immediate burial is required, families may wish to consider one of the Department of Veterans Affairs' national cemeteries and territorial and tribal veterans' cemeteries across the nation. These are wonderful alternatives, which allow families to be closer for visitation and offer the same iconic look as ANC.

For more information on how to schedule a funeral at Arlington National Cemetery, please see www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral.

1 Memorial Avenue | Arlington, Virginia 22211 1-877-907-8585 | www.arlingtoncemetery.mil

ARLINGTON NATIONAL CEMETERY
HONOR • REMEMBER • EXPLORE

FACT SHEET

APRIL 2024

U.S. ARMY

Extended Suspension of Caisson Platoon Funeral Operations at Arlington National Cemetery

The Army announced the extended suspension of caisson support to funerals services at Arlington National Cemetery. Though some families will be impacted by these changes, Arlington National Cemetery and the Army are working to minimize disruptions and ensure families can appropriately honor loved ones.

What will change without the caisson platoon?
Without the caisson platoon, veterans' remains will be transported to the gravesite by a hearse or cemetery representative vehicle. All other aspects of funeral honors with escort will remain in place, including the service band, escort platoon, firing party, body bearers, and bugler, as pictured on this page.

Why did the Army extend the suspension?
The initial suspension in caisson operations sought to provide the time necessary to allow horses with hoof, joint or muscle issues to have a more deliberate and adequate rest and rehabilitation cycle; however, veterinarians and the herd manager determined that additional time was required to provide the specialized care needed to rehabilitate the current herd adequately. This included the need to identify additional facilities and pastures, enhance training and modernize equipment and facilities to decrease future injuries.



Will any horses participate in funeral honors during this suspension?
Yes. As of late June 2023, a riderless horse is trailing the hearse in funerals for Army and Marine Corps officers who retired at O-6 and above if available.



Where can I obtain updates on the status of the caisson?

Arlington National Cemetery staff will inform families of the continued suspension during the funeral scheduling process.

As ANC has additional information to share on the availability of caisson funeral support, updates will be posted on the ANC website at: www.arlingtoncemetery.mil.

1 Memorial Avenue | Arlington, Virginia 22211 1-877-907-8585 | www.arlingtoncemetery.mil

National Cemetery Scheduling Office
(800) 535-1117

Before You Call Checklist

To help expedite your call to the National Cemetery Scheduling Office (NCSO), please obtain the information listed in the checklist below.

In advance of the call to schedule services, you may also fax discharge or other documents to (866) 900-6417.

Information Type	Information Details	Response
Cemetery Information		
National cemetery requested	Name of cemetery:	
Is this burial a first or second interment *If second (subsequent) interment, previous decedent information is required*	First or second:	
Previous Decedent Information		
Previous decedent's full name	First name, middle name, and last name:	
Previous decedent's social security number	Social security number:	
Previous decedent's date of birth	Date of birth:	
Previous decedent's date of death	Date of death:	
Veteran Information		
Veteran's full name	First name, middle name, and last name:	
Veteran's social security number	Social security number:	
Veteran's date of death	Date of death:	
Veteran's date of birth	Date of birth:	
Veteran's branch of service	Branch of service:	
Military rank	Rank:	
Marital status	Married/divorced/never married/widowed/other:	
Gender of Veteran - Male or Female	Male/female:	
Race of Veteran	Race:	
Decedent Information		
Relationship to Veteran	Self (Veteran)/spouse/child/other:	
Decedent's full name	First name, middle name, and last name:	
Decedent's social security number	Social security number:	
Date of birth	Date of birth:	
Date of death	Date of death:	
Decedent address	Address/state/zip code:	
Home of record in service area	Home within 75 miles of cemetery:	
Decedent Gender	Gender:	
Marital status	Married/divorced/never married/widowed/other:	
Funeral Home Information		
Funeral home name	Funeral home name:	
Funeral home identification number	Funeral home identification number:	
Funeral home address	Address/state/zip code:	
Funeral home contact full name	First name, middle name, and last name:	
Funeral home contact email address	Email address:	
Funeral home phone number	Phone number:	
Fax discharge documents and death certificate of Veteran and prior decedent, as applicable, to (866) 900-6417 *Death certificate of previous decedent is required to validate legal marital status, if documents are not available within NCSO records*		

Information Type	Information Details	Response
Marital Status and Surviving Spouse Information		
Surviving spouse information	First name, middle name, and last name:	
If no surviving spouse, name of decedent's next of kin	First name, middle name, and last name:	
Relationship to decedent	Spouse/child/other:	
Social security number of spouse	Social security number:	
Date of birth of spouse	Date of birth:	
Veteran status of spouse	Veteran status of spouse:	
Request for set-aside grave	Yes/no:	
Does the Veteran have any adult dependent children, who are mentally or physically disabled	Yes/no:	
Information Type	**Information Details**	**Response**
Adult Dependent Child		
Adult dependent child's full name	First name, middle name, and last name:	
Adult dependent child's social security number	Social security number:	
Adult dependent chiild's date of birth	Date of birth:	
Interment Details		
Type of remains	Casket/urn:	
Liner type	Standard government/private vault:	
Liner size: *Small - 60L x 20W x 18D* *Regular - 86L x 30W x 28D* *Extra Large - 86L x 38W x 28D* *Oversized - 88L x 34W x 27D* *Jumbo - 98L x 44W x 30D*	Small/regular/ extra large/oversized/jumbo:	
Urn dimensions: *Niche size - 9L x13W x18 D*	Dimensions:	
Federal Law Information		
Response to the question *"To the best of your knowledge, has the decedent ever **committed** a capital crime?"*	Yes/no:	
Response to the question *"To the best of your knowledge, has the decedent ever been **convicted** of a sexual offense of which he or she was sentenced to a minimum of life in prison?"*	Yes/no:	
Military Honors Information		
Request for military honors	Yes/no:	
Branch of service requested	Branch of service:	
Request for committal service	Yes/no:	
Emblem of Belief Information		
Request for a religious emblem of belief for the marker	Yes/no/not at this time:	
Selection of the emblem of belief	Selection:	
Scheduling Information		
Method of delivery to cemetery	Funeral home/family:	
Name of individual who is scheduling military honors	Name:	
Preferred date and time of the scheduled service	Date/time:	
Fax discharge documents and death certificate of Veteran and prior decedent, as applicable, to (866) 900-6417 *Death certificate of previous decedent is required to validate legal marital status, if documents are not available within NCSO records*		

Arlington National Cemetery
Public Disclosure Consent Form

The United States Army operates Arlington National Cemetery and the public has a right to information concerning requests for exception to burial policy. Therefore all parties requesting an exception for those persons who are not otherwise eligible for interment or inurnment in Arlington National Cemetery must consent to the release of the following information: the request submitted, to include the name of the requestor and the name of the person for whom the request for an exception was made, and the decision by the Army on that request.

Failure of the requestor to sign, notarize and return this document will prevent Arlington National Cemetery from processing the request for an exception.

The undersigned's signature constitutes acceptance of the terms established in the document.

_____	_____	_____
(Signature of Requestor)	(Printed Name of Requestor)	(Date)

Notary Information

PRIVACY ACT STATEMENT

GENERAL: This notice is provided pursuant to Public Law 93-579, Privacy Act of 1974, 5 U.S.C. Section 552a, for individuals supplying information in order to request an exception to burial policy at Arlington National Cemetery.

AUTHORITY: 32 CFR 553, AR 290-5

PURPOSE and USE(s): To ensure requestor understands that information regarding Arlington National Cemetery exception to policy requests is subject to public disclosure.

EFFECTS OF NON-DISCLOSURE: Disclosure is Voluntary. However, failure to provide all the requested information will not allow processing of the Exception to Burial Policy request.

Form Approved, OMB No. 2900-0799
Respondent Burden: 10 minutes
Expiration Date: July 31, 2026

VA | U.S. Department of Veterans Affairs

REQUEST FOR CASKET/URN ALLOWANCE

(For a deceased Veteran buried in a VA National, State, or Tribal Cemetery with no next-of-kin and insufficient resources for burial)

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average 10 minutes per response. Statutory authority for casket or urn allowance is 38 U.S.C. 2306 for deaths **occurring on or after January 10, 2014 if interred in a VA national cemetery or on or after December 14, 2016 if interred in a VA-funded State or Tribal cemetery.** The information requested is approved under OMB Control Number 2900-0799 and is necessary to allow a person authorized to purchase a casket or urn for the decedent to request allowance for the cost of such a burial receptacle. The National Cemetery Administration does not give, sell or transfer any personal information outside of the agency. VA may not conduct or sponsor, and you are not required to respond to, this collection of information unless it displays a valid OMB Control Number. Responding to this collection is voluntary.

PRIVACY ACT INFORMATION: VA is asking you to provide the information on this form under 38 U.S.C. Section 2306 in order for VA to obtain information sufficient to provide allowance for the purchase of a casket or an urn, if that Veteran has no next-of-kin that is willing or able to pay for the burial and insufficient resources for burial. VA may disclose the information that you put on the form as permitted by law. VA may make a "routine use" disclosure of the information as outlined in the applicable Privacy Act system of records notice (48VA40B, Veterans (Deceased) Headstone or Marker Records - VA, as published in the Federal Register on August 26, 1975, (40 FR 38095)). Providing the requested information is voluntary, but if any or all of the requested information is not provided, it may delay or result in denial of your request for allowance. VA may also use this information to identify Veterans and persons claiming or receiving VA benefits and their records and for other purposes authorized or required by law.

PART I - APPLICATION AND CERTIFICATION *(Completed by the Applicant)*

INSTRUCTIONS FOR SUBMITTING A REQUEST FOR ALLOWANCE: Type or print clearly all information required. This part serves as a means for applicants to certify information that is necessary to claim allowance for a casket or urn purchased for unclaimed deceased Veterans with insufficient resources for burial. To apply for allowance, applications should be submitted to the National Cemetery Administration Finance Service **via fax 314-416-6340** or **via mail to Department of Veterans Affairs, Attention: NCA Finance Services, P.O. Box 141, Triangle, VA 22172.**

Applicants must also have a Vendor ID on file with the VA Finance Service Center (FCS). Applicants who do not have a Vendor ID may submit, either before or after the interment, a completed and signed FSC Vendor File Request Form (VA Form 10091) to the NCA Finance Service at the above address (**Attention: Casket and Urn Program**). Applicants may download the form at **http://vaww.va.gov/vaforms/va/pdf/VA10091.pdf.**

PLEASE NOTE: VA will not process the allowance request unless the applicant has completed all requirements in Parts I of this form and submitted all required documentation for allowance.

1. NAME OF DECEASED VETERAN	2. SOCIAL SECURITY NUMBER	3. SERVICE NUMBER *(If available)*	4. DATE OF DEATH

5. RACE OR ETHNICITY *(Optional. You may select more than one. Information will be used for statistical purposes only.)*

☐ AMERICAN INDIAN OR ALASKA NATIVE ☐ ASIAN OR ASIAN AMERICAN ☐ BLACK OR AFRICAN AMERICAN ☐ HISPANIC OR LATINO
☐ NOT HISPANIC OR LATINO ☐ NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ☐ WHITE

6. SEX *(Optional. Information will be used for statistical purposes only)*	7. AGE AT TIME OF DEATH (*Optional*)
☐ MALE ☐ FEMALE ☐ UNSPECIFIED OR ANOTHER GENDER IDENTITY	

8. NAME OF FUNERAL HOME REPRESENTATIVE *(If applicable)*	10. ADDRESS OF FUNERAL HOME
9. TELEPHONE NUMBER OF FUNERAL HOME	
11. NAME OF APPLICANT	13. ADDRESS OF APPLICANT
12. TELEPHONE NUMBER OF APPLICANT	
14. APPLICANT E-MAIL ADDRESS *(Optional)*	

15. PLEASE INCLUDE THE FOLLOWING ATTACHMENTS. *(Please ensure decedent's name and/or DECEDENT ID appears on each attachment.)*

☐ SUPPORTING DOCUMENTS REFLECTING NO NEXT-OF-KIN WAS LOCATED

☐ FSC VENDOR FILE REQUEST FORM (VA FORM 10091) *If previously enrolled provide Vendor ID:* _____

VA FORM APR 2023 **40-10088**

By signing below I certify the following:

I. I cannot identify the Veteran's next-of-kin or an identified next of kin is unwilling or unable to assume responsibility for the deceased Veteran's burial arrangements.

II. I have followed applicable state or local law relating to the disposition of unclaimed remains.

III. To the best of my knowledge, sufficient resources are otherwise unavailable to furnish the casket or urn.

16. SIGNATURE OF PERSON AUTHORIZED TO CERTIFY *(Ink signature)*	17. DATE

PENALTY -The law provides severe penalties, which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false, or for the fraudulent acceptance of any benefit to which you are not entitled.

PART II - CEMETERY OFFICIAL OBSERVATION OF BURIAL CONTAINER

(For Completion by VA National, State, or Tribal Cemetery Official)

1. BEFORE ALLOWANCE FOR THE CASKET OR URN CAN BE PROCESSED, ALL OF THE FOLLOWING QUALITY STANDARDS FOR THE BURIAL RECEPTABLE MUST BE OBSERVED:

☐ **CASKET**

- ☐ STANDARD SIZE *(Exterior dimensions are generally 82 X 28 inches)*
- ☐ CONSTRUCTED OF 20 GAUGE OR THICKER METAL
- ☐ IS NOT LEAKING
- ☐ HAS FIXED RAILS OR SWING ARM HANDLES
- ☐ HOLDS THE WEIGHT OF THE DECEDENT'S REMAINS

☐ **URN**
(Must be of durable material. Select one)

- ☐ PLASTIC ☐ METAL ☐ OTHER
- ☐ WOOD ☐ CERAMIC/STONE
- ☐ SEALED, NOT LEAKING

☐ THE CASKET/URN EXHIBITS ALL OF THE LISTED QUALITY STANDARDS

☐ THE CASKET/URN DOES NOT EXHIBIT ALL OF THE LISTED QUALITY STANDARDS *(Please Explain)* _____

2. PRINTED NAME OF VA NATIONAL, STATE, OR TRIBAL CEMETERY OFFICIAL	3. CEMETERY NAME
4. CEMETERY STATION NUMBER	5. CEMETERY STATE

6. SIGNATURE OF VA NATIONAL, STATE OR TRIBAL CEMETERY OFFICIAL *(Ink signature)*	7. DATE
8. APPLICANT ACKNOWLEDGMENT OF OBSERVATIONS (SIGNATURE) *(Ink signature)*	9. DATE

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OSHA's Mission
OSHA's mission is to assure America's workers have safe and healthful working conditions free from unlawful retaliation. OSHA carries out its mission by setting and enforcing standards; enforcing anti-retaliation provisions of the OSH Act and other federal whistleblower laws; providing and supporting training, outreach, education, and assistance; and ensuring state OSHA programs are at least as effective as federal OSHA, furthering a national system of worker safety and health protections.

Organization
OSHA is part of the United States Department of Labor. The administrator for OSHA is the Assistant Secretary of Labor for Occupational Safety and Health. OSHA's administrator answers to the Secretary of Labor, who is a member of the cabinet of the President of the United States.

OSHA Coverage
The OSH Act covers most private sector employers and their workers, in addition to some public sector employers and workers in the 50 states and certain territories and jurisdictions under federal authority. Those jurisdictions include the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Northern Mariana Islands, Wake Island, Johnston Island, and the Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act.

Employer Responsibilities
Under the Occupational Safety and Health Act of 1970, employers have a responsibility to provide a safe workplace.

OSHA covers most private sector employers and their workers in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA-approved state program. Those not covered by the OSH Act include: self-employed workers, immediate family members of farm employers, and workers whose hazards are regulated by another federal agency.

- See key employer responsibilities.
- Understand your workers' rights.
- Use the Compliance Assistance Quick Start to generate an initial set of compliance assistance materials tailored to your workplace.
- Learn about OSHA rules/regulations, enforcement and inspections (video).

Compliance Assistance, Education, and Training
OSHA is committed to giving employers and workers the knowledge and tools they need to comply with their obligations and stay safe. Investments in worker safety and health can also reduce injuries and illnesses, and produce significant improvements to an organization's productivity and profitability.

OSHA services include:
- Compliance Assistance Specialists
- On-Site Consultation Program, a no-cost and confidential service for small and medium-sized businesses
- OSHA Outreach Training Program (10/30 hour cards) and OSHA Training Institute Education Centers

Employers may also want to learn about:
- The Small Business Safety and Health Handbook and other Small Business Resources
- The Business Case for Safety and Health and the $afety Pays Program
- Recommend Practices for Safety and Health Programs and the Safe + Sound Campaign
- OSHA's Cooperative Programs
- OSHA Publications and Videos
- Best Practices to Prevent & Address Retaliation

Contact OSHA
Contact OSHA toll-free at 1-800-321-6742 (OSHA) or by email (https://www.osha.gov/form/ecorrespondence).

You can also find your nearest federal or State Plan office and consultation program here (https://www.osha.gov/contactus/bystate).

Federal law entitles you to a safe workplace. Your employer must keep your workplace free of known health and safety hazards. You have the right to speak up about hazards without fear of retaliation. You also have the right to:
- Receive workplace safety and health training in a language you understand
- Work on machines that are safe
- Refuse to work in a situation in which you would be exposed to a hazard
- Receive required safety equipment, such as gloves or a harness and lifeline for falls
- Be protected from toxic chemicals
- Request an OSHA inspection, and speak to the inspector
- Report an injury or illness, and get copies of your medical records
- Review records of work-related injuries and illnesses
- See results of tests taken to find workplace hazards

Employer Responsibilities
- Under the OSH law, employers have a responsibility to provide a safe workplace. This is a short summary of key employer responsibilities:
- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- Examine workplace conditions to make sure they conform to ap-

plicable OSHA standards.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Employers must provide safety training in a language and vocabulary workers can understand.
- Employers with hazardous chemicals in the workplace must develop and implement a written hazard communication program and train employees on the hazards they are exposed to and proper precautions (and a copy of safety data sheets must be readily available). See the OSHA page on Hazard Communication.
- Provide medical examinations and training when required by OSHA standards.
- Post, at a prominent location within the workplace, the OSHA poster (or the state-plan equivalent) informing employees of their rights and responsibilities.
- Report to the nearest OSHA office all work-related fatalities within 8 hours, and all work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours. Call our toll-free number: 1-800-321-OSHA (6742); TTY 1-877-889-5627. [Employers under federal OSHA's jurisdiction were required to begin reporting by Jan. 1, 2015. Establishments in a state with a state-run OSHA program should contact their state plan for the implementation date].
- Keep records of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this requirement.
- Provide employees, former employees and their representatives access to the Log of Work-Related Injuries and Illnesses (OSHA Form 300). On February 1, and for three months, covered employers must post the summary of the OSHA log of injuries and illnesses (OSHA Form 300A).
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act. See our "Whistleblower Protection" webpage.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.
- OSHA encourages all employers to adopt a safety and health program. Safety and health programs, known by a variety of names, are universal interventions that can substantially reduce the number and severity of workplace injuries and alleviate the associated financial burdens on U.S. workplaces. Many states have requirements or voluntary guidelines for workplace safety and health programs. Also, numerous employers in the United States already manage safety using safety and health programs, and we believe that all employers can and should do the same. Most successful safety and health programs are based on a common set of key elements. These include management leadership, worker participation, and a systematic approach to finding and fixing hazards. OSHA's Safe and Sound page contains more information.

- For more information, refer to the following online publications and resources.
    - All About OSHA
    - OSHA Inspections
    - Top Ten OSHA Standards Cited
- For more information, see OSHA's enforcement page

Bloodborne Pathogens Standard
OSHA Directive for Bloodborne Pathogens Standard
(https://www.osha.gov/SLTC/bloodbornepathogens/index.html**)**

What are bloodborne pathogens?
Bloodborne pathogens are infectious microorganisms in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B (HBV), hepatitis C (HCV) and human immunodeficiency virus (HIV). Needlesticks and other sharps-related injuries may expose workers to bloodborne pathogens. Workers in many occupations, including first responders, housekeeping personnel in some industries, nurses and other healthcare personnel, all may be at risk for exposure to bloodborne pathogens.

What can be done to control exposure to bloodborne pathogens?
In order to reduce or eliminate the hazards of occupational exposure to bloodborne pathogens, an employer must implement an exposure control plan for the worksite with details on employee protection measures. The plan must also describe how an employer will use engineering and work practice controls, personal protective clothing and equipment, employee training, medical surveillance, hepatitis B vaccinations, and other provisions as required by OSHA's Bloodborne Pathogens Standard (29 CFR 1910.1030). Engineering controls are the primary means of eliminating or minimizing employee exposure and include the use of safer medical devices, such as needleless devices, shielded needle devices, and plastic capillary tubes.

Inspections
Brochure: Employer Rights and Responsibilities Following a Federal OSHA Inspection
(https://www.osha.gov/pls/publications/publication.html)

Visit the Small Business Resource section on the OSHA website to learn more.
(https://www.osha.gov/dcsp/smallbusiness/index.html)

Hazard Communication Standard
Hazard Communication Standard Guide
The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This update to the Hazard Communication Standard (HCS) will provide a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets. This update will also help reduce trade barriers and result in productivity improvements for American businesses that regularly handle, store, and use hazardous chemicals while providing cost savings for American businesses that periodically update safety data sheets and labels for chemicals covered under the hazard communication standard.

Enforcement Guide for the Hazard Communication Standard's (HCS) June 1, 2015 Effective Date
(https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-079.pdf)

OSHA Hazard Communication Standard
(https://www.osha.gov/dsg/hazcom/)

Hazard Communication Standard
In order to ensure chemical safety in the workplace, information about the identities and hazards of the chemicals must be available and understandable to workers. OSHA's Hazard Communication Standard (HCS) requires the development and dissemination of such information:
- Chemical manufacturers and importers are required to evaluate

the hazards of the chemicals they produce or import, and prepare labels and safety data sheets to convey the hazard information to their downstream customers;
- All employers with hazardous chemicals in their workplaces must have labels and safety data sheets for their exposed workers, and train them to handle the chemicals appropriately.

Major changes to the Hazard Communication Standard
- **Hazard classification**: Provides specific criteria for classification of health and physical hazards, as well as classification of mixtures.
- **Labels**: Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
- **Safety Data Sheets**: Will now have a specified 16-section format.
- **Information and training**: Employers are required to train workers on the new labels elements and safety data sheets format to facilitate recognition and understanding.

Whistleblower Protection Program
Whistleblower Protection
OSHA's Whistleblower Protection Program enforces protections for employees who suffer retaliation for engaging in protected activities under more than 20 federal laws.

The investigation of complaints of retaliation against employees is conducted by investigators in OSHA's regions. OSHA's investigators are neutral fact finders; they do not work for either the complainant or respondent (employer).

In addition to OSHA, the agencies below provide anti-retaliation protections in various capacities:

The **U.S. Equal Employment Opportunity Commission (EEOC)** enforces laws that prohibit discrimination against employees because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information, and retaliation against employees for opposing such discrimination. To learn more about EEOC's laws, or to file a complaint, visit www.eeoc.gov or call 1-800-669-4000.

The **Wage and Hour Division (WHD)** of the U.S. Department of Labor enforces Federal laws on the minimum wage, overtime pay, wage recordkeeping, and child labor requirements of the Fair Labor Standards Act. WHD also enforces the Family and Medical Leave Act, migrant and seasonal worker protections, worker protections in certain temporary guest worker programs, and the prevailing wages for government-funded service and construction contracts. To learn more about WHD's laws, or to file a complaint, visit www.dol.gov/whd or call 1-866-4-USWAGE (1-866-487-9243).

The **National Labor Relations Board (NLRB)** protects the rights of most private-sector employees to join together, with or without a union, to improve their wages and working conditions. To learn more about NLRB's laws, or to file a charge, visit www.nlrb.gov or call 1-866-667-NLRB (6572).
.
Protection from Workplace Retaliation
An employer cannot take an adverse action against employees, such as: firing or laying off, demoting, denying overtime or promotion, or reducing pay or hours, for engaging in activities protected by OSHA's whistleblower laws.

The whistleblower laws that OSHA enforces prohibit employers from retaliating against employees for engaging in activities protected under those laws.

What is retaliation?
Retaliation occurs when an employer (through a manager, supervisor, or administrator) fires an employee or takes any other type of adverse action against an employee for engaging in protected activity.

What is an adverse action?
An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity. Retaliation harms individual employees and can have a negative impact on overall employee morale. Because an adverse action can be subtle, such as excluding employees from important meetings, it may not always be easy to recognize.

Adverse actions may include actions such as:
- Firing or laying off
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation or harassment
- Making threats
- Reassignment to a less desirable position or actions affecting prospects for promotion (such as excluding an employee from training meetings)
- Reducing or changing pay or hours
- More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment)
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity)
- Reporting or threatening to report an employee to the police or immigration authorities

Are temporary workers protected from retaliation?
When a staffing agency supplies temporary workers to a business, both the staffing agency and its client (commonly referred to as the host employer) may be held legally responsible for retaliating against workers. For additional information on whistleblower protection rights of temporary workers, please see OSHA's Temporary Worker Initiative Bulletin No. 3 – Whistleblower Protection Rights.

How to File a Whistleblower Complaint
You have the right to file a whistleblower complaint with OSHA if you believe your employer retaliated against you for exercising your rights as an employee under the whistleblower protection laws enforced by OSHA. In States with OSHA-approved State Plans, employees may file complaints under section 11(c) of the Occupational Safety and Health Act with Federal OSHA and with the State Plan under its equivalent statutory provision.

Time Limits for Filing a Complaint
OSHA administers more than 20 whistleblower statutes, with varying time limits for filing. The time frame for filing a complaint begins when the adverse action, such as a firing, occurs and is communicated to the employee. The varying time frames are as follows:

30 Days
- Section 11(c) of the Occupational Safety and Health Act (OSH Act)
- Clean Air Act (CAA)

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Federal Water Pollution Control Act (FWPCA)
- Safe Drinking Water Act (SDWA)
- Solid Waste Disposal Act (SWDA)
- Toxic Substances Control Act (TSCA)

60 Days
- International Safe Container Act (ISCA)

90 Days
- Anti-Money Laundering Act (AMLA)
- Asbestos Hazard Emergency Response Act (AHERA)
- Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21)

180 Days
- Affordable Care Act (ACA)
- Consumer Financial Protection Act (CFPA)
- Consumer Product Safety Improvement Act (CPSIA)
- Criminal Antitrust Anti-Retaliation Act (CAARA)
- Energy Reorganization Act of 1974, as amended by the Energy Policy Act of 2005 (ERA)
- Federal Railroad Safety Act (FRA)
- FDA Food Safety Modernization Act (FSMA)
- Moving Ahead for Progress in the 21st Century Act (MAP-21)
- National Transit Systems Security Act (NTSSA)
- Pipeline Safety Improvement Act (PSIA)
- Sarbanes-Oxley Act (SOX)
- Seaman's Protection Act (SPA)
- Surface Transportation Assistance Act (STAA)
- Taxpayer First Act (TFA)

Read more information on the statutes enforced by OSHA.

Ways to File a Complaint
You may file your whistleblower complaint using any of these filing options:

1. **Online** - Use the Online Whistleblower Complaint Form to submit your complaint to OSHA. Complaints received online from employees located in States with OSHA-approved State Plans will be forwarded to the appropriate State Plan for response.
2. **Fax/Mail/Email** – Fax, mail, or email a letter describing your complaint, or a printed copy of your completed Online Whistleblower Complaint Form to your local OSHA Regional or Area Office. Please make sure that your correspondence includes your name, mailing address, email address, and telephone or fax number so we can contact you to follow up.
3. **Telephone** - Call your local OSHA Regional or Area Office. OSHA staff can discuss your complaint with you and respond to any questions you may have.
4. **In person** – Visit your local OSHA Regional or Area Office. OSHA staff can accept your verbal or written complaint and provide information as needed.

OSHA accepts complaints in any language. If you need assistance, such as a foreign language interpreter, please contact your local OSHA Regional or Area Office.
If you would like more information on how to file a safety and health complaint, see OSHA's File a Complaint page.

Helpful Information to Have When You File a Complaint
None of these items are required, but they are helpful to the investigator who will be investigating your complaint:

- Documentation regarding additional complaints, such as a safety or health complaint or other statutorily protected complaint with OSHA or another enforcement agency
- Copies of any relevant, lawfully obtained documents, such as emails, phone records, text messages, activity logs, meeting notes, work orders, letters, or memoranda, related to your complaint
- Copies of any hiring and/or termination letters
- A copy of the employer's handbook for employees and/or collective bargaining agreement
- Copies of any disciplinary action(s) that you received during your employment
- A current description of your job
- A list of names and telephone numbers of the potential witnesses who can confirm your allegations. Please include a brief summary of what you believe each witness may know.
- The names, titles, and contact information for the management officials who made the personnel decision that you are complaining about
- The names, titles, and contact information for the individuals who processed the paperwork regarding the personnel decision at issue (secretarial, clerical, or human resources personnel)
- Copies of your last five (5) pay stubs
- Copies of documents from any other proceedings (for example, EEOC complaints or lawsuits) between you and the company
- Copies of all documents from unemployment or worker's compensation proceedings related to the incident(s) discussed in your complaint

Procedures
OSHA conducts an interview of each complainant to determine the need for an investigation. If OSHA conducts an investigation, it will also obtain information from the employer and witnesses as needed. If evidence supports the employee's claim of retaliation, OSHA will take action that may include requiring the employer to restore the employee's job, earnings, and benefits, as well as granting other appropriate relief. Additional information about the investigation can be found here.

The procedures for investigating workplace retaliation complaints are contained in the OSHA Whistleblower Investigations Manual.

Distracted Driving
What is Distracted Driving?
Distracted driving is any non-driving activity that a driver participates in that distracts him or her from driving. Distracted driving has dangerous and often fatal consequences. When drivers are distracted, they are 23 times more likely to be involved in a crash.

Main Types of Driver Distraction
There are three types of distracted driving.

1. **Cognitive** distraction is taking your mind off the road.
2. **Visual** distraction is taking your eyes off the road.
3. **Manual** distraction is taking your hands off the wheel.

Distracted Driving Activities
There are a number of activities that are likely to distract drivers. Some common distracted driving activities include the following: Using a cell phone to talk, text, email or browse the Internet;

- Eating or drinking
- Talking to passengers
- Grooming (e.g., applying make-up, brushing hair, flossing, etc.)
- Reading, including maps
- Using a navigation system (GPS)
- Watching a video and
- Changing the radio station, CD or Mp3 player

While all distracted driving activities are dangerous: **EXPERTS SAY TEXTING WHILE DRIVING IS THE MOST ALARMING** because it involves all three types of distraction--cognitive, visual and manual. Ac-

cording to the U.S. Department of Transportation, when a motorist texts and drives, they are 23 times more likely to be involved in a crash than drivers who are not distracted.

Not only is texting or reading messages while driving dangerous, **IT'S AGAINST THE LAW.**

Texting While Driving
As of July 1, 2011, it is unlawful to type, transmit, or read e-mail or text messages on a communication device while driving in Indiana. Violators may potentially face fines of up to $500.

Driver Distraction & Electronic Device Use
Using a cell phone while driving creates enormous potential for deaths and injuries on U.S. roads. In 2022, 3,308 people were killed in motor vehicle crashes involving distracted drivers.

Indiana Distracted Driving Laws
Hand-Held Ban?
Yes. Primary law.

All Cell Phone Ban? School Bus Drivers
No

All Cell Phone Ban? Novice Drivers
Drivers under 21. Primary law.

Text Messaging Ban?
All drivers. Primary law.

Safety in the Prep Room
Safe Patient Handling
OSHA's brochure entitled "Safe Patient Handling: Preventing Musculoskeletal Disorders" focuses on safe patient handling for nursing home and residential care workers. While it does not specifically apply to funeral homes, it does provide important information for funeral professionals because musculoskeletal injuries could occur while lifting, moving or positioning human remains.

Musculoskeletal injuries can be reduced or prevented through the implementation of a safe patient handling program. In order to implement such a program, management must be committed to its execution, and it must involve hazard assessment, technology, equipment to control hazards, and training of front line workers.

While there is no specific OSHA ergonomics rule, citations for ergonomic hazards can be issued under the General Duty Clause. Therefore, funeral homes should be aware of hazards and seek to mitigate them in order to avoid being cited during an OSHA inspection.

Brochure: Safe Patient Handling - Preventing Musculoskeletal Disorders in Nursing Homes
(https://www.osha.gov/Publications/OSHA3708.pdf)

Safer Workplace Chemicals
Safer Workplace Chemicals
Why Transition to Safer Alternatives?
It is widely recognized that the most effective method to eliminate or reduce adverse health and safety outcomes in the workplace is to eliminate hazards at the source, before applying other, less effective forms of protection. This industrial hygiene principle, known as the hierarchy of controls, has been well-studied, widely accepted and prominently incorporated into practice by businesses and industrial hygiene professionals throughout the world.

In chemical management, this hierarchy guides employers and workers to eliminate or reduce hazardous chemicals at the source by substituting them with safer alternatives. Unlike traditional engineering controls, administrative controls, work practice controls, or personal protective equipment, these strategies can completely eliminate exposure to hazardous chemicals, reduce the potential for chemical accidents, reduce disposal costs, and remove concerns regarding worker compliance and equipment maintenance.

Eliminating or reducing chemical hazards at the source, when coupled with a thoughtful, systematic evaluation of alternatives and the adoption of safer chemicals, materials, products and processes, can provide substantial benefits to both workers and businesses.

Improve worker health and safety: In the United States, it is estimated that chemicals are the cause of more than 190,000 illnesses and 50,000 deaths suffered annually by workers.1 These numbers are likely an underestimate due to long latency periods between chemical exposures and the onset of disease, unrecognized relationships between illnesses and chemicals, and other factors. Replacing known hazardous chemicals with safer alternatives could help reduce these numbers.

Reduce costs: Using hazardous chemicals in the workplace results in substantial direct, indirect, and liability costs to businesses and society.2 Step 4 of the toolkit outlines these in detail. Transitioning to safer alternatives can reduce these costs, as well as improve other important measures of success, such as performance efficiency, industry leadership and corporate stewardship. A 2008 study by the American Industrial Hygiene Association demonstrated that making process improvements designed to reduce or eliminate workers' exposures to hazardous chemicals resulted in greater savings and other benefits than implementing controls further down the hierarchy (i.e., engineering controls, administrative and work practice controls, and PPE).3

Reduce potential for regrettable substitutions: Hazardous chemicals have the potential to be replaced with substitute chemicals or redesigned products or processes that may pose new and potentially greater hazards to workers. Implementing a process of informed substitution – which examines the hazard, performance, and cost of all options – can protect workers and identify replacements that are unlikely to cause more problems or be a target of future regulatory efforts.

Achieve compliance with laws and regulations: Although federal, state, and local legislation in the U.S. has been in place for many years to regulate chemicals (e.g., OSHA's Occupational Safety and Health Act of 1970, EPA's Toxic Substances Control Act of 1976), in recent years new international, federal, and state regulations are now requiring manufacturers, importers, and distributors to disclose more information about chemicals throughout the supply chain (e.g., REACH), avoid certain chemicals (e.g., Restriction of Hazardous Substances Directive (RoHS), Maine Kids Safer Products Law), and implement safer chemicals where feasible (e.g., EU Chemical Agents Directive, EU Carcinogens and Mutagens Directive). Additional laws and regulations restricting hazardous chemical use or emissions are also on the horizon. The cost of not complying with existing laws or preparing for future efforts can be substantial. For example, as a result of a European Union law restricting certain chemicals in electronics, 29% of 200 U.S. firms surveyed incurred lost or delayed sales into the European Union costing an average of nearly $2 million per firm.4 Taking a proactive approach by transitioning to safer alternatives can not only help businesses remain compliant with laws and regulations, but also remain competitive in a global marketplace.

Create safer products for consumers and the environment: Transitioning to safer chemicals in the workplace can also contribute to creating products that are less hazardous for consumers and for the environment. This gives businesses the opportunity to brand their company with a new, green and innovative image.
For more information go to: https://www.osha.gov/safer-chemicals/why-transition

Ebola Guidance
Mortuary and Death Care Workers
Ebolavirus survives in tissues and body fluids of human remains after death. Mortuary and death care workers who may receive cadavers from persons who have died of EVD must be trained to wear PPE and handle infectious remains. In addition, engineering controls such as negative air pressure rooms or airborne infection isolation rooms (AIIRs) and biosafety cabinets (BSCs) should be utilized to prevent exposure to aerosolized droplets containing ebolavirus. To prevent exposure, follow CDC's Guidance for Safe Handling of Human Remains of Ebola Patients in U.S. Hospitals and Mortuaries that describes appropriate control measures for post-mortem handling, transportation and disposition of human remains. The following measures can be used to protect mortuary care workers:

- Handle body bags wearing long-cuffed, disposable gloves and a long-sleeved disposable gown.
- Do not wash or clean the body.
- Do not open body bags.
- Do not remove inserted medical devices (intravenous lines, endotracheal tubing, or other implanted devices) from the body.
- Do not embalm the body.
- Cremate the remains. If cremation cannot be performed safely due to risk of explosion of implanted medical devices, consider burial in metal or other caskets instead.

SPECIAL CONSIDERATIONS
Funeral directors and funerary care staff must balance the safe handling of human remains with family members' religious and/or cultural practices for death and mourning. These practices have significant social and psychological impacts on families of the deceased, so care must be taken to respect families' wishes to the extent that it can be done safely.

In past EVD outbreaks, spiritual and cultural death practices, such as washing and wrapping the deceased, contributed to further spread of disease. To prevent death care transmission, guidelines for safe and dignified burial were developed in consultation with world religious and health leaders in the context of EVD and other hemorrhagic fevers. These guidelines are intended to allow families to follow spiritual practices, such as (dry) washing and shrouding of the body bag containing the deceased, while wearing appropriate PPE.

Respiratory Protection
Millions of workers are required to wear respirators in various workplaces throughout the United States. Respirators protect workers against insufficient oxygen environments, harmful dusts, fogs, smokes, mists, gases, vapors, and sprays. These hazards may cause cancer, lung impairment, diseases, or death. Compliance with the OSHA Respiratory Protection Standard could avert hundreds of deaths and thousands of illnesses annually.

Respirators protect the user in two basic ways. The first is by the removal of contaminants from the air. Respirators of this type include particulate respirators, which filter out airborne particles, and air-purifying respirators with cartridges/canisters which filter out chemicals and gases. Other respirators protect by supplying clean respirable air from another source. Respirators that fall into this category include airline respirators, which use compressed air from a remote source, and self-contained breathing apparatus (SCBA), which include their own air supply.

For more information about the Respirator Protection Standard: https://www.osha.gov/respiratory-protection

Respiratory Protection Training Videos
This page contains links to a variety of training videos related to respiratory protection. Topics include fit testing, medical evaluations, respiratory protection in general industry, respirator types, voluntary use of respirators, respiratory protection in construction, training requirements, respiratory protection for healthcare workers, the differences between respirators and surgical masks, donning & doffing, counterfeit respirators, maintenance and care, and the OSHA Respiratory Protection Standard (1910.134). Many are offered in both English and Spanish.

Visit the website for training videos:
https://www.osha.gov/respiratory-protection/training

COVID 19
This section highlights OSHA standards and directives (instructions for compliance officers) and other related information that may apply to worker exposure to the novel coronavirus, SARS-CoV-2, that causes Coronavirus Disease 2019 (COVID-19).

OSHA requirements apply to preventing occupational exposure to SARS-CoV-2. Among the most relevent are:

- OSHA's Personal Protective Equipment (PPE) standards (in general industry, 29 CFR 1910 Subpart I), and, in construction, 29 CFR 1926 Subpart E), which require that a PPE hazard assessment be conducted to assess workplace hazards, and that PPE, such as respiratory protection, be used when necessary.
    - When respirators are necessary to protect workers, employers must implement a comprehensive respiratory protection program in accordance with the Respiratory Protection standard (29 CFR 1910.134).
- The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each worker "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm."

OSHA's Bloodborne Pathogens standard (29 CFR 1910.1030) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may contain SARS-CoV-2 (unless visible blood is present). However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.

For more information visit https://www.osha.gov/coronavirus or https://www.osha.gov/coronavirus/safework or https://www.osha.gov/coronavirus/control-prevention

State Standards
There are 28 OSHA-approved State Plans, operating statewide occupational safety and health programs. State Plans are required to have standards and enforcement programs that are at least as effective as OSHA's and may have different or more stringent requirements.

The California Division of Occupational Safety and Health (Cal/OSHA) Aerosol Transmissible Diseases (ATD) standard is aimed at preventing worker illness from infectious diseases that can be transmitted by inhaling air that contains viruses (including SARS-CoV-2), bacteria or other disease-causing organisms. While the Cal/OSHA ATD standard is only mandatory for certain healthcare employers in California, it may provide useful guidance for protecting other workers exposed to SARS-CoV-2.

Employers must also protect their workers from exposure to hazardous chemicals used for cleaning and disinfection. Employers should be aware that common sanitizers and sterilizers could contain hazardous chemicals. Where workers are exposed to hazardous chemicals, employers must comply with OSHA's Hazard Communication standard (in general industry, 29 CFR 1910.1200), Personal Protective Equipment standards (in general industry, 29 CFR 1910 Subpart I, and, in construction, 29 CFR 1926 Subpart E), and other applicable OSHA chemical standards. OSHA provides information about hazardous chemicals used in hospitals in the Housekeeping section of its Hospital eTool.

Employer Assistance

I have a question about how OSHA rules apply to a specific situation at my business. How can I get answers?

If you have questions about OSHA regulations relating to your specific situation, call your local OSHA office (https://www.osha.gov/html/RAmap.html) directly or submit a question by email. (https://www.osha.gov/ecor_form.html) You can also view OSHA's letters of interpretation, (https://www.osha.gov/laws-regs/standardinterpretations/standardnumber) which are formal explanations of OSHA's requirements and how they apply to particular circumstances.

What OSHA requirements should I follow when starting a business?

Under the provisions of the Occupational Safety and Health Act of 1970 (OSH Act), employers must provide a workplace free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees regardless of the size of business. Employers must comply with OSHA standards (https://www.osha.gov/law-regs.html) under the OSH Act.

Does OSHA offer free help for my business to comply with regulations?

OSHA's On-site Consultation Program (https://www.osha.gov/dcsp/smallbusiness/consult.html) offers free and confidential safety and occupational health advice to small and medium-sized businesses in all states across the U.S., with priority given to high-hazard worksites. The Consultation Program is completely separate from the OSHA inspection effort, and employers can find out about potential hazards at their workplace, improve programs that are already in place, and even qualify for a one-year exemption from routine OSHA inspections. No citations or penalties are issued and the employer's only obligation is to correct serious job safety and health hazards.

In addition, OSHA's Area Offices (https://www.osha.gov/html/RAmap.html) provide advice, education, and assistance to businesses (particularly small employers), trade associations, local labor affiliates, and other stakeholders who request help with occupational safety and health issues. We work with professional organizations, unions, and community groups concerning issues of safety and health in the workplace.

Are employers required to provide safety training to employees?

Many OSHA standards (https://www.osha.gov/law-regs.html) require that employers train employees to ensure they have the required skills and knowledge to safely do their work. See Training Requirements in OSHA Standards (https://www.osha.gov/Publications/osha2254.pdf) and Resource for Development and Delivery of Training to Workers (https://www.osha.gov/Publications/osha3824.pdf) for more information.

Am I required to prepare and maintain recordkeeping records?

Employers with more than ten employees and whose establishments are not classified as a partially exempt industry must record work-related injuries and illnesses using OSHA Forms 300, 300A and 301.

Partially exempt industries include establishments in specific low hazard retail, service, finance, insurance or real estate industries and are listed in Appendix A to Subpart B.

Employers who are required to keep Form 300, the Injury and Illness log, must post Form 300A, the summary of Work-related Injuries and Illnesses in their workplace every year from February 1 to April 30. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

For more information, visit OSHA Injury and Illness Recordkeeping and Reporting Requirements.
(https://www.osha.gov/recordkeeping/index.html)

What is recordable under OSHA's Recordkeeping Regulation?

For answers on what is recordable under OSHA regulations, see the recordkeeping Q and A (https://www.osha.gov/recordkeeping/faq_search/index.html) search. Also keep in mind the following:

- Covered employers must record all work-related fatalities;
- Covered employers must record all work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid;
- Employers must record significant work-related injuries or illnesses diagnoses by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness;
- OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either caused or contributed to the condition. In addition, if an event or exposure in the work environment significantly aggravated a pre-existing injury or illness, this is also considered work-related.
    - Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation;
    - Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication).

For more information, visit OSHA Injury and Illness Recordkeeping and Reporting Requirements or Detailed Guidance for OSHA's Injury and Illness Recordkeeping Rule.

Information for Workers

If my workplace is unsafe, what can I do?

If you believe working conditions are unsafe or unhealthful, we recommend that you bring the conditions to your employer's attention. At any time, a worker may file a complaint with OSHA to report a hazardous working condition and request an inspection. If the condition clearly presents a risk of death or serious physical harm and there is not enough time for OSHA to inspect, the worker may have a legal right to refuse to work.

How can I get an OSHA inspector to my workplace to evaluate unsafe practices?

The Occupational Safety and Health Act of 1970 gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint.

Who can file a complaint and what are the steps?

Workers or their representatives may file a complaint online or by phone, mail, email or fax with the local OSHA office and request an inspection of a workplace if they believe there is a violation of a safety or health standard, or if there is any danger that threatens physical harm. A worker may also ask OSHA not to reveal his or her name. In addition, anyone who knows about a workplace safety or health hazard may report unsafe conditions to OSHA, and OSHA will investigate the concerns reported.

What should I do if I've been fired or punished for reporting safety or health concerns?

If a worker believes an employer has retaliated against them for exercising their safety and health rights, they should contact their local OSHA office right away. A whistleblower complaint must be filed with OSHA within 30 calendar days from when the retaliatory decision was made and communicated to the worker. OSHA will accept a complaint in any language. Call 1-800-321-OSHA (6742) or contact your local OSHA office.

Has my employer ever been cited by OSHA?
You can research your employer's inspection history through OSHA's establishment search. Type in the name of your company and choose the dates you want to cover.

Can my employer stop me from seeing injury or illness records?
No. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

Hazard Communication Standard: Safety Data Sheets
The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), revised in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) (formerly MSDSs or Material Safety Data Sheets) for each hazardous chemical to downstream users to communicate information on these hazards. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent user-friendly, 16-section format. This brief provides guidance to help workers who handle hazardous chemicals to become familiar with the format and understand the contents of the SDSs.

The SDS includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. The information contained in the SDS must be in English (although it may be in other languages as well). In addition, OSHA requires that SDS preparers provide specific minimum information as detailed in Appendix D of 29 CFR 1910.1200. The SDS preparers may also include additional information in various section(s).

Sections 1 through 8 contain general information about the chemical, identification,
hazards, composition, safe handling practices, and emergency control measures (e.g., fire fighting). This information should be helpful to those that need to get the information quickly. Sections 9 through 11 and 16 contain other technical and scientific information, such as physical and chemical properties, stability and reactivity information, toxicological information, exposure control information, and other information including the date of preparation or last revision. The SDS must also state that no applicable information was found when the preparer does not find relevant information for any required element.

The SDS must also contain Sections 12 through 15, to be consistent with the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS), but OSHA will not enforce the content of these sections because they concern matters handled by other agencies.

A description of all 16 sections of the SDS, along with their contents, is presented below:

- Section 1, Identification includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
- Section 2, Hazard(s) identification includes all hazards regarding the chemical; required label elements.
- Section 3, Composition/information on ingredients includes information on chemical ingredients; trade secret claims.
- Section 4, First-aid measures includes important symptoms/effects, acute, delayed; required treatment.
- Section 5, Fire-fighting measures lists suitable extinguishing techniques, equipment; chemical hazards from fire.
- Section 6, Accidental release measures lists emergency procedures; protective equipment; proper methods of containment and cleanup.
- Section 7, Handling and storage lists precautions for safe handling and storage, including incompatibilities.
- Section 8, Exposure controls/personal protection lists OSHA's Permissible Exposure Limits (PELs); ACGIH Threshold Limit Values (TLVs); and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the SDS where available as well as appropriate engineering controls; personal protective equipment (PPE).
- Section 9, Physical and chemical properties lists the chemical's characteristics.
- Section 10, Stability and reactivity lists chemical stability and possibility of hazardous reactions.
- Section 11, Toxicological information includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.
- Section 12, Ecological information*
- Section 13, Disposal considerations*
- Section 14, Transport information*
- Section 15, Regulatory information*
- Section 16, Other information, includes the date of preparation or last revision.

*Note: Since other Agencies regulate this information, OSHA will not be enforcing Sections 12 through 15 (29 CFR 1910.1200(g)(2)).

Employers must ensure that SDSs are readily accessible to employees. See Appendix D of 29 CFR 1910.1200 for a detailed description of SDS contents.

Indoor Air Quality
Overview
The quality of indoor air inside offices, schools, and other workplaces is important not only for workers' comfort but also for their health. Poor indoor air quality (IAQ) has been tied to symptoms like headaches, fatigue, trouble concentrating, and irritation of the eyes, nose, throat and lungs. Also, some specific diseases have been linked to specific air contaminants or indoor environments, like asthma with damp indoor environments. In addition, some exposures, such as asbestos and radon, do not cause immediate symptoms but can lead to cancer after many years.

Many factors affect IAQ. These factors include poor ventilation (lack of outside air), problems controlling temperature, high or low humidity, recent remodeling, and other activities in or near a building that can affect the fresh air coming into the building. Sometimes, specific contaminants like dust from construction or renovation, mold, cleaning supplies, pesticides, or other airborne chemicals (including small amounts of chemicals released as a gas over time) may cause poor IAQ.

The right ventilation and building care can prevent and fix IAQ problems. Although OSHA does not have IAQ standards, it does have standards about ventilation and standards on some of the air contaminants that can be involved in IAQ problems. OSHA responds to questions about standards with letters of interpretation. OSHA's letters of interpretation specifically addressing IAQ issues can be found in Other Resources. The General Duty Clause of the OSH Act (the law that created OSHA) requires employers to provide workers with a safe workplace that does not have any known hazards that cause or are likely to cause death or serious injury.

Frequently Asked Questions
What is "indoor air quality"?
Indoor air quality (also called "indoor environmental quality") describes how inside air can affect a person's health, comfort, and ability to work. It can include temperature, humidity, lack of outside air (poor ventilation), mold from water damage, or exposure to other chemicals. Currently, OSHA has no indoor air quality (IAQ) standards but it does provide guidelines about the most common IAQ workplace complaints.

What is considered good IAQ?
The qualities of good IAQ should include comfortable temperature and hu-

midity, adequate supply of fresh outdoor air, and control of pollutants from inside and outside of the building.

What are the most common causes of IAQ problems?
The most common causes of IAQ problems in buildings are:

- Not enough ventilation, lack of fresh outdoor air or contaminated air being brought into the building
- Poor upkeep of ventilation, heating and air-conditioning systems, and
- Dampness and moisture damage due to leaks, flooding or high humidity
- Occupant activities, such as construction or remodeling
- Indoor and outdoor contaminated air

How can I tell if there is an IAQ problem in my workplace?
People working in buildings with poor IAQ may notice unpleasant or musty odors or may feel that the building is hot and stuffy. Some workers complain about symptoms that happen at work and go away when they leave work, like having headaches or feeling tired. Fever, cough, and shortness of breath can be symptoms of a more serious problem. Asthma and some causes of pneumonia (for example, Legionnaires' Disease and Hypersensitivity Pneumonitis) have been linked to IAQ problems. If you have symptoms that are not going away or are getting worse, talk to your doctor about them. But not all exposures cause symptoms, so there is no substitute for good building management.

Is there a test that can find an IAQ problem?
There is no single test to find an IAQ problem. Your employer should check measurements of temperature, humidity and air flow. In addition, inspection and testing of the ventilation, heating and air conditioning systems (to make sure it is working according to specifications for building use and occupancy) should be performed. A building walk-through to check for odors and look for water damage, leaks, dirt or pest droppings may be helpful. Leaks need to be eliminated. Standing water in humidifiers, air conditioning units, on roofs and in boiler pans can become contaminated with bacteria or fungi and need to be eliminated, also. In some circumstances, specific testing for radon or for asbestos may be required as part of building occupancy. For instance, in schools asbestos needs to be checked every three years and re-inspected every 6 months (under the Asbestos Hazard Emergency Response Act-AHERA).

What should my employer be doing to prevent IAQ problems?
Employers are required to follow the General Duty Clause of the OSHAct, which requires them to provide workers with a safe workplace that does not have any known hazards that cause or are likely to cause death or serious injury. The OSHAct also requires employers to obey occupational safety and health standards created under it. Employers should be reasonably aware of the possible sources of poor air quality, and they should have the resources necessary to recognize and control workplace hazards. It is also their responsibility to inform employees of the immediate dangers that are present. Specific state and local regulations may apply.

Is there any specific information that I should keep track of to identify IAQ problems at work?
The following information may be helpful to your doctor or your employer to figure out if there is an IAQ problem at your workplace:

- Do you have symptoms that just occur at work and go away when you get home? What are these symptoms?
- Are these symptoms related to a certain time of day, a certain season or certain location at work?
- Did the symptoms start when something new happened at work, such as renovation or construction projects?
- Are there other people at work with similar complaints?
- Did you already see a doctor for your symptoms, and if so, did the doctor diagnose an illness related to IAQ?

If I think there is an IAQ problem at work or I think my office or building where I work is making me sick, what can I do?
If you are concerned about air quality at work, ask your employer to check the ventilation, heating and air conditioning systems and to make sure there is no water damage. If you think that you have symptoms that may be related to IAQ at your work, talk to your doctor about them to see if they could be caused by indoor air pollution.

Under the OSHAct, you have the right to contact an OSHA Office (see a map of OSHA offices) or to contact OSHA's toll-free number: 1-800-321-OSHA (6742) or TTY 1-877-889-5627. Workers who would like a workplace inspection should send a written request (see area office addresses). A worker can tell OSHA not to let their employer know who filed the complaint. It is against the Act for an employer to fire, demote, transfer or discriminate in any way against a worker for filing a complaint or using other OSHA rights. For more information on filing a request for an on-site inspection and the investigation process, see the webpage. States with OSHA-approved state plans provide the same protections to workers as federal OSHA, although they may follow slightly different complaint processing procedures.

You may also request a Health Hazard Evaluation (HHE) from the National Institute of Occupational Safety and Health (NIOSH). At no cost to employers or workers, NIOSH may investigate workplace health hazards in response to requests from employers, employees and their representatives, and federal agencies. For more information, see NIOSH's Health Hazard Evaluation Program.

What should I do if I am being exposed to chemicals, dust or other hazards?
OSHA does not have a specific indoor air quality (IAQ) standard for construction or general industry activities, but does provide guidelines addressing the most common workplace complaints about IAQ. These are typically related to temperature, humidity, lack of outside air ventilation, or smoking. OSHA standards address potential hazardous conditions leading to serious physical harm or death. Such standards may include those for specific air contaminants, ventilation systems, or the General Duty Clause of the Occupational Safety and Health Act of 1970 (OSH Act).

For guidelines and additional information on this subject, see OSHA's Safety and Health Topics page on Indoor Air Quality (https://www.osha.gov/SLTC/indoorairquality/) and Frequently Asked Questions about Indoor Air Quality. (https://www.osha.gov/SLTC/indoorairquality/faqs.html)

Does OSHA regulate cigarette smoking in the workplace?
OSHA does not have a regulation that addresses smoking in the workplace except for a limited number of regulations that address smoking and other sources of ignition from a fire safety perspective.

If I think I am getting sick at work because of mold, what should my employer do?
Employers are required to follow the General Duty Clause of the OSH Act, which requires them to provide workers with a safe workplace that does not have any known hazards that cause or are likely to cause death or serious injury.

OSHA has a number of guidance documents that employers can use to assist them in hazard recognition, detection, control and clean-up of mold. In general the best way to control mold is to identify and control the source or sources of moisture. Once the employer controls the source or sources of moisture, they can ensure the mold-bearing material can either be cleaned or removed. For further information on this subject, see OSHA's Molds Safety and Health Topics page. (https://www.osha.gov/SLTC/molds/)

Personal Protective Equipment
Overview
What is personal protective equipment?
Personal protective equipment, commonly referred to as "PPE", is equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses. These injuries and illnesses may result from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards. Personal protective equipment may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, or coveralls, vests and full body suits.

What can be done to ensure proper use of personal protective equipment?
All personal protective equipment should be safely designed and constructed, and should be maintained in a clean and reliable fashion. It should fit comfortably, encouraging worker use. If the personal protective equipment does not fit properly, it can make the difference between being safely covered or dangerously exposed. When engineering, work practice, and administrative controls are not feasible or do not provide sufficient protection, employers must provide personal protective equipment to their workers and ensure its proper use. Employers are also required to train each worker required to use personal protective equipment to know:

- When it is necessary
- What kind is necessary
- How to properly put it on, adjust, wear and take it off
- The limitations of the equipment
- Proper care, maintenance, useful life, and disposal of the equipment

If PPE is to be used, a PPE program should be implemented. This program should address the hazards present; the selection, maintenance, and use of PPE; the training of employees; and monitoring of the program to ensure its ongoing effectiveness.

Payment for Personal Protective Equipment
Many Occupational Safety and Health Administration (OSHA) standards require employers to provide personal protective equipment, when it is necessary to protect employees from job-related injuries, illnesses, and fatalities. With few exceptions, OSHA requires employers to pay for personal protective equipment when it is used to comply with OSHA standards. These typically include: hard hats, gloves, goggles, safety shoes, safety glasses, welding helmets and goggles, face shields, chemical protective equipment and fall protection equipment.

Workplace Violence
Overview
This workplace violence website provides information on the extent of violence in the workplace, assessing the hazards in different settings and developing workplace violence prevention plans for individual worksites.

What is workplace violence?
Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors. Acts of violence and other injuries is currently the third-leading cause of fatal occupational injuries in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), of the 5,333 fatal workplace injuries that occurred in the United States in 2019, 761 were cases of intentional injury by another person. [More...] However it manifests itself, workplace violence is a major concern for employers and employees nationwide.

Who is at risk of workplace violence?
Many American workers report having been victims of workplace violence each year. Unfortunately, many more cases go unreported. Research has identified factors that may increase the risk of violence for some workers at certain worksites. Such factors include exchanging money with the public and working with volatile, unstable people. Working alone or in isolated areas may also contribute to the potential for violence. Providing services and care, and working where alcohol is served may also impact the likelihood of violence. Additionally, time of day and location of work, such as working late at night or in areas with high crime rates, are also risk factors that should be considered when addressing issues of workplace violence. Among those with higher-risk are workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.

How can workplace violence hazards be reduced?
In most workplaces where risk factors can be identified, the risk of assault can be prevented or minimized if employers take appropriate precautions. One of the best protections employers can offer their workers is to establish a zero-tolerance policy toward workplace violence. This policy should cover all workers, patients, clients, visitors, contractors, and anyone else who may come in contact with company personnel.

By assessing their worksites, employers can identify methods for reducing the likelihood of incidents occurring. OSHA believes that a well-written and implemented workplace violence prevention program, combined with engineering controls, administrative controls and training can reduce the incidence of workplace violence in both the private sector and federal workplaces.

This can be a separate workplace violence prevention program or can be incorporated into a safety and health program, employee handbook, or manual of standard operating procedures. It is critical to ensure that all workers know the policy and understand that all claims of workplace violence will be investigated and remedied promptly. In addition, OSHA encourages employers to develop additional methods as necessary to protect employees in high risk industries.

Enforcement
There are currently no specific OSHA standards for workplace violence.

However, under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970, employers are required to provide their employees with a place of employment that is "free from recognized hazards that are causing or are likely to cause death or serious physical harm." The courts have interpreted OSHA's general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard. OSHA has developed Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence, which provides guidance and procedures to be followed when conducting inspections and issuing citations related to the occupational exposure to workplace violence.

An employer that has experienced acts of workplace violence, or becomes aware of threats, intimidation, or other indicators showing that the potential for violence in the workplace exists, would be on notice of the risk of workplace violence and should implement a workplace violence prevention program combined with engineering controls, administrative controls, and training.

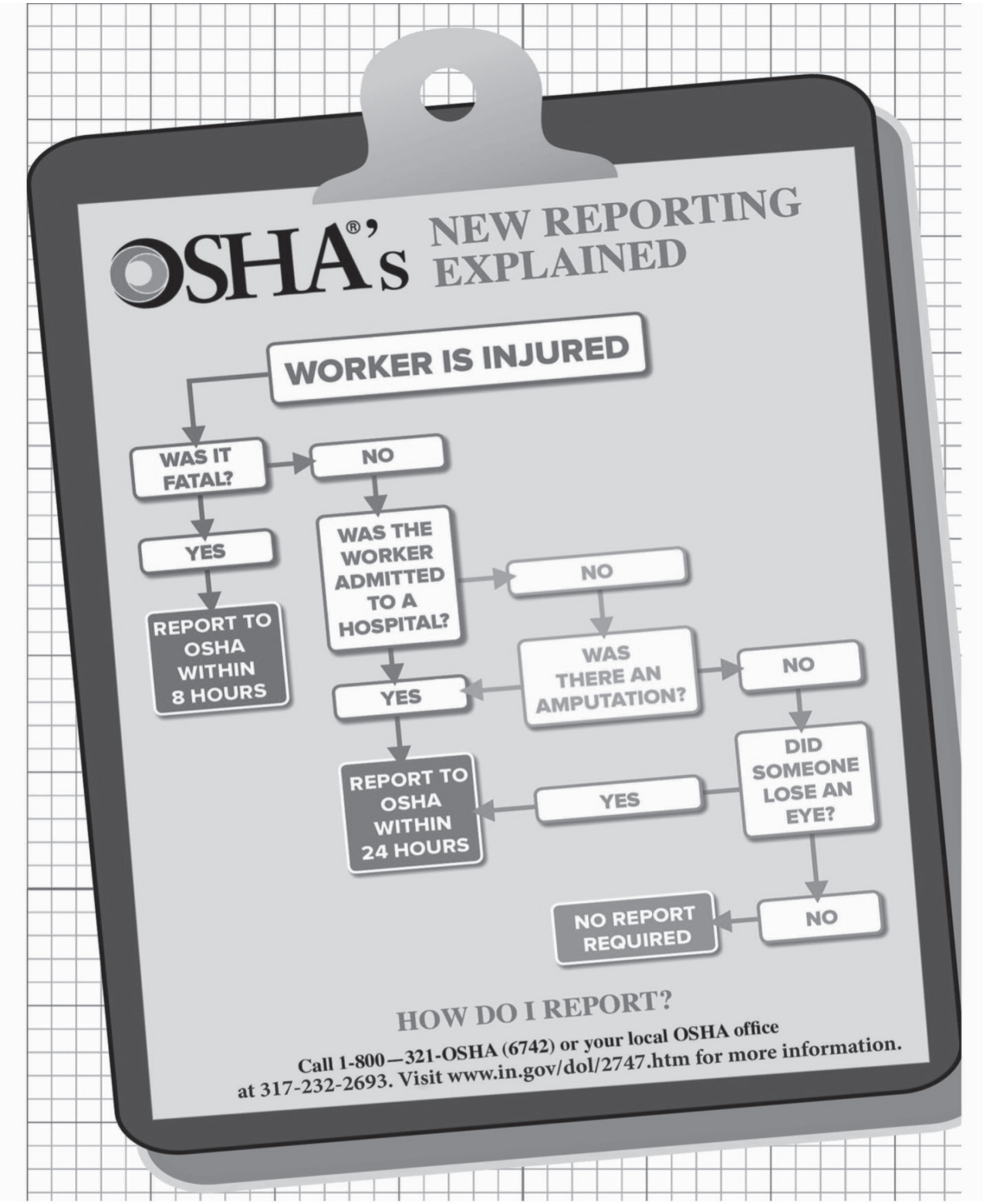
What is the OSHA poster and why do I need it?
The OSHA Job Safety and Health: It's the Law poster, available for free from OSHA, informs workers of their rights under the Occupational Safety and Health Act. All covered employers are required to display the poster in their workplace. Employers do not need to replace previous versions of the poster. Employers must display the poster in a conspicuous place where workers can see it.

If you are in a state with an OSHA-approved state plan, there may be a state version of the OSHA poster. Federal government agencies must use the Federal Agency Poster.

You can get a copy of the OSHA poster by:
Ordering a print copy online from the OSHA Publications webpage. (https://www.osha.gov/publications/publication-products?publication_title=It%27s+the+Law+Poster)

- The English version is publication number 3165.
- The Spanish version is publication number 3167.

Downloading a copy from the OSHA website.
Note: OSHA requires that reproductions or facsimiles of the poster be at least 8.5" x 14" inches with 10-point type. Please see the instructions below for downloading a compliant version of the poster.



OSHA® Fact Sheet

OSHA's Bloodborne Pathogens Standard

Bloodborne pathogens are infectious microorganisms present in blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV), the virus that causes AIDS. Workers exposed to bloodborne pathogens are at risk for serious or life-threatening illnesses.

Protections Provided by OSHA's Bloodborne Pathogens Standard

All of the requirements of OSHA's Bloodborne Pathogens standard can be found in Title 29 of the Code of Federal Regulations at 29 CFR 1910.1030. The standard's requirements state what employers must do to protect workers who are occupationally exposed to blood or other potentially infectious materials (OPIM), as defined in the standard. That is, the standard protects workers who can reasonably be anticipated to come into contact with blood or OPIM as a result of doing their job duties.

In general, the standard requires employers to:

- Establish an exposure control plan. This is a written plan to eliminate or minimize occupational exposures. The employer must prepare an exposure determination that contains a list of job classifications in which all workers have occupational exposure and a list of job classifications in which some workers have occupational exposure, along with a list of the tasks and procedures performed by those workers that result in their exposure.
- Employers must update the plan annually to reflect changes in tasks, procedures, and positions that affect occupational exposure, and also technological changes that eliminate or reduce occupational exposure. In addition, employers must annually document in the plan that they have considered and begun using appropriate, commercially-available effective safer medical devices designed to eliminate or minimize occupational exposure. Employers must also document that they have solicited input from frontline workers in identifying, evaluating, and selecting effective engineering and
- Implement the use of universal precautions (treating all human blood and OPIM as if known to be infectious for bloodborne pathogens).
- Identify and use engineering controls. These are devices that isolate or remove the bloodborne pathogens hazard from the workplace. They include sharps disposal containers, self-sheathing needles, and safer medical devices, such as sharps with engineered sharps-injury protection and needleless systems.
- Identify and ensure the use of work practice controls. These are practices that reduce the possibility of exposure by changing the way a task is performed, such as appropriate practices for handling and disposing of contaminated sharps, handling specimens, handling laundry, and cleaning contaminated surfaces and items.
- Provide personal protective equipment (PPE), such as gloves, gowns, eye protection, and masks. Employers must clean, repair, and replace this equipment as needed. Provision, maintenance, repair and replacement are at no cost to the worker.
- Make available hepatitis B vaccinations to all workers with occupational exposure. This vaccination must be offered after the worker has received the required bloodborne pathogens training and within 10 days of initial assignment to a job with occupational exposure.
- Make available post-exposure evaluation and follow-up to any occupationally exposed worker who experiences an exposure incident. An exposure incident is a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or OPIM. This evaluation and follow-up must be at no cost to the worker and includes documenting the

under which the exposure incident occurred; identifying and testing the source individual for HBV and HIV infectivity, if the source individual consents or the law does not require consent; collecting and testing the exposed worker's blood, if the worker consents; offering post-exposure prophylaxis; offering counseling; and evaluating reported illnesses. The healthcare professional will provide a limited written opinion to the employer and all diagnoses must remain confidential.

- Use labels and signs to communicate hazards. Warning labels must be affixed to containers of regulated waste; containers of contaminated reusable sharps; refrigerators and freezers containing blood or OPIM; other containers used to store, transport, or ship blood or OPIM; contaminated equipment that is being shipped or serviced; and bags or containers of contaminated laundry, except as provided in the standard. Facilities may use red bags or red containers instead of labels. In HIV and HBV research laboratories and production facilities, signs must be posted at all access doors when OPIM or infected animals are present in the work area or containment module.
- Provide information and training to workers. Employers must ensure that their workers receive regular training that covers all elements of the standard including, but not limited to: information on bloodborne pathogens and diseases, methods used to control occupational exposure, hepatitis B vaccine, and medical evaluation and post-exposure follow-up procedures. Employers must offer this training on initial assignment, at least annually thereafter, and when new or modified tasks or procedures affect a worker's occupational exposure. Also, HIV and HBV laboratory and production facility workers must receive specialized initial training, in addition to the training provided to all workers with occupational exposure. Workers must have the opportunity to ask the trainer questions. Also, training must be presented at an educational level and in a language that workers understand.
- Maintain worker medical and training records. The employer also must maintain a sharps injury log, unless it is exempt under Part 1904 -- Recording and Reporting Occupational Injuries and Illnesses, in Title 29 of the Code of Federal Regulations.

Additional Information

For more information, go to OSHA's Bloodborne Pathogens and Needlestick Prevention Safety and Health Topics web page at: https://www.osha.gov/SLTC/bloodbornepathogens/index.html.

To file a complaint by phone, report an emergency, or get OSHA advice, assistance, or products, contact your nearest OSHA office under the " U.S. Department of Labor" listing in your phone book, or call us toll-free at (800) 321-OSHA (6742).

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; the teletypewriter (TTY) number is (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



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Indiana operates an OSHA-approved State Plan covering most private sector workers and all state and local government workers.

Introduction
Indiana is one of the 29 States or U.S. Territories that operates an OSHA-approved State Plan. The federal Occupational Safety and Health Administration (OSHA) granted initial approval of the Indiana State Plan on March 6, 1974. State Plan Certification was achieved on October 6, 1981. Federal OSHA granted the Indiana State Plan Final Approval on September 26, 1986.

The Indiana State Plan (Indiana Occupational Safety and Health Administration) is administered by the Indiana Department of Labor. Because Indiana operates its own OSHA-approved State Plan, the Indiana Occupational Safety and Health Administration (IOSHA) has jurisdiction over most private and public sector work establishments and jobsites throughout the State of Indiana.

To maintain its State Plan approval, IOSHA is required to operate at least as effective as Federal OSHA in its enforcement of workplace safety and health standards and regulations. Indiana Code 22-8-1.1-17.5 does not permit IOSHA from adopting or enforcing occupational safety and health standards that are more stringent than federal OSHA.

IOSHA and its staff of dedicated occupational safety and health professionals works to advance the safety and health of Hoosiers in the workplace. To advance occupational safety and health, IOSHA conducts workplace safety and health inspections and investigations with the goal of identifying and eliminating hazards and exposures in the workplace that can lead to worker injuries, illnesses, and fatalities.

The IOSHA Division of Occupational Safety Compliance works to perform inspections and investigations of physical hazards at construction worksites, and in other workplaces including manufacturing facilities, healthcare establishments, foundries, and many others. IOSHA's Safety Compliance Officers use a variety of testing instruments and primarily focus on physical hazards related to the use of equipment and machinery such as hand tools, presses, injection molding, forklifts and other powered industrial vehicles, cranes, scaffolds, etc., which may result in worker injuries ranging from skin irritations and abrasions to sprains, strains, or tears, broken bones, amputations, and death.

IOSHA's Division of Occupational Health Compliance performs inspections and investigations of Indiana workplaces using a variety of sampling devices and instruments that focus on health hazards related to chemical and noise exposures, which may result in reduction or loss of personal abilities including hearing, sight, memory, muscular function, and death. The Health Compliance Officers address biological hazards such as bacteria, fungi, viruses, and other living organisms which could cause adverse health effects. IOSHA's Health Compliance Officers also address chemical hazards—solids, liquids, gases, dusts, fumes, and vapors which may expose workers to toxic chemicals through inhalation (e.g., breathing), absorption (e.g., through direct contact with the skin or mucous membrane), or ingestion (e.g., eating or drinking).

IOSHA also oversees the Whistleblower Protection Unit. The Whistleblower Protection Unit is charged with protecting Hoosier workers from adverse employment actions for engaging in a protected activity. For more information about the Whistleblower Protection Unit, please click here.

IOSHA oversees the Indiana Voluntary Protection Program (VPP) and other cooperative programs such as partnerships and alliances. IOSHA is proud to showcase the activities and best practices of its VPP sites and partnerships and alliance participants.

IOSHA leverages all of its resources to change workplace culture to increase employer and employee awareness of, commitment to, and involvement in workplace safety and health while securing public confidence through excellence in the development and delivery of its programs and services.

File an IOSHA Complaint
Before you submit your IOSHA complaint, please read and understand your submission options and formal vs. informal information carefully. For any questions regarding the IOSHA complaint process, please call (317) 232-2693.

Formal Complaint
A formal complaint is a complaint made by a current employee or representative of an employee. Formal complaints are assigned to a Compliance Officer for inspection, and they must meet all of the following requirements:

Asserts that an imminent danger, a violation of the IOSH Act or a violation of an IOSHA standard exposing employees to physical harm exists in the workplace;
Is submitted in writing; and
Is signed by at least one current employee or employee representative.
In order to initiate a formal complaint, you must provide your name, contact information and signature. To do so, please print the IOSHA complaint form, or include the required information in a letter to IOSHA, sign the document and mail, fax and or scan and email the signed document to IOSHA:

Mail to:
Indiana Department of Labor—IOSHA Complaint Duty Officer
402 W. Washington Street, Rm. W195
Indianapolis, IN 46204

Fax to "Attention Complaint Duty Officer" to (317) 233-3790

Email to oshacomplaint@dol.in.gov

Non-formal Complaint
A non-formal complaint can be made anonymously by anyone and does not require a signature. Non-formal complaints result in IOSHA contacting the company to investigate alleged hazards.

To initiate a non-formal complaint, you may fill out our online form. It is preferred that you include your name and phone number, in case IOSHA has more questions about the hazards, however, if you wish to remain anonymous, you may do so as well. It is important to know, that if any information is inaccurate or incomplete, IOSHA cannot proceed with the complaint process. By not providing contact information, there is a greater possibility that your complaint will not be able to be processed.

General Frequently Asked Questions
Q: How do I contact IOSHA?
A: IOSHA can be reached by email, telephone or fax.

- Email - iosha@dol.in.gov
- Telephone - (317) 232-2693
- Fax - (317) 233-3790

Q: How do I get copies of IOSHA case files or company histories?
A: You will need to make a written request by email, regular mail or fax in order to obtain a copy of an IOSHA case file.

Q: How can I get an IOSHA poster?
A: You may download and print the IOSHA poster for free online here. (Minimum size 8.5x14)

You may also request a copy of the poster by email, phone, fax, or mail.

- Email requests to: iosha@dol.in.gov with subject, "Attention: IOSHA Posters"
- Call (317) 232-2655 to request free IOSHA posters
- Fax requests to (317) 233-3790
- Mail requests to
  Indiana Department of Labor – IOSHA
  Poster Request
  402 West Washington Street, Room W195
  Indianapolis, Indiana 46204

For more information about required state and federal employment posters, please contact the Indiana Department of Labor at (317) 232-2655.

Q: How do I get a job with IOSHA?
A: All employment applications must be submitted electronically to the Indiana State Personnel Department. The State Personal Department website contains a search function for all state employment options.

Q: What is VPP?
A: The Voluntary Protection Program, or VPP, is a way for IOSHA to recognize and partner with businesses and worksites that show excellence in occupational safety and health. Sites are committed to effective employee protection beyond the requirements of OSHA standards. VPP participants develop and implement systems to effectively identify, evaluate, prevent and control occupational safety and health hazards. As a result, the average VPP worksite has a lost workday incidence rate more than 50% below the average of its industry. In return, OSHA removes participants from programmed inspection lists. For more information, please visit Voluntary Protection Program.

Complaints
Q: How do I file a complaint with IOSHA?
A: You can file a complaint with IOSHA by submitting the electronic complaint form, or by mail, email, fax or telephone. For more information on filing a complaint with IOSHA, or to view the electronic complaint form, click here. (https://www.in.gov/dol/iosha/file-an-iosha-complaint/)

- To make a complaint by mail, send complaint to:
  Indiana Department of Labor – IOSHA
  Attention: Complaint Duty Officer
  402 West Washington Street, Room W195
  Indianapolis, Indiana 46204
- To make a complaint by email, send to OSHAcomplaint@dol.in.gov.
- To make a complaint by fax, send to "Attention Complaint Duty Officer" at (317) 234-4428.
- To make a complaint by telephone, call (317) 232-2693.

Q: What is the difference between a formal and an informal complaint?
A: A **formal** complaint is a complaint made by an employee, representative of employees or relative of an employee who has provided their written signature. Formal complaints are assigned to a Compliance Officer for inspection. An **informal** complaint can be made anonymously by anyone and does not require a signature. Non-formal complaints cause a letter to be sent to the company listing the possible violations and requiring proof of abatement.

Q: What information do I need in order to make a formal complaint?
A: To make a formal complaint, you should have the following information:

1. Name, Address, and Telephone Number of Employer (Company)
2. Description of the possible violation(s), including the location of the specific hazard.
3. Type of Business (what the business does at that location)
4. Name of Management Official that you have talked to about your concern

Q: If I file a complaint, am I entitled to the findings?
A: Yes. If you included your contact information when you filed your complaint, you will receive a letter responding to each of your complaint items and a copy of any safety orders (citations) issued to the company. If you did not provide contact information, you will not be automatically sent this information; you will have to request it.

Q: Does IOSHA ever reveal who filed a complaint?
A: No. It is illegal for IOSHA to reveal this information. If you are being negatively affected by your employer because of a complaint, you should contact the Whistleblower Protection Unit at (317) 234-3946.

Inspections
Q: How long does an inspection take?
A: Inspection time varies depending on the kind of inspection (complaint vs. general schedule "wall to wall"), the number of complaint items, the kinds of issues raised by a complaint, the number of inspectors assigned to the inspection and other various factors.

Q: Can an inspection be rescheduled for a better time?
A: No. Inspections are unannounced so the compliance officer has an opportunity to see the workplace as it normally operates.

Q: Can management be present during employee interviews?
A: No. Interviews are confidential between the compliance officer and the employee. If there is a designated employee representative (usually a union official), that individual may also sit in on an employee interview, but only at the employee's request.

Q: How much are we going to be fined for these issues?
A: Fines vary depending on, among other things, the severity and probability of the issue, the employer's past history, the employer's health, safety, and training programs and the number of employees.

Q: Does OSHA provide warnings before fining employers?
A: No. While warnings may be given at the discretion of a compliance

officer, an employer may be subject to fines, as circumstances warrant, as a result of any inspection. Safety orders, and potential fines, are determined by the Compliance Officer based upon the situation they observed.

Q: What are my rights if I disagree with the findings of an IOSHA Inspection?
A: You have two options if you disagree with the findings of an IOSHA inspection.

1. You may telephone IOSHA at (317) 232-1979 to request an Informal Conference. An informal conference is an opportunity to discuss the inspection, complaint, settlement or other related issues. An Informal Conference may be requested by:
   - An employer who has received safety orders
   - Affected employees
   - Authorized employee representatives (unions representation)

Informal conferences may be held in person or over the telephone. They must be requested and conducted within fifteen (15) working days of the employer's receipt of safety orders/notification of penalties/citations.

2. You may also choose to file a written petition for review/contest of the safety orders/notification of penalties/citations. This provides an opportunity for an employer to present evidence and argue against the safety orders. This process also provides affected employees or union representatives the opportunity to present evidence and argue against the abatement dates established by the safety orders. All arguments are done before an independent body called the Indiana Board of Safety Review.

Petitions of contest must be done in writing, postmarked before midnight of the fifteenth working day after the employer's receipt of the safety orders. Petitions should be sent to:

Indiana Department of Labor – IOSHA
402 West Washington Street, Room W195
Indianapolis, Indiana 46204

The petition may also be faxed to (317) 233-3790.

If you are an employer, your petition for review must include the following:
1. The inspection number of the safety orders you are contesting
2. A specific statement of what you are contesting
3. A statement of the basis for the contest

If you are an affected employee or union representative, your petition for review should contain the following:
1. The inspection number of the safety orders which contain the abatement dates with which you disagree
2. A specific statement of which items contain abatement dates with which you disagree
3. For more details on this process, please contact IOSHA at (317) 234-4267.

Q: What is INSafe and why do I only hear about it after an inspection?
A: INSafe (formerly known as BuSET) is a division of the Indiana Department of Labor that works with employers, employees, labor unions, professional groups, trade organizations and others to ensure workplace health and safety. INSafe Consultants are not permitted to assist you during an inspection, but you may request their services after the fifteen day post-inspection contest period passes. For more information about INSafe, click here or call (317) 233-2688.

Injury and Fatality Reports
Q: How do I report an injury or fatality to IOSHA?
A: Fatality incidents must be reported by phone, within eight (8) hours of the death or hospitalization. Reporting the incident by fax or email is prohibited. If you are reporting an accident or fatality during normal business hours (8:00 a.m. to 4:30 p.m., Monday – Friday), call IOSHA at (317) 232-2693. Please identify the call as a fatality or injury report. An IOSHA representative will request the following information:
1. The establishment name
2. The location of the incident
3. The time of the incident
4. The number of fatalities or hospitalized employees
5. The names of any injured employees
6. The name of the employer's contact person, and his/her telephone number
7. A brief description of the incident

If you are reporting an accident or fatality after normal business hours or on a holiday, please call the federal OSHA Hotline at 800-321-OSHA or (800) 321-6742 and speak with the duty officer.

There is no longer a separate rule for catastrophe. All in patient hospitalizations must be reported without regard to the number of employees affected.

A reporting rule change took affect at the Federal level on January 1, 2015. Indiana generally adopts Federal changes after 60 days. Indiana reporting rules changed to mirror the Federal change on March 1, 2015. View the reporting rules infographic here.

You must now report to IOSHA/OSHA any time an employee is hospitalized for any reason. You must report within 24 hours. This does NOT include employees taken in for testing or observation only.

You must also now report any amputation or loss of an eye within 24 hours.

Q: Do amputations or power press accidents have to be reported to IOSHA?
A: Power press accidents and amputations have to be reported to IOSHA, in writing, within 30 days of the accident. You will need to include the following information in your report:
1. Name and address of the company
2. Type of business
3. Name, job title, and telephone number of the person reporting the incident
4. Event date and time
5. Type of equipment involved
6. Name, age, and occupation of the injured employee
7. A brief description of the incident

The report may be faxed to "Attention IOSHA" to (317) 233-3790, or mailed to:

Indiana Department of Labor – IOSHA
402 West Washington Street, Room W195
Indianapolis, Indiana 46204

- To request a public record immediately, click here and select "Request Access to Public Records" after filling out the contact form.
- You can make a request by mail to:
  Indiana Department of Labor – IOSHA
  Case History Request
  402 West Washington Street, Room W195
  Indianapolis, Indiana 46204
- You can fax your request to (317) 233-3790.

Q: How can I get OSHA injury logs and report forms?
A: A package of OSHA forms for recording work-related injuries and illnesses (includes OSHA 300 Log, OSHA 300A Summary, 301 Report, and instructions) can be downloaded in a PDF format or in an Excel spreadsheet format. The Excel spreadsheet format does not contain instructions.

IOSHA Regulations
Q: How do I get copies of the IOSHA/OSHA regulations?
A: Many OSHA Fact Sheets, Publications, and Regulations are available for free download online.

- Fact Sheets
- Publication Index
- Regulations

Hard copies of the regulations can be purchased from:

- The U.S. Government Printing Office: (202) 512-1800
- The Commerce Clearing House: (317) 788-8995
- The Hoosier Safety Council: (317) 573-7233 (Part 1910, Occupational Safety and Health Standards only)
- The Label Master: (800) 621-5808

Q. Do the regulations apply to small employers too?
A: Yes, IOSHA regulations apply to employers of all sizes.
The U.S. Department of Labor has published the "OSHA Handbook for Small Businesses" (OSHA 2209). The intent of this handbook is to assist small business employers in meeting the legal requirements imposed by and under the authority of the Occupational Safety and Health Act of 1970, and to achieve compliance voluntarily, prior to an inspection.

Q: What are my rights as an employer/employee under IOSHA rules?
A: Employer rights can be found in OSHA publication 3000, "Employer Rights and Responsibilities Following an OSHA Inspection," which may be downloaded here.

Employee rights are found in OSHA publication 3021, "Employee Workplace Rights," which may be downloaded here. (https://www.osha.gov/sites/default/files/publications/osha3000.pdf)

Q: Does IOSHA have a standard dealing with poor indoor air quality?
A: Generally speaking, no. However, individual contaminants in the air may be regulated by existing IOSHA rules. For more information, call INSafe at (317)232-2688. To file a complaint on this issue, please call (317)232-2693.

Q: Do IOSHA regulations cover smoking in the workplace?
A: IOSHA regulations related to smoking have to do with creating fire and/or explosion hazards. There are no IOSHA regulations related to second-hand smoke.

Q: Do IOSHA regulations deal with workplace violence?
A: IOSHA does not investigate random acts of violence – this is a police matter. If you are being physically threatened at work, you should call the state or local police. Under certain circumstance, IOSHA does investigate workplace violence where employer policies may have put certain employees at a higher degree of risk. Examples might include pizza delivery drivers or cashiers at 24-hour markets, where employer cash handling policies might contribute to an employee's vulnerability.

The U.S. Department of Labor has issued "Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments" (OSHA 3153), which may be downloaded here. (https://www.osha.gov/sites/default/files/publications/osha3153.pdf)

Another document which may be of interest is "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers" (OSHA 3148). This document may be downloaded here. (https://www.osha.gov/sites/default/files/publications/osha3148.pdf)

Workplace Quality
Q: Does my employer have to give me a break during my work shift?
A: Generally speaking, no. However, employers are required to provide breaks to employees less than 18 years of age. For more information about these workers, please visit The Bureau of Youth Employment website. You may also email the Bureau of Youth Employment at youthemployment@dol.in.gov.

Q: Can my employer make me work when it's too hot/cold in my workplace?
A: Generally speaking, yes. There are no regulations dealing specifically with working in hot or cold environments. In certain extreme cases, the employer may be subject to citation under the General Duty clause. For more information, call INSafe at (317)232-2688. To file a complaint on this issue, please call (317)232-2693.

Q: Can I refuse to do work that I think is unsafe, without being fired?
A: If you refuse to work your employment may be terminated. A better alternative to refusing to work may be suggesting a safer alternative to the work you believe is unsafe. Employers are not allowed to terminate an employee who is engaged in a "protected activity." Raising health and/or safety concerns with your employer is a protected activity. If you think you may have had your employment terminated for raising these concerns, please call the Indiana Department of Labor's Whistleblower Protection Unit at (317) 234-3946.

Q: What can I do if I think I'm being discriminated against at work?
A: The Indiana Department of Labor only deals with discrimination against employees who have raised health or safety concerns at work. If you think you may have been discriminated against for raising these concerns, please call the Whistleblower Protection Unit at (317) 234-3946.

If you think you have been discriminated against for other reasons, please call the Equal Employment Opportunity Commission (EEOC) at (317) 226-7212.

Recordkeeping and Reporting
Understanding and properly applying these new rules is critical to ensuring your business remains in compliance with the OSHA record keeping standard.
Click here (https://www.osha.gov/recordkeeping/**) for information about OSHA's new *Electronic Reporting and Improved Tracking Rule (2017)*!**

What is the new law?

- All businesses, regardless of size or industry category, are required to report a workplace fatality to OSHA within 8 hours – *this portion of the rule has not changed.*
- All business must report an in-patient hospitalization to OSHA within 24 hours – *in the past this only applied if three or more employees were hospitalized.*
- All businesses must report work-related amputations to OSHA within 24 hours – *this is a new requirement.*
- All businesses must report the loss of an eye to OSHA within 24 hours – *this is a new requirement.*

Why is the law changing?
The new rule will help better ensure OSHA receives critical reports and information on worker fatalities and severe work-related injuries and illnesses. The new data will help OSHA identify workplaces where workers are at greater risk. This information will help target compliance assistance and enforcement resources more appropriately.

Do I have to report every hospital visit?
No. If an employee is not admitted or only brought in for observation or testing, and no treatment is provided, that visit does not need to be immediately reported to IOSHA.

What if my business is exempt from maintaining the OSHA 300 Log?
Even if a business is not required to maintain OSHA 300/300A logs, whether that is due to size or being part of a generally exempted industry, that business still must report fatalities, amputations, eye losses and in-patient hospitalizations to IOSHA within the established time frame. Exempt businesses have always been required to make fatality and catastrophe reports to IOSHA, and this new rule occupies the same space.

How do I report an incident?
- If it is during normal business hours, you may contact IOSHA directly at (317) 232-2693.
- If you are reporting after business hours, call the 24-hour OSHA hotline at 1-800-321-6742.

Who can help me with the new rules?
Help is available by contacting the Indiana Department of Labor's training and assistance division, INSafe, by either calling (317) 232-2688 to speak with a consultant or by emailing insafe@dol.in.gov. Employers may also request a free workplace safety or health consultation from INSafe by completing and submitting the form available online. (https://www.in.gov/dol/insafe-consultation-request-form) To learn more about INSafe, click here. (https://www.in.gov/dol/safety-and-health-consultation/insafe-home)
Compliance assistance resources and a list of Frequently Asked Questions (FAQs) may be found at OSHA's 2014 recordkeeping page. (http://www.osha.gov/recordkeeping2014/)

Whistleblower Protection Unit
The Indiana Department of Labor's Whistleblower Protection Unit seeks to provide protection for Hoosier workers who have engaged in a protected activity, and as a result, have been subjected to an adverse action.

Employees who believe that they have been discharged or discriminated against for engaging in a protected activity, may, within 30 calendar days after the alleged offense, file a complaint with the Indiana Department of Labor (IDOL). An individual filing a complaint of discrimination or retaliation is required to show that he or she engaged in a protected activity, that the employer knew about the activity, that the employer subjected him/her to adverse employment action and that the protected activity contributed to the adverse action. Depending on the circumstances of the case, "discrimination" can include the following:
- Firing or laying off,
- Demoting,
- Denying overtime or promotion,
- Disciplining,
- Denial of benefits,
- Intimidation/harassment,
- Reassignment affecting prospects of promotion, and/or
- Reducing pay or hours.

To learn more about the IDOL's Whistleblower Protection Unit, please call (317) 234-3946 or email whistleblower@dol.in.gov.

Whistleblower Protection Online Complaint Form
To file a whistleblower protection complaint online, click here (https://www.in.gov/dol/iosha/iosha-home/iosha-whistleblower-protection-online-complaint-form)

While the online complaint form is the preferred method of filing a whistleblower complaint, you can also file a whistleblower complaint by calling (317) 234-3946 or by emailing whistleblower@dol.in.gov.

Age Discrimination Complaints
The Whistleblower Protection Unit also seeks to provide protection to employees who believe they've been discriminated in employment for reasons of Age. In order to file an Age Discrimination Complaint with the IDOL's Whistleblower Protection Unit, a complainant must be between the ages of 40 and 75 and work for an employer who employs 20 or fewer employees. Complainants whose employer employs more than 20 employees should contact the Equal Employment Opportunity Commission. To learn more about the IDOL's age discrimination complaint process, please phone or email the Whistleblower Protection Unit. To file an age discrimination complaint, please click on the Online Complaint Form below.

Age Discrimination Online Complaint Form (https://www.in.gov/dol/iosha/whistleblower-protection-unit/age-discrimination-online-complaint-form)

INSafe
INSafe, a division of the Indiana Department of Labor, works with Indiana's employers, employees, labor unions, professional groups, trade organizations and others to ensure workplace health and safety.

Free INSafe services include on-site consultation, group training and seminars, educational publications and training materials, along with pro-active voluntary health and safety programs designed to bring employers and employees together to create and maintain healthy working environments.

INSafe works hand-in-hand for Indiana workers' safety.

We're here to help advance the safety and health of Hoosiers in the workplace.
The federal Occupational Safety and Health Act of 1970 encouraged states to develop and implement their own proactive safety and health consultation program. INSafe is Indiana's consultation program, and we provide free consultation services to assist employers in achieving voluntary safety and health compliance.

We're your partner in safety and health compliance.
INSafe does not impose fines. Instead, we offer programs and services that educate and assist employers in safety compliance.

To request the services of INSafe please complete our online form available here. (https://www.in.gov/dol/insafe-consultation-request-form/)

We look forward to working with you.
INSafe's staff are professionals dedicated to working with employers and employees to identify and resolve workplace health and safety issues. Free service is provided regardless of the employer's size or type of industry.

INSafe conducts numerous safety courses and seminars statewide. Consultants assist employers in achieving voluntary compliance with IOSHA safety standards by performing consultation visits, and partnering with companies in INSHARP.

INSafe also sponsors the annual Governor's Workplace Safety Awards in partnership with the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Engineers.

INSafe Consultation Services
INSafe's free consultation program offers Hoosier employers a voluntary approach to designing and implementing effective safety and health management systems. By building upon employee-management participation in an onsite hazard assessment, consultation can bring workers and employers together to develop and implement programs to control hazards and prevent worker injuries and illnesses. Through pooled resources and periodic self-inspections, employers and employees together work to make their job sites safer.

INSafe consultation services operate independently from the Indiana Occupational Safety and Health Administration (IOSHA). An INSafe Safety or Health Consultant will visit your workplace or job site at your request to provide the service(s) you have chosen. The consultant will not issue citations, impose penalties or issue fines for violations of federal or state statutes that may be found during the consultation visit. Although a consultant cannot guarantee your workplace will "pass" a federal or state inspection,

it has been demonstrated that a consultation visit will significantly reduce the citation or penalty impact of future inspections.

The consultant will not provide the name of your company, its owner(s) or any other information about your workplace to IOSHA, provided the employer agrees to correct all serious hazards identified during the onsite consultation visit. Requests for consultation services will not initiate a federal or state occupational safety and health enforcement inspection.

An onsite visit from an INSafe Safety or Health Consultant is just a click away.

Click here to request an onsite consultation. (https://www.in.gov/dol/insafe-consultation-request-form/)

How a Consultation Works
Step #1: Request
Your request for an INSafe onsite consultation must be in writing. You may complete the online request form by clicking here. Upon receipt of your request, you will receive confirmation of your request as well as a tentative date in which the consultation is scheduled.

Step #2: Onsite Visit
During the visit, you or your designated representative will participate in an opening conference. During the opening conference, the INSafe Consultant will review your OSHA injury and illness logs for the last three calendar years, calculating your injury and illness rates and review your written safety and health programs (i.e. Emergency Action Plan, Hazard Communication, Lockout/Tagout, etc). The consultant will also conduct a hazard walk-through of the facility or job site. He or she will indicate occupational safety and health hazards identified during the course of the walk-through. Also, during the walk-through, the consultant may conduct interviews with employees. Once the walk-through is completed, the consultant will conduct a closing conference. During the closing conference, the consultant will review safety and health hazards noted, and work with the employer to establish reasonable correction due dates.

Step #3: Evaluation and Report
A written report detailing all onsite consultation findings and recommendations, including methods to improve your safety and health program, will be prepared and sent to you. The employer is required to post the hazard list transmitted in the written report. These must be posted near the hazard and for a minimum of three days or through correction (whichever is longer).

Step #4: Correction of Serious Hazards
Your written report will provide written notification of hazards identified by the consultant as well as provide correction due dates. Extensions of the hazard correction dates may be granted if requested in a timely manner. To be eligible for an extension, the employer must provide adequate interim protection to employees to safeguard against the hazard.

Step #5: Hazard Correction Documentation
Employers must provide written confirmation, including the date and method of hazard correction. If necessary, INSafe may schedule a follow-up consultation visit to provide technical assistance or verify hazard correction. To complete the INSafe Hazzard Correction/Extension Request Form, click here. (https://www.in.gov/dol/safety-and-health-consultation/insafe-home/insafe-hazard-correctionextension-request-form/)

INSafe Safety and Health Consultants Will Not

- Issue citations or propose penalties for violations of OSHA standards.
- Make referrals to IOSHA, provided all serious hazards identified during the onsite consultation have been appropriately corrected.
- Guarantee or certify that any employer or worksite will "pass" an IOSHA inspection.
- Prescribe specific engineering designs or recommend private firms.

Sample Programs
Many of the OSHA standards require written safety and health programs to ensure complete, site-specific and uniform compliance with the requirements. For available programs from INSafe click here. (https://www.in.gov/dol/safety-and-health-consultation/osha-educational-materials-and-resources/) Employers must tailor or customize written programs to meet their specific needs. Some may be retrieved from this website, while others may be emailed or mailed to you by contacting our office at insafe@dol.in-.gov. In addition, other sample written programs are available online from federal OSHA. (https://www.osha.gov/)

Technical Assistance
In addition to the onsite consultation services provided by INSafe, the division also provides technical guidance and support in addressing occupational safety and health questions or concerns. This can be accomplished by phone or by visiting our central office located at 402 West Washington Street, Room W195, Indianapolis, Indiana. This assistance is not a substitute for an onsite consultation. It is designed to answer specific occupational safety and health questions. INSafe is unable to guarantee compliance with occupational safety and health standards or certify an employer will "pass" a subsequent IOSHA inspection.

To have an INSafe Safety or Health Consultant visit your facility to review or assess a particular operation, program, conduct noise measurements or perform air sampling, please complete the online consultation request form available here. (https://www.in.gov/dol/insafe-consultation-request-form/)

Questions about onsite consultation or occupational safety and health, may be directed to an INSafe Safety or Health Consultant by emailing insafe@dol.in.gov or phoning (317) 232-2688.

General Frequently Asked Questions
Q: What is INSafe?
A: INSafe is Indiana's OSHA consultation program. INSafe Safety and Health Consultants work with Hoosier employers to provide workplace safety and health consultation, training and compliance assistance for Indiana's Occupational Safety and Health Act (IOSH ACT). INSafe services are free, confidential and conducted at an employer's worksite. A request for an onsite consultation must be submitted by the employer. To request a free on-site visit, click here.

Q: How do I contact INSafe?
A: INSafe can be reached by email, telephone or fax.

Email: insafe@dol.in.gov
Telephone: (317) 232-2688
Fax: (317) 233-1868

Q: Who does INSafe serve?
A: INSafe provides priority scheduling consideration to small employers (250 employees or less) and those employers operating in high-hazard industries. However, INSafe's services are available to all Indiana employers who wish to request consultation services.

Q: How is INSafe different from IOSHA?
A: There are a few distinct differences between INSafe and IOSHA:

- Unlike IOSHA compliance inspections, INSafe services are voluntary; the employer must request INSafe's services.
- INSafe's services are confidential, while IOSHA compliance inspections are a matter of public record.
- INSafe does not fine or penalize an employer for safety and health violations, whereas& IOSHA issues citations for violations of occupational safety and health standards.

- INSafe also provides guidance to the employer by providing them with the resources needed to identify and eliminate worksite hazards.

Q: Are INSafe services provided in Spanish?
A: All services offered by INSafe, including consultations, training and related materials are available in Spanish. For information on services available in Spanish visit this page.

Q: What is the INSafe assessment?
A: INSafe is funded through a combination of Federal dollars and the general fund. When reserves in the INSafe account dip below $600,000, an assessment of Worker's Compensation Insurance issuers is triggered to refill the fund. INSafe runs as efficiently as possible, and this assessment is only triggered approximately every 5 years. An assessment was done in 2014 and no additional assessment is scheduled at this time.

INSafe Consultation
Q: What is an INSafe consultation?
A: INSafe workplace safety and health consultations are provided in three distinct disciplines: general industry, construction and industrial hygiene. INSafe consultants can conduct a full-service consultation, which includes the employer's entire worksite, a review of safety and health programs and OSHA injury and illness records. INSafe consultants may also conduct a limited-scope consultation, focused on a specific issue which may include a safety or health issue, employer process, piece of equipment/machinery or written program.

Q: How do I request an INSafe consultation?
A: Because INSafe consultation services are voluntary, an employer's request for INSafe services must be in writing. The INSafe consultation request form may be found online here.

Q: Will INSafe inform IOSHA Compliance about violations they find at my company?
A: Information about your company or consultant findings are not shared with IOSHA enforcement, provided you correct serious hazards. However, in the event that there is an imminent danger (immediate risk of life or threat of serious injury), INSafe may refer the case to IOSHA.

Q: What do I do if I cannot afford workplace safety and health training?
A: Through an employer's request for consultation, an INSafe consultant may work with an employer to determine appropriate workplace safety and health training needs. In many cases an INSafe consultant will coordinate with an employer to provide the training onsite.

Common Safety and Health Questions
Q: Can my employer make me work when it's too hot or too cold in my workplace?
A: Generally speaking, yes. There aren't any regulations which list what temperatures would specifically be considered too hot or too cold to work safely. However, in certain extreme cases, the employer may be subject to citation under the General Duty clause. That is the basic standard which states an employer must provide a working environment reasonably free of health and safety risks.

Q: How often should I inspect extension cords?
A: Extension cords must be visually inspected before any shift for external defects and for evidence of possible internal damage. Equipment which remains plugged in once put in place and is not exposed to damage does not need to have its extension cord visually inspected until it is moved. If there is a defect or evidence of damage, the defective item must be removed from service.

Q: How often am I required to clean up my jobsite?
A: The housekeeping regulations regarding construction sites are contained in 29 CFR Parts 1926.25 and 1926.252. These standards require that during the course of construction all scrap and debris shall be removed at regular intervals and be kept cleared from work areas, passageways, stairs, in and around buildings and be removed from the immediate work areas as the work progresses.

Q: Am I required to train my employees in CPR and or first aid?
A: The employer must ensure that adequate first aid is available in the critical minutes between the occurrence of an injury and the availability of physician or hospital care for the injured employee. This means employees must be trained in first aid and CPR or the facility must be located in "near proximity" to a medical facility.
While the first standards do not prescribe a number of minutes, OSHA has long interpreted the term 'near proximity' to mean that emergency care must be available within no more than 3-4 minutes from the workplace.
OSHA does exercise discretion in enforcing the first aid requirements in particular cases. At workplaces such as offices, where the possibility serious work-related injury is less likely, a longer response time of up to 15 minutes may be acceptable.

Q: Is there a rule dealing with poor indoor air quality?
A: Generally speaking, no. However, individual contaminants in the air may be regulated by existing OSHA rules. This means that there are rules in place to control the amount of a specific substance in the air. For example, OSHA would not regulate whether or not the air is "clean", but the rules do restrict the amount of carbon monoxide, lead, hexavalent chromium and many other pollutants which a worker can be exposed to. If you have questions, please contact INSafe at 317-232-2688 or to file a complaint contact IOSHA at (317) 232-2693.

Q: Are there OSHA regulations which deal with smoking?
A: OSHA regulations related to smoking have to do with creating a fire and or an explosion hazard. There are no IOSHA regulations related to second-hand smoke health effects.

Q: What are the guarding requirements for my particular machine?
A: Machine guarding requirements are contained in subpart O of 29 CFR Part 1910. Remember, requirements apply to all employees - including the operator, those working nearby and even employees who just walk past the machine.

Globally Harmonized System
Q: What is the Globally Harmonized System?
A: The Globally Harmonized System (GHS) is an international approach to hazard communication. It provides an agreed upon criteria for classification of chemical hazards, and a standardized approach to label elements and safety data sheets.

Q: Why are we switching to the Globally Harmonized System?
A: This was done to improve the safety and health of workers through more effective communication on chemical hazards. The current HAZCOM standard allows chemical manufacturers and importers to convey information about their various chemicals in whatever format they chose – which meant the same chemicals were labeled different ways from different companies.
A standardized approach to classifying hazards and conveying the information is much more effective. This will enhance both employer and worker comprehension of the hazards and help to ensure appropriate handling and use of workplace chemicals.
The safety data sheet requirements establish an order of information that is also standardized. The harmonized format of the safety data sheets will enable employers, workers, health professionals and emergency responders to access the information more efficiently and effectively.

Q: What are the benefits of the Globally Harmonized System?
A: The benefits include

1. Enhanced worker comprehension of hazards
2. Provide workers quicker and more efficient access to information on safety data sheets
3. Cost savings to American Businesses
4. Reduce trade barriers by harmonizing with systems around the world

OSHA estimates that the revised HCS will result in the prevention of 43 fatalities and 585 injuries and illnesses (318 non-lost-workday injuries and illnesses, 203 lost-workday injuries and illnesses, and 64 chronic illnesses) annually. The monetized value of this reduction in occupational risks is an estimated $250 million a year.

Q: What are the differences between the new GHS and the existing Hazardous Communications Standard (HAZCOM)?
A: There are three major areas of change: hazard classification, labeling, and safety data sheets.

a. *Hazard classification*: The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures.
b. *Labels*: Chemical manufacturers and importers will be required to provide a label that includes a signal word (Danger or Warning), pictogram showing the risks of the hazard and a standardized statement for each type of hazard class and category.
c. *Safety Data Sheets*: Will now have a specified 16-section format so that information is always laid out in the same manner.

Q: What compliance dates should I be aware of?
A: The following were important compliance dates:

- Dec. 1, 2013 All employees must be trained on new label elements and the new Safety Data Sheet (Former MSDS) format.
- June 1, 2015 Comply with all modified provisions of the final GHS rule (29 CFR 1910.1200) except for distributors, who may ship products labeled by manufacturers under the old system until Dec. 1, 2015.
- June 1, 2016 Update alternative workplace labeling and hazard communication program as necessary and provide additional employee training for newly identified physical or health hazards During the 5 year transition period (from 1 January 2012 to 31 December 2016), manufacturers may use either the GHS, labelling and Safety Data Sheets (SDS) or the current hazardous substances and dangerous goods classification systems.
- December 31, 2016 All workplace chemicals must be classified according to the GHS and labels and SDS must be updated.

Q: Are other countries going to use the GHS?
A: Yes. The new system is being implemented throughout the world by countries including; Canada, the European Union, China, Australia, and Japan.

Q: Are other U.S. agencies adopting this new system?
A: Yes. The Department of Transportation (DOT), the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission actively participated in developing the Globally Harmonized System.

Q: Where can I learn more?
A: OSHA's Globally Harmonized System information page can be found here.

Lock out/Tag Out
Q: What is Lock out/Tag out?
A: Lock out/Tag out is the process by which a machine, vehicle or process is made safe. "Lock out" is the process of physically securing and de-energizing a machine. All sources of energy (including stored energy within the machine itself) must be disconnected or drained. The machine must be "locked out" so that it cannot be re-energized without removing the lock out. The "tag out" portion refers to putting a tag on a machine to inform employees that the machine has been locked out and should not be used. This tag should list who is able to put the machine back into service once the repair has been made or maintenance has been completed.

Q: Do I have to both a lock out and a tag out?
A: Yes. If it's at all possible to do so, simply tagging a machine as unsafe is not sufficient. It must be physically locked out as well.

Q: When does this standard not apply?
A: There are some situations where lock out/tag out is not required.

a. Work on plug-in electric equipment where the hazards of unexpected energization or start up is controlled by the unplugging of the equipment and by the plug being under the exclusive control of the employee performing the servicing or maintenance.
b. Hot tap operations involving transmission and distribution systems for substances such as gas, steam, water or petroleum products when they are performed on pressurized pipelines, provided that the employer demonstrates that: continuity of service is essential, shutdown of the system is impractical, documented procedures are followed and special equipment is used which will provide proven, effective protection for employees.

Q: Can I get a sample lock out/tag out program?
A: You can view a sample lock out/tag out program from INSafe here. This program is available at no charge. Please feel free to adapt this program to your workplace.

Recognizing Excellence: INSHARP
Q: What is the Indiana Safety and Health Achievement Recognition Program (INSHARP)?
A: The Indiana Safety and Health Achievement Recognition Program (INSHARP) was established to recognize, reward and promote occupational safety and health excellence. Indiana employers that are successful in receiving INSHARP participation status are recognized by the Indiana Department of Labor as model worksites for workplace safety and health management. Employers also receive an exemption from IOSHA general schedule inspections for the period in which their INSHARP certification is valid. For additional information, call (317) 232-2688 or email INSHARP at insharp@dol.in.gov.

Q: Who are the current INSHARP participants?
A: A list of current INSHARP participants can be found here (https://www.in.gov/dol/files/2010_INSHARP.pdf).

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TITLE 6. TAXATION
Chapter 5. State Gross Retail and Use Taxes

IC 6-2.5-1-1 "Unitary transaction"

Sec. 1. (a) Except as provided in subsection (b) or (c), «unitary transaction» includes all items of personal property and services which are furnished under a single order or agreement and for which a total combined charge or price is calculated.

(b) «Unitary transaction» does not include a transaction that meets one (1) of the exceptions in section 11.5(d) of this chapter.

(c) «Unitary transaction» as it applies to the furnishing of public utility commodities or services means the public utility commodities and services which are invoiced in a single bill or statement for payment by the consumer.

IC 6-2.5-1-2 "Retail transaction" and "retail unitary transaction"

Sec. 2. (a) «Retail transaction» means a transaction of a retail merchant that constitutes selling at retail as described in IC 6-2.5-4-1 or that is described in any other section of IC 6-2.5-4.

(b) «Retail unitary transaction» means a unitary transaction that is also a retail transaction.

Chapter 4. Retail Transactions of Retail Merchant

IC 6-2.5-4-1 Selling at retail

Sec. 1. (a) A person is a retail merchant making a retail transaction when the person engages in selling at retail.

(b) A person is engaged in selling at retail when, in the ordinary course of the person›s regularly conducted trade or business, the person:

(1) acquires tangible personal property for the purpose of resale; and

(2) transfers that property to another person for consideration.

(c) For purposes of determining what constitutes selling at retail, it does not matter whether:

(1) the property is transferred in the same form as when it was acquired;

(2) the property is transferred alone or in conjunction with other property or services; or

(3) the property is transferred conditionally or otherwise.

(d) Notwithstanding any provision of this article, a person is not making a retail transaction when the person:

(1) acquires tangible personal property owned by another person;

(2) provides industrial processing or servicing, including enameling or plating, on the property; and

(3) transfers the property back to the owner to be sold by that owner either in the same form or as a part of other tangible personal property produced by that owner in the owner's business of manufacturing, assembling, constructing, refining, or processing.

IC 6-2.5-4-4 Renting or furnishing rooms, lodgings, or other accommodations; facilitator is retail merchant

Sec. 4. (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:

(1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and

(2) if the rooms, lodgings, and accommodations are located in:

(A) a hotel, motel, inn, tourist camp, tourist cabin, gymnasium, hall, coliseum, or other place, where rooms, lodgings, or accommodations are furnished for consideration; or

(B) a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing for consideration.

(b) Each rental or furnishing by a retail merchant under subsection (a) is a separate unitary transaction regardless of whether consideration is paid to an independent contractor or directly to the retail merchant.

(c) For purposes of this section, «consideration» includes a membership fee charged to a customer.

(d) Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction if:

(1) the person is a promoter that rents a booth or display space to an exhibitor; and

(2) the booth or display space is located in a facility that:

(A) is described in subsection (a) (2); and

(B) is operated by a political subdivision (including a capital improvement board established under IC 36-10-8 or IC 36-10-9) or the state fair commission.

This subsection does not exempt from the state gross retail tax the renting of accommodations by a political subdivision or the state fair commission to a promoter or an exhibitor.

(e) The gross retail income derived from a transaction to which this section applies is equal to the total amount of consideration paid by the purchaser, including the payment of any fee (including a facilitation fee), commission, or other charge by the retail merchant (including a marketplace facilitator), except that the gross retail income does not include any taxes on the transaction that are imposed directly on the consumer.

(f) A marketplace facilitator who is considered a retail merchant under section 18 of this chapter for a transaction to which this section applies

shall collect and remit innkeeper›s taxes imposed under IC 6-9 on the retail transaction.

Chapter 5. Exempt Transactions of Retail Merchant

IC 6-2.5-5-24 Exemption; sales to the United States government; commercial printing; receipts or collection or taxes; amounts represented by an encumbrance in like kind exchange of tangible personal property

Sec. 24. Transactions are exempt from the state gross retail tax to the extent that the gross retail income from those transactions is derived from gross receipts that are:

(1) derived from sales to the United States government, to the extent the state is prohibited by the Constitution of the United States;

(2) derived from commercial printing that results in printed materials, excluding the business of photocopying, that are shipped, mailed, or delivered outside Indiana;

(3) United States or Indiana taxes received or collected as a collecting agent explicitly designated as a collecting agent for a tax by statute for the state or the United States;

(4) collections by a retail merchant of a retailer's excise tax imposed by the United States if:

(A) the tax is imposed solely on the sale at retail of tangible personal property;

(B) the tax is remitted to the appropriate taxing authority; and

(C) the retail merchant collects the tax separately as an addition to the price of the property sold;

(5) collections of a manufacturer's excise tax imposed by the United States on motor vehicles, motor vehicle bodies and chassis, parts and accessories for motor vehicles, tires, tubes for tires, or tread rubber and laminated tires, if the excise tax is separately stated by the collecting taxpayer as either an addition to or an inclusion in the price of the property sold; or

(6) amounts represented by an encumbrance of any kind on tangible personal property received by a retail merchant in reciprocal exchange for tangible personal property of like kind.

Sales and Use Tax

45 IAC 2.2-4-2 Selling at retail; services

Authority: IC 6-8.1-3-3

Affected: IC 6-2.5

Sec. 2.

(a) Professional services, personal services, and services in respect to property not owned by the person rendering such services are not "transactions of a retail merchant constituting selling at retail", and are not subject to gross retail tax. Where, in conjunction with rendering professional services, personal services, or other services, the serviceman also transfers tangible personal property for a consideration, this will constitute a transaction of a retail merchant constituting selling at retail unless:

(1) The serviceman is in an occupation which primarily furnishes and sells services, as distinguished from tangible personal property;

(2) The tangible personal property purchased is used or consumed as a necessary incident to the service;

(3) The price charged for tangible personal property is inconsequential (not to exceed 10%) compared with the service charge; and

(4) The serviceman pays gross retail tax or use tax upon the tangible personal property at the time of acquisition.

(b) Services performed or work done in respect to property and performed prior to delivery to be sold by a retail merchant must however, be included in taxable gross receipts of the retail merchant.

(c) Persons engaging in repair services are servicemen with respect to the services which they render and retail merchants at retail with respect to repair or replacement parts sold.

(d) A serviceman occupationally engaged in rendering professional, personal or other services will be presumed to be a retail merchant selling at retail with respect to any tangible personal property sold by him, whether or not the tangible personal property is sold in the course of rendering such services. If, however, the transaction satisfies the four (4) requirements set forth in 6-2.5-4- 1(c) (010), paragraph (1) [subsection (a) of this section], the gross retail tax shall not apply to such transaction.

Indiana Department of Revenue

Indiana Government Center • 100 N. Senate Ave. Indianapolis, IN 46204 • dor.in.gov

Sales Tax Information Bulletin	#49
Subject:	Sales Tax Application to Morticians
Publication Date:	April 2023
Effective Date:	June 2022
References:	IC 6-2.5-1-1; IC 6-2.5-4-1; IC 6-2.5-4-4; IC 6-2.5-5-24; 45 IAC 2.2-4-2

Replaces Bulletin #49, dated June 2022

Disclaimer: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is not consistent with the law, regulations, or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

Summary of Changes

Only nonsubstantive, technical changes have made to this bulletin. It has been primarily changed to reflect updated formatting.

Introduction

Morticians and funeral directors in the business of providing funeral services must register with the department to collect and remit Indiana sales tax on the sale of tangible personal property. The purpose of this bulletin is to provide further guidance regarding the treatment of various items sold by morticians and funeral directors.

Funeral Expenses Stated as One Amount with No Itemization of Tangible Personal Property That Is Purchased

If a funeral home provides a service to an individual for one, nonitemized price without separating charges for services and tangible personal property, then Indiana sales tax may be due on the entire price. This could be a bundled transaction, in which case sales tax shall be included on all items of personal property and services which are furnished under a single order or agreement and for which a total combined charge or price is included.

However, there are two exceptions that may apply. One is when the service is the true object of the transaction, and tangible personal property that is essential to the use of the service and is provided exclusively in connection with the service. The other is a transaction that includes both taxable and nontaxable products in which the seller's purchase price or the sales price of the taxable products does not exceed ten percent (10%) (i.e., de minimis or incidental) of the total purchase price or the total sales price of the bundled products.

> *Example:* A standard service is quoted as costing $8,900.00, including all services rendered, the casket, the providing of vehicles and the preparation of the remains. The casket is the only taxable tangible personal property provided, which was purchased for wholesale at $4,000. In this case, neither exception to the bundled transaction rule would apply. The service is neither the true object of the transaction, nor is the tangible personal property incidental to the overall sales price, so sales tax should be collected on the entire amount charged as a taxable bundled transaction.

For further information on bundled transactions, please see Sales Tax Information Bulletin #94, available online at: in.gov/dor/legal-resources/tax-library/information-bulletins/sales-tax-information-bulletins/

Funeral Expenses Where All the Expenses Are Separately Listed and Itemized in the Billing

If the billing for a funeral service lists all the services and tangible personal property individually, then Indiana sales tax is only required to be collected and remitted on those items that are taxable. Listed below are some of the services and products that are commonly supplied in the funeral service.

Exempt Items

Minimum professional service fees
Other funeral director and staff services
Embalming
Other care or preparation of the remains (such as refrigeration)
Funeral ceremony
Transferring remains to the funeral home
Funeral vehicle
Family vehicle
Visitation/viewing room charge
Cemetery fees
Crematory
Obituary notices
Escorts
Death certificates
Vault installations

Clergy, religious facility
Musicians or singers
Hairdressing
Other professional services

Taxable Items

Casket/cremation casket
Outside enclosure/ vault
Urns and vases
Clothing
Memorial booklet
Service folder/prayers cards
Acknowledgment cards
Flowers
Any other tangible personal property purchased directly by the buyer

NOTE: When a customer purchases a liner to hold the body and rents a casket for the funeral as a means to hold a funeral for a deceased individual who will subsequently be cremated, the purchase of the liner would be subject to sales tax, but the rental of the casket would not be. The renter does not gain physical possession of the casket, and therefore it does not meet the definition of a rental for sales tax purposes. However, since the casket is not rented, then the purchase of the casket by the funeral home would not be exempt from sales tax because the sale for resale exemption would not apply. Therefore, the funeral home would have to self-assess use tax on the purchase of the casket if the vendor does not collect sales tax. The funeral home should provide an exemption certificate to their vendor for caskets and other items for resale, either a Form ST-105 or a Streamlined Sales Tax exemption certificate (SSTGB Form F0003).

Government Funeral Expenses

If the funeral expense is for a veteran or an indigent qualifying for government reimbursement, and the fee is paid by a government unit directly to the funeral home, the fee is deducted from the total price of the service after the inclusion of all appropriate sales tax.

If the payment is to a relative or other person as reimbursement for a portion of the funeral expense, it is not a sale to a governmental unit, and is taxable as if the relative or other person were providing the funds for the funeral.

Purchases by Funeral Directors

Purchases of antiseptics, embalming fluids, cosmetics and other chemicals purchased by funeral directors in their rendering of professional services are subject to Indiana sales tax.

Purchases of other tangible personal property by a funeral home are subject to sales tax unless the tangible personal property is purchased for resale. A funeral home registered as an Indiana Retail Merchant may issue an exemption certificate (either Form ST-105 or a Streamlined Sales and Use Tax Agreement Certificate of Exemption (SSTGB Form F0003)) on purchases of merchandise for resale.

Purchases of funeral vehicles, hearses, family vehicles, and flower cars are also subject to sales and use tax.

If you have any questions concerning this bulletin, please contact the Tax Policy Division at taxpolicy@dor.in.gov.



Robert J. Grennes, Jr.
Commissioner
Indiana Department of Revenue

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Wage & Hour Home
The Wage and Hour Division is charged with the administration and enforcement of the Indiana Wage and Hour laws. Some of the topics we cover include the Indiana minimum wage law, Indiana overtime issues, underpayment of wages and the Common Construction Wage act.

Wage & Hour IDOL Knowledge Base
The Knowledge Base platform is now available to assist with topics and questions that you may have regarding Indiana's wage laws, work hour laws, etc. **Click here to see the IDOL's Knowledge Base: http://kb.dol.in.gov/**

Wage Payment, Wage Assignment/Deductions Law
Effective July 01, 2015, an employer who fails to make timely payment of wages or withholds wages shall: pay the wages due, shall pay a reasonable fee for the plaintiff's attorney, and shall pay court costs. If a court finds that the failure to pay the employee was not in good faith, the court shall order that the employee be paid an amount equal to two times the amount of wages due the employee as liquidated damages.

An employee may assign wages for (choose to have deducted from his or her pay): 1) the purchase of uniforms or equipment necessary to fulfill the duties of employment, provided that the total amount of wages assigned may not exceed the lesser of: (A) $2,500 per year ($48.08 weekly); or (B) 5% of the employee's weekly disposable earnings; (2) reimbursement for education or employee skills training, unless the education or employee skills training was provided through an economic development incentive from a federal, state, or local program; (3) an advance for payroll or vacation pay; and (4) merchandise, goods, or food offered by the employer, for the employee's benefit, use, or consumption, at the written request of the employee.

However, according to federal law (see FLSA Fact Sheet #16), pay deductions cannot be made which reduce an employee's wages below minimum wage nor may that deduction for the cost cut into overtime compensation required by the Fair Labor Standards Act.

For information concerning Indiana Wage and Hour laws, please visit our Frequently Asked Questions. For your convenience, links to commonly used Wage and Hour documents are listed below.

Wage and Hour Posters
Indiana Minimum Wage Poster - REQUIRED
A required poster for any business covered by the Indiana Minimum Wage law. (https://www.in.gov/dol/files/Indiana_2009_Minimum_Wage.pdf)

Wage & Hour FAQs

Minimum Wage/Overtime
Is my employer required to pay overtime?
Most Indiana employers and employees are covered by the minimum wage and overtime provisions of the federal Fair Labor Standards Act (FLSA); however those not covered under federal law may still be covered by the Indiana Minimum Wage Law.

For more information on differences between Federal and Indiana State Minimum Wage, please visit http://www.in.gov/dol/files/Explanation_of_Minimum_Wage.pdf.

What is the overtime law?
Both the federal Fair Labor Standards Act (FLSA) and the Indiana Minimum Wage Law generally require employers to pay employees 1½ times their regular rate of pay ("overtime compensation") when employees work more that forty (40) hours during a work week. However, there are many exceptions to the overtime pay requirements of both federal and state law. Most of the exceptions to Indiana state law can be found at http://www.in.gov/legislative/ic/code/title22/ar2/ch2.html. Overtime claims should be made directly to the federal U.S. Department of Labor, Wage and Hour Division at the nearest regional office, or at the Indianapolis District Office. If you have specific questions, contact the U.S. Department of Labor at (317) 226-6801 or the Indiana Department of Labor at (317) 232-2655.

Can my employer force me to work overtime?
Absent a collective bargaining agreement or contract that states otherwise, employers in Indiana may set their work hours at their own discretion. The employee may be required to work longer or later hours. In general, there are no laws that define how much notice must be given to the employee or how many hours an employee may work in one shift. Some industries, such as transportation and trucking, may have different safety rules that would require hour limits.

Do I get paid overtime if I work more than 8 hours in a day?
Federal and state overtime laws only require payment of overtime when an employee works more than 40 hours in a work week. Some collective bargaining agreements and/or contracts will, however, state that the employee must be paid one and one half times his/her regular rate of pay when working more than 8 hours in a day. This is set on a company-by-company basis, but is not a requirement under state or federal law.

Underpayment/Non-Payment of Wages
I didn't get paid. What can I do?
An employee attempting to recoup lost wages should start by asking the employer why payment was not provided and document any reason the employer gives. If the employee feels he/she is owed wages, he/she can file an Application for Wage Claim with the Indiana Department of Labor or consult a private attorney about his/her rights and remedies. The Indiana wage claim form may be completed online at https://wc.dol.in.gov/ , by visiting the Indiana Department of Labor office or by printing the form

from the Indiana Department of Labor website. Please read all instructions and information provided with the form. This form must be completed in its entirety. Employees who have been involuntarily separated from employment (laid off or fired) must file a wage claim with the Indiana Department of Labor before proceeding to file a civil lawsuit to recover wages. An employee who is still employed or separates from employment voluntarily (quits) may either file a wage claim or file a private lawsuit to seek recovery of wages. Most wage claims are processed in under 90 days, however the actual time required may vary, depending upon the parties' cooperation and the volume of claims filed. Filing a wage claim with the Indiana Department of Labor does not guarantee payment, and Indiana law provides no job protection for filing a wage claim against your current employer.

How long does it take to resolve a wage dispute (wage claim)?
The actual time required may vary, depending upon the parties' cooperation and the volume of claims filed. Most wage claims are processed in under 90 days. Filing a wage claim does not guarantee payment.

When is an employee's final paycheck due?
Indiana law requires that, in most cases, an employee must be paid within ten (10) business days of the regularly scheduled pay date. If the employer fails to provide the employee with his/her paycheck within ten (10) business days, Indiana law provides that an employee may file a wage claim with the Indiana Department of Labor or seek private legal counsel. If the matter is pursued through a court, the employee may be entitled to liquidated damages (10% per day up to double the paycheck amount) and attorney fees. The Indiana Department of Labor cannot pursue damages through the wage claim process. If the employer refuses to give you your paycheck, you may file an Application for Wage Claim with the Indiana Department of Labor or consult a private attorney about your rights and how you should proceed. The Indiana wage claim form may be completed online at https://wc.dol.in.gov/, by visiting the Indiana Department of Labor office or by printing the form from the Indiana Department of Labor website. Please read all instructions and information provided with the form. This form must be completed in its entirety. Employees who have been involuntarily separated from employment (laid off or fired) must file a wage claim with the Indiana Department of Labor before proceeding to file a civil lawsuit to recover wages. An employee who is still employed or separates from employment voluntarily (quits) may either file a wage claim or file a private lawsuit to seek recovery of wages. Indiana law only allows the Indiana Department of Labor to pursue wage claims above $30 and below $6,000. If you believe you are owed more than $6,000 in wages, you should consult a private attorney about your rights and how you should proceed. Most wage claims are processed in under 90 days, however the actual time required may vary, depending upon the parties' cooperation and the volume of claims filed. Filing a wage claim with the Indiana Department of Labor does not guarantee payment, and Indiana law provides no job protection for filing a wage claim against your current employer.

Deductions
Can an employer fine an employee and take it out of his or her paycheck?
An employer is not permitted under Indiana law to fine an employee and deduct the amount from his/her pay. After an employee receives his/her full check, however, an employer may ask an employee to pay him/her back for loans, goods or services rendered to the employee or for damage to company property. An employer may terminate an employee and/or file a lawsuit for failure to repay these types of debts.

If I am overpaid, can my employer deduct the amount of the overpayment from my paycheck?
Indiana law permits employers to deduct the amount of overpayment from an employee's paycheck. However, the employer must notify you in advance and there is a limit to the amount that can be deducted from each paycheck.

IC 22-2-6-4 Overpayment by employer

Sec. 4. (a) If an employer has overpaid an employee, the employer may deduct from the wages of the employee the amount of the overpayment. A deduction by an employer for reimbursement of an overpayment of wages previously made to an employee is not a fine under IC 22-2-8-1 or an assignment of wages under section 2 of this chapter. An employer must give an employee two (2) weeks notice before the employer may deduct, under this section, any overpayment of wages from the employee's wages.

(b) An employer may not deduct from an employee›s wages an amount in dispute under IC 22-2-9-3.

(c) The amount of a wage deduction made by an employer under subsection (a) is limited to the following:

(1) Except as provided in subdivision (2), the maximum part of the aggregate disposable earnings of an employee for any work week that is subjected to an employer deduction for overpayment may not exceed the lesser of:
(A) twenty-five percent (25%) of the employee's disposable earnings for that week; or
(B) the amount by which the employee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable.

In the case of earnings for a pay period other than a week, the earnings must be computed upon a multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed in this section.

(2) If a single gross wage overpayment is equal to ten (10) times the employee's gross wages earned due to an inadvertent misplacement of a decimal point, the entire overpayment may be deducted immediately.

What can an employer legally deducted from my paycheck?
IC 22-2-6-2 Assignment of wages; requisites

Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

(1) Premium on a policy of insurance obtained for the employee by the employer.

(2) Pledge or contribution of the employee to a charitable or nonprofit organization.

(3) Purchase price of bonds or securities, issued or guaranteed by the United States.

(4) Purchase price of shares of stock, or fractional interests in shares of stock, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.

(5) Dues to become owing by the employee to a labor organization of which the employee is a member.

(6) Purchase price of merchandise, goods, or food offered by the employer and sold to the employee, for the employee's benefit, use, or consumption, at the written request of the employee.

(7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.

(8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.

(9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

(14) The purchase, rental, or use of uniforms, shirts, pants, or other job-related clothing at an amount not to exceed the direct cost paid by an employer to an external vendor for those items.

(15) The purchase of equipment or tools necessary to fulfill the duties of employment at an amount not to exceed the direct cost paid by an employer to an external vendor for those items.

(16) Reimbursement for education or employee skills training. However, a wage assignment may not be made if the education or employee skills training benefits were provided, in whole or in part, through an economic development incentive from any federal, state, or local program.

(17) An advance for:

(A) payroll; or

(B) vacation pay.

(18) The employee's drug education and addiction treatment services under IC 12-23-23.

(c) The interest rate charged on amounts loaned or advanced to an employee and repaid under subsection (b) may not exceed the bank prime loan interest rate as reported by the Board of Governors of the Federal Reserve System or any successor rate, plus four percent (4%).

(d) The total amount of wages subject to assignment under subsection (b)(14) and (b)(15) may not exceed the lesser of:

(1) two thousand five hundred dollars ($2,500) per year; or

(2) five percent (5%) of the employee's weekly disposable earnings (as defined in IC 24-4.5-5-105(1)(a)).

Can my employer deduct the cost of uniforms from my paycheck?
Indiana law does not allow employers to deduct the cost of mandatory uniforms from an employee's paycheck. However, it does allow employers to deduct the purchase price of merchandise sold by the employer to an employee if it is at the request of the employee. With this said, if the uniform is optional and the employee makes a written request for the deduction, the cost may be deducted from the employees wages.

Fringe Benefits
Is my employer required to pay me for sick days, personal days and holidays?
No. Indiana law only requires that employers must pay employees for actual time worked. As a result, employers are not required to pay for sick days, personal days, or holidays.

Is my employer required to provide me with fringe benefits (i.e. insurance, sick days, vacation days, retirement, 401k, etc.)?
Generally, there are no laws that require an employer to provide any employees with fringe benefits, such as vacations, sick leave, health insurance, pensions or profit-sharing plans. But if the employer does provide those benefits, an employee cannot be denied benefits or receive lower benefits because of his or her age, disability, race, color, sex, national origin, or religion.

Payroll Practices
Can an employer change an employee's rate of pay?
Yes. Unless covered by a collective bargaining agreement or other form of pay guarantee, an employer can change an employee's rate of pay as long as the reduction does not bring an employee's wage below the applicable federal or state minimum wage. To avoid potential liability, the employer should notify the affected employee prior to his/her working at the reduced rate.

When I leave my employment, is my former employer required to pay me for any accrued vacation time?
Accrued vacation pay is considered a form of compensation. An employee may be entitled to a pro rata share of his/her accrued vacation at the time of termination. If there is a company policy or employment contract stipulating that certain conditions must be met before accrued vacation pay will be paid, these conditions must be met in order to receive accrued vacation pay. Vacation policies are generally left to the discretion of the employer.

Does my employer have to pay me for mandatory meetings?
An employer must compensate employees for time spent on the job when the employee is subject to the employer's control and direction.

How can I determine if I am an employee or an independent contractor?
Correctly determining whether a worker is an employee or an independent contractor is an important matter and misclassification can have serious

consequences. It can affect whether a worker is protected by several workplace laws covering minimum wage and overtime, safety and health, illegal discrimination, etc. It can also affect the tax liability of the worker and whether the worker is covered by insurance in case of accident or injury. If you are unsure whether you are an employee or an independent contractor you may want to contact the Internal Revenue Service and request Form SS-8. Complete the form and return it to the Internal Revenue Service at the address listed on the form. Based on the information provided, they will make a determination as to your status as an employee or independent contractor. You may contact the IRS at (800) 829-3676 or access their website at http://www.irs.gov/. You may also want to consult a knowledgeable attorney about your employment status.

Can an employer require an electronic direct deposit?
Yes. Indiana Code § 22-2-5-1(a) states, "Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void."

Do I have to be paid for "on-call" time?
Generally, you are only required to be paid for time while you are under the direction and control of your employer. An employee who is required to remain "on-call" at home, or who is allowed to leave a message where he/she can be reached, is not considered to be working while "on-call." However, an employee who is required to remain "on-call" on the employer's premises is considered to be working while "on-call."

May an employer provide pay statements to its employees electronically?
Indiana Code § 22-2-2-8 requires employers to provide employees, **sixteen years and older** with statements of their hours worked, wages paid, and deductions taken from the paycheck. However, the method of the provision is not specified. Therefore, in and of itself, an electronic method would not violate Indiana's wage and hour statutes.

Can my employer require me to work on holidays?
Absent a collective bargaining agreement or contract that states otherwise, employers in Indiana may set their work hours at their own discretion. Some employers will pay twice the employee's rate of pay for working on a holiday as an incentive or benefit to their employees, but this is not required by law. Unless otherwise provided in a collective bargaining agreement or contract, the employee is only entitled to his or her regular rate of pay for working a holiday. If an employee is overtime eligible and works more than 40 hours during the work week, he/she would be compensated at one and one half times his/her regular rate of pay for all time worked past 40 hours.

My employer has me working two shifts but is only giving me a few hours off in between. Can they do that?
There is no law that requires a certain number of hours between shifts. Some industries, such as transportation and trucking, may have different safety rules that would require a certain number of hours between shifts.

Can my employer force me to work overtime?
Generally, yes. Absent a collective bargaining agreement or contract that states otherwise, employers in Indiana may set their work hours at their own discretion. The employee may be required to work longer or later hours. In general, there are no laws that define how much notice must be given to the employee or how many hours an employee may work in one shift. Some industries, such as transportation and trucking, may have different safety rules that would require hour limits.

Can my employer send me home early from a shift? Does he/she have to pay me for it?
Absent a collective bargaining agreement or contract stating otherwise, employers are free to set their work hour policies at their own discretion. If the employer determines he does not need you to complete your shift, he/she may ask you to leave early. Under the wage and hour statutes, an employee is only required to be paid for hours he/she actually worked.

Discipline/Suspension/Termination
Can my employer terminate me for no reason?
In the absence of a collective bargaining agreement or contract providing otherwise, Indiana employers may hire, fire, promote, demote, layoff, suspend, set their own work hours and policies at their discretion. Employers may not discriminate against their employees because of their age, sex, race, religion, national origin, or disability. If you feel you have been the victim of discrimination, you may contact the Indiana Civil Rights Commission by phone at (317) 232-2600. If you feel your termination was unjust for some other reason, you may choose to seek the advice of a knowledgeable labor law attorney.

Can I be fired even if I have a doctor's note?
Indiana employers may hire, fire, promote, demote, layoff, suspend, set their own work hours and policies at their discretion. The federal Family and Medical Leave Act, however, offers some protection for employees taking time off for illness. If you have questions concerning Family and Medical Leave and whether it applies, please contact the U.S. Department of Labor, Wage and Hour Division in Indianapolis at (317) 226-6801.

Can I do anything about untrue statements that my former employer has made about me to a potential employer?
Indiana has a Blacklisting law which permits employers to disclose only truthful facts about an employee's termination. If you believe your former employer has made untrue statements about you, you must request copies of any written correspondence from a former employer to a potential employer within 30 days of applying for a job with the potential employer. You may wish to consult a private attorney about any remedies for violation of the Blacklisting law.

Breaks/Lunches
Are employers required to provide breaks to employees?
Indiana state law does not generally require employers to provide rest breaks, meal breaks, or breaks for other purposes to employees. Under the federal Fair Labor Standards Act, employees may, but are not required to, take breaks. A break of 20 minutes or less must be a paid break. Meal times of 30 minutes generally do not need to be compensated as work time unless the employee performs work during that meal break--including answering email or taking a business phone call. It is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during the meal period. Certain other categories of workers, such as airline pilots, truck drivers, and workers covered by a union collective bargaining agreement may be entitled to mandatory breaks under other applicable regulations or by contract. Check with the appropriate regulatory agency or with your union representative.

Vacation
Can my employer mandate when I use my vacation time?
Vacation time is considered a fringe benefit and is administered at the discretion of the employer.

Unemployment
Who do I contact with questions about unemployment compensation or unemployment insurance?
The Department of Workforce Development (DWD) is the regulatory agency that deals with unemployment and unemployment related issues. For all unemployment questions, please contact the DWD by phone at (800) 891-6499 or visit their website at www.in.gov/dwd.

Workers Compensation

Who do I contact with questions about Workers Compensation issues?

The Worker's Compensation Board is the regulatory agency that deals with all issues related to Worker's Compensation. For all questions related to Worker's Compensation, please contact the Workers Compensation Board by phone at (800) 824-COMP or visit their website at http://www.in.gov/wcb/.

Federal Overtime/Minimum Wage Issues

Who do I contact with questions about federal minimum wage issues?

Questions concerning federal Minimum Wage and Overtime should be directed to the United States Department of Labor. They may be contacted by phone at (317) 226-6801.

Discrimination

I feel as if my employer is discriminating against me. What can I do?

It is unlawful for an employer to discriminate based upon age, race, color, gender, disability, religion or country of national origin. If you feel your employer is discriminating for any of these reasons, you may wish to contact the Indiana Civil Rights Commission at (317) 232-2600.

Is it possible to have an individual's criminal record expunged or sealed?

Possibly. The Indiana Legislature passed a new law that took effect July 1, 2013. The law allows for expungement or sealing of certain criminal records. Information published by the Indiana Clerk of Courts may be found online at: http://www.in.gov/judiciary/admin/files/pubs-trial-court-44-expungement-statute.pdf . The Indiana Department of Labor cannot give legal advice. If you have questions or need advice about expungement or sealing of criminal records, you should consult a knowledgeable attorney.

Family Medical Leave (FML)

How do I know if I qualify for Family Medical Leave?

Covered employers are required to post a notice explaining the rights and responsibilities under the federal Family Medical Leave Act (FMLA) and general written information about employee rights and obligations. For further information, contact the U.S. Department of Labor at: Indianapolis District Office US Dept. of Labor ESA Wage and Hour Division U.S. Courthouse 46 E. Ohio Street Room 413 Indianapolis, IN 46204 Phone: (317) 226-6801 Web: http://www.dol.gov

Who do I contact with questions about the Family & Medical Leave Act (FMLA)?

Questions concerning Family Medical Leave (FMLA) should be directed to the United States Department of Labor. They may be contacted by phone at (317) 226-6801.

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Wages and the Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than $7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

FLSA Minimum Wage: The federal minimum wage is $7.25 per hour effective July 24, 2009. Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.

FLSA Overtime: Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.

Hours Worked: Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.

Recordkeeping: Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.

Child Labor: These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

Basic Wage Standards

Covered, nonexempt workers are entitled to a minimum wage of $7.25 per hour effective July 24, 2009. Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands. Nonexempt workers must be paid overtime pay at a rate of not less than one and one-half times their regular rates of pay after 40 hours of work in a workweek.

Wages required by the FLSA are due on the regular payday for the pay period covered. Deductions made from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal to the extent that they reduce the wages of employees below the minimum rate required by the FLSA or reduce the amount of overtime pay due under the FLSA.

The FLSA contains some exemptions from these basic standards. Some apply to specific types of businesses; others apply to specific kinds of work. While the FLSA does set basic minimum wage and overtime pay standards and regulates the employment of minors, there are a number of employment practices which the FLSA does not regulate.

For example, the FLSA does not require:

1. vacation, holiday, severance, or sick pay;
2. meal or rest periods, holidays off, or vacations;
3. premium pay for weekend or holiday work;
4. pay raises or fringe benefits; or
5. a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some States do have laws under which such claims (sometimes including fringe benefits) may be filed.

Also, the FLSA does not limit the number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

The above matters are for agreement between the employer and the employees or their authorized representatives.

Who is Covered?

All employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling, or otherwise working on goods or materials that have been moved in or produced for such commerce by any person, are covered by the FLSA.

A covered enterprise is the related activities performed through unified operation or common control by any person or persons for a common business purpose and —

1. whose annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level that are separately stated); or
2. is engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, or the mentally ill who reside on the premises; a school for mentally or physically disabled or gifted children; a preschool, an elementary or secondary school, or an institution of higher education (whether operated for profit or not for profit); or
3. is an activity of a public agency.

Any enterprise that was covered by the FLSA on March 31, 1990, and that ceased to be covered because of the revised $500,000 test, continues to be subject to the overtime pay, child labor and recordkeeping provisions of the FLSA.

Employees of firms which are not covered enterprises under the FLSA still may be subject to its minimum wage, overtime pay, recordkeeping, and child labor provisions if they are individually engaged in interstate commerce or in the production of goods for interstate commerce, or in any closely-related process or occupation directly essential to such production. Such employees include those who: work in communications or transportation; regularly use the mails, telephones, or telegraph for interstate communication, or keep records of interstate transactions; handle, ship, or receive goods moving in interstate commerce; regularly cross State lines in the course of employment; or work for independent employers who contract to do clerical, custodial, maintenance, or other work for firms engaged in interstate commerce or in the production of goods for interstate commerce.

Domestic service workers such as day workers, housekeepers, chauffeurs, cooks, or full-time babysitters are covered if:

1. their cash wages from one employer in calendar year 2010 are at least $1,700 (this calendar year threshold is adjusted by the Social Security Administration each year); or
2. they work a total of more than 8 hours a week for one or more employers.

Employer-Furnished Facilities
The reasonable cost or fair value of board, lodging, or other facilities customarily furnished by the employer for the employee's benefit may be considered part of wages.

Subminimum Wage Provisions
The FLSA provides for the employment of certain individuals at wage rates below the statutory minimum. Such individuals include student-learners (vocational education students), as well as full-time students in retail or service establishments, agriculture, or institutions of higher education. Also included are individuals whose earning or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed. Employment at less than the minimum wage is authorized to prevent curtailment of opportunities for employment. Such employment is permitted only under certificates issued by WHD.

Youth Minimum Wage
A minimum wage of not less than $4.25 an hour is permitted for employees under 20 years of age during their first 90 consecutive calendar days of employment with an employer. Employers are prohibited from taking any action to displace employees in order to hire employees at the youth minimum wage. Also prohibited are partial displacements such as reducing employees' hours, wages, or employment benefits.

Exemptions
Some employees are exempt from the overtime pay provisions or both the minimum wage and overtime pay provisions.

Because exemptions are generally narrowly defined under the FLSA, an employer should carefully check the exact terms and conditions for each. Detailed information is available from local WHD offices.

Following are examples of exemptions which are illustrative, but not all-inclusive. These examples do not define the conditions for each exemption.

Exemptions from Both Minimum Wage and Overtime Pay

1. Executive, administrative, and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations (as defined in DOL regulations);
2. Employees of certain seasonal amusement or recreational establishments, employees of certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery;
3. Farmworkers employed by anyone who used no more than 500 "man-days" of farm labor in any calendar quarter of the preceding calendar year;
4. Casual babysitters and persons employed as companions to the elderly or infirm.

Exemptions from Overtime Pay Only

1. Certain commissioned employees of retail or service establishments; auto, truck, trailer, farm implement, boat, or aircraft sales-workers; or parts-clerks and mechanics servicing autos, trucks, or farm implements, who are employed by non-manufacturing establishments primarily engaged in selling these items to ultimate purchasers;
2. Employees of railroads and air carriers, taxi drivers, certain employees of motor carriers, seamen on American vessels, and local delivery employees paid on approved trip rate plans;
3. Announcers, news editors, and chief engineers of certain non-metropolitan broadcasting stations;
4. Domestic service workers living in the employer's residence;
5. Employees of motion picture theaters; and

Partial Exemptions from Overtime Pay

1. Partial overtime pay exemptions apply to employees engaged in certain operations on agricultural commodities and to employees of certain bulk petroleum distributors.
2. Hospitals and residential care establishments may adopt, by agreement with their employees, a 14-day work period instead of the usual 7-day workweek if the employees are paid at least time and one-half their regular rates for hours worked over 8 in a day or 80 in a 14-day work period, whichever is the greater number of overtime hours.
3. Employees who lack a high school diploma, or who have not attained the educational level of the 8th grade, can be required to spend up to 10 hours in a workweek engaged in remedial reading or training in other basic skills without receiving time and one-half overtime pay for these hours. However, the employees must receive their normal wages for hours spent in such training and the training must not be job specific.
4. Public agency fire departments and police departments may establish a work period ranging from 7 to 28 days in which overtime need only be paid after a specified number of hours in each work period.

Child Labor Provisions
The FLSA child labor provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being. The provisions include

restrictions on hours of work for minors under 16 and lists of hazardous occupations orders for both farm and non-farm jobs declared by the Secretary of Labor to be too dangerous for minors to perform. Further information on prohibited occupations is available from https://www.dol.gov/agencies/whd/youthrules.

Nonagricultural Jobs (Child Labor)
Regulations governing child labor in non-farm jobs differ somewhat from those pertaining to agricultural employment. In non-farm work, the permissible jobs and hours of work, by age, are as follows:

1. Youths 18 years or older may perform any job, whether hazardous or not, for unlimited hours;
2. Minors 16 and 17 years old may perform any nonhazardous job, for unlimited hours; and
3. Minors 14 and 15 years old may work outside school hours in various nonmanufacturing, nonmining, nonhazardous jobs under the following conditions: no more than 3 hours on a school day, 18 hours in a school week, 8 hours on a non-school day, or 40 hours in a non-school week. Also, work may not begin before 7 a.m., nor end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Under a special provision, youths 14 and 15 years old enrolled in an approved Work Experience and Career Exploration Program (WECEP) may be employed for up to 23 hours in school weeks and 3 hours on school days (including during school hours). In addition, academically oriented youths enrolled in an approved Work-Study Program (WSP) may be employed during school hours.

Fourteen is the minimum age for most non-farm work. However, at any age, minors may deliver newspapers; perform in radio, television, movie, or theatrical productions; work for parents in their solely-owned non-farm business (except in mining, manufacturing or on hazardous jobs); or gather evergreens and make evergreen wreaths.

Recordkeeping
The FLSA requires employers to keep records on wages, hours, and other items, as specified in DOL recordkeeping regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations. The records do not have to be kept in any particular form and time clocks need not be used. With respect to an employee subject to the minimum wage provisions or both the minimum wage and overtime pay provisions, the following records must be kept:

1. personal information, including employee's name, home address, occupation, sex, and birth date if under 19 years of age;
2. hour and day when workweek begins;
3. total hours worked each workday and each workweek;
4. total daily or weekly straight-time earnings;
5. regular hourly pay rate for any week when overtime is worked;
6. total overtime pay for the workweek;
7. deductions from or additions to wages;
8. total wages paid each pay period; and
9. date of payment and pay period covered.

Records required for exempt employees differ from those for nonexempt workers. Special information is required for homeworkers, for employees working under uncommon pay arrangements, for employees to whom lodging or other facilities are furnished, and for employees receiving remedial education.

Nursing Employees
Under the FLSA, most nursing employees have the right to reasonable break time and a private place to pump breast milk for their nursing child. This right is available each time the employee needs to pump for one year after their nursing child's birth. An employer may not deny a covered employee a needed break to pump.

Employers must provide a reasonable amount of break time to pump milk as frequently as needed by the nursing employee. The frequency and duration of breaks needed to pump will likely vary depending on factors related to the nursing employee and the child.

Employees are entitled to a place to pump, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. The location provided must be functional as a space for pumping. If the space is not dedicated to the nursing employee's use, it must be available when needed. A space temporarily created or converted into a space for pumping at work or made available when needed by the nursing employee is sufficient provided that the space is shielded from view, and free from any intrusion from coworkers and the public. A bathroom, even if private, is not a permissible location under the Act.

Certain employees of airlines, railroads, and motorcoach carriers are exempt from the pump at work protections of the FLSA. Employees who are exempted may be entitled to break time and/or space protections under State or local laws.

Employers with fewer than 50 employees are not subject to the FLSA pump at work requirements if compliance with the provision would impose an undue hardship (although State or local laws may still apply). Whether compliance would be an undue hardship is determined by looking at the difficulty or expense of compliance for a specific employer in comparison to the size, financial resources, nature, and structure of the employer's business. All employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply.

Reasonable break time to pump is generally not compensable unless otherwise required by Federal, State, or local law. For instance, the FLSA requires compensation for all hours worked and break time to pump will be considered hours worked if an employee is not completely relieved from duty during the entirety of the break. When employers provide paid breaks, an employee who uses that break time to pump must be compensated for that break time. Also, in most cases, the FLSA will require that employers may not reduce exempt employees' salaries to reflect pump breaks.

Employees may have greater protections under State or local worker protection laws. The FLSA does not preempt State or local laws that provide greater protections to employees - for example, providing compensated break time or providing break time beyond one year after the child's birth.

Terms Used in FLSA
Workweek - A workweek is a period of 168 hours during 7 consecutive 24-hour periods. It may begin on any day of the week and at any hour of the day established by the employer. Generally, for purposes of minimum wage and overtime payment, each workweek stands alone; there can be no averaging of 2 or more workweeks. Employee coverage, compliance with wage payment requirements, and the application of most exemptions are determined on a workweek basis.

Hours Worked - Covered employees must be paid for all hours worked in a workweek. In general, "hours worked" includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work, from the beginning of the first principal activity of the work day to the end of the last principal work activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work.

Computing Overtime Pay
Overtime must be paid at a rate of at least one and one-half times the employee's regular rate of pay for each hour worked in a workweek in excess of the maximum allowable in a given type of employment. Generally, the regular rate includes all payments made by the employer to or on behalf of the employee (except for certain statutory exclusions). The following examples are based on a maximum 40-hour workweek applicable to most covered nonexempt employees.

1. **Hourly rate** (regular pay rate for an employee paid by the hour) - If more than 40 hours are worked, at least one and one-half times the regular rate for each hour over 40 is due.
   Example: An employee paid $8.00 an hour works 44 hours in a workweek. The employee is entitled to at least one and one-half times $8.00, or $12.00, for each hour over 40. Pay for the week would be $320 for the first 40 hours, plus $48.00 for the four hours of overtime - a total of $368.00.
2. **Piece rate** - The regular rate of pay for an employee paid on a piecework basis is obtained by dividing the total weekly earnings by the total number of hours worked in that week. The employee is entitled to an additional one-half times this regular rate for each hour over 40, plus the full piecework earnings.
   Example: An employee paid on a piecework basis works 45 hours in a week and earns $405. The regular rate of pay for that week is $405 divided by 45, or $9.00 an hour. In addition to the straight-time pay, the employee is also entitled to $4.50 (half the regular rate) for each hour over 40 - an additional $22.50 for the 5 overtime hours - for a total of $427.50.
   Another way to compensate pieceworkers for overtime, if agreed to before the work is performed, is to pay one and one-half times the piece rate for each piece produced during the overtime hours. The piece rate must be the one actually paid during nonovertime hours and must be enough to yield at least the minimum wage per hour.
3. **Salary** - The regular rate for an employee paid a salary for a regular or specified number of hours a week is obtained by dividing the salary by the number of hours for which the salary is intended to compensate. The employee is entitled to an additional one-half times this regular rate for each hour over 40, plus the salary.

If, under the employment agreement, a salary sufficient to meet the minimum wage requirement in every workweek is paid as straight time for whatever number of hours are worked in a workweek, the regular rate is obtained by dividing the salary by the number of hours worked each week. To illustrate, suppose an employee's hours of work vary each week and the agreement with the employer is that the employee will be paid $480 a week for whatever number of hours of work are required. Under this agreement, the regular rate will vary in overtime weeks. If the employee works 50 hours, the regular rate is $9.60 ($480 divided by 50 hours). In addition to the salary, half the regular rate, or $4.80, is due for each of the 10 overtime hours, for a total of $528 for the week. If the employee works 60 hours, the regular rate is $8.00 ($480 divided by 60 hours). In that case, an additional $4.00 is due for each of the 20 overtime hours for a total of $560 for the week.

In no case may the regular rate be less than the minimum wage required by the FLSA.

If a salary is paid on other than a weekly basis, the weekly pay must be determined in order to compute the regular rate and overtime pay. If the salary is for a half month, it must be multiplied by 24 and the product divided by 52 weeks to get the weekly equivalent. A monthly salary should be multiplied by 12 and the product divided by 52.

Enforcement Through Investigation
WHD enforcement of the FLSA is carried out by investigators stationed across the country. As WHD authorized representatives, they conduct investigations and gather data on wages, hours, and other employment conditions in order to determine compliance with the law regardless of workers' immigration status. Where violations are found, they will recommend changes in employment practices in employment practices to bring an employer into compliance.

Enforcement Through Legal Remedies
The FLSA allows the Department of Labor ("Department") or an employee to recover back wages and an equal amount in liquidated damages where minimum wage and overtime violations exist. Generally, a 2-year statute of limitations applies to the recovery of back wages and liquidated damages. A 3-year statute of limitations applies in cases involving willful violations. Remedies may be recovered through administrative procedures, litigation, and/or criminal prosecution.
Administrative procedures:

- The Department is authorized to supervise the payment of unpaid minimum wages and/ or unpaid overtime compensation owed to any employee(s).
- In lieu of litigation, the Department may seek back wages and liquidated damages, through settlements with employers.
- Civil money penalties may be assessed for child labor violations and for repeat and/or willful violations of FLSA minimum wage or overtime requirements.
    - Employers who willfully or repeatedly violate minimum wage or overtime pay requirements are subject to civil money penalties for each violation.
    - Employers who violate the child labor provisions of the FLSA may be subject to civil money penalties. These penalties may be increased for each violation that results in the death or serious injury of an employee who is a minor, and may be doubled if the violation was determined to be willful or repeated.
    - For current penalty amounts, see https://www.dol.gov/agencies/whd/flsa#cmp.

Litigation procedures:

- The Department may file suit on behalf of employees for back wages, an equal amount in liquidated damages, and civil money penalties where appropriate.
- The Department may seek a U.S. District Court injunction to restrain violations of the law, including the unlawful withholding of proper minimum wage and overtime pay, failure to keep proper records, and retaliation against employees who file complaints and/or cooperate with the Department.
- The Department may seek an order for payment of civil money penalties from a U.S. Department of Labor Administrative Law Judge where appropriate.
- An employee may file a private suit to recover back wages, an equal amount in liquidated damages, plus attorney's fees and court costs. In such a case, the Department will not seek the same back wages and liquidated damages on that employee's behalf.
- The FLSA provides that DOL may seek a U.S. District Court order to prevent the shipment of the affected goods.

Criminal prosecution:

- Employers who have willfully violated the law may be subject to criminal penalties, including fines and imprisonment.

Retaliation is Prohibited
Employees who have filed complaints or provided information cannot be discriminated against or discharged on account of such activity. If adverse action is taken against an employee for engaging in protected activity, the

affected employee or the Secretary of Labor may file suit for relief, including reinstatement to his/her job, payment of lost wages, and damages.

Other Labor Laws
In addition to the FLSA, WHD enforces and administers a number of other labor laws. Among these are:

1. the Davis-Bacon and Related Acts, which require payment of prevailing wage rates and fringe benefits on federally-financed or assisted construction;
2. the Walsh-Healey Public Contracts Act, which requires payment of minimum wage rates and overtime pay on contracts to provide goods to the Federal Government;
3. the Service Contract Act, which requires payment of prevailing wage rates and fringe benefits on contracts to provide services to the Federal Government;
4. the Contract Work Hours and Safety Standards Act, which sets overtime standards for service and construction contracts;
5. the Migrant and Seasonal Agricultural Worker Protection Act, which protects farm workers by imposing certain requirements on agricultural employers and associations and requires the registration of crewleaders who must also provide the same worker protections;
6. the Wage Garnishment Law, which limits the amount of an individual's income that may be legally garnished and prohibits firing an employee whose pay is garnished for payment of a single debt;
7. the Employee Polygraph Protection Act, which prohibits most private employers from using any type of lie detector test either for pre-employment screening of job applicants or for testing current employees during the course of employment;
8. the Family and Medical Leave Act, which entitles eligible employees of covered employers to take up to 12 weeks of unpaid job-protected leave each year, with maintenance of group health insurance, for the birth and care of a child, for the placement of a child for adoption or foster care, for the care of a child, spouse, or parent with a serious health condition, or for the employee's serious health condition; and
9. the Immigration and Nationality Act, as amended, which:

    - under the H-2A provisions, provides for the enforcement of contractual obligations of job offers which have been certified to by employers of temporary alien nonimmigrant agricultural workers;
    - under the H-2B provisions, provides for the enforcement of employment conditions in the application for alien nonimmigrants in temporary, non-agricultural jobs;
    - under the H-1C provisions, provides for the enforcement of employment conditions attested to by employers in disadvantaged areas employing H-1C temporary alien nonimmigrant registered nurses;
    - under the D-1 provisions, provides for the enforcement of employment conditions attested to by employers seeking to employ alien crewmembers to perform specified longshore activity at U.S. ports; and
    - under the H-1B provisions, provides for the enforcement of labor condition applications filed by employers wishing to employ aliens in specialty occupations and as fashion models of distinguished merit and ability.

More detailed information on the FLSA and other laws administered by WHD is available by calling our toll-free help line 1-866-4US-WAGE (1-866-487-9243). For those who have access to the Internet, further information may also be obtained on WHD's Internet Home Page which can be located at the following address: www.dol.gov/agencies/whd.

Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)
In accordance with the provisions of the SBREFA, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small entities about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small entities. Small entities wishing to comment on WHD enforcement activities may call 1-888-REG-FAIR (1-888-734-3247), or write the Office of the National Ombudsman, U.S. Small Business Administration, 409 3rd Street, SW, MC2120, Washington, DC 20416-0005, or visit the Ombudsman's internet website, www.sba.gov/ombudsman/.

The right to file a comment with the Ombudsman is in addition to any other rights a small entity may have, including the right to contest the assessment of a civil money penalty. Filing a comment with the Ombudsman neither extends the maximum time period for contesting the assessment of a penalty, nor takes the place of filing the response required to secure an administrative hearing on a penalty. WHD does not consider filing of a comment with the Ombudsman as a factor in determining how to resolve issues raised during a compliance action.

Equal Pay Provisions
The equal pay provisions of the FLSA prohibit sex-based wage differentials between men and women employed in the same establishment who perform jobs that require equal skill, effort, and responsibility and which are performed under similar working conditions. These provisions, as well as other statutes prohibiting discrimination in employment, are enforced by the Equal Employment Opportunity Commission. More detailed information is available by calling 1-800-669-4000 or visiting www.eeoc.gov.

TEEN DRIVING ON THE JOB
Fact Sheet #34: Hazardous Occupations Order No. 2. Youth Employment Provision and Driving Automobiles and Trucks under the Fair Labor Standards (FLSA)
Revised July 2008

This fact sheet provides general information concerning the application of the federal youth employment provisions to the driving of motor vehicles. For detailed information about the federal youth provisions, please read Regulations, 29 CFR 570.52.

The Department of Labor is committed to helping young workers find positive, appropriate and safe employment experiences. The youth employment provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults. Once a minor reaches 18 years of age, his or her employment is no longer subject to the federal youth employment provisions. For general information about the federal youth employment provisions, visit our YouthRules! Website at https://www.dol.gov/agencies/whd/youthrules.

Hazardous Occupations Order No.2 (HO 2), generally prohibits minors under 18 years of age from driving motor vehicles or serving as an outside helper on such vehicles on any public road or highway; in or about any mine, logging or sawmilling operation; or in any excavation covered by Hazardous Occupations Order 17 (Occupations in Excavation Operations) (HO 17) - which includes excavation in trenches, building construction, or tunnels (see 29 CFR 570.68). In 1998, Congress amended the FLSA and

set a minimum age of 17 for any on-the-job driving on public roads, and allowed it then only in certain limited circumstances.

OUTSIDE HELPER
No employee under 18 years may serve as an outside helper on a motor vehicle. An outside helper is any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

DRIVING - Under 17-Years of Age
No employee under 17 years of age may drive a motor vehicle on public roads as part of his or her job if that employment is subject to the FLSA.

DRIVING - 17 Years of Age
Seventeen-year-olds may drive on public roadways as part of their employment, but ONLY if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17-year-old holds a state license valid for the type of driving involved in the job performed;
- The 17-year-old has successfully completed a state approved driver education course and has no record of any moving violations at the time of hire;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle; and
- The driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than one-third of his or her workday and no more than 20 percent of his or her work time in any workweek driving.

In addition, the driving may NOT involve:

- Towing vehicles;
- Any other vehicle than an automobile or truck (i.e. bus, motorcycle, ATVs, golf cart);
- Route deliveries or route sales;
- Transportation for hire of property; goods, or passengers;
- Urgent, time-sensitive deliveries; Urgent, time sensitive deliveries are trips which, because of such factors as customers satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, schedules, and/or turn-around times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. Urgent, time-sensitive deliveries would not depend on the delivery's points of origin and termination, and would include the delivery of people and things to the employer's place of business as well as from that business to some other location.
- Transporting more than three passengers, including employees of the employer;
- Driving beyond a 30 mile radius from the youth's place of employment;
- More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited);
- More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.

Additional information about YouthRules! can be found at www.youthrules.dol.gov. For information about the laws administered by the Wage and Hour Division, log on to the Internet at www.wagehour.dol.gov or call the Department of Labor's toll-free help line at 1-866-4USWAGE.

Federal Wage Garnishments
The wage garnishment provisions of the Consumer Credit Protection Act (CCPA) protect employees from discharge by their employers because their wages have been garnished for any one debt, and it limits the amount of an employee's earnings that may be garnished in any one week. CCPA also applies to all employers and individuals who receive earnings for personal services (including wages, salaries, commissions, bonuses and income from a pension or retirement program, but ordinarily not including tips).

Title III, Consumer Credit Protection Act (CCPA)
(15 USC §1671 et seq. (PDF); 29 CFR Part 870)
Who is Covered
Title III of the Consumer Credit Protection Act (CCPA) is administered by the Wage and Hour Division (WHD). The CCPA protects employees from discharge by their employers because their wages have been garnished for any one debt, and it limits the amount of an individual's earnings that may be garnished in any one week for certain types of debts. Title III may limit garnishment for any employee or individual who receives earnings for personal services (including wages, salaries, commissions, bonuses, and periodic payments from a pension or retirement program).

Basic Provisions/Requirements
Wage garnishment occurs when an employer is required to withhold the earnings of an individual for the payment of a debt in accordance with a court order or other legal or equitable procedure (e.g., a debt owed by the individual to a credit card company). Title III prohibits an employer from discharging an employee because his or her earnings have been subject to garnishment for any one debt, regardless of the number of levies made or proceedings brought to collect it. Title III does not, however, protect an employee from discharge if the employee's earnings have been subject to garnishment for a second or subsequent debt.

Title III also protects individuals by limiting the amount of earnings that may be garnished in any workweek or pay period to the lesser of 25 percent of disposable earnings or the amount by which disposable earnings are greater than 30 times the Federal minimum hourly wage prescribed by Section 6(a) (1) of the Fair Labor Standards Act of 1938. This limit applies regardless of how many garnishment orders an employer receives. The Federal minimum wage is $7.25 per hour.

Title III permits a greater amount of an individual's earnings to be garnished to enforce any order for the support of any person (e.g., spousal support or child support). Title III allows up to 50 percent of an individual's disposable earnings to be garnished for support if the individual is supporting a current spouse or child who is not the subject of the support order, and up to 60 percent if the individual is not doing so. An additional five percent may be garnished for support payments over 12 weeks in arrears.
An individual's "disposable earnings" is the amount of earnings left after legally required deductions (e.g., Federal, state and local taxes; the individual's share of Social Security, Medicare, and unemployment insurance taxes; and contributions to state employee retirement systems required by law) have been made. Deductions not required by law (e.g., union dues, health and life insurance premiums, and charitable contributions) are not subtracted from earnings when the amount of disposable earnings for garnishment purposes is calculated.

Title III's restrictions on the amount of wages that can be garnished do not apply to certain bankruptcy court orders or debts due for Federal or state taxes. Nor do they affect voluntary wage assignments, i.e., situations where workers voluntarily agree that their employers may turn over a specified amount of their earnings to a creditor or creditors.

Employee Rights
Title III will in most cases give individuals the right to receive at least partial compensation for the personal services that they provide despite garnishment. This law also prohibits an employer from discharging an employee because of the garnishment of wages for any single indebtedness. The Wage and Hour Division accepts complaints of alleged Title III violations.

The Family and Medical Leave Act
Revised February 2023

The Family and Medical Leave Act (FMLA) provides job-protected leave from work for family and medical reasons. This fact sheet explains FMLA benefits and protections.

ABOUT THE FMLA
The FMLA provides eligible employees of covered employers with job-protected leave for qualifying family and medical reasons and requires continuation of their group health benefits under the same conditions as if they had not taken leave. FMLA leave may be unpaid or used at the same time as employer-provided paid leave. Employees must be restored to the same or virtually identical position when they return to work after FMLA leave.

Eligible employees: Employees are eligible if they work for a covered employer for at least 12 months, have at least 1,250 hours of service with the employer during the 12 months before their FMLA leave starts, and work at a location where the employer has at least 50 employees within 75 miles.

Covered employers: Covered employers under the FMLA include:
- Private-sector employers who employ 50 or more employees in 20 or more workweeks in either the current calendar year or previous calendar year,
- Public agencies (including Federal, State, and local government employers, regardless of the number of employees), and
- Local educational agencies (including public school boards, public elementary and secondary schools, and private elementary and secondary schools, regardless of the number of employees).

The FMLA protects leave for:
- The birth of a child or placement of a child with the employee for adoption or foster care,
- The care for a child, spouse, or parent who has a serious health condition,
- A serious health condition that makes the employee unable to work, and
- Reasons related to a family member's service in the military, including
    - Qualifying exigency leave - Leave for certain reasons related to a family member's foreign deployment, and
    - Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness.

Download "The Employee Guide to the Family and Medical Leave Act" for more information about the FMLA, including how to request FMLA leave.

USING FMLA LEAVE
Eligible employees may take:
- Up to 12 workweeks of leave in a 12-month period for any FMLA leave reason except military caregiver leave, and
- Up to 26 workweeks of military caregiver leave during a single 12-month period.

Intermittent or reduced schedule leave. Employees have the right to take FMLA leave all at once, or, when medically necessary, in separate blocks of time or by reducing the time they work each day or week. Intermittent or reduced schedule leave is also available for military family leave reasons. However, employees may use FMLA leave intermittently or on a reduced leave schedule for bonding with a newborn or newly placed child only if they and their employer agree.

Paid leave. FMLA is job-protected, unpaid leave. Employees may use employer provided paid leave at the same time that they take FMLA leave if the reason they are using FMLA leave is covered by the employer's paid leave policy. An employer may also require an employee to use their paid leave during FMLA leave.

Requesting FMLA leave. Employees do not have to specifically ask for FMLA leave but do need to provide enough information so the employer is aware the leave may be covered by the FMLA. Employees must provide notice to their employer as soon as possible and practical that they will need to use FMLA leave. For example, if an employee knows that they have a procedure for a serious medical condition scheduled in three weeks, the employee needs to provide notice to the employer as soon as the procedure is scheduled. Employers may ask for information from the heath care provider before approving FMLA leave and must allow 15 calendar days to provide the information. In some circumstances, such as when the employee's health care provider is not able to complete the certification information timely, employees must be allowed additional time.

FMLA LEAVE BENEFITS AND PROTECTIONS
Job protection. Employees who use FMLA leave have the right to go back to work at their same job or to an equivalent job that has the same pay, benefits, and other terms and conditions of employment at the end of their FMLA leave. Violations of an employee's FMLA rights may include changing the number of shifts assigned to the employee, moving the employee to a location outside of their normal commuting area, or denying the employee a bonus for which they qualified before their FMLA leave.

An employer cannot threaten, discriminate against, punish, suspend, or fire an employee because they requested or used FMLA leave. Violations of an employee's FMLA rights may include actions such as writing up the employee for missing work when using FMLA leave, denying a promotion because the employee has used FMLA leave, or assessing negative attendance points for FMLA leave use.

Group health plan benefits. Employers are required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the employee's FMLA leave.

FMLA Eligibility for Servicemembers under the Uniformed Services Employment and Reemployment Rights Act (USERRA)
Returning servicemembers are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Any period of absence from work due to USERRA-covered service counts toward an employee's months and hours of service requirements for FMLA leave eligibility.

ADDITIONAL PROTECTIONS
State Laws
Some States have their own family and medical leave laws. Nothing in the FMLA prevents employees from receiving protections under other laws. Workers have the right to benefit from all the laws that apply.

Protection from Retaliation
FMLA is a federal worker protection law. Employers are prohibited from interfering with, restraining, or denying the exercise of, or the attempt

to exercise, any FMLA right. Any violations of the FMLA or the FMLA regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA. For more information about prohibited employer retaliation under the FMLA, see Fact Sheet #77B and Field Assistance Bulletin 2022-2.

Enforcement
The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most Federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

COVID-19 and the Fair Labor Standards Act Questions and Answers

The FLSA provides many beneficial labor standards, including minimum wage and overtime compensation. These critical protections continue to apply during the pandemic. The questions below address some common questions about applying the FLSA's requirements during the pandemic.

Please note that federal and state laws may differ and operate independently; therefore, you might want to contact your state labor office to determine whether there are any state laws that address your workplace rights during the pandemic.

Please see Families First Coronavirus Response Act: Questions and Answers for questions specific to the application of the Families First Coronavirus Response Act and paid leave.

Business Closure
Key reminder: If you have been laid off and have not received your last paycheck on time, please contact the Department of Labor's (DOL) Wage and Hour Division or your state labor office. For information about assistance to continue your employment-based health plan coverage under the American Rescue Plan Act of 2021, please visit DOL's Employee Benefits Security Administration's FAQs.

My hours have been cut due to COVID-19. Does my employer have to pay me for the hours I would have worked if it weren't for COVID-19?
No, under the FLSA, your employer is only required to pay you for the hours you actually worked. The FLSA does not require employers to pay employees who are entitled to the minimum wage and overtime protections of the FLSA for hours they were scheduled to work but do not in fact work because of a change in schedule.

In some states, a reduction in hours may qualify you for partial Unemployment Insurance benefits. Please contact your state workforce agency for more information.

My employer has closed its office and requires employees to work from home, but I am unable to perform my job from home. Is my employer still required to pay me? (revised 04/26/2021)
Under the FLSA, employers generally have to pay employees only for the hours they actually work, whether at home or at the employer's office. In general, employers must pay at least the minimum wage for all hours worked, and at least time and one half the regular rate of pay for hours worked in excess of 40 in a workweek. Salaried executive, administrative, or professional employees must receive their full salary in any week in which they perform any work, subject to certain very limited exceptions. Contact the U.S. Department of Labor Wage and Hour Division for additional information or call 1-866-487-9243 if you have questions.

When not all employees can work from home, we encourage employers to consider additional options to promote physical distancing, such as staggered work shifts.

If your workplace has closed and you can't work from home, you may qualify for Unemployment Insurance benefits. Please contact your state workforce agency for more information.

I am a salaried exempt employee; can my employer require me to use my accrued leave (paid time off [PTO] or vacation) during office closures due to COVID-19 or any other public health emergency?
In general, salaried ("exempt") executive, administrative, or professional employees must receive their full salary in any week in which they perform any work, subject to certain very limited exceptions. An employee will not be considered to be paid "on a salary basis" if deductions from the predetermined salary are made for absences caused by an office closure during a week in which the employee performs any work. Exempt salaried employees are not required to be paid their salary, however, in weeks in which they do not work.

The FLSA does not require your employer to provide you PTO or paid vacation time. If your employer provides such benefits, it may require you to use accrued PTO or vacation time to cover an office closure during a week in which you perform some work. If your employer requires you to use PTO or paid vacation time during office closures, the use of such benefits will not affect your salary basis of payment, so long as you still receive in payment an amount equal to your predetermined compensation (or guaranteed salary). Therefore, in the case of a partial week office closure, an employer may direct salaried executive, administrative, or professional employees to take vacation time or debit their PTO leave bank, whether for full or partial days, provided the employees receive in payment an amount equal to their guaranteed salary. A salaried exempt employee who has no accrued leave in the leave bank account—or has limited accrued leave and the reduction would result in a negative balance in the leave bank account—still must receive their guaranteed salary for any absence(s) occasioned by the office closure in order to remain exempt. For more information, see WHD Opinion Letter FLSA2005-41.

Temperature Checks/Health Screenings
My employer requires all employees to take their temperature to try to screen for people who might have COVID-19 before entering the job site. Do I need to be paid for the time spent taking my temperature?
It depends, under the FLSA, your employer is required to pay you for all hours that you work, including for time before you begin your normal working hours if the task that you are required to perform is necessary for the work you do. For many employees, undergoing a temperature check before they begin work must be paid because it is necessary for their jobs. For example, if a nurse who performs direct patient care services at a hospital is required to check her temperature upon arrival at the hospital before her shift, the time that she spends checking her temperature upon entry to the worksite is likely compensable because such a task is necessary for her to safely and effectively perform her job during the pandemic. In other words, the temperature check is integral and indispensable to the nurse's job. Other laws may offer greater protections for workers, and employers must comply with all applicable federal, state, and local laws.

My employer requires me to have a temperature check onsite to screen for people who might have COVID-19 after I have started work for the day. Do I need to be paid for the time spent waiting for or undergoing the check?
Yes, time spent waiting for and undergoing a temperature check related to COVID-19 during the workday must be paid. All time between the start and finish of an employee's workday must be paid unless it falls within one of the exceptions stated in 29 C.F.R. Part 785, such as bona fide meal breaks and off-duty time. Specifically, WHD's regulations require that employees be paid for time spent in waiting for and receiving medical attention

required by their employer during the workday. The same logic applies to a temperature check required by your employer during your workday. Other laws may offer greater protections for workers, and employers must comply with all applicable federal, state, and local laws.

If I am required to complete a COVID-19 health screening for myself during the workday, is such time compensable?
Yes, if you are required to complete a health screening during your workday, your employer must pay you for that time. All time between the start and finish of an employee's workday must be paid unless it falls within one of the exceptions stated in 29 C.F.R. Part 785, such as bona fide meal breaks and off-duty time. Specifically, WHD's regulations require that employees be paid for time spent in waiting for and receiving medical attention required by their employer during the workday. The same logic applies to a COVID-19 health screening required by your employer during your workday. Other laws may offer greater protections for workers, and employers must comply with all applicable federal, state, and local laws.

COVID-19 Testing
If my employer requires COVID-19 testing during the workday, do I need to be paid for the time spent undergoing the testing?
Yes, under the FLSA, your employer is required to pay you for time spent waiting for and receiving medical attention at their direction or on their premises during normal working hours. Other laws may offer greater protections for workers, and employers must comply with all applicable federal, state, and local laws.

My employer is requiring me to undergo COVID-19 testing on my day off before I can return to the jobsite. Do I need to be paid for the time spent undergoing the testing?
It depends, under the FLSA, your employer is required to pay you for all hours that you work, including for time on your vacation day if the task you are required to perform is necessary for the work you are paid to do. For many employees, undergoing COVID-19 testing may be compensable because the testing is necessary for them to perform their jobs safely and effectively during the pandemic. For example, if a grocery store cashier who has significant interaction with the general public is required by her employer to undergo a COVID-19 test on her day off, such time is likely compensable because it is integral and indispensable to her work during the pandemic. Other laws may offer greater protections for workers, and employers must comply with all applicable federal, state, and local laws.

Quarantine
What are an employer's obligations to an employee who is under quarantine due to exposure to COVID-19?
WHD encourages employers to be accommodating and flexible with workers impacted by quarantines after exposure to COVID-19. Employers may offer alternative work arrangements, such as teleworking, and additional paid time off to such employees during a quarantine period if they are unable to telework.

While the requirement that employers provide paid sick leave to employees who are unable to work due to a quarantine related to COVID-19 under the Families First Coronavirus Response Act (FFCRA) expired on December 31, 2020, tax credits remain available to employers who voluntarily continue to provide paid sick leave for COVID-19 related reasons. Employers who choose to provide such leave between January 1, 2021, and September 30, 2021, may be eligible for employer tax credits. Information about claiming the tax credits for paid sick leave or paid family leave wages can be found on the IRS website at: (https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-paid-leave-provided-by-small-and-midsize-businesses-faqs).

In addition, other laws may have different requirements, which employers must also consider when determining their obligation to provide paid sick leave.

Because of the pandemic, I am required to telework and perform my normal work duties. Does my employer have to compensate me when I telework?
Yes, under the FLSA, your employer is required to pay you for all hours that you work, regardless of whether the work is performed at home, at a location other than your normal workplace, or at your office. If your employer knows or has reason to believe that work is being performed, the time must be counted as hours worked. This is true even for hours of telework that your employer did not specifically authorize. For more information, see Field Assistance Bulletin No. 2020-5.

The FLSA requires employers to pay non-exempt employees at least the minimum wage for all hours worked, and at least time and one half the regular rate of pay for hours worked in excess of 40 in a workweek. In general, salaried executive, administrative, or professional employees must receive their full salary in any week in which they perform any work, subject to certain very limited exceptions. Such requirements apply regardless of where your work is being performed.

Telework
May an employer encourage or require employees to telework (i.e., work from an alternative location such as home) as an infection control strategy?
Yes, an employer may encourage or require employees to telework as a part of implementing their infection-control or prevention strategy. Telework also may be a reasonable accommodation for a qualified person with a disability.

Of course, employers must not single out employees either to telework or to continue reporting to the workplace on a basis prohibited by any of the Equal Employment Opportunity laws. (See the U.S. Equal Employment Opportunity Commission's publication, Work at Home/Telework as a Reasonable Accommodation, for more information.)

Is my employer required to cover any additional expenses that I might incur if I work from home (for example, internet access, computer, additional phone line, increased use of electricity, etc.)? (revised 04/26/2021)
Under the FLSA, an employer may not require you to pay for items that are your employer's business expenses if doing so reduces your earnings below the required federal minimum wage or overtime compensation due in any workweek. If the employer provides a computer to you or pays for an additional phone line for your home, for example, the employer may not require you to reimburse it for those costs if doing so reduces your earnings below the required federal minimum wage or overtime compensation due in any workweek. (Contact the U.S. Department of Labor Wage and Hour Division for additional information or call 1-866-487-9243 if you have questions.) Please contact your state labor office to find out whether state laws may apply in situations where employees incur additional expenses as part of working from home.

Do OSHA's regulations and standards apply to the home office? Are there any other federal laws that protect the health and safety of employees who work from home? (revised 04/26/2021)
The Department of Labor's Occupational Safety and Health Administration (OSHA) does not have any regulations regarding telework in home offices. The agency issued a directive in February 2000 stating that the agency will not inspect employees' home offices, will not hold employers liable for employees' home offices, and does not expect employers to inspect the home offices of their employees. If OSHA receives a complaint about a home office, the complainant will be advised of OSHA's policy. If an employee makes a specific request, OSHA may informally let employers know of complaints about home office conditions but will not follow-up with the employer or employee.

Employers who are required to keep records of work-related injuries and illnesses will continue to be responsible for keeping such records for injuries and illnesses occurring in a home office.

The FLSA and its implementing regulations do not prevent employers from implementing telework or other flexible work arrangements allowing or requiring employees to work from home. Employers are required to maintain an accurate record of hours worked for all employees—including those participating in telework or other flexible work arrangements—and to pay no less than the minimum wage for all hours worked and to pay at least one and one-half times the employee's regular rate of pay for all hours worked more than 40 in a workweek to non-exempt employees.

Employers are encouraged to work with their employees to establish hours of work for employees who telework and a way for recording each teleworking employee's hours of work. See Field Assistance Bulletin No. 2020-5. Non-exempt employees must receive the required minimum wage and overtime pay free and clear. This means that when a covered employee is required to provide the tools and equipment (e.g., computer, internet connection, facsimile machine) needed for telework, the cost of providing the tools and equipment may not reduce the employee's pay below that required by the FLSA. (See the U.S. Department of Labor Wage and Hour Division for additional information or call 1-866-487-9243 if you have questions.)

Under the Americans with Disabilities Act, telework could be a reasonable accommodation the employer would need to provide to a qualified person with a disability, barring any undue hardship. However, an employer may instead offer alternative accommodations if they would be effective. (See the U.S. Equal Employment Opportunity Commission's publication, Work at Home/Telework as a Reasonable Accommodation, for additional information.)

Hours Worked and Job Duties

How many hours per day or per week can my employer require me to work?

The FLSA does not limit the number of hours per day or per week that employees aged 16 years and older can be required to work.

Can I be required to perform work outside of my job description?

Yes, the FLSA does not limit the types of work employees aged 18 and older may be required to perform. However, there are restrictions on what work employees under the age of 18 can do. This is true whether or not the work asked of the employee is listed in the employee's job description.

As part of pre-influenza, pandemic, or other public health emergency planning, employers might want to consult their human resource specialists if they expect to assign employees work outside of their job description during a pandemic or other public health emergency. Employers might also wish to consult bargaining unit representatives if they have a union contract.

Telework (Hours Worked)

How are hours worked calculated for employees who work from home or no longer work at an employer's worksite? (revised 04/26/2021)

Under the FLSA, your employer is required to pay you for all work performed whether at the employer's worksite or at your home. Therefore, you must be paid for all hours of telework actually performed, including overtime work, in accordance with the FLSA. Your employer must pay you for all reported and unreported hours of telework that they know or have reason to believe had been performed. This is true even for the hours of telework that your employer did not authorize. It is an employer's obligation to exercise control to prevent unwanted work from being performed. In most cases, your employer may satisfy their obligation to pay their teleworking employees by providing reasonable time-reporting procedures and paying employees for all reported hours. For more information, see Field Assistance Bulletin No. 2020-5.

I am working from home. Is my employer required to pay me the same hourly rate or salary while I work from home? (revised 04/26/2021)

It depends, under the FLSA, your employer is required to pay you for all the hours you actually worked, whether at home or at the employer's worksite. The FLSA requires employers to pay non-exempt workers at least the federal minimum wage for all hours worked, and at least time and one half the regular rate of pay for hours worked more than 40 in a workweek. In general, salaried exempt employees must receive their full salary in any week in which they perform any work, subject to certain very limited exceptions.

In cases where telework is provided as a reasonable accommodation for a qualified person with a disability, or if required by a union or employment contract, then your employer must pay you the same hourly rate or salary.

If the Service Contract Act (SCA) or state or local laws regulating the payment of wages also apply, nothing in the FLSA or its regulations or interpretations overrides or nullifies any higher standards provided by such other laws or authority. (See the U.S. Department of Labor, Wage and Hour Division for additional information on the SCA or call 1-866-487-9243.).

I am teleworking during the COVID-19 pandemic. My employer allows employees flexible hours during the normal workday to take care of personal and family obligations, such as caring for my children while school is closed. If I begin work, take several hours in the middle of the workday to care for my children, and then return to work, what is the proper way to count my compensable hours? (revised 04/26/2021)

Under the FLSA, employers generally must pay employees only for the hours they actually work, whether at home or at the employer's office. Periods during which an employee is completely relieved from duty and which are long enough to enable the employee to use the time effectively for her own purposes are considered "off duty" time and are not hours worked. This principle applies whether you and your employer agree in advance on the schedule or if your employer allows you flexibility to choose the hours that you will take off to care for your children. Your employer therefore does not need to count the hours in the middle of the workday that you use to care for your children as hours worked.

Salaried Exempt Employees

I am a salaried employee exempt from the minimum wage and overtime requirements under Section 13(a)(1) of the Fair Labor Standards Act (FLSA) as a bona fide executive, administrative, or professional employee. Can my employer reduce my salary during the COVID-19 pandemic or an economic slowdown? Am I entitled to minimum wage and overtime protections if my employer reduces my salary? (revised 04/26/2021)

In general, an employer may prospectively reduce the amount regularly paid to a salaried exempt employee for economic reasons related to COVID-19 or a related economic slowdown. However, any such reduction must be predetermined rather than an after-the-fact deduction from your salary based on your employer's day-to-day or week-to-week needs. In addition, any such salary change must also be bona fide, meaning the change is not an attempt to evade the salary basis requirements and is actually because of COVID-19 or an economic slowdown as opposed to the quantity or quality of work you performed. If your employer properly reduces your salary under these conditions and requirements, it can treat you as exempt from minimum wage and overtime pay if your reduced salary is at least $684 per week and you are paid on a salary basis.

However, you would be entitled to minimum wage and overtime protections if your employer reduces your salary to less than $684 per week or changes your pay from salary to hourly basis. Please see Fact Sheet #70: Frequently Asked Questions Regarding Furloughs and Other Reductions in Pay and Hours Worked Issues at https://www.dol.gov/agencies/whd/fact-sheets/70-flsa-furloughs for additional information.

Hazard Pay and Incentive Payments (Regular Rate)
I am an essential employee of an employer that will provide me an incentive payment to receive the COVID-19 vaccine. Does this incentive payment have to be included in the regular rate that is used to compute my overtime pay?
No, your employer can make payments that are gifts or in the nature of gifts for special occasions (e.g., vaccination for COVID-19) that may be excluded from your regular rate of pay that is used to compute your overtime pay.

Is hazard pay required under the FLSA for employees working during the COVID-19 pandemic?
No, the FLSA does not require hazard pay; FLSA generally requires only payment of at least the federal minimum wage (currently $7.25 per hour) for each hour worked and overtime compensation for each hour more than 40 worked in a workweek in the amount of at least one and a half times the employee's regular rate of pay. In some cases, hazard pay may be determined privately between employers and employees or their authorized representatives. State or local laws may also impose other obligations; you may wish to contact your state labor office to determine whether there are any state laws that address hazard pay. You may locate that office by visiting: https://www.dol.gov/agencies/whd/state/contacts.

I am an employee of a private employer that began paying me incentive payments, such as hazard pay, for working during the COVID-19 pandemic. Do those incentive payments have to be included in the regular rate that is used to compute my overtime pay? (added 08/27/2020)
Yes, payments your employer provides you to perform work constitute compensation for employment that must be included in the regular rate, subject to eight exclusions described in section 7(e) of the FLSA. None of those exclusions apply to the incentive payments described above.

Child Labor
I am 15 years old. When and how much can I work during the school year?
With limited exceptions, during any week that school is in session, children that are aged 14 and 15 years are permitted to work in nonagricultural employment only:

Outside of school hours.
Up to 3 hours in any school day, including Fridays,
Not more than 8 hours in any non-school day, and
Not work more than 18 hours total in the week.
"School hours" means the hours the local public school district is in session. This definition of "school hours" applies to all children, regardless whether they attend public or private school.

During any week that school is not in session, children that are aged 14 and 15 may not work in nonagricultural employment more than 8 hours in any day and not more than 40 hours total in any week.

Information regarding the type of work 14- and 15-year-olds may or may not perform is available here: https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf.

I am 15 years old. My school has physically closed due to COVID-19, but it would normally be in session. Am I permitted to work if I cannot physically go to classes?
In general, for purposes of nonagricultural employment, school is considered to be in session during any week the public school district, where the child lives, requires its students to attend school, either physically or through virtual or distance learning. See Field Assistance Bulletin No. 2020-3: https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab_2020_3.pdf.

If a public school district physically closes schools in response to COVID-19, but requires all students to continue instruction through virtual or distance learning for at least one day or during any part of one day, then school is in session in the school district during that day and that week. If a school is physically closed, and the school district does not require virtual or distance learning, the school will not be considered to be in session.

During any week that school is not in session, minors that are aged 14 and 15 may not work in nonagricultural employment more than 8 hours in any day, not more than 40 hours total in any week, and only between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour is extended to 9 p.m.

I work in an office. My child's school has physically closed due to COVID-19. Am I permitted to bring my child to work with me?
The FLSA does not have any restrictions on your employer permitting you to bring your child with you to work. As long as your child is not performing any work for your employer, they are not employees and therefore, are not subject to the FLSA, including its minimum wage, overtime, and child labor requirements. In terms of your work, your employer is required to pay you for all hours that you work.

If your child is assisting you with performing your work for your employer, they are likely an employee and the FLSA applies, including the child labor provisions. If your employer knows or has reason to believe that work is being performed, the time must be counted as hours worked, and paid at the federal minimum wage of $7.25 per hour unless certain exemptions apply.

See Fact Sheet #14: https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs14.pdf and Fact Sheet #43: https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs43.pdf.

Contact Us
For additional information or to find out how to file a complaint, visit our Wage and Hour Division Website: https://www.dol.gov/agencies/whd and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487- 9243).

For further information about COVID-19, please visit the HHS's Centers for Disease Control and Prevention.

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division

(Revised July 2008)

Fact Sheet #3: Professional Offices Under the Fair Labor Standards Act (FLSA)

This fact sheet contains information to assist in determining how the Fair Labor Standards Act (FLSA) applies to Professional Offices, e.g., doctors, lawyers, accountants, etc.

Characteristics

Professional offices provide services to their customers, clients, patients which may or may not involve the sale of "goods" or "products". Many such offices are small, with few employees, and are local in nature. Others may be part of a larger enterprise with more than one office or establishment.

Coverage

The FLSA provides two methods for determining whether provisions of the Act apply to employees of a given employer.

If the annual dollar volume of sales or business done is $500,000 or more, whether from an enterprise made up of only one establishment or one with multiple establishments, all employees of the enterprise are covered by the Act on an "enterprise" basis.

Additionally, the Act also provides an "individual employee" basis of coverage. If the gross sales or volume of business done does not meet the requisite dollar volume of $500,000 annually, employees may still be covered if they individually engage in interstate commerce, the production of goods for interstate commerce, or in an occupation closely related and directly essential to such production. Interstate commerce includes such activities as transacting business via interstate telephone calls or the U. S. Mail (such as handling insurance claims), ordering or receiving goods from an out-of-state supplier, or handling the accounting or bookkeeping for such activities. It would also include the handling of credit card transactions since that involves the interstate banking and finance systems.

Requirements

Employees who are covered by the FLSA are entitled to be paid at least the Federal minimum wage as well as overtime pay at time and one-half the regular rate of pay for all hours worked over 40 in a workweek. (This may not apply to certain executive, administrative, and professional employees including computer professionals and outside sales). The Act also contains youth employment provisions regulating the employment of minors under the age of 18 in covered work, as well as recordkeeping requirements.

Typical Problems

(1) Paying non-exempt employees a salary and not paying time and one-half for hours over 40 a week, (2) not paying employees for all hours they work, e.g., reporting early or working through lunch break or staying late without being paid for such extra time, (3) not paying for the time employees spend performing work at home or not including such hours for overtime purposes.

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Some Other Pertinent Labor Laws: (1) The Immigration Reform and Control Act requires employers to complete and maintain I-9 forms to verify the employment eligibility of all individuals hired after November 6, 1986. (2) The Wage Garnishment Law limits the amount of an individual's income that may be garnished and prohibits firing of an employee whose pay is garnished for a single debt. (3) The Employee Polygraph Protection Act prohibits most private employers from using any type of lie detector tests either for pre-employment screening or during the course of employment. (4) The Family and Medical Leave Act requires covered employers to provide "eligible" employees up to 12 weeks of unpaid, job-protected leave each year for specific family and medical reasons.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(Revised July 2009)

Fact Sheet #16: Deductions From Wages for Uniforms and Other Facilities Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the FLSA to deductions from employees' wages for uniforms and other facilities.

Characteristics

The FLSA does not allow uniforms, or other items which are considered to be primarily for the benefit or convenience of the employer, to be included as wages. Thus, an employer may not take credit for such items in meeting his/her obligations toward paying the minimum wage or overtime.

Requirements
Uniforms: The FLSA does not require that employees wear uniforms. However, if the wearing of a uniform is required by some other law, the nature of a business, or by an employer, the cost and maintenance of the uniform is considered to be a business expense of the employer. If the employer requires the employee to bear the cost, it may not reduce the employee's wage below the minimum wage of $7.25 per hour effective July 24, 2009. Nor may that cost cut into overtime compensation required by the Act.

For example, if an employee who is subject to the statutory minimum wage of $7.25 per hour (effective July 24, 2009) is paid an hourly wage of $7.25, the employer may not make any deduction from the employee's wages for the cost of the uniform nor may the employer require the employee to purchase the uniform on his/her own. However, if the employee were paid $7.75 per hour and worked 30 hours in the workweek, the maximum amount the employer could legally deduct from the employee's wages would be $15.00 ($.50 X 30 hours).

The employer may prorate deductions for the cost of the uniform over a period of paydays provided the prorated deductions do not reduce the employee's wages below the required minimum wage or overtime compensation in any workweek.

Other Items: Employers at times require employees to pay or reimburse the employer for other items. The cost of any items which are considered primarily for the benefit or convenience of the employer would have the same restrictions as apply to reimbursement for uniforms. In other words, no deduction may be made from an employee's wages which would reduce the employee's earnings below the required minimum wage or overtime compensation.

Some examples of items which would be considered to be for the benefit or convenience of the employer are tools used in the employee's work, damages to the employer's property by the employee or any other individuals, financial losses due to clients/customers not paying bills, and theft of the employer's property by

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the employee or other individuals. Employees may not be required to pay for any of the cost of such items if, by so doing, their wages would be reduced below the required minimum wage or overtime compensation. This is true even if an economic loss suffered by the employer is due to the employee's negligence.

Employers may not avoid FLSA minimum wage and overtime requirements by having the employee reimburse the employer in cash for the cost of such items in lieu of deducting the cost from the employee's wages.

Typical Problems

(1) A minimum wage employee working as a cashier is illegally required to reimburse the employer for a cash drawer shortage. (2) An employer improperly requires tipped employees to pay for customers who walk out without paying their bills or for incorrectly totaled bills. (3) An employer furnishes elaborate uniforms to employees and makes them responsible for having the uniforms cleaned. (4) An employee driving the employer's vehicle causes a wreck, and the employer holds the employee responsible for the repairs, thereby reducing the employee's wages below the minimum wage. (5) A security guard is required to purchase a gun for the job, and the cost causes him/her to not earn the minimum wage. (6) The cost of an employer-required physical examination cuts into an employee's minimum wage or overtime compensation.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

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U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(Revised July 2008)

Fact Sheet #22: Hours Worked Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning what constitutes compensable time under the FLSA. The Act requires that employees must receive at least the minimum wage and may not be employed for more than 40 hours in a week without receiving at least one and one-half times their regular rates of pay for the overtime hours. The amount employees should receive cannot be determined without knowing the number of hours worked.

Definition of "Employ"

By statutory definition the term "employ" includes "to suffer or permit to work." The workweek ordinarily includes all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place. "Workday", in general, means the period between the time on any particular day when such employee commences his/her "principal activity" and the time on that day at which he/she ceases such principal activity or activities. The workday may therefore be longer than the employee's scheduled shift, hours, tour of duty, or production line time.

Application of Principles

Employees "Suffered or Permitted" to work: Work not requested but suffered or permitted to be performed is work time that must be paid for by the employer. For example, an employee may voluntarily continue to work at the end of the shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable.

Waiting Time: Whether waiting time is hours worked under the Act depends upon the particular circumstances. Generally, the facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time). For example, a secretary who reads a book while waiting for dictation or a fireman who plays checkers while waiting for an alarm is working during such periods of inactivity. These employees have been "engaged to wait."

On-Call Time: An employee who is required to remain on call on the employer's premises is working while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working (in most cases) while on call. Additional constraints on the employee's freedom could require this time to be compensated.

Rest and Meal Periods: Rest periods of short duration, usually 20 minutes or less, are common in industry (and promote the efficiency of the employee) and are customarily paid for as working time. These short periods must be counted as hours worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be punished. Bona fide meal periods (typically 30 minutes or more) generally need not be compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating.

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Sleeping Time and Certain Other Activities: An employee who is required to be on duty for less than 24 hours is working even though he/she is permitted to sleep or engage in other personal activities when not busy. An employee required to be on duty for 24 hours or more may agree with the employer to exclude from hours worked bona fide regularly scheduled sleeping periods of not more than 8 hours, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. No reduction is permitted unless at least 5 hours of sleep is taken.

Lectures, Meetings and Training Programs: Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed.

Travel Time: The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.

Travel That is All in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

Typical Problems

Problems arise when employers fail to recognize and count certain hours worked as compensable hours. For example, an employee who remains at his/her desk while eating lunch and regularly answers the telephone and refers callers is working. This time must be counted and paid as compensable hours worked because the employee has not been completely relieved from duty.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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Overview
The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information.

Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered.

The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

Authority & Role
The EEOC has the authority to investigate charges of discrimination against employers who are covered by the law. Our role in an investigation is to fairly and accurately assess the allegations in the charge and then make a finding. If we find that discrimination has occurred, we will try to settle the charge. If we aren't successful, we have the authority to file a lawsuit to protect the rights of individuals and the interests of the public and litigate a small percentage of these cases. When deciding to file a lawsuit, the EEOC considers several factors such as the strength of the evidence, the issues in the case, and the wider impact the lawsuit could have on the EEOC's efforts to combat workplace discrimination.
We also work to prevent discrimination before it occurs through outreach, education, and technical assistance programs.

The EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. EEOC assures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials and conducts training for stakeholders, provides guidance and assistance to our Administrative Judges who conduct hearings on EEO complaints, and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints.

Location
We carry out our work through our headquarters offices in Washington, D.C. and through 53 field offices serving every part of the nation.

Laws & Guidance
The types of laws and discrimination that the U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing are outlined in the following overview.

- Federal Laws prohibit workplace discrimination and are enforced by EEOC. These are passed by Congress and signed by the President.
- Regulations implement federal workplace discrimination laws. They are voted on by the Commission after the public has a formal opportunity to provide comments to EEOC. Find our current regulations, read and comment on proposed regulations, and see our regulatory agenda at the link above.
- EEOC Subregulatory Guidance expresses official agency policy and explains how the laws and regulations apply to specific workplace situations. These documents include volume II of the EEOC's Compliance Manual, and the enforcement guidance, policy guidance, and policy statements that are filed within it.
- Commission Decisions concern a specific charge of discrimination where the Commission votes to express official agency policy to be applied in similar cases by EEOC. They should not be confused with EEOC›s federal sector appellate decisions in federal employee complaints of discrimination.
- Commission Opinion Letters are approved by vote of the Commission and therefore represent the official position of the Commission. They should not be confused with Informal Discussion letters provided by EEOC-staff.
- Memoranda of Understanding (MOUs) explain how two or more agencies will cooperate and interact when their enforcement responsibilities overlap. MOUs involving other federal agencies must be approved by a majority of the Commissioners. EEOC also enters into MOUs with foreign embassies and consulates to enhance cooperation on matters involving employment discrimination.
- Informal Discussion Letters respond to circumstance-specific questions from the public and to other agencies› requests for public comment posted in the Federal Register. They are written by staff in the Office of Legal Counsel and are not official opinions of the Commission.

- Workplace Laws Not Enforced by the EEOC

Federal laws prohibiting discrimination or regulating workplace issues that are not enforced by the EEOC.

Prohibited Employment Policies/Practices
Under the laws enforced by EEOC, it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The law forbids discrimination in every aspect of employment.

The laws enforced by EEOC prohibit an employer or other covered entity from using neutral employment policies and practices that have a disproportionately negative effect on applicants or employees of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), or national origin, or on an individual with a disability or class of individuals with disabilities, if the polices or practices at issue are not job-related and necessary to the operation of the business. The laws enforced by EEOC also prohibit an employer from using neutral employment policies and practices that have a disproportionately negative impact on applicants or employees age 40 or older, if the policies or practices at issue are not based on a reasonable factor other than age.

Job Advertisements
It is illegal for an employer to publish a job advertisement that shows a preference for or discourages someone from applying for a job because of his or her race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

For example, a help-wanted ad that seeks "females" or "recent college graduates" may discourage men and people over 40 from applying and may violate the law.

Recruitment
It is also illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

For example, an employer's reliance on word-of-mouth recruitment by its mostly Hispanic work force may violate the law if the result is that almost all new hires are Hispanic.

Application & Hiring
It is illegal for an employer to discriminate against a job applicant because of his or her race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not refuse to give employment applications to people of a certain race.

An employer may not base hiring decisions on stereotypes and assumptions about a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

If an employer requires job applicants to take a test, the test must be necessary and related to the job and the employer may not exclude people of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, or individuals with disabilities. In addition, the employer may not use a test that excludes applicants age 40 or older if the test is not based on a reasonable factor other than age.

If a job applicant with a disability needs an accommodation (such as a sign language interpreter) to apply for a job, the employer is required to provide the accommodation, so long as the accommodation does not cause the employer significant difficulty or expense.

Background Checks
See "Pre-Employment Inquiries" below.

Job Referrals
It is illegal for an employer, employment agency or union to take into account a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information when making decisions about job referrals.

Job Assignments & Promotions
It is illegal for an employer to make decisions about job assignments and promotions based on an employee's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not give preference to employees of a certain race when making shift assignments and may not segregate employees of a particular national origin from other employees or from customers.

An employer may not base assignment and promotion decisions on stereotypes and assumptions about a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

If an employer requires employees to take a test before making decisions about assignments or promotions, the test may not exclude people of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), or national origin, or individuals with disabilities, unless the employer can show that the test is necessary and related to the job. In addition, the employer may not use a test that excludes employees age 40 or older if the test is not based on a reasonable factor other than age.

Pay And Benefits
It is illegal for an employer to discriminate against an employee in the payment of wages or employee benefits on the bases of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. Employee benefits include sick and vacation leave, insurance, access to overtime as well as overtime pay, and retirement programs. For example, an employer many not pay Hispanic workers less than African-American workers because of their national origin, and men and women in the same workplace must be given equal pay for equal work.

In some situations, an employer may be allowed to reduce some employee benefits for older workers, but only if the cost of providing the reduced benefits is the same as the cost of providing benefits to younger workers.

Discipline & Discharge
An employer may not take into account a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information when making decisions about discipline or discharge. For example, if two employees commit a similar offense, an employer many not discipline them differently because of their race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

When deciding which employees will be laid off, an employer may not choose the oldest workers because of their age.

Employers also may not discriminate when deciding which workers to recall after a layoff.

Employment References
It is illegal for an employer to give a negative or false employment reference (or refuse to give a reference) because of a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

Reasonable Accommodation & Disability
The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Reasonable accommodation might include, for example, providing a ramp for a wheelchair user or providing a reader or interpreter for a blind or deaf employee or applicant.

Reasonable Accommodation & Pregnancy, Childbirth, or Related Medical Conditions
The law requires that an employer provide reasonable accommodation to a qualified employee or job applicant with a known limitation related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a known limitation apply for a job, perform a job, or enjoy the benefits and privileges of employment.

Reasonable accommodation might include, for example, allowing additional break times for the worker to rest, drink, eat, or use the restroom, allowing a worker who usually stands to perform their job to sit, telework, or leave for medical appointments or to recover from childbirth.

Reasonable Accommodation & Religion
The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or expense for the employer. This means an employer may have to make reasonable adjustments at work that will allow the employee to practice his or her religion, such as allowing an employee to voluntarily swap shifts with a co- worker so that he or she can attend religious services.

Training & Apprenticeship Programs
It is illegal for a training or apprenticeship program to discriminate on the bases of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not deny training opportunities to African-American employees because of their race.

In some situations, an employer may be allowed to set age limits for participation in an apprenticeship program.

Harassment
It is illegal to harass an employee because of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.
It is also illegal to harass someone because they have complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment (including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature) is also unlawful. Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Harassment outside of the workplace may also be illegal if there is a link with the workplace. For example, if a supervisor harasses an employee while driving the employee to a meeting.

Read more about harassment. (https://www.eeoc.gov/harassment)

Terms & Conditions Of Employment
The law makes it illegal for an employer to make any employment decision because of a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. That means an employer may not discriminate when it comes to such things as hiring, firing, promotions, and pay. It also means an employer may not discriminate, for example, when granting breaks, approving leave, assigning work stations, or setting any other term or condition of employment - however small.

Pre-Employment Inquiries (General)
As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job; whereas, information regarding race, sex, national origin, age, and religion are irrelevant in such determinations.

Employers are explicitly prohibited from making pre-offer inquiries about disability.

Although state and federal equal opportunity laws do not clearly forbid employers from making pre-employment inquiries that relate to, or disproportionately screen out members based on race, color, sex, national origin, religion, or age, such inquiries may be used as evidence of an employer's intent to discriminate unless the questions asked can be justified by some business purpose.

Therefore, inquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided.

Similarly, employers should not ask for a photograph of an applicant. If needed for identification purposes, a photograph may be obtained after an offer of employment is made and accepted.

Pre-Employment Inquiries and:

- **Race**
  In general, it is assumed that pre-employment requests for information will form the basis for hiring decisions. Therefore, employers should not request information that discloses or tends to disclose an applicant's race unless it has a legitimate business need for such information. If an employer legitimately needs information about its employees' or applicants' race for affirmative action purposes and/or to track applicant flow, it may obtain the necessary information and simultaneously guard against discriminatory selection by using a mechanism, such as "tear-off" sheets. This allows the employer to separate the race-related information from the information used to determine if a person is qualified for the job. Asking for race-related information on the telephone could probably never be justified.

- **Height & Weight**
  Height and weight requirements tend to disproportionately limit the employment opportunities of some protected groups and unless the employer can demonstrate how the need is related to the job, it may be viewed as illegal under federal law. A number of states and localities have laws specifically prohibiting discrimination on the basis of height and weight unless based on actual job requirements. Therefore, unless job-related, inquiries about height and weight should be avoided.

- **Financial Information**
  "Financial information" includes current or past assets, liabilities, or credit rating, bankruptcy or garnishment, refusal or cancellation of bonding, car ownership, rental or ownership of a house, length of residence at an address, charge accounts, furniture ownership, or bank accounts.
  Federal law does not prevent employers from asking about your financial information. But, the federal EEO laws *do prohibit* employers from illegally discriminating when using financial information to make employment decisions.

  First, employers must not apply a financial requirement differently to different people based on their race, color, national origin, religion, sex, disability, age, or genetic information.

  Second, an employer must not have a financial requirement if it *does not help the employer to accurately identify* responsible and reliable employees, and if, at the same time, the requirement significantly disadvantages people of a particular race, color, national origin, religion, or sex.

  Third, an employer might have to make an exception to a financial requirement for a person who cannot meet the requirement because of a disability.

  Employers also must follow the Fair Credit Reporting Act (FCRA), which is not enforced by EEOC. It is enforced by the U.S. Federal Trade Commission. This law requires employers to tell you in writing if they will do a background check. It also requires them to get your written permission to do it, and to send you certain notices when they use the information. If you would like to know more about FCRA, please visit http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre36.shtm, or contact the Federal Trade Commission at 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261.

  Depending on the state you live in, there also may be state laws governing employers' use of financial information.

- **Unemployed Status**
  "Unemployed status" includes current or past periods of unemployment. Federal law does not prevent employers from asking about unemployed status, but the federal EEO laws do prohibit using this information to discriminate. If an employer does reject job applicants based on unemployed status, it must do so consistently, without regard to race, color, national origin, religion, sex, disability, age, and genetic information.

  Employers also must not screen out job applicants based on unemployed status if it does not help the employer to accurately identify responsible and reliable employees and if, at the same time, it significantly disadvantages people of a particular race, color, national origin, religion, or sex.

  In addition, an employer may have to make exceptions to a policy of rejecting applicants based on unemployed status for applicants whose unemployed status was caused by a disability.

  Depending on the state you live in, there also may be state laws governing employers' consideration of unemployed status.

- **Background Checks**
  When making personnel decisions -- including hiring, retention, promotion, and reassignment -- employers sometimes want to consider the backgrounds of applicants and employees. Except for certain restrictions related to medical and genetic information, it is not illegal for an employer to ask questions about an applicants or employees background, or to require a background check. But the employer cannot conduct background checks or use the information obtained in a manner that denies equal employment opportunity to anyone on a protected basis, by intent or by unlawful disparate impact.
  - Background Checks: What Employers Need to Know
    https://www.eeoc.gov/laws/guidance/background-checks-what-employers-need-know
  - Background Checks: What Job Applicants and Employees Should Know
    https://www.eeoc.gov/laws/guidance/background-checks-what-job-applicants-and-employees-should-know
  - Arrest & Conviction
    https://www.eeoc.gov/arrestandconviction
  - Security/Background Checks for Certain Religious or Ethnic Groups
    https://www.eeoc.gov/pre-employment-inquiries-and-securitybackground-checks-certain-religious-or-ethnic-groups

- **Religious Affiliation Or Beliefs**
  Questions about an applicant's religious affiliation or beliefs (unless the religion is a bona fide occupational qualification (BFOQ)), are generally viewed as non job-related and problematic under federal law.

  Religious corporations, associations, educational institutions, or societies are exempt from the federal laws that EEOC enforces when it comes to the employment of individuals based on their particular religion. In other words, an employer whose purpose and character is primarily religious is permitted to lean towards hiring persons of the same religion. This exception relieves religious organizations only from the ban on employment discrimination based on religion. It does not exempt such organizations from employing individuals due to their race, gender, national origin, disability, color, and/or age. Other employers should avoid questions about an applicant's religious affiliation, such as place of worship, days of worship, and religious holidays and should not ask for references from religious leaders, e.g., minister, rabbi, priest, imam, or pastor.

- **Citizenship**
  Most employers should not ask whether or not a job applicant is a United States citizen before making an offer of employment. The INA requires employers to verify the identity and employment eligibility of all employees hired after November 6, 1986, by completing the Employment Eligibility Verification (I-9) Form, and reviewing documents showing the employee's identity and employment authorization. Other state and federal laws require some employers to use E-Verify. Federal law prohibits employers from rejecting valid documents or insisting on additional documents beyond what is required for the Form I-9 or E-Verify processes, based on an employee's citizenship status or national origin. For example, an employer cannot require only those who the employer perceives as "foreign" to produce specific documents, such as Permanent Resident ("green") cards or Employment Authorization Documents. Employees are allowed to choose which documents to show for employment eligibility verification from

the Form I-9 Lists of Acceptable Documents. Employers should accept any unexpired document from the Lists of Acceptable Documents so long as the document appears reasonably genuine on its face and relates to the employee.

Federal law also prohibits employers from conducting the Form I-9 and E-Verify processes before the employee has accepted an offer of employment. Applicants may be informed of these requirements in the pre-employment setting by adding the following statement on the employment application:

"In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification form upon hire."

E-Verify employers must use the system consistently and without regard to the citizenship, immigration status, or national origin of employees. They must also notify every employee who receives a Tentative Nonconfirmation (TNC) and should not make assumptions about employment authorization based on the TNC issuance. If an employee contests a TNC, employers cannot fire, suspend, modify a work schedule, delay job placement or otherwise take any adverse action against the employee just because the employee received a TNC.

As stated above, the INA prohibits employment discrimination on the basis of national origin by smaller employers (with four to 14 employees). The INA prohibits retaliation against individuals for asserting their rights under the INA, or for filing a charge or assisting in an investigation or proceeding under the INA. Discrimination charges under the INA are processed by the Immigrant and Employee Rights Section (IER) in the Department of Justice's Civil Rights Division. For more information, contact IER at the numbers below (9:00 am-5:00 pm ET, Monday-Friday) or visit IER's website. Calls can be anonymous and in any language:

1-800-255-7688 (employees/applicants)
1-800-255-8155 (employers)
1-800-237-2515 and 202-616-5525 (TTY for employees/applicants and employers) www.justice.gov/ier

- **Marital Status, Number Of Children**
  Questions about marital status and number and ages of children are frequently used to discriminate against women and may violate Title VII if used to deny or limit employment opportunities.

  It is clearly discriminatory to ask such questions only of women and not men (or vice-versa). Even if asked of both men and women, such questions may be seen as evidence of intent to discriminate against, for example, women with children.

  Generally, employers should not use non job-related questions involving marital status, number and/or ages of children or dependents, or names of spouses or children of the applicant. Such inquiries may be asked after an employment offer has been made and accepted if needed for insurance or other legitimate business purposes.

  The following pre-employment inquiries may be regarded as evidence of intent to discriminate when asked in the pre-employment context:
  - Whether applicant is pregnant.
  - Marital status of applicant or whether applicant plans to marry.
  - Number and age of children or future child bearing plans.
  - Child care arrangements.
  - Employment status of spouse.
  - Name of spouse.

- **Gender**
  Questions about an applicant's sex (including sexual orientation, gender identity, and pregnancy), marital status, medical history of pregnancy, future child bearing plans, number and/or ages of children or dependents, provisions for child care, abortions, birth control, ability to reproduce, and name or address of spouse or children are generally viewed as not job-related and problematic under Title VII unless a defense or exception applies.

  Any pre-employment inquiry in connection with prospective employment expressing or implying limitations or special treatment because of sex (unless a defense or exception applies) or any inquiry made of members of one sex and not the other, is similarly troublesome.

- **Disability**
  Under the law, employers generally cannot ask disability-related questions or require medical examinations until after an applicant has been given a conditional job offer. This is because, in the past, this information was frequently used to exclude applicants with disabilities before their ability to perform a job was evaluated.

  Employers are permitted pre-offer to ask limited questions about reasonable accommodation if they reasonably believe that the applicant may need accommodation because of an obvious or voluntarily disclosed disability, or where the applicant has disclosed a need for accommodation.

  Also pre-offer, employers may ask if the applicant will need an accommodation to perform a specific job duty, and if the answer is yes, the employer may then ask what the accommodation would be.

  The employer may not ask any questions about the nature or severity of the disability pre-offer. However, after making a conditional job offer, an employer may ask any disability-related question or require a medical examination as long as all individuals selected for the same job are asked the same questions or made to take the same examination.

- **Medical Questions & Examinations**
  The ADA places restrictions on employers when it comes to asking job applicants to answer medical questions, take a medical exam, or identify a disability.

  An employer may not ask a job applicant, for example, if he or she has a disability (or about the nature of an obvious disability). An employer also may not ask a job applicant to answer medical questions or take a medical exam before making a job offer.

  An employer may ask a job applicant whether they can perform the job and how they would perform the job. The law allows an employer to condition a job offer on the applicant answering certain medical questions or successfully passing a medical exam, but only if all new employees in the same job have to answer the questions or take the exam.

  Once a person is hired and has started work, an employer generally can only ask medical questions or require a medical exam if the employer needs medical documentation to support an employee's request for an accommodation or if the employer has reason to believe an employee would not be able to perform a job successfully or safely because of a medical condition.

The law also requires that the employers keep all medical records and information confidential and in separate medical files.

Dress Code
In general, an employer may establish a dress code which applies to all employees or employees within certain job categories. However, there are a few possible exceptions.

While an employer may require all workers to follow a uniform dress code even if the dress code conflicts with some workers' ethnic beliefs or practices, a dress code must not treat some employees less favorably because of their national origin. For example, a dress code that prohibits certain kinds of ethnic dress, such as traditional African or East Indian attire, but otherwise permits casual dress would treat some employees less favorably because of their national origin.

Moreover, if the dress code conflicts with an employee's religious practices and the employee requests an accommodation, the employer must modify the dress code or permit an exception to the dress code unless doing so would result in undue hardship.

Similarly, if an employee requests an accommodation to the dress code because of his disability, the employer must modify the dress code or permit an exception to the dress code, unless doing so would result in undue hardship.

Constructive Discharge/Forced To Resign
Discriminatory practices under the laws EEOC enforces also include constructive discharge or forcing an employee to resign by making the work environment so intolerable a reasonable person would not be able to stay.

Discrimination by Type
Age Discrimination
Employer Coverage
20 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

Age discrimination involves treating an applicant or employee less favorably because of his or her age.

The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states have laws that protect younger workers from age discrimination. It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older.

Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

Age Discrimination & Work Situations
The law prohibits discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment.

Age Discrimination & Harassment
It is unlawful to harass a person because of his or her age.

Harassment can include, for example, offensive or derogatory remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Age Discrimination & Employment Policies/Practices
An employment policy or practice that applies to everyone, regardless of age, can be illegal if it has a negative impact on applicants or employees age 40 or older and is not based on a reasonable factor other than age (RFOA).

Disability Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

Disability Discrimination and Employment Decisions
Disability discrimination occurs when an employer or other entity covered by Title I of the Americans with Disabilities Act (ADA) (which protects private and state and local employees) or the Rehabilitation Act (which protects federal employees) treats a qualified employee or applicant unfavorably because of disability. The disability laws forbid discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Definition of Disability
The ADA directs that the definition of disability is construed broadly, in favor of extensive coverage, to the maximum extent permitted by the law. Nonetheless, not everyone with a medical condition is protected from disability discrimination. Under the law, a person has a disability if the person:

- Has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning, or operation of a major bodily function, such as brain, musculoskeletal, respiratory, circulatory, or endocrine function).
- Has a history of a disability.
- Is subject to an adverse employment action because of a physical or mental impairment the individual actually has or is perceived to have, except if it is transitory (lasting or expected to last six months or less) and minor.

A medical condition does not need to be long-term, permanent, or severe to be substantially limiting. Also, if symptoms come and go, what matters is how limiting the symptoms are when they are active.

Reasonable Accommodation and Undue Hardship
When job applicants or employees request job modifications, the disability laws require employers in the private, federal, and state and local government sectors to provide reasonable accommodations (changes to the ways things are usually done) to employees and job applicants who have or had an impairment that substantially limits a major life activity, unless doing so would cause undue hardship for the employer. A reasonable accommodation can help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Some possible reasonable accommodations could be making the workplace accessible for wheelchair users, providing a reader or interpreter for someone who is blind or hearing impaired, making a schedule change, granting telework, allowing leave for disability-related treatment or symptoms, or reassignment to a vacant position where reasonable accommodation is not possible in the current job.

An employer doesn't have to provide an accommodation if doing so would cause undue hardship to the business. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business.

An employer may not refuse to provide an accommodation, however, just because it involves some cost. An employer does not have to provide the accommodation the employee or job applicant wants, as long as it provides an effective reasonable accommodation. If more than one accommodation effectively meets the disability-related needs, the employer may choose which one to provide

Disability-Related Questions, Medical Exams, and Confidentiality
The law places limits on employers when it comes to asking job applicants or employees to answer disability-related questions, take a medical exam, or identify a disability. Information that employers may obtain about employees' disabilities must be treated as confidential.

During Employment Application & Interview Stage
An employer may not ask a job applicant to answer disability-related questions, such as if they have a disability, or require them to take a medical exam, before extending a job offer. An employer may ask job applicants whether they can perform the job and how they would perform the job, with or without a reasonable accommodation.

After A Job Offer
After a job is offered to an applicant, the law allows an employer to condition the job offer on the applicant answering disability-related questions and/or successfully passing a medical exam, but only if all new employees in the same type of job have to answer the questions and/or take the exam. An employer may only revoke the job offer if the information reveals the individual cannot safely perform the job (even with reasonable accommodation, if entitled to it).

After Employment Starts
Once an employee is hired and has started work, an employer generally can only ask disability-related questions and/or require a medical exam if the employer needs medical information to support an employee's request for an accommodation or if the employer has objective evidence that an employee is not able to perform a job successfully or safely because of a medical condition.

Confidentiality
The law also requires that employers keep all medical records and information confidential and in separate medical files.

Harassment
It is illegal to harass an applicant or employee because of a current or past disability an actual or perceived physical or mental impairment that is not transitory and minor, or for association with an individual with a disability. Harassment can include offensive remarks about a person's disability. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). Unlawful harassment may occur whether the harasser is the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Retaliation and Interference
Job applicants and current and former employees are protected from retaliation for asserting their rights under the ADA and any of the other federal equal employment opportunity laws. Speaking out about or exercising rights related to workplace discrimination is called "protected activity" and can take many forms, including complaining to a supervisor about harassment. Witnesses who seek to assist individuals affected by discrimination are also protected.

The ADA also prohibits interference with an individual's ADA rights. Employers may not intimidate, threaten, or otherwise interfere with a job applicant's or current or former employee's exercise of ADA rights. For instance, it is unlawful for an employer to use threats to discourage an individual from asking for a reasonable accommodation or to pressure them not to file a disability discrimination complaint.

Association
The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because the employee's spouse has a disability.

Although the federal anti-discrimination laws don't require an employer to provide a reasonable accommodation to an employee to care for a family member with a disability, the Family and Medical Leave Act (FMLA) may require an employer to take such steps. The Department of Labor enforces the FMLA.

Equal Pay/Compensation Discrimination
Employer Coverage
15 or more employees under Title VII and ADA
20 or more employees under ADEA
Virtually all employers under EPA
Time Limits for
Under the EPA, people have two years to go directly to court or to the EEOC
180 days to file a charge under Title VII, ADA and ADEA (may be extended by state laws)

The Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work. The jobs need not be identical, but they must be substantially equal. Job content (not job titles) determines whether jobs are substantially equal. All forms of pay are covered by this law, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits. If there is an inequality in wages between men and women, employers may not reduce the wages of either sex to equalize their pay.

An individual alleging a violation of the EPA may go directly to court and is not required to file an EEOC charge beforehand. The time limit for filing an EPA charge with the EEOC and the time limit for going to court are the same: within two years of the alleged unlawful compensation practice or, in the case of a willful violation, within three years. The filing of an EEOC charge under the EPA does not extend the time frame for going to court.

Equal Pay/Compensation and Sex Discrimination
Title VII also makes it illegal to discriminate based on sex in pay and benefits. Therefore, someone who has an Equal Pay Act claim may also have a claim under Title VII.

Other Types of Discrimination
Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement under Title VII, the ADEA, or the ADA that the jobs must be substantially equal.

Genetic Information Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Definition of "Genetic Information"
Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Discrimination Because of Genetic Information
The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. *An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.*

Harassment Because of Genetic Information
Under GINA, it is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area of the workplace, a co-worker, or someone who is not an employee, such as a client or customer.

Retaliation
Under GINA, it is illegal to fire, demote, harass, or otherwise "retaliate" against an applicant or employee for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

Rules Against Acquiring Genetic Information
It will usually be unlawful for a covered entity to get genetic information. There are six narrow exceptions to this prohibition:

- Inadvertent acquisitions of genetic information do not violate GINA, such as in situations where a manager or supervisor overhears someone talking about a family member's illness.
- Genetic information (such as family medical history) may be obtained as part of health or genetic services, including wellness programs, offered by the employer on a voluntary basis, if certain specific requirements are met.
- Family medical history may be acquired as part of the certification process for FMLA leave (or leave under similar state or local laws or pursuant to an employer policy), where an employee is asking for leave to care for a family member with a serious health condition.
- Genetic information may be acquired through commercially and publicly available documents like newspapers, as long as the employer is not searching those sources with the intent of finding genetic information or accessing sources from which they are likely to acquire genetic information (such as websites and online discussion groups that focus on issues such as genetic testing of individuals and genetic discrimination).
- Genetic information may be acquired through a genetic monitoring program that monitors the biological effects of toxic substances in the workplace where the monitoring is required by law or, under carefully defined conditions, where the program is voluntary.
- Acquisition of genetic information of employees by employers who engage in DNA testing for law enforcement purposes as a forensic lab or for purposes of human remains identification is permitted, but the genetic information may only be used for analysis of DNA markers for quality control to detect sample contamination.

Confidentiality of Genetic Information
It is also unlawful for a covered entity to disclose genetic information about applicants, employees or members. Covered entities must keep genetic information confidential and in a separate medical file. (Genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Act.) There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

Harassment
Employer Coverage
15 or more employees under Title VII and the ADA, 20 or more employees under the ADEA
Time Limits
180 days to file a charge *(may be extended by state laws)*

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule

or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

Employer Liability for Harassment
The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages. If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

When investigating allegations of harassment, the EEOC looks at the entire record: including the nature of the conduct, and the context in which the alleged incidents occurred. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

If you believe that the harassment you are experiencing or witnessing is of a specifically sexual nature, you may want to see EEOC's information on sexual harassment.

National Origin Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

National Origin Discrimination & Work Situations
The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

National Origin & Harassment
It is unlawful to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's national origin, accent or ethnicity. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

National Origin & Employment Policies/Practices
The law makes it illegal for an employer or other covered entity to use an employment policy or practice that applies to everyone, regardless of national origin, if it has a negative impact on people of a certain national origin and is not job-related or necessary to the operation of the business.

An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.

An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.

Citizenship Discrimination & Workplace Laws
The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual's citizenship or immigration status. The law prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, or demand additional documentation beyond what is legally required, when verifying employment eligibility (i.e., completing the Department of Homeland Security (DHS) Form I-9), based on the employee's national origin or citizenship status. It is the employee's choice which of the acceptable Form I-9 documents to show to verify employment eligibility.

IRCA also prohibits retaliation against individuals for asserting their rights under the Act, or for filing a charge or assisting in an investigation or proceeding under IRCA.

IRCA's nondiscrimination requirements are enforced by the Department of Justice's Civil Rights Division's Immigrant and Employee Rights Section (IER). IER may be reached at:

1-800-255-7688 (voice for employees/applicants),
1-800-237-2515 (TTY for employees/applicants),
1-800-255-8155 (voice for employers), or
1-800-362-2735 (TTY for employers), or
https://www.justice.gov/ier/

Pregnancy Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extendd by state laws)*

Pregnancy Discrimination and Pregnancy-Related Disability Discrimination
Pregnancy discrimination is against the law. The EEOC enforces three federal laws that protect job applicants and employees who are pregnant.

The first law is Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, which is called "Title VII." It prohibits sex discrimination, including pregnancy discrimination. "Pregnancy" discrimination under Title VII can be based on:

- Current pregnancy;
- Past pregnancy;
- Potential pregnancy;
- Medical condition related to pregnancy or childbirth including breastfeeding/lactation;
- Having or choosing not to have an abortion;
- and Birth control (Contraception).

The second law is the Pregnant Workers Fairness Act, which is called the "PWFA." The PWFA requires a covered employer to provide a reasonable accommodation to a worker's known limitation related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship.

The third law is the Americans with Disabilities Act, which is called the "ADA." The ADA prohibits discrimination against an applicant or employee based on a disability, including a disability related to a pregnancy such as diabetes that develops during pregnancy. While pregnancy itself is not a disability under the ADA, some pregnant workers may have one or more impairments related to their pregnancy that qualify as a "disability" under the ADA. An employer may have to provide that worker with a reasonable accommodation for the pregnancy-related disability.

The ADA also requires that employers keep all medical records and information, including those that are pregnancy-related, confidential and in separate medical files.

Pregnancy & Work Situations
Title VII and the ADA cover employment discrimination in all aspects of employment, including:

- Hiring or the job application and selection process;
- Pay, job assignments, or promotions;
- Training, employee benefits, or any other term or condition of employment; and
- Firing from a job, reduction of hours, layoff, or termination of employment.

Pregnancy & Workplace Accommodations
Under the PWFA, an employer must accommodate a worker's known limitation related to pregnancy, childbirth, or related medical conditions, absent undue hardship. The PWFA also prohibits an employer from forcing a worker to take an accommodation, absent certain steps, and prohibits an employer from requiring a worker to take leave if there is another accommodation that does not cause an undue hardship that will allow the worker to stay on the job.

Workers may also be entitled to accommodations under Title VII or the ADA.

Pregnancy & Harassment
It is unlawful to harass a worker because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth or because of a pregnancy-related physical or mental disability.

Workers with Caregiving Responsibilities
Discrimination against working parents and others with caregiving responsibilities outside of work violates Title VII if it is based on sex. Under the ADA, employers cannot discriminate against employees because they associate with a person with a disability by caring for that person, for example.

Retaliation & Interference
Title VII, the PWFA, and the ADA protect workers against retaliation. It is illegal for an employer to retaliate against workers for participating in the equal employment opportunity process or opposing any practice made unlawful under anti-discrimination laws.

The PWFA and the ADA also makes it illegal to interfere with rights under the PWFA and the ADA.

Pregnancy & Other Workplace Laws
Pregnant workers and new parents may have additional rights under the Family and Medical Leave Act (FMLA). Workers needing to express breast milk in the workplace may have additional rights under the Fair Labor Standards Act (FLSA). Both of these laws are enforced by the U.S. Department of Labor's Wage and Hour Division.

Some state laws provide additional protections including accommodations for pregnant workers, unpaid and paid job-protected leave, protections from discrimination, and additional rights regarding lactation.

What to Do If You Think You Experienced Discrimination
If you are a job applicant or an employee who believes that an employer has discriminated against you because of your pregnancy or your pregnancy-related disability, you can file a charge of discrimination with the EEOC.

Learn more about filing a charge of discrimination.

Race/Color Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color.
Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

Race/Color Discrimination & Work Situations
The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Race/Color Discrimination & Harassment
It is unlawful to harass a person because of that person's race or color.

Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Race/Color Discrimination & Employment Policies/Practices
An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment of African-American men (who have a predisposition to a skin condition that causes severe shaving bumps).

Religious Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

New Compliance Manual Section on Religious Discrimination (1/15/21)
https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

Religious Discrimination & Work Situations
The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Religious Discrimination & Harassment
It is illegal to harass a person because of his or her religion.

Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Religious Discrimination and Segregation
Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

Religious Discrimination & Reasonable Accommodation
The law requires an employer or other covered entity to reasonably accommodate an employee›s religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer›s business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.

Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

Religious Accommodation/Dress & Grooming Policies
Unless it would be an undue hardship on the employer's operation of its business, an employer must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts).

When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the employer that he needs such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation.

Religious Discrimination & Reasonable Accommodation & Undue Hardship
An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

Religious Discrimination And Employment Policies/Practices
An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

Retaliation: Considerations for Federal Agency Managers
Employer Coverage
15 or more employees under Title VII and ADA
20 or more employees under ADEA
Virtually all employers under EPA
Time Limits
180 days to file a charge *(may be extended by state laws)*

Retaliation is the most frequently alleged basis of discrimination in the federal sector and the most common discrimination finding in federal sector cases. As EEOC works to address this issue, you can help.

Learn more about what constitutes retaliation, why it happens, and how to prevent it. Written by EEOC staff, this article (https://www.eeoc.gov/retaliation-making-it-personal) ran in the summer 2015 issue of The Federal Manager.

The EEO laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Asserting these EEO rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- communicating with a supervisor or manager about employment discrimination, including harassment
- answering questions during an employer investigation of alleged harassment
- refusing to follow orders that would result in discrimination
- resisting sexual advances, or intervening to protect others

- requesting accommodation of a disability or for a religious practice
- asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it.

Engaging in EEO activity, however, does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate workers if motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences. However, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

For example, depending on the facts, it could be retaliation if an employer acts because of the employee's EEO activity to:

- reprimand the employee or give a performance evaluation that is lower than it should be;
- transfer the employee to a less desirable position;
- engage in verbal or physical abuse;
- threaten to make, or actually make reports to authorities (such as reporting immigration status or contacting the police);
- increase scrutiny;
- spread false rumors, treat a family member negatively (for example, cancel a contract with the person's spouse); or
- make the person's work more difficult (for example, punishing an employee for an EEO complaint by purposefully changing his work schedule to conflict with family responsibilities).

For more information, see *Questions and Answers: Enforcement Guidance on Retaliation and Related Issues*.
(https://www.eeoc.gov/questions-and-answers-enforcement-guidance-retaliation-and-related-issues)

Sex-Based Discrimination
Employer Coverage
15 or more employees
Time Limits
180 days to file a charge *(may be extended by state laws)*

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy.
Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex in violation of Title VII. For more information about LGBTQ+-related sex discrimination claims, see https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-protections-lgbt-workers.

Sex Discrimination & Work Situations
The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Sex Discrimination Harassment
It is unlawful to harass a person because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy. Harassment can include "sexual harassment" such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex, including the person's sexual orientation, gender identity, or pregnancy. For example, it is illegal to harass a woman by making offensive comments about women in general. Both the victim and the harasser may be any sex, and the victim and harasser may be the same sex or a different sex.

Although the law doesn't prohibit minor teasing, offhand comments, or isolated incidents that are not frequent or serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, a subordinate, or someone who is not an employee of the employer, such as a client or customer.

Sex Discrimination & Employment Policies/Practices
An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.

Sexual Harassment
Employer Coverage
15 or more employess
Time Limits
180 days to file a charge *(may be extended by state laws)*

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Sexual Orientation and Gender Identity (SOGI) Discrimination
In *Bostock v. Clayton County, Georgia,* No. 17-1618 (S. Ct. June 15, 2020),[1] the Supreme Court held that firing individuals because of their sexual orientation or transgender status violates Title VII's prohibition on discrimination because of sex. The Court reached its holding by focusing on the plain text of Title VII. As the Court explained, "discrimination based on homosexuality or transgender status necessarily entails discrimination based on sex; the first cannot happen without the second." For example, if an employer fires an employee because she is a woman who is married to a woman, but would not do the same to a man married to a woman, the employer is taking an action because of the employee's sex because the action would not have taken place but for the employee being a woman. Similarly, if an employer fires an employee because that person was identified as male at birth but uses feminine pronouns and identifies as a female, the employer is taking action against the individual because of sex since the action would not have been taken but for the fact the employee was originally identified as male.

The Court also noted that its decision did not address various religious liberty issues, such as the First Amendment, Religious Freedom Restoration Act, and exemptions Title VII provides for religious employers.

Employer Coverage
15 or more employess
Time Limits
180 days to file a charge *(may be extended by state laws)*

SOGI Discrimination & Work Situations
The law forbids sexual orientation and gender identity discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

SOGI Discrimination & Harassment
It is unlawful to subject an employee to workplace harassment that creates a hostile work environment based on sexual orientation or gender identity. Harassment can include, for example, offensive or derogatory remarks about sexual orientation (e.g., being gay or straight). Harassment can also include, for example, offensive or derogatory remarks about a person's transgender status or gender transition.

Although accidental misuse of a transgender employee's preferred name and pronouns does not violate Title VII, intentionally and repeatedly using the wrong name and pronouns to refer to a transgender employee could contribute to an unlawful hostile work environment.

While the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is unlawful when it is so frequent or severe that it creates a hostile work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a clientor customer.

SOGI Discrimination & Employment Policies/Practices
As a general matter, an employer covered by Title VII is not allowed to fire, refuse to hire, or take assignments away from someone (or discriminate in any other way) because customers or clients would prefer to work with people who have a different sexual orientation or gender identity. Employers also are not allowed to segregate employees based on actual or perceived customer preferences. (For example, it would be discriminatory to keep LGBTQ+ employees out of public-facing positions, or to direct these employees toward certain stores or geographic areas.)

Prohibiting a transgender person from dressing or presenting consistent with that person's gender identity would constitute sex discrimination.

Courts have long recognized that employers may have separate bathrooms, locker rooms, and showers for men and women, or may choose to have unisex or single-use bathrooms, locker rooms, and showers. The Commission has taken the position that employers may not deny an employee equal access to a bathroom, locker room, or shower that corresponds to the employee's gender identity. In other words, if an employer has separate bathrooms, locker rooms, or showers for men and women, all men (including transgender men) should be allowed to use the men's facilities and all women (including transgender women) should be allowed to use the women's facilities.

SOGI Discrimination & Retaliation
It is illegal for an employer to retaliate against, harass, or otherwise punish any employee for:

- opposing employment discrimination that the employee reasonably believed was unlawful;
- filing an EEOC charge or complaint;
- or participating in any investigation, hearing, or other proceeding connected to Title VII enforcement.

Retaliation is anything that would be reasonably likely to discourage workers from protesting discrimination.

Laws the Commission Enforces

- 42 U.S.C. § 2000e-2 (Section 703)
  This is the section of the law that was at issue in *Bostock* and applies to the private sector, state and local governments, employment agencies, and labor organizations. *Bostock* made clear that section 703's prohibition of discrimination based on sex includes sexual orientation and transgender status.
- 42 U.S.C. § 2000e-16 (Section 717)
  Section 717 covers employees of the federal government. The Commission has applied *Bostock* in federal sector decisions under section 717. (See https://www.eeoc.gov/federal-sector/reports/federal-sector-cases-involving-transgender-individuals.)

What to Do if You Think You Have Been Discriminated Against
If you believe you have been discriminated against, you may take action to protect your rights under Title VII by filing a complaint:

- **Private sector and state/local government employees** may file a charge of discrimination by contacting the EEOC at 1-800-669-4000 or going to https://www.eeoc.gov/how-file-charge-employment-discrimination.
- **Federal government employees** may initiate the complaint process by contacting an EEO counselor at your agency; more information is available at https://www.eeoc.gov/federal-sector/overview-federal-sector-eeo-complaint-process.

Other Laws
Other laws that also may apply:

- Federal contractors and sub-contractors are covered by a separate, explicit prohibition on transgender or sexual orientation discrimination in employment pursuant to Executive Order (E.O.) 13672 enforced by the U.S. Department of Labor's Office of Federal Contract Compliance Programs.
- State or local fair employment laws also may prohibit discrimination based on sexual orientation or transgender status. Contact information for state and local fair employment agencies can be found on the page for EEOC's field office covering that state or locality.

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MEMBERS OF THE STATE BOARD OF FUNERAL AND CEMETERY SERVICE

Kathleen Diane Matuszak, Cemetery
Thomas Sproles, Funeral Director
Frank Downing, Funeral Director
Christopher Cooke, Cemetery
Timothy Corbett, Consumer

You may write to any of the board members by sending your letter to:

(Board member name)
Indiana Professional Licensing Agency
Attn: State Board of Funeral and Cemetery Service
402 W. Washington Street, Room W072
Indianapolis, IN 46204

STATE BOARD STAFF INFORMATION

Indiana Professional Licensing Agency
Attn: State Board of Funeral and Cemetery Service
402 W. Washington Street, Room W072
Indianapolis, IN 46204

Tracy Hicks, Board Director
Marianna Kassenbrock, Assistant Director
Julie Biddle, Customer Service Representative
Abigaile Moore, Customer Service Representative
Ruth Hashu-Roorda, Customer Service Representative
Jessica Bechert, Customer Service Representative

Staff Phone Number: (317) 234-3031
Staff Email: pla12@pla.in.gov
Agency Fax:(317) 233-4236

ADAMS
ADAMS MEMORIAL HOSPITAL
1100 MERCER AVE
DECATUR, IN 46733
Tel: (260) 724-2145 | Fax: (260) 728-3865

ALLEN
DUPONT HOSPITAL LLC
2520 E DUPONT RD
FORT WAYNE, IN 46825
Tel: (260) 416-3000 | Fax: (260) 416-3300

LUTHERAN DOWNTOWN HOSPITAL
702 VAN BUREN STREET
FORT WAYNE, IN 46802
Tel: (260) 425-3000 | Fax: (260) 425-3222

LUTHERAN HOSPITAL OF INDIANA
7950 W JEFFERSON BLVD
FORT WAYNE, IN 46804
Tel: (260) 435-7001 | Fax: (260) 435-7632

ORTHOPAEDIC HOSPITAL AT PARKVIEW NORTH LLC
11130 PARKVIEW CIRCLE DR
FORT WAYNE, IN 46845
Tel: (260) 672-4050 | Fax: (260) 672-4859

PARK CENTER, INC
1909 CAREW STREET
FORT WAYNE, IN 46805
Tel: (260) 481-2700

PARKVIEW REGIONAL MEDICAL CENTER
11109 PARKVIEW PLAZA DRIVE
FORT WAYNE, IN 46845
Tel: (260) 266-1000 | Fax: (260) 266-1010

SELECT MEDICAL REHABILITATION HOSPITAL AT LUTHERAN
7970 W JEFFERSON BLVD
FORT WAYNE, IN 46804
Tel: (260) 435-6100 | Fax: (260) 432-6128

THE ORTHOPAEDIC HOSPITAL OF LUTHERAN HEALTH NETWOR
7952 W JEFFERSON BLVD
FORT WAYNE, IN 46804
Tel: (260) 435-2999 | Fax: (260) 435-2557

BARTHOLOMEW
COLUMBUS REGIONAL HOSPITAL
2400 E 17TH ST
COLUMBUS, IN 47201
Tel: (812) 379-4441 | Fax: (812) 376-5001

BENTON
No facilities exist in this county.

BLACKFORD
No facilities exist in this county.

BOONE
WITHAM HEALTH SERVICES
2605 N LEBANON ST
LEBANON, IN 46052
Tel: (765) 485-8000 | Fax: (765) 485-8118

BROWN
No facilities exist in this county.

CARROLL
No facilities exist in this county.

CASS
4C HEALTH
1015 MICHIGAN AVE
LOGANSPORT, IN 46947
Tel: (574) 722-5151 | Fax: (574) 722-9523

MEMORIAL HOSPITAL
1101 MICHIGAN AVE
LOGANSPORT, IN 46947
Tel: (574) 753-7541 | Fax: (574) 753-1402

CLARK
BRIGHTWELL BEHAVIORAL HEALTH
1612 BLACKISTON VIEW DRIVE
CLARKSVILLE, IN 47129
Tel: (574) 339-3094

NORTON CLARK HOSPITAL
1220 MISSOURI AVE
JEFFERSONVILLE, IN 47130
Tel: (812) 283-2147 | Fax: (812) 283-2688

PAM HEALTH REHABILITATION HOSPITAL OF GREATER INDI
2101 BROADWAY STREET
CLARKSVILLE, IN 47129
Tel: (812) 913-6880 | Fax: (812) 913-6884

WELLSTONE REGIONAL HOSPITAL
2700 VISSING PARK RD
JEFFERSONVILLE, IN 47130
Tel: (812) 284-8000 | Fax: (812) 258-1094

CLAY
ASCENSION ST VINCENT CLAY
1206 E NATIONAL AVE
BRAZIL, IN 47834
Tel: (812) 442-2500 | Fax: (812) 442-2605

CLINTON
INDIANA UNIVERSITY HEALTH FRANKFORT INC
1300 S JACKSON ST
FRANKFORT, IN 46041
Tel: (765) 656-3000 | Fax: (765) 656-3020

CRAWFORD
No facilities exist in this county.

DAVIESS
DAVIESS COMMUNITY HOSPITAL
1314 E WALNUT ST
WASHINGTON, IN 47501
Tel: (812) 254-2760 | Fax: (812) 254-8850

DEARBORN
INCOMPASS HEALTHCARE
285 BIELBY RD
LAWRENCEBURG, IN 47025
Tel: (812) 537-1302 | Fax: (812) 537-0194

ST ELIZABETH DEARBORN HOSPITAL
600 WILSON CREEK RD
LAWRENCEBURG, IN 47025
Tel: (812) 497-7665 | Fax: (812) 496-7331

DECATUR
DECATUR COUNTY MEMORIAL HOSPITAL
720 N LINCOLN ST
GREENSBURG, IN 47240
Tel: (812) 663-4331 | Fax: (812) 663-9738

DEKALB
NORTHEASTERN CENTER
1850 WESLEY RD
AUBURN, IN 46706
Tel: (260) 927-0726 | Fax: (260) 927-0760

PARKVIEW DEKALB HOSPITAL
1316 E SEVENTH ST
AUBURN, IN 46706
Tel: (260) 925-4600 | Fax: (260) 925-8350

DELAWARE
CENTRAL INDIANA AMG SPECIALTY HOSPITAL LLC
2401 W UNIVERSITY AVE 5TH FLOOR EAST TOWER
MUNCIE, IN 47303
Tel: (765) 751-5253 | Fax: (765) 289-7251

INDIANA UNIVERSITY HEALTH BALL MEMORIAL HOSPITAL
2401 UNIVERSITY AVE
MUNCIE, IN 47303
Tel: (765) 747-3111 | Fax: (765) 751-2506

DUBOIS
MEMORIAL HOSPITAL AND HEALTH CARE CENTER
800 W 9TH ST
JASPER, IN 47546
Tel: (812) 996-2345 | Fax: (812) 996-0302

ELKHART
ELKHART GENERAL HOSPITAL
600 E BLVD
ELKHART, IN 46514
Tel: (574) 294-2621 | Fax: (574) 523-3495

GOSHEN HOSPITAL
200 HIGH PARK AVE
GOSHEN, IN 46526
Tel: (574) 364-1000 | Fax: (574) 364-2849

OAKLAWN PSYCHIATRIC CENTER INC
330 LAKEVIEW DR
GOSHEN, IN 46527
Tel: (574) 533-1234 | Fax: (574) 537-2673

FAYETTE
No facilities exist in this county.

FLOYD
BAPTIST HEALTH FLOYD
1850 STATE ST
NEW ALBANY, IN 47150
Tel: (812) 944-7701 | Fax: (812) 949-5607

PHYSICIANS' MEDICAL CENTER LLC
4023 REAS LN
NEW ALBANY, IN 47150
Tel: (812) 206-7660 | Fax: (812) 206-7650

SOUTHERN INDIANA REHABILITATION HOSPITAL
3104 BLACKISTON BLVD
NEW ALBANY, IN 47150
Tel: (812) 941-6106 | Fax: (812) 941-6276

FOUNTAIN
No facilities exist in this county.

FRANKLIN
No facilities exist in this county.

FULTON
WOODLAWN HOSPITAL
1400 E 9TH ST
ROCHESTER, IN 46975
Tel: (574) 223-3141 | Fax: (574) 223-5318

GIBSON
DEACONESS GIBSON HOSPITAL
1808 SHERMAN DR
PRINCETON, IN 47670
Tel: (812) 385-3401 | Fax: (812) 385-9323

GRANT
GRANT-BLACKFORD MENTAL HEALTH, INC
505 WABASH AVE
MARION, IN 46952
Tel: (765) 662-3971 | Fax: (765) 662-7480

MARION GENERAL HOSPITAL
441 N WABASH AVE
MARION, IN 46952
Tel: (765) 660-6000 | Fax: (765) 651-7351

GREENE
GREENE COUNTY GENERAL HOSPITAL
1185 N 1000 W
LINTON, IN 47441
Tel: (812) 847-2281 | Fax: (812) 847-6166

HAMILTON
ASCENSION ST VINCENT CARMEL
13500 N MERIDIAN ST
CARMEL, IN 46032
Tel: (317) 582-7901 | Fax: (317) 582-7492

ASCENSION ST VINCENT FISHERS
13861 OLIO ROAD
FISHERS, IN 46037
Tel: (317) 415-9000 | Fax: (317) 415-9338

ASCENSION ST VINCENT HEART CENTER
10580 N MERIDIAN ST
CARMEL, IN 46290
Tel: (317) 583-5000 | Fax: (317) 583-5405

FRANCISCAN HEALTH ORTHOPEDIC HOSPITAL CARMEL
10777 ILLINOIS STREET
CARMEL, IN 46032
Tel: (574) 256-3935

INDIANA SPINE HOSPITAL, LLC
13219 N MERIDIAN STREET
CARMEL, IN 46032
Tel: (317) 795-2000 | Fax: (317) 795-2048

INDIANA UNIVERSITY HEALTH NORTH HOSPITAL
11700 N MERIDIAN ST
CARMEL, IN 46032
Tel: (317) 688-2000 | Fax: (317) 688-2001

INDIANAPOLIS REHABILITATION HOSPITAL, LLC
1260 CITY CENTER DRIVE
CARMEL, IN 46032
Tel: (463) 333-9110 | Fax: (463) 333-9112

RIVERVIEW HEALTH
395 WESTFIELD RD
NOBLESVILLE, IN 46060
Tel: (317) 773-0760 | Fax: (317) 776-7134

HANCOCK
HANCOCK REGIONAL HOSPITAL
801 N STATE ST
GREENFIELD, IN 46140
Tel: (317) 462-5544 | Fax: (317) 468-4222

HARRISON
HARRISON COUNTY HOSPITAL
1141 HOSPITAL DR NW
CORYDON, IN 47112
Tel: (812) 738-4251 | Fax: (812) 738-7829

HENDRICKS
HENDRICKS BEHAVIORAL HOSPITAL
1051 SOUTHFIELD DRIVE
PLAINFIELD, IN 46168
Tel: (844) 991-9900 | Fax: (463) 231-2692

HENDRICKS REGIONAL HEALTH
1000 E MAIN ST
DANVILLE, IN 46122
Tel: (317) 745-4451 | Fax: (317) 745-8325

IU HEALTH WEST HOSPITAL
1111 N RONALD REAGAN PKWY
AVON, IN 46123
Tel: (317) 217-3000 | Fax: (317) 217-3026

HENRY
HENRY COUNTY MEMORIAL HOSPITAL
1000 N 16TH ST
NEW CASTLE, IN 47362
Tel: (765) 521-0890 | Fax: (765) 521-1555

HOWARD
ASCENSION ST VINCENT KOKOMO
1907 W SYCAMORE ST
KOKOMO, IN 46904
Tel: (765) 452-5611 | Fax: (765) 456-5083

COMMUNITY HOWARD REGIONAL HEALTH INC
3500 S LAFOUNTAIN ST
KOKOMO, IN 46902
Tel: (765) 776-8000 | Fax: (765) 453-8087

HUNTINGTON
PARKVIEW HUNTINGTON HOSPITAL
2001 STULTS RD
HUNTINGTON, IN 46750
Tel: (260) 355-3000 | Fax: (260) 335-3310

I
No counties exist starting with this letter.

JACKSON
SCHNECK MEDICAL CENTER
411 W TIPTON ST
SEYMOUR, IN 47274
Tel: (812) 522-2349 | Fax: (812) 522-0792

JASPER
FRANCISCAN HEALTH RENSSELAER, INC
1104 E GRACE ST
RENSSELAER, IN 47978
Tel: (219) 866-5141 | Fax: (219) 866-3234

JAY
IU HEALTH JAY
500 W VOTAW ST
PORTLAND, IN 47371
Tel: (260) 726-7131 | Fax: (260) 726-1975

JEFFERSON
MADISON STATE HOSPITAL
711 GREEN RD
MADISON, IN 47250
Tel: (812) 265-2611 | Fax: (812) 265-7227

NORTON-KING'S DAUGHTERS' HEALTH
1373 EAST SR 62
MADISON, IN 47250
Tel: (812) 801-0105 | Fax: (812) 801-0680

JENNINGS
ASCENSION ST VINCENT JENNINGS
301 HENRY ST
NORTH VERNON, IN 47265
Tel: (812) 352-4228 | Fax: (812) 352-4201

JOHNSON
COMMUNITY HEALTH NETWORK REHABILITATION HOSP SO
607 SOUTH GREENWOOD SPRINGS DRIVE
GREENWOOD, IN 46143
Tel: (317) 215-3808 | Fax: (317) 215-3801

JOHNSON MEMORIAL HOSPITAL
1125 W JEFFERSON ST
FRANKLIN, IN 46131
Tel: (317) 736-3300 | Fax: (317) 736-2692

MEDICAL BEHAVIORAL HOSPITAL OF INDIANAPOLIS
1167 WILSON DR
GREENWOOD, IN 46143
Tel: (844) 457-5300

VALLE VISTA HEALTH SYSTEM
898 E MAIN ST
GREENWOOD, IN 46143
Tel: (317) 883-5300 | Fax: (317) 888-1104

KNOX
GOOD SAMARITAN HOSPITAL
520 S 7TH ST
VINCENNES, IN 47591
Tel: (812) 882-5220 | Fax: (812) 885-3737

KOSCIUSKO
LUTHERAN KOSCIUSKO HOSPITAL
2101 E DUBOIS DR
WARSAW, IN 46580
Tel: (574) 267-3200 | Fax: (574) 372-7692

OTIS R BOWEN CENTER FOR HUMAN SERVICES INC
9 PEQUIGNOT DR
PIERCETON, IN 46562
Tel: (574) 267-7169 | Fax: (574) 269-3995

LAGRANGE
PARKVIEW LAGRANGE HOSPITAL
207 N TOWNLINE RD
LAGRANGE, IN 46761
Tel: (260) 463-9000 | Fax: (260) 463-9420

LAKE
COMMUNITY HOSPITAL
901 MACARTHUR BLVD
MUNSTER, IN 46321
Tel: (219) 836-1600 | Fax: (219) 836-0915

COMMUNITY STROKE AND REHABILITATION CENTER, INC
10215 BROADWAY AVENUE
CROWN POINT, IN 46307
Tel: (219) 661-6055 | Fax: (219) 703-6800

FRANCISCAN HEALTH CROWN POINT
12750 SAINT FRANCIS DRIVE
CROWN POINT, IN 46307
Tel: (219) 757-6100 | Fax: (219) 757-6242

FRANCISCAN HEALTH DYER
24 JOLIET ST
DYER, IN 46311
Tel: (219) 865-2141 | Fax: (219) 864-2585

FRANCISCAN HEALTH MUNSTER
701 SUPERIOR AVE
MUNSTER, IN 46321
Tel: (219) 922-4200 | Fax: (219) 922-6809

METHODIST HOSPITALS INC
600 GRANT ST
GARY, IN 46402
Tel: (219) 886-4000 | Fax: (219) 757-6727

NEURO BEHAVIORAL HOSPITAL
9330 BROADWAY
CROWN POINT, IN 46307
Tel: (574) 277-2630 | Fax: (574) 485-1778

NW INDIANA ER & HOSPITAL
7904 CABELA DRIVE
HAMMOND, IN 46324
Tel: (219) 554-9911

NW INDIANA-AMG SPECIALTY HOSPITAL
9509 GEORGIA STREET
CROWN POINT, IN 46307
Tel: (219) 472-2200 | Fax: (219) 472-2148

PINNACLE HOSPITAL
9301 CONNECTICUT DR
CROWN POINT, IN 46307
Tel: (219) 756-2100 | Fax: (219) 756-0412

REGENCY HOSPITAL OF NORTHWEST INDIANA
4321 FIR ST 4TH FL
EAST CHICAGO, IN 46312
Tel: (219) 392-7799 | Fax: (219) 378-1567

REGIONAL MENTAL HEALTH CENTER
8555 TAFT ST
MERRILLVILLE, IN 46410
Tel: (219) 769-4005 | Fax: (219) 769-2508

ST CATHERINE HOSPITAL INC
4321 FIR STREET
EAST CHICAGO, IN 46312
Tel: (219) 392-7004 | Fax: (219) 392-7002

ST MARY MEDICAL CENTER INC
1500 S LAKE PARK AVE
HOBART, IN 46342
Tel: (219) 942-0551 | Fax: (219) 947-6037

LAPORTE
FRANCISCAN HEALTH MICHIGAN CITY
3500 FRANCISCAN WAY
MICHIGAN CITY, IN 46360
Tel: (219) 879-8511 | Fax: (219) 877-1409

NORTHWEST HEALTH-LA PORTE
1331 STATE STREET
LA PORTE, IN 46350
Tel: (219) 326-1234 | Fax: (219) 344-6326

LAWRENCE
INDIANA UNIVERSITY HEALTH BEDFORD HOSPITAL
2900 W 16TH ST
BEDFORD, IN 47421
Tel: (812) 275-1200 | Fax: (812) 275-1391

MADISON
ASCENSION ST VINCENT ANDERSON
2015 JACKSON ST
ANDERSON, IN 46016
Tel: (765) 646-8238 | Fax: (765) 646-8504

ASCENSION ST VINCENT MERCY
1331 S A ST
ELWOOD, IN 46036
Tel: (765) 552-4743 | Fax: (317) 583-2162

COMMUNITY HOSPITAL OF ANDERSON AND MADISON COUNTY
1515 N MADISON AVE
ANDERSON, IN 46011
Tel: (765) 298-4242 | Fax: (765) 298-5848

MARION
ASCENSION ST VINCENT HOSPITAL
2001 W 86TH ST
INDIANAPOLIS, IN 46260
Tel: (317) 338-7000 | Fax: (317) 338-2801

ASCENSION ST VINCENT SETON SPECIALTY HOSPITAL
8050 TOWNSHIP LINE RD
INDIANAPOLIS, IN 46260
Tel: (317) 415-8500 | Fax: (317) 415-8400

ASSURANCE HEALTH PSYCHIATRIC HOSPITAL
900 NORTH HIGH SCHOOL ROAD
INDIANAPOLIS, IN 46214
Tel: (317) 982-3715 | Fax: (317) 481-0547

COMMUNITY FAIRBANKS RECOVERY CENTER
8102 CLEARVISTA PARKWAY
INDIANAPOLIS, IN 46256
Tel: (317) 849-8222 | Fax: (317) 849-1455

COMMUNITY HEALTH NETWORK REHABILITATION HOSPITAL
7343 CLEARVISTA DRIVE
INDIANAPOLIS, IN 46256
Tel: (317) 585-5400 | Fax: (317) 585-5470

COMMUNITY HOSPITAL EAST
500 N RITTER AVE
INDIANAPOLIS, IN 46219
Tel: (317) 355-5411 | Fax: (317) 351-4945

COMMUNITY HOSPITAL NORTH
7150 CLEARVISTA DR
INDIANAPOLIS, IN 46256
Tel: (317) 621-5335 | Fax: (317) 621-7878

COMMUNITY HOSPITAL SOUTH
1402 E COUNTY LINE RD S
INDIANAPOLIS, IN 46227
Tel: (317) 887-7000 | Fax: (317) 887-4670

ESKENAZI HEALTH
720 ESKENAZI AVENUE
INDIANAPOLIS, IN 46202
Tel: (317) 880-4818 | Fax: (317) 880-0413

FRANCISCAN HEALTH INDIANAPOLIS
8111 S EMERSON AVE
INDIANAPOLIS, IN 46237
Tel: (317) 528-5000 | Fax: (317) 528-6696

HICKORY TREATMENT CENTER AT MERIDIAN
2102 S MERIDIAN STREET
INDIANAPOLIS, IN 46225
Tel: (314) 258-1037

INDIANA UNIVERSITY HEALTH
1701 N SENATE BLVD
INDIANAPOLIS, IN 46202
Tel: (317) 962-2000 | Fax: (317) 962-9273

INDIANA UNIVERSITY HEALTH TRANSPLANT
1701 NORTH SENATE BLVD
INDIANAPOLIS, IN 46206
Tel: (317) 962-8677 | Fax: (317) 962-5768

KINDRED HOSPITAL INDIANAPOLIS
1700 W 10TH ST
INDIANAPOLIS, IN 46222
Tel: (317) 636-4400 | Fax: (317) 636-4422

KINDRED HOSPITAL INDIANAPOLIS NORTH
8060 KNUE ROAD
INDIANAPOLIS, IN 46250
Tel: (317) 813-8900 | Fax: (317) 813-8880

MIDLAND HOUSE INC
3940 E 56TH ST
INDIANAPOLIS, IN 46220
Tel: (317) 257-2201

NEURODIAGNOSTIC INSTITUTE
5435 E 16TH ST
INDIANAPOLIS, IN 46218
Tel: (317) 941-4000 | Fax: (317) 941-4010

NEUROPSYCHIATRIC HOSPITAL OF INDIANAPOLIS, LLC
6720 PARKDALE PLACE, SUITE 100
INDIANAPOLIS, IN 46254
Tel: (317) 744-9200 | Fax: (317) 744-9251

OPTIONS BEHAVIORAL HEALTH SYSTEM
5602 CAITO DRIVE
INDIANAPOLIS, IN 46226
Tel: (317) 544-4340

ORTHOINDY HOSPITAL
8400 NORTHWEST BLVD
INDIANAPOLIS, IN 46278
Tel: (317) 956-1000 | Fax: (317) 956-1001

REHABILITATION HOSPITAL OF INDIANA INC
4141 SHORE DR
INDIANAPOLIS, IN 46254
Tel: (317) 329-2000 | Fax: (317) 329-2600

ST VINCENT HOSPITAL
2001 W 86TH ST
INDIANAPOLIS, IN 46260
Tel: (317) 280-9566 | Fax: (317) 338-9710

MARSHALL
COMMUNITY HOSPITAL OF BREMEN INC
1020 HIGH RD
BREMEN, IN 46506
Tel: (574) 546-2211 | Fax: (574) 546-4312

DOCTORS NEUROPSYCHIATRIC HOSPITAL
417 S WHITLOCK ST
BREMEN, IN 46506
Tel: (574) 546-0330

MICHIANA BEHAVIORAL HEALTH CENTER
1800 N OAK RD
PLYMOUTH, IN 46563
Tel: (574) 936-3784 | Fax: (574) 935-9076

SAINT JOSEPH REGIONAL MEDICAL CENTER - PLYMOUTH
1915 LAKE AVE
PLYMOUTH, IN 46563
Tel: (574) 948-4000 | Fax: (574) 948-5478

MARTIN
No facilities exist in this county.

MIAMI
DUKES MEMORIAL HOSPITAL
275 W 12TH ST
PERU, IN 46970
Tel: (765) 472-8000 | Fax: (765) 473-8244

MONROE
BLOOMINGTON MEADOWS HOSPITAL
3600 N PROW RD
BLOOMINGTON, IN 47404
Tel: (812) 331-8000 | Fax: (812) 961-2462

BLOOMINGTON REGIONAL REHABILITATION HOSPITAL LLC
3050 N LINTEL DRIVE
BLOOMINGTON, IN 47404
Tel: (812) 336-2815 | Fax: (812) 803-6441

IU HEALTH BLOOMINGTON HOSPITAL
2651 EAST DISCOVERY PARKWAY
BLOOMINGTON, IN 47408
Tel: (812) 353-5252 | Fax: (812) 353-9339

MONROE HOSPITAL
4011 S MONROE MEDICAL PARK BLVD
BLOOMINGTON, IN 47403
Tel: (812) 825-1111 | Fax: (812) 825-0750

MONTGOMERY
FRANCISCAN HEALTH CRAWFORDSVILLE
1710 LAFAYETTE RD
CRAWFORDSVILLE, IN 47933
Tel: (765) 362-2800 | Fax: (765) 364-3189

MORGAN
FRANCISCAN HEALTH MOORESVILLE
1201 HADLEY RD
MOORESVILLE, IN 46158
Tel: (317) 831-1160 | Fax: (317) 831-9315

NEWTON
No facilities exist in this county.

NOBLE
PARKVIEW NOBLE HOSPITAL
401 SAWYER RD
KENDALLVILLE, IN 46755
Tel: (260) 347-8700 | Fax: (260) 347-8148

OHIO
No facilities exist in this county.

ORANGE
INDIANA UNIVERSITY HEALTH PAOLI HOSPITAL
642 W HOSPITAL RD
PAOLI, IN 47454
Tel: (812) 723-2811 | Fax: (812) 723-7500

OWEN
No facilities exist in this county.

PARKE
No facilities exist in this county.

PERRY
PERRY COUNTY MEMORIAL HOSPITAL
8885 SR 237
TELL CITY, IN 47586
Tel: (812) 547-7011 | Fax: (812) 547-0169

PIKE
No facilities exist in this county.

PORTER
NORTHWEST HEALTH- PORTER
85 EAST US HWY 6
VALPARAISO, IN 46383
Tel: (219) 983-8300 | Fax: (219) 983-8080

PORTER-STARKE SERVICES INC
701 WALL ST
VALPARAISO, IN 46383
Tel: (219) 531-3500 | Fax: (219) 462-3975

POSEY
No facilities exist in this county.

PULASKI
PULASKI MEMORIAL HOSPITAL
616 E 13TH ST
WINAMAC, IN 46996
Tel: (574) 946-2100 | Fax: (574) 946-2134

PUTNAM
PUTNAM COUNTY HOSPITAL
1542 S BLOOMINGTON ST
GREENCASTLE, IN 46135
Tel: (765) 301-7300 | Fax: (765) 301-7539

Q
No counties exist starting with this letter.

RANDOLPH
ASCENSION ST VINCENT RANDOLPH
473 E GREENVILLE AVE
WINCHESTER, IN 47394
Tel: (765) 584-0004 | Fax: (765) 584-0066

RIPLEY
MARGARET MARY HEALTH
321 MITCHELL AVE
BATESVILLE, IN 47006
Tel: (812) 934-6624 | Fax: (812) 933-5017

RUSH
RUSH MEMORIAL HOSPITAL
1300 N MAIN ST
RUSHVILLE, IN 46173
Tel: (765) 932-7513 | Fax: (765) 932-7523

SAINT JOSEPH
A ROSIE PLACE
53131 QUINCE RD
SOUTH BEND, IN 46628
Tel: (574) 235-8899 | Fax: (574) 235-8897

MEDICAL BEHAVIORAL HOSPITAL - MISHAWAKA
1625 EAST JEFFERSON BLVD
MISHAWAKA, IN 46545
Tel: (574) 485-1703 | Fax: (574) 485-1778

MEMORIAL HOSPITAL OF SOUTH BEND
615 N MICHIGAN ST
SOUTH BEND, IN 46601
Tel: (574) 647-1000 | Fax: (574) 647-7328

REHABILITATION HOSPITAL OF NORTHERN INDIANA, LLC
4807 EDISON LAKES PARKWAY
MISHAWAKA, IN 46545
Tel: (574) 243-7727 | Fax: (574) 243-7728

SAINT JOSEPH REGIONAL MEDICAL CENTER
5215 HOLY CROSS PKWY
MISHAWAKA, IN 46545
Tel: (574) 335-5000 | Fax: (574) 335-1001

UNITY PHYSICIANS HOSPITAL
4455 EDISON LAKES PKWY
MISHAWAKA, IN 46545
Tel: (574) 231-6800

SCOTT
NORTON SCOTT HOSPITAL
1451 N GARDNER ST
SCOTTSBURG, IN 47170
Tel: (812) 752-3456 | Fax: (812) 752-5884

SHELBY
MAJOR HOSPITAL
2451 INTELLIPLEX DR
SHELBYVILLE, IN 46176
Tel: (317) 392-3211 | Fax: (317) 398-1800

SPENCER
No facilities exist in this county.

STARKE
NORTHWEST HEALTH- STARKE
102 E CULVER RD
KNOX, IN 46534
Tel: (574) 772-1102 | Fax: (574) 772-5948

STEUBEN
CAMERON MEMORIAL COMMUNITY HOSPITAL INC
416 E MAUMEE ST
ANGOLA, IN 46703
Tel: (260) 665-2141 | Fax: (260) 665-7893

SULLIVAN
SULLIVAN COUNTY COMMUNITY HOSPITAL
2200 N SECTION ST
SULLIVAN, IN 47882
Tel: (812) 268-4311 | Fax: (812) 268-2650

SWITZERLAND
No facilities exist in this county.

TIPPECANOE
FRANCISCAN HEALTH LAFAYETTE
1701 S CREASY LN
LAFAYETTE, IN 47905
Tel: (765) 502-4334 | Fax: (765) 502-4494

INDIANA UNIVERSITY HEALTH ARNETT HOSPITAL
5165 MCCARTY LN
LAFAYETTE, IN 47905
Tel: (765) 448-8000 | Fax: (765) 448-7656

LAFAYETTE REGIONAL REHABILITATION HOSPITAL
950 PARK EAST BLVD
LAFAYETTE, IN 47905
Tel: (765) 447-4040 | Fax: (765) 447-4042

RIVER BEND HOSPITAL
2900 N RIVER RD
WEST LAFAYETTE, IN 47906
Tel: (765) 464-0400 | Fax: (317) 497-3960

SYCAMORE SPRINGS HOSPITAL LLC
833 PARK EAST BLVD
LAFAYETTE, IN 47905
Tel: (765) 743-4400

TIPTON
INDIANA UNIVERSITY HEALTH TIPTON HOSPITAL INC
1000 S MAIN ST
TIPTON, IN 46072
Tel: (765) 675-8500 | Fax: (765) 675-8199

UNION
No facilities exist in this county.

VANDERBURGH
ASCENSION ST VINCENT EVANSVILLE
3700 WASHINGTON AVE
EVANSVILLE, IN 47750
Tel: (812) 485-4000 | Fax: (812) 485-7800

DEACONESS HOSPITAL INC
600 MARY ST
EVANSVILLE, IN 47710
Tel: (812) 450-5000 | Fax: (812) 450-2155

EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER
3300 E MORGAN AVE
EVANSVILLE, IN 47715
Tel: (812) 477-6436 | Fax: (812) 474-4248

EVANSVILLE STATE HOSPITAL
3400 LINCOLN AVENUE
EVANSVILLE, IN 47714
Tel: (812) 469-6800

SELECT SPECIALTY HOSPITAL-EVANSVILLE
400 SE 4TH ST
EVANSVILLE, IN 47713
Tel: (812) 421-2330 | Fax: (717) 635-3158

VERMILLION
UNION HOSPITAL CLINTON
801 S MAIN ST
CLINTON, IN 47842
Tel: (765) 832-1234 | Fax: (765) 832-1382

VIGO
HAMILTON CENTER INC
620 8TH AVE
TERRE HAUTE, IN 47804
Tel: (812) 231-8285 | Fax: (812) 231-8411

HARSHA BEHAVIORAL CENTER INC
1980 E WOODSMALL DR
TERRE HAUTE, IN 47802
Tel: (812) 298-8888 | Fax: (812) 231-5227

TERRE HAUTE REGIONAL HOSPITAL
3901 S SEVENTH ST
TERRE HAUTE, IN 47802
Tel: (812) 232-0021 | Fax: (812) 237-9514

UNION HOSPITAL INC
1606 N SEVENTH ST
TERRE HAUTE, IN 47804
Tel: (812) 238-7606 | Fax: (812) 238-7113

WABASH
PARKVIEW WABASH HOSPITAL, INC
10 JOHN KISSINGER DRIVE
WABASH, IN 46992
Tel: (260) 563-3131 | Fax: (260) 569-2338

WARREN
ASCENSION ST VINCENT WILLIAMSPORT
412 N MONROE ST
WILLIAMSPORT, IN 47993
Tel: (765) 762-4001 | Fax: (765) 762-4126

WARRICK
ASCENSION ST VINCENT WARRICK
1116 MILLIS AVE
BOONVILLE, IN 47601
Tel: (812) 897-4800 | Fax: (812) 897-7375

BRENTWOOD SPRINGS
4488 ROSLIN RD
NEWBURGH, IN 47630
Tel: (812) 858-7200 | Fax: (812) 842-0086

ENCOMPASS HEALTH DEACONESS
REHABILITATION HOSPITAL
9355 WARRICK TRAIL
NEWBURGH, IN 47630
Tel: (812) 476-9983 | Fax: (812) 476-4270

WOMEN'S HOSPITAL THE
4199 GATEWAY BLVD
NEWBURGH, IN 47630
Tel: (812) 842-4200 | Fax: (812) 842-4250

WASHINGTON
ASCENSION ST VINCENT SALEM
911 N SHELBY ST
SALEM, IN 47167
Tel: (812) 883-5881 | Fax: (812) 883-8563

WAYNE
REID HEALTH
1100 REID PKWY
RICHMOND, IN 47374
Tel: (765) 983-3000 | Fax: (765) 983-3324

RICHMOND STATE HOSPITAL
498 NW 18TH ST
RICHMOND, IN 47374
Tel: (765) 966-0511 | Fax: (765) 966-4593

WELLS
BLUFFTON REGIONAL MEDICAL CENTER
303 S MAIN ST
BLUFFTON, IN 46714
Tel: (260) 824-3210 | Fax: (260) 919-3201

WHITE
INDIANA UNIVERSITY HEALTH WHITE
MEMORIAL HOSPITAL
720 SOUTH SIXTH ST
MONTICELLO, IN 47960
Tel: (574) 583-7111 | Fax: (574) 583-1703

WHITLEY
PARKVIEW WHITLEY HOSPITAL
1260 E SR 205
COLUMBIA CITY, IN 46725
Tel: (260) 248-9301 | Fax: (260) 248-9107

X
No counties exist starting with this letter.

Y
No counties exist starting with this letter.

Z
No counties exist starting with this letter.

For more information go to: https://www.in.gov/health/lhd/local-health-department-map/

Adams County Health Department
313 West Jefferson St.
Decatur, IN 46733
Health Officer: Michael Ainsworth, MD
Phone: (260) 724-5326 | Fax: (260) 724-5328
Email: hdegitz@co.adams.in.us

Allen County Health Department
200 E. Berry St., Suite 360
Fort Wayne, IN 46802
Health Officer: Thomas Gutwein, MD
Phone: (260) 449-7561 | Fax: (260) 427-1391
Email: info@allencountyhealth.com

Bartholomew County Health Department
440 Third St., Suite 303
Columbus, IN 47201
Health Officer: Brian Niedbalski, MD
Phone: (812) 379-1550 | Fax: (812) 379-1040
Email: No Email Listed

Benton County Health Department
706 East 5th St., Suite 16
Fowler, IN 47944
Health Officer: Joseph Moody, MD
Phone: (765) 884-1728 | Fax: (765) 884-2072
Email: No Email Listed

Blackford County Health Department
506 East VanCleve St.
Hartford City, IN 47348
Health Officer: Lori Skidmore, MD
Phone: (765) 348-4317 | Fax: (765) 348-3041
Email: managerbchd@blackfordcounty.com

Boone County Health Department
116 W. Washington St., Suite B202
Lebanon, IN 46052
Health Officer: Herschell Servies Jr, MD
Phone: (765) 482-3942 | Fax: 765-483-4450
Email: lyounts@co.boone.in.us

Brown County Health Department
200 Hawthorne Dr.
Nashville, IN 47448
Health Officer: Norman Oestrike, MD
Phone: (812) 988-2255 | Fax: (812) 988-5601
Email: bchealth@browncounty-IN.us

Carroll County Health Department
101 W. Main Street, Courthouse
Delphi, IN 46923
Health Officer: Emily Backer, MD
Phone: (765) 564-3420 | Fax: (765) 564-6161
Email: healthd@carrollcountyin.gov

Cass County Health Department
512 High Street
Logansport, IN 46947
Health Officer: Dr. Dori Ditty
Phone: (574) 753-7760 | Fax: (574) 753-7039
Email: tina.collins@co.cass.in.us

Clark County Health Department
1201 Wall St.
Jeffersonville, IN 47130
Health Officer: Eric Yazel MS, MD
Phone: (812) 282-7521 | Fax: (812) 288-2711
Email: dbentfield@co.clark.in.us

Clay County Health Department
18 N. Walnut St.
Brazil, IN 47834
Health Officer: Dr. C. Mark Mendoza
Phone: (812) 448-9021 | Fax: (812) 448-9018
Email: conradl@claycountyin.gov

Clinton County Health Department
1234 Rossville Ave.
Frankfort, IN 46041
Health Officer: Melissa Pearson, MD
Phone: (765) 659-6385 | Fax: (765) 659-6387
Email: rwann@clintonco.com

Crawford County Health Department
306 Oak Hill Circle
English, IN 47118
Health Officer: Devi Pierce, MD
Phone: (812) 338-2302 | Fax: (812) 338-2301
Email: esatterfield@crawfordcountyin.com

Daviess County Health Department
300 East Hefron Street
Washington, IN 47501
Health Officer: Merle Holsopple, MD
Phone: (812) 254-8666 | Fax: (812) 254-8643
Email: info@daviesshealth.com

Dearborn County Health Department
165 Mary St.
Lawrenceburg, IN 47025
Health Officer: Stephen Eliason, MD
Phone: (812) 537-8826 | Fax: (812) 537-1852
Email: mwoodruff@dearborncounty.in.gov
Email: kdeitsch@dearborncounty.in.gov

Decatur County Health Department
315 S. Ireland St.
Greensburg, IN 47240
Health Officer: Mary McCullough, MD
Phone: (812) 663-8301 | Fax: (812) 663-4174
Email: vitalrecords@decaturcounty.in.gov

DeKalb County Health Department
220 E. Seventh St, Suite 110
Auburn, IN 46706
Health Officer: Mark Souder, MD
Phone: (260) 925-2220 | Fax: (260) 925-2090
Email: clynch@co.dekalb.in.us

Delaware County Health Department
125 N. Mulberry St.
Muncie, IN 47305
Health Officer: Donna Wilkins, MD
Phone: (765) 747-7721 | Fax: (765) 747-7747
Email: dwilkins@co.delaware.in.us

Dubois County Health Department
1187 S. Saint Charles St.
Jasper, IN 47546
Health Officer: Theodore Waflart, MD
Phone: (812) 481-7050 | Fax: (812) 481-7069
Email: sdwerner@duboiscountyin.org

Elkhart County Health Department
608 Oakland Ave.
Elkhart, IN 46514
Health Officer: Richard Hostetter, MD
Phone: (877) 523-2283 | Fax: (574) 295-6186
Email: cmast@elkhartcounty.com

Fayette County Health Department
401 N. Central Ave. (Lower Level)
Connersville, IN 47331
Health Officer: Wayne White, MD
Phone: (765) 825-4013 | Fax: (765) 825-7189
Email: kmaze@co.Fayette.in.us / health@co.Fayette.in.us

Floyd County Health Department
1917 Bono Rd.
New Albany, IN 47150
Health Officer: Thomas Harris, MD
Phone: (812) 948-4726 | Fax: (812) 948-2208
Email: cbass@floydcounty.in.gov

Fountain County Health Department
301 4th St.
Covington, IN 47932
Health Officer: Dan Hesler, MD
Phone: (877) 339-9567 | Fax: 765-762-6520
Email: jeads@fountainco.net

Franklin County Health Department
1010 Franklin Ave. Suite 210
Brookville, IN 47012
Health Officer: David Welsh, MD
Phone: (765) 647-4322 | Fax: (765) 647-5248
Email: health@franklincounty.in.gov

Fulton County Health Department
125 E. 9th St., Suite 004
Rochester, IN 46975
Health Officer: David Reyburn, MD
Phone: (574) 223-2881 | Fax: (574) 223-2335
Email: nurse@co.fulton.in.us

Gibson County Health Department
203 S. Prince St., Suite A
Princeton, IN 47670
Health Officer: Bruce Brink Jr, DO
Phone: (812) 385-3831 | Fax: (812) 386-8027
Email: dhornby@gibsoncounty-in.gov

Grant County Health Department
401 S. Adams St.
Marion, IN 46953
Health Officer: Brenda Woods, MD
Phone: (765) 651-2401 | Fax: (765) 651-2419
Email: tstreet@grantcounty.net

Greene County Health Department
217 E. Spring St., Suite #1
Bloomfield, IN 47424
Health Officer: Peter Powers, MD
Phone: (812) 384-4496 | Fax: (812) 384-2037
Email: health@co.greene.in.us

Hamilton County Health Department
18030 Foundation Dr., Suite A
Noblesville, IN 46060
Health Officer: Charles Harris, MD
Phone: (317) 776-8500 | Fax: (317) 776-8506
Email: health@hamiltoncounty.in.gov

Fishers City Health Department
8939 Technology Dr.
Fishers, IN, 46038
Health Officer: Indy Lane, MD
Phone: 317-567-5045
Email: healthdept@fishers.in.us

Hancock County Health Department
111 American Legion Pl., Room 150
Greenfield, IN 46140
Health Officer: Gary Sharp, MD
Phone: (317) 477-1125 | Fax: (317) 477-1154
Email: cbaker@hancockcoingov.org

Harrison County Health Department
241 Atwood St.
Corydon, IN 47112
Health Officer: Lisa Clunie, MD
Phone: (812) 738-3237 | Fax: (812) 738-4292
Email: help@harrisoncountyhealth.com

Hendricks County Health Department
355 S. Washington St., Suite G30
Danville, IN 46122
Health Officer: David Stopperich, MD
Phone: (317) 745-9217
Email: kclick@co.hendricks.in.us

Henry County Health Department
1201 Race St.
New Castle, IN 47362
Health Officer: John Miller, MD
Phone: (765) 521-7059 | Fax: (765) 521-7055
Email: acox@henryco.net

Howard County Health Department
120 E. Mulberry St.
Kokomo, IN 46901
Health Officer: Emily Backer, MD
Phone: (765) 456-2403 | Fax: (765) 456-2417
Email: webmaster@howardcountyin.gov

Huntington County Health Department
1330 S. Jefferson St.
Huntington, IN 46750
Health Officer: Matt Pflieger, DO
Phone: (260) 358-4831 | Fax: (260) 358-4899
Email: webmaster@huntington.in.us

Jackson County Health Department
801 W. 2nd St.
Seymour, IN 47274
Health Officer: Christopher Bunce, MD
Phone: (812) 522-6474 | Fax: (812) 522-2916
Email: healthadmin@jacksoncounty.in.gov

Jasper County Health Department
910 S. Sparling Ave.
Rensselaer, IN 47978
Health Officer: Christopher Louck, MD
Phone: (219) 866-4917 | Fax: (219) 866-4108
Email: kristen.louck@co.jasper.in.us

Jay County Health Center
504 W. Arch St.
Portland, IN 47371
Health Officer: Jerry Whetzel, MD
Phone: (260) 726-8080 | Fax: (260) 726-2220
Email: No Email Listed

Jefferson County Health Department
715 Green Rd.
Madison, IN 47250
Health Officer: John Hossler, MD
Phone: (812) 273-1942 | Fax: (812) 273-1955
Email: lindsey.wyne@jeffersoncounty.in.gov

Jennings County Health Department
245 Norris Ave.
North Vernon, IN 47265
Health Officer: Gregory Heumann, MD
Phone: (812) 352-3024 | Fax: (812) 352-3030
Email: jcnursing@localhealth.in.gov

Johnson County Health Department
460 N. Morton St., Suite A
Franklin, IN 46131
Health Officer: Jefferson Qualls, MD
Phone: (317) 346-4365 | Fax: (317) 736-5264
Email: No Email Listed

Knox County Health Department
328 N. 2nd St., Suite 100
Vincennes, IN 47591
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Phone: (812) 882-8080 | Fax: (812) 882-5625
Email: cmsmith@knoxcounty.in.gov

Kosciusko County Health Department
100 W. Center St.
Warsaw, IN 46580
Health Officer: Eric Waldo, MD
Phone: (574) 372-2349 | Fax: (574) 269-2023
Email: bweaver@kcgov.com

LaGrange County Health Department
304 N. Townline Rd., Suite #1
LaGrange, IN 46761
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Phone: (260) 499-4182 | Fax: Fax: (260) 499-4189
Email: agarcia@lagrangecounty.org

Lake County Health Department
2900 W. 93rd Ave.
Crown Point, IN 46307
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Phone: (219) 755-3655 | Fax: (219) 755-3668
Email: doffinx@lakecountyin.org

Gary City Health Department
401 Broadway #102
Gary, IN 46402
Health Officer: Janet Seabrook, MD
Phone: (219) 882-5565 | Fax: (219) 882-8213
Email: vcollins@gary.gov

East Chicago City Health Department
100 W. Chicago Ave.
East Chicago, IN 46312
Health Officer: Paula Benchik-Abrinko, MD
Phone: (219) 391-8467 | Fax: (219) 391-8494
Email: dburns@eastchicago.com

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809 State St., Suite 401A
LaPorte, IN 46350
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Phone: (219) 326-6808 | Fax: (219) 325-8628
Email: alahners@laporteco.in.gov

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2419 Mitchell Rd.
Bedford, IN 47421
Health Officer: Alan Smith, MD
Phone: (812) 275-3234 | Fax: (812) 275-1094
Email: pedwards@lawrencecounty.in.gov

Madison County Health Department
206 E. 9th St.
Anderson, IN 46016
Health Officer: William Vanness, MD
Phone: (765) 641-9523
Email: srmellinger@madisoncounty.in.gov

Marion County Health Department
3838 N. Rural St.
Indianapolis, IN 46205
Health Officer: Virginia Caine, MD
Phone: (317) 221-2000 | Fax: (317) 221-2307
Email: HealthDept@MarionHealth.org

Marshall County Health Department
510 W. Adams, GL-30
Plymouth, IN 46563
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Phone: (574) 935-8565 | Fax: (574) 936-9247
Email: No Email Listed

Martin County Health Department
127 Water St.
Shoals, IN 47581
Health Officer: Larry Sutton, DO
Phone: (812) 849-4447 | Fax: (812) 849-6785
Email: No Email Listed

Miami County Health Department
35 Court St.
Peru, IN 46970
Health Officer: Michael Mull, MD
Phone: (765) 472-3901 | Fax: (765) 473-6398
Email: mnichols@miamicountyin.gov

Monroe County Health Department
119 W. 7th St.
Bloomington, IN 47404
Health Officer: Clark Brittain, DO
Phone: Main (812) 349-2543 | Fax: Main (812) 339-6481
Email: vitalrecords@co.monroe.in.us

Montgomery County Health Department
1580 Constitution Row, Suite G
Crawfordsville, IN 47933
Health Officer: Scott Douglas, MD
Phone: (765) 364-6440 | Fax: (765) 361-3239
Email: health.reception@montgomeryco.net

Morgan County Health Department
180 S. Main St., Suite 252
Martinsville, IN 46151
Health Officer: Paul Broderick, DO
Phone: (765) 342-6621 | Fax: (765) 342-1062
Email: morgancohd@morgancountyhealth.com

Newton County Health Department
4117 S. 240 W., Suite 500
Morocco, IN 47963
Health Officer: Gonzolo Florido, MD
Phone: (888) 663-9866 | Fax: (219) 285-0464
Email: kcrews@newtoncounty.in.gov

Noble County Health Department
2090 N. State Rd. 9, Suite C
Albion, IN 46701
Health Officer: Elizabeth Schowe, MD
Phone: (260) 636-2191 | Fax: (260) 636-2192
Email: lgray@nobleco.us

Ohio County Health Department
117 Sixth St.
Rising Sun, IN 47040
Health Officer: Christopher Walcott, MD
Phone: (812) 438-2551 | Fax: (812) 438-4393
Email: ohiocohealth@hotmail.com

Orange County Health Department
205 E. Main St.
Paoli, IN 47454
Health Officer: Jose Lopez, MD
Phone: (812) 723-2403 | Fax: (812) 723-7117
Email: ochd@co.orange.in.us

Owen County Health Department
751 E. Franklin St.
Spencer, IN 47460
Health Officer: Diane Wells, MD
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Email: christine.mcbride@owencounty.in.gov

Parke County Health Department
116 W. High St., Room 12
Rockville, IN 47872
Health Officer: Franklin Swaim, MD
Phone: (765) 569-6665 | Fax: (765) 569-4061
Email: parkehealth@parkecounty-in.gov

Perry County Health Department
3214 Tell St. # 1
Tell City, IN 47586
Health Officer: William Marcrum, MD
Phone: (812) 547-2746 | Fax: (812) 547-0415
Email: registrar@perrycounty.in.gov

Pike County Health Department
907 Walnut St.
Petersburg, IN 47567
Health Officer: Adam Rudolph, MD
Phone: (812) 354-8797 | Fax: (812) 354-2532
Email: agladish@pikeco.org

Porter County Health Department
155 Indiana Ave., Suite 104
Valparaiso, IN 46383
Health Officer: Maria Stamp, MD
Phone: (219) 465-3525 | Fax: (219) 465-3531
Email: Porterhealth@porterco.org

Posey County Health Department
100 Vista Dr.
Mount Vernon, IN 47620
Health Officer: Kyle Rapp, MD
Phone: (812) 838-1328 | Fax: (812) 838-8561
Email: cheryl.reich@poseycountyin.gov

Pulaski County Health Department
125 S. Riverside Dr.
Winamac, IN 46996
Health Officer: Timothy Day, MD
Phone: (574) 946-6080 | Fax: (574) 946-6654
Email: eguffey@pulaskicounty.in.gov

Putnam County Health Department
1542 S. Bloomington St., Suite 1500
Greencastle, IN 46135
Health Officer: Adam Amos, MD
Phone: (765) 653-0203 | Fax: (765) 653-0208
Email: healthadmin@co.putnam.in.us

Randolph County Health Department
325 S. Oak St., Suite 202
Winchester, IN 47394
Health Officer: Kenneth Sowinski, MD
Phone: (765) 584-1155 | Fax: (765) 584-3226
Email: rchdinvr@comcast.net

Ripley County Health Department
102 W. 1st North St., Suite 106 / PO Box 745
Versailles, IN 47042
Health Officer: David Welsh, MD
Phone: (812) 689-5751 | Fax: (812) 689-3909
Email: lbushhorn@ripleycounty.com

Rush County Health Department
101 E. Second St., Room 105
Rushville, IN 46173
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Phone: (765) 932-3103 | Fax: (765) 938-2604
Email: rcdh@rushcounty.in.gov

Scott County Health Department
1296 N. Gardner St.
Scottsburg, IN 47170
Health Officer: R. Kevin Rogers, MD
Phone: (812) 752-8455 | Fax: (812) 752-6023
Email: michelle.matern@scottcounty.in.gov

Shelby County Health Department
1600 E. State Rd. 44, Suite B
Shelbyville, IN 46176
Health Officer: Chris Loman, MD
Phone: (317) 392-6470 | Fax: (317) 392-6472
Email: Shelby_Health@hotmail.com

Spencer County Health Department
200 Main St., Room 1
Rockport, IN 47635
Health Officer: Joshua Poos, MD
Phone: (812) 649-4441 | Fax: (812) 649-6047
Email: detienne@spencercountyhealth.com

St. Joseph County Health Department
227 W. Jefferson Blvd. County-City Building, 8th Floor
South Bend, IN 46601
Health Officer: Michelle Migliore, DO
Phone: (574) 235-9750 | Fax: (574) 235-9960
Email: jparcell@sjcindiana.com

Starke County Health Department
108 N. Pearl St.
Knox, IN 46534
Health Officer: Thomas Browne, MD
Phone: (574) 772-9137 | Fax: (574) 772-8035
Email: flynch@co.starke.in.us

Steuben County Health Department
317 South Wayne Street, Suite 3A
Angola, IN, 46703
Health Officer: Ted Crisman, MD
Phone: 260-668-1000 | Fax: (260) 665-1418
Email: avanee@co.steuben.in.us

Sullivan County Health Department
27 S. Main St.
Sullivan, IN 47882
Health Officer: Michael Gamble, MD, MBA
Phone: (812) 268-0224 | Fax: (812) 268-0423
Email: healthadministrator@sullivancounty.in.gov

Switzerland County Health Department
P.O. Box 14, 1190 W. Main, Suite 300
Vevay, IN 47043
Health Officer: Scott Frede, MD
Phone: (812) 427-3220 | Fax: (812) 427-0235
Email: registrar@switzerland.in.gov

Tippecanoe County Health Department
1950 S. 18th St.
Lafayette, IN 47905
Health Officer: Greg Loomis, MD
Phone: (765) 423-9221 | Fax: (765) 423-9797
Email: aerwin@tippecanoe.in.gov

Tipton County Health Department
101 E. Jefferson, 1st Floor
Tipton, IN 46072
Health Officer: Mary Compton, MD
Phone: (765) 675-8741 | Fax: (765) 675-6952
Email: logden@tiptoncounty.in.gov

Union County Health Department
6 W. South St.
Liberty, IN 47353
Health Officer: Susan Bantz, MD
Phone: (765) 458-5393 | Fax: (765) 458-5582
Email: dtimberman@unioncountyin.us

Vanderburgh County Health Department
420 Mulberry St., Oak Park Professional Building,
Evansville, IN 47713
Health Officer: Dr. Kenneth Spear
Phone: (812) 435-2400 | Fax: (812) 435-5468
Email: No Email Listed

Vermillion County Health Department
257 Walnut St.
Clinton, IN 47842
Health Officer: Paula Market, MD
Phone: (765) 832-3622 | Fax: (765) 832-3684
Email: wendy.farley@vermillioncounty.in.gov

Vigo County Health Department
147 Oak St.
Terre Haute, IN 47807
Health Officer: Darren Brucken, MD
Phone: (812) 462-3428 | Fax: (812) 231-6242
Email: joni.wise@vigocounty.in.gov

Wabash County Health Department
89 W. Hill St., Memorial Hall
Wabash, IN 46992
Health Officer: David Roe, MD
Phone: (260) 563-0661 | Fax: (260) 563-6082
Email: klower@wabashcounty.in.gov

Warren County Health Department
417 N. High St.
West Lebanon, IN 47991
Health Officer: Sean Sharma, MD
Phone: (765) 762-5855 | Fax: (765) 762-5856
Email: healthadministrator@warrencounty.in.gov

Warrick County Health Department
107 W. Locust, Suite 204
Boonville, IN 47601
Health Officer: Ricky Yeager, DO
Phone: (812) 897-6105 | Fax: (812) 897-6104
Email: lderr@warrickcounty.gov

Washington County Health Department
806 Martinsburg Rd., Suite 100
Salem, IN 47167
Health Officer: Jeffery Morgan, MD
Phone: (812) 883-5603 | Fax: (812) 883-5017
Email: mborden@washingtoncounty.in.gov

Wayne County Health Department
100 S. 5th St.
Richmond, IN 47374
Health Officer: David Jetmore, MD
Phone: (765) 973-9245 | Fax: (765) 973-9361
Email: cstinson@co.wayne.in.us

Wells County Health Department
223 W. Washington
Bluffton, IN 46714
Health Officer: Brandon Huggins, MD
Phone: (260) 824-6489 | Fax: (260) 824-8803
Email: tross@wellscounty.org

White County Health Department
902 Foxwood Ct.
Monticello, IN 47960
Health Officer: Charles Tribbett, MD
Phone: (574) 583-8254 | Fax: (574) 583-1513
Email: healthdept2@whitecountyindiana.us

Whitley County Health Department
220 W. Van Buren St., Suite 106
Columbia City, IN 46725
Health Officer: Mark A. Burkett, DO
Phone: (260) 248-3121 | Fax: (260) 248-3129
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Source: embassy.org, A resource of and for the Washington, D.C. foreign embassy community

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info@gambiaembassy.us
http://www.gambiaembassydc.org/

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Phone: 202-387-2390
Fax: 202-387-0864
embgeo.usa@mfa.gov.ge
http://georgiaembassyusa.org/

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Phone: 202-298-4000
http://www.germany-info.org/

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Fax: 202-686-4527
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https://www.ghanaembassy.org

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Fax: 202-939-1324
gremb.was@mfa.gr
https://www.mfa.gr/usa/en/

Embassy of Grenada
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Fax: 202-265-2468
embassy@grenadaembassyusa.org
http://www.grenadaembassyusa.org

Embassy of Guatemala
Phone: 202-745-4952
infoembaguateeuu@minex.gob.gt
https://estadosunidos.minex.gob.gt/home/home.aspx

Embassy of the Republic of Guinea
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http://guineaembassyusa.org/en/welcome-to-the-embassy-of-guinea-washington-usa/

Embassy of the Republic of Guinea-Bissau
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Embassy of Guyana
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Fax: 202-232-1297
guyanaembassydc@verizon.net
http://www.guyanaembassyusa.org/

Embassy of the Republic of Haiti
Phone: 202-332-4090
Fax: 202-745-7215
amb.washington@diplomatie.ht
www.haiti.org

Holy See, Apostolic Nunciature of the
Phone: 202-333-7121
nuntiususa@nuntiususa.org
http://www.nuntiususa.org/

Embassy of Honduras
Phone: 202-966-7702
Fax: 202-966-9751
embassy@hondurasemb.org
http://www.hondurasemb.org/

Embassy of the Republic of Hungary
Phone: 202-362-6730
informacio.was@mfa.gov.hu
https://washington.mfa.gov.hu/eng

Embassy of Iceland
Phone: 202-265-6653
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icemb.wash@utn.stjr.is
https://www.government.is/diplomatic-missions/embassy-of-iceland-in-washington-d.c/

Embassy of India
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https://indianembassyusa.gov.in/

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Fax: 202-775-5365
www.embassyofindonesia.org/

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Fax: 202-965-1073
info@daftarwashington.com
http://www.daftar.org/Eng/default.asp?lang=eng

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Fax: 202-333-1129
icodc@iraqiembassy.us
http://iraqiembassy.us/

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Fax: 202-232-5993
https://www.dfa.ie/irish-embassy/USA/

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www.EmbassyofJamaica.org

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Fax: 202-328-2187
https://www.us.emb-japan.go.jp/itprtop_en/index.html

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hkjconsular@jordanembassyus.org
http://www.jordanembassyus.org/

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http://www.kazakhembus.com/

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http://www.kenyaembassydc.org

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Fax: 202-395-7550
kgembassy.usa@mfa.gov.kg
https://mfa.gov.kg/en/embassies/embassy?id=63

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https://www.embassyoflibyadc.org/

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http://www.liechtensteinusa.org/

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http://www.mongolianembassy.us/

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moroccointheUS@maec.gov.ma
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Fax: 202-667-5227
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http://www.embassyofniger.org/

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http://www.nigeriaembassyusa.org/

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http://www.omani.info/

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http://www.pngembassy.org/

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http://www.waszyngton.msz.gov.pl/en/waszyngton_us_a_en_root

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https://www.washingtondc.embaixadaportugal.mne.pt/en/

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http://washington.embassy.qa/en

Embassy of Romania
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Fax: 202-232-4748
washington@mae.ro
http://washington.mae.ro/en

Embassy of the Russian Federation
Phone: 202-298-5700
Fax: 202-298-5735
rusembusa@mid.ru
https://washington.mid.ru/en/

Embassy of the Republic of Rwanda
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Fax: 202-232-4544
info@rwandaembassy.org
http://www.rwandaembassy.org/

Embassy of Saint Kitts and Nevis
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Fax: 202-686-5740
stkittsnevis@embskn.com
http://embassy.gov.kn/

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Fax: 202-364-6723
embassydc@gosl.gov.lc
http://www.govt.lc/ministries/external-affairs-international-trade-and-civil-aviation/embassy-of-saint-lucia-to-the-united-states-and-oas

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http://wa.embassy.gov.vc/washington/

Embassy of the Independent State of Samoa
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Fax: 212-599-0797
https://www.un.int/samoa/samoa/embassy-independent-state-samoa-united-states-america

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http://www.washington.embassy.si/index.php?id=51&L=1

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Embassy of the Republic of South Africa
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Fax: 202-265-1607
crossleyl@dirco.gov.za
www.saembassy.org

Embassy of South Sudan
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Fax: 202-293-7941
info@erssdc.org
http://www.southsudanembassyusa.org/

Embassy of Spain
Phone: 202-452-0100
Fax: 202-833-5670
emb.washington@maec.es
http://www.exteriores.gob.es/Embajadas/WASHINGTON/en/Pages/inicio2.aspx

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Fax: 202-232-7181
slembassy@slembassyusa.org
www.slembassyusa.org

Embassy of the Republic of the Sudan
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Fax: 202-667-2406
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http://www.sudanembassy.org/

Embassy of the Republic of Suriname
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Fax: 202-244-5878
amb.vs@gov.sr
www.surinameembassy.org

Embassy of the Kingdom of Swaziland
Phone: 202-234-5002
Fax: 202-234-8254
embassy@swaziland-usa.com
http://www.gov.sz/index.php?option=com_content&view=article&id=453&Itemid=270

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ambassaden.washington@gov.se
http://www.swedenabroad.com/washington

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Fax: 202-387-2564
washington.media@eda.admin.ch
https://www.eda.admin.ch/countries/usa/en/home/representations/embassy-washington.html

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Fax: 202-265-4585
http://syriaembassy.org/

Republic of China on Taiwan
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usa@mofa.gov.tw
http://www.roc-taiwan.org/us_en/index.html

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Royal Thai Embassy
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thai.wsn@thaiembdc.org
http://www.thaiembdc.org/

Embassy of the Republic of Togo
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Fax: 202-232-3190
info@togoembassy.us
http://www.republicoftogo.com/

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website@foreign.gov.tt
https://foreign.gov.tt/missions-consuls/tt-missions-abroad/diplomatic-missions/embassy-washington-dc-us/

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AT.Washington@Tunisianembassy.org
http://www.tunisiaembassy.org/

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http://vasington.be.mfa.gov.tr/Mission

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turkmenembassyus@verizon.net
https://usa.tmembassy.gov.tm/

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Fax: 202-726-1727
washington@mofa.go.ug
http://www.ugandaembassy.com

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https://usa.mfa.gov.ua/en

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http://uae-embassy.org/

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22

Statehouse Luncheon

Indiana Statehouse
January 22, 2025

FEBRUARY
18/20

Relevance Conference

French Lick Resort, French Lick
February 18, 2025

Morris Inn, South Bend
February 20, 2025

MAY
19–22

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