

IC 16-37-3

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-3

Certificate of death or stillbirth; filing

Sec. 3. (a) The physician last in attendance upon the deceased or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred. The local health officer shall retain a copy of the certificate of death.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, the physician 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 with the local health officer of the jurisdiction in which the death occurred.

As added by P.L.2-1993, SEC.20. Amended by P.L.61-2009, SEC.8; P.L.156-2011, SEC.35; P.L.122-2012, SEC.3.

IC 16-37-3-4

Securing personal data for certificates

Sec. 4. The physician 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.

As added by P.L.2-1993, SEC.20. Amended by P.L.156-2011, SEC.36.

IC 16-37-3-5

Presentation of certificate of death; electronically providing certificate; certification

Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate

of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, using the Indiana death registration system established under IC 16-37-1-3.1, 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 last in attendance upon the deceased. The physician 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.

As added by P.L.2-1993, SEC.20. Amended by P.L.61-2009, SEC.9; P.L.156-2011, SEC.37; P.L.122-2012, SEC.4.

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 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.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-7

Unnatural cause of death; coroner's investigation

Sec. 7. (a) If the circumstances suggest that the death was caused by other than natural causes, the following individual shall refer the case to the coroner for investigation:

- (1) The attending physician.
- (2) If there is no attending physician or 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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20. Amended by P.L.271-2001, SEC.2.

IC 16-37-3-9

Permanent records; public inspection

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) The records shall be open to public inspection. Except as provided in this subsection, the Social Security number is confidential and may not be disclosed to the public. After December 31, 2005, 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.

(c) 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.

(d) 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.

As added by P.L.2-1993, SEC.20. Amended by P.L.138-2001, SEC.5; P.L.81-2005, SEC.34.

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

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.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-16

Violations

Sec. 16. (a) Except as 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.

As added by P.L.2-1993, SEC.20.