



February 15, 2019

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## HOUSE BILL No. 1325

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DIGEST OF HB 1325 (Updated February 14, 2019 10:29 am - DI 77)

**Citations Affected:** IC 16-18; IC 16-41; IC 34-30; IC 34-46; IC 35-31.5; IC 35-38; IC 35-45; IC 35-52.

**Synopsis:** Transmission of communicable diseases. Changes the following defined terms: (1) "carrier" to "individual with a communicable disease"; (2) "dangerous communicable disease" to "serious communicable disease"; and (3) "dangerous disease" to "serious disease". Specifies that an individual must intentionally meet all the delineated conditions to commit the offense of transmitting a communicable disease. Requires that for violations of the communicable disease laws: (1) an information or indictment alleging the violations be redacted in accordance with rules adopted by the Indiana supreme court; (2) the court close the proceedings; and; (3) the medical information of the parties is confidential. Removes the authority of a court to limit testing to a test only for human immunodeficiency virus (HIV) if the defendant is charged with battery or domestic battery involving placing bodily fluid or waste on another person. Removes certain references to AIDS. Repeals the crimes of: (1) recklessly, knowingly, or intentionally donating, selling, or transferring blood or semen for artificial insemination that contains HIV; and (2) infecting an individual through the act of donating, selling, or transferring blood or semen. Makes conforming changes. Makes a technical correction.

**Effective:** July 1, 2019.

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## Clere, Brown T, Shackelford, Cook

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January 14, 2019, read first time and referred to Committee on Public Health.  
February 14, 2019, amended, reported — Do Pass.

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HB 1325—LS 7462/DI 77





February 15, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1325

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

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

- 1 SECTION 1. IC 16-18-2-49 IS REPEALED [EFFECTIVE JULY 1,  
2 2019]. Sec. 49: "Carrier", for purposes of IC 16-41, means a person  
3 who has:  
4 (1) tuberculosis in a communicable stage; or  
5 (2) another dangerous communicable disease.  
6 SECTION 2. IC 16-18-2-91 IS REPEALED [EFFECTIVE JULY 1,  
7 2019]. Sec. 91: "Dangerous communicable disease", for purposes of  
8 IC 16-41, means a communicable disease that is classified by the state  
9 department as dangerous under IC 16-41-2-1.  
10 SECTION 3. IC 16-18-2-188.3 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2019]: **Sec. 188.3. "Individual with a**  
13 **communicable disease"**, for purposes of IC 16-41, means a person  
14 who has:  
15 (1) tuberculosis in a communicable stage; or  
16 (2) another serious communicable disease.  
17 SECTION 4. IC 16-18-2-194.5, AS ADDED BY P.L.138-2006,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2019]: Sec. 194.5. "Isolation", for purposes of IC 16-41-9,  
 3 means the physical separation, including confinement or restriction, of  
 4 an individual or a group of individuals from the general public if the  
 5 individual or group is infected with a ~~dangerous~~ **serious** communicable  
 6 disease (as described in ~~IC 16-18-2-9~~ **IC 16-18-2-327.7** and 410  
 7 IAC 1-2.3-47), in order to prevent or limit the transmission of the  
 8 disease to an uninfected individual.

9 SECTION 5. IC 16-18-2-288.1 IS ADDED TO THE INDIANA  
 10 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2019]: **Sec. 288.1. "Practical means to  
 12 prevent transmission", for purposes of IC 16-41-7-1, has the  
 13 meaning set forth in IC 16-41-7-1.**

14 SECTION 6. IC 16-18-2-302.6, AS ADDED BY P.L.138-2006,  
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2019]: Sec. 302.6. "Quarantine", for purposes of IC 16-41-9,  
 17 means the physical separation, including confinement or restriction of  
 18 movement, of an individual or a group of individuals who have been  
 19 exposed to a ~~dangerous~~ **serious** communicable disease (as described  
 20 in ~~IC 16-18-2-9~~ **IC 16-18-2-327.7** and 410 IAC 1-2.3-47), during the  
 21 disease's period of communicability, in order to prevent or limit the  
 22 transmission of the disease to an uninfected individual.

23 SECTION 7. IC 16-18-2-327.7 IS ADDED TO THE INDIANA  
 24 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2019]: **Sec. 327.7. "Serious communicable  
 26 disease", for purposes of IC 16-41, means a communicable disease  
 27 that is classified by the state department as dangerous under  
 28 IC 16-41-2-1.**

29 SECTION 8. IC 16-41-3-1, AS AMENDED BY P.L.1-2006,  
 30 SECTION 304, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state department may  
 32 adopt rules under IC 4-22-2 concerning the compilation for statistical  
 33 purposes of information collected under IC 16-41-2.

34 (b) The state department shall adopt procedures to gather, monitor,  
 35 and tabulate case reports of incidents involving ~~dangerous~~ **serious**  
 36 communicable diseases or unnatural outbreaks of diseases known or  
 37 suspected to be used as weapons. The state department shall  
 38 specifically engage in medical surveillance, tabulation, and reporting  
 39 of confirmed or suspected cases set forth by the Centers for Disease  
 40 Control and Prevention of the United States Department of Health and  
 41 Human Services and the United States Public Health Service of the  
 42 United States Department of Health and Human Services.



1 (c) The state department shall notify the:

2 (1) department of homeland security;

3 (2) Indiana State Police; and

4 (3) county health department and local law enforcement agency  
5 having jurisdiction of each unnatural outbreak or reported case  
6 described in subsection (b);

7 as soon as possible after the state department receives a report under  
8 subsection (b). Notification under this subsection must be made not  
9 more than twenty-four (24) hours after receiving a report.

10 SECTION 9. IC 16-41-3-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The state  
12 department shall tabulate all case reports of tuberculosis and other  
13 ~~dangerous serious~~ communicable diseases reported under this article  
14 or under rules adopted under this article. The state department shall  
15 determine the prevalence and distribution of disease in Indiana and  
16 devise methods for restricting and controlling disease.

17 (b) The state department shall include the information on the  
18 prevalence and distribution of tuberculosis and other ~~dangerous serious~~  
19 communicable diseases in the state department's annual report.

20 (c) The state department shall disseminate the information prepared  
21 under this section.

22 (d) The state department shall develop capabilities and procedures  
23 to perform preliminary analysis and identification in as close to a real  
24 time basis as is scientifically possible of unknown bacterial substances  
25 that have been or may be employed as a weapon. The state department  
26 shall implement the developed capacity and procedures immediately  
27 after the state department achieves a Level B capability as determined  
28 by the Centers for Disease Control and Prevention of the United States  
29 Department of Health and Human Services and the United States  
30 Public Health Service of the United States Department of Health and  
31 Human Services.

32 SECTION 10. IC 16-41-5-2 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The health officer  
34 may make an investigation of each ~~carrier of a dangerous individual~~  
35 **with a** communicable disease to determine whether the environmental  
36 conditions surrounding the ~~carrier individual~~ or the conduct of the  
37 ~~carrier individual~~ requires intervention by the health officer or  
38 designated health official to prevent the spread of disease to others.

39 SECTION 11. IC 16-41-6-11 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The state  
41 department shall adopt rules under IC 4-22-2 that include procedures:

42 (1) to inform the woman of the test results under this chapter,



1 whether they are positive or negative;

2 (2) for explaining the side effects of any treatment for HIV if the  
3 test results under this chapter are positive; and

4 (3) to establish a process for a woman who tests positive under  
5 this chapter to appeal the woman's status on a waiting list on a  
6 treatment program for which the woman is eligible. The rule  
7 must:

8 (A) include a requirement that the state department make a  
9 determination in the process described in this subdivision not  
10 later than seventy-two (72) hours after the state department  
11 receives all the requested medical information; and

12 (B) set forth the necessary medical information that must be  
13 provided to the state department and reviewed by the state  
14 department in the process described in this subdivision.

15 (b) The state department shall maintain rules under IC 4-22-2 that  
16 set forth standards to provide to women who are pregnant, before  
17 delivery, at delivery, and after delivery, information concerning HIV.  
18 The rules must include:

19 (1) an explanation of the nature of AIDS and HIV;

20 (2) information concerning discrimination and legal protections;

21 (3) information concerning the duty to notify persons at risk as  
22 described in IC 16-41-7-1;

23 (4) information about risk behaviors for HIV transmission;

24 (5) information about the risk of transmission through breast  
25 feeding;

26 (6) notification that if the woman chooses not to be tested for HIV  
27 before delivery, at delivery the child will be tested subject to  
28 section 4 of this chapter;

29 (7) procedures for obtaining informed, written consent for testing  
30 under this chapter;

31 (8) procedures for post-test counseling by a health care provider  
32 when the test results are communicated to the woman, whether  
33 the results are positive or negative;

34 (9) procedures for referral for physical and emotional services if  
35 the test results are positive;

36 (10) procedures for explaining the importance of immediate entry  
37 into medical care if the test results are positive; and

38 (11) procedures for explaining that ~~giving birth by cesarean~~  
39 **section may the use of antiretroviral drugs and other medical**  
40 **interventions** lessen the likelihood of passing on HIV to the child  
41 during childbirth. ~~especially when done in combination with~~  
42 ~~medications; if the test results are positive.~~



1 SECTION 12. IC 16-41-7-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section  
 3 applies to the following ~~dangerous~~ **serious** communicable diseases:

4 ~~(+) Acquired immune deficiency syndrome (AIDS)-~~

5 ~~(2) (1) Human immunodeficiency virus (HIV).~~

6 ~~(3) (2) Hepatitis B.~~

7 (b) As used in this section, "high risk activity" means sexual or  
 8 needle sharing contact that has been demonstrated epidemiologically,  
 9 ~~to transmit as determined by the federal Centers for Disease~~  
 10 **Control and Prevention or other comparable epidemiological**  
 11 **evidence, to bear a significant risk of transmitting a** ~~dangerous~~  
 12 **serious** communicable disease described in subsection (a).

13 (c) As used in this section, "person at risk" means:

14 (1) past and present sexual or needle sharing partners who may  
 15 have engaged in high risk activity; or

16 (2) sexual or needle sharing partners before engaging in high risk  
 17 activity;

18 with the ~~carrier of individual with a~~ **dangerous serious** communicable  
 19 disease described in subsection (a).

20 (d) ~~Carriers~~ **Individuals with a communicable disease** who know  
 21 of their status as a ~~carrier an individual with a~~ **of a dangerous serious**  
 22 communicable disease described in subsection (a) have a duty to warn  
 23 or cause to be warned by a third party a person at risk of the following:

24 (1) The ~~carrier's~~ **individual's** disease status.

25 (2) The need to seek health care such as counseling and testing.

26 (e) As used in this section, "practical means to prevent  
 27 transmission" means any method, device, behavior, or activity  
 28 demonstrated scientifically to measurably limit, reduce, or  
 29 eliminate the risk of transmission of a communicable disease,  
 30 including the use of a prophylactic device or adherence to an  
 31 appropriate medical treatment regimen for the communicable  
 32 disease as determined by a physician.

33 (f) An individual may not intentionally transmit a  
 34 communicable disease described in subsection (a) to another  
 35 person. An individual commits intentionally transmitting a  
 36 communicable disease if all of the following conditions are met:

37 (1) The individual knows that the individual has a  
 38 communicable disease described in subsection (a).

39 (2) The individual acts with the specific intent to transmit that  
 40 communicable disease to another person.

41 (3) The individual engages in a high risk activity with the  
 42 other person.



- 1           **(4) The individual transmits the communicable disease to the**  
 2           **other person.**
- 3           **(5) The other person was unaware that the individual had a**  
 4           **communicable disease.**
- 5           **(g) An individual does not act with the specific intent required**  
 6           **in subsection (f)(2) if the individual takes, or attempts to take,**  
 7           **practical means to prevent transmission. However, the failure by**  
 8           **an individual to use practical means to prevent transmission alone**  
 9           **is not sufficient to prove the intent required under subsection (f)(2).**
- 10          **(h) A person does not violate subsection (f) for any of the**  
 11          **following reasons:**
- 12               **(1) Becoming pregnant while having a communicable disease.**  
 13               **(2) Acquiring a communicable disease while pregnant.**  
 14               **(3) Continuing a pregnancy while having a communicable**  
 15               **disease.**
- 16               **(4) Declining treatment for a communicable disease while**  
 17               **pregnant.**
- 18          SECTION 13. IC 16-41-7-2 IS AMENDED TO READ AS  
 19          FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) ~~A carrier~~ **An**  
 20          **individual with a communicable disease** is a "serious and present  
 21          danger to the health of others" under the following conditions:
- 22               (1) The ~~carrier individual~~ **individual** engages repeatedly in a behavior that  
 23               has been demonstrated epidemiologically (as defined by rules  
 24               adopted by the state department under IC 4-22-2) to transmit a  
 25               ~~dangerous serious~~ **serious** communicable disease or that indicates a  
 26               careless disregard for the transmission of the disease to others.
- 27               (2) The ~~carrier's individual's~~ **individual's** past behavior or statements indicate  
 28               an imminent danger that the ~~carrier individual~~ **individual** will engage in  
 29               behavior that transmits a ~~dangerous serious~~ **serious** communicable  
 30               disease to others.
- 31               (3) The ~~carrier individual~~ **individual** has failed or refused to carry out the  
 32               ~~carrier's individual's~~ **individual's** duty to warn under section 1 of this chapter.
- 33          (b) A person who has reasonable cause to believe that a person:  
 34               (1) is a serious and present danger to the health of others as  
 35               described in subsection (a);  
 36               (2) has engaged in noncompliant behavior; or  
 37               (3) is suspected of being a person at risk (as described in section  
 38               1 of this chapter);  
 39          may report that information to a health officer.
- 40               (c) A person who makes a report under subsection (b) in good faith  
 41               is not subject to liability in a civil, an administrative, a disciplinary, or  
 42               a criminal action.



1 (d) A person who knowingly or recklessly makes a false report  
 2 under subsection (b) is civilly liable for actual damages suffered by a  
 3 person reported on and for punitive damages.

4 SECTION 14. IC 16-41-7-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A licensed  
 6 physician who diagnoses, treats, or counsels a patient with a ~~dangerous~~  
 7 **serious** communicable disease shall inform the patient of the patient's  
 8 duty under section 1 of this chapter.

9 (b) A physician described in subsection (a) may notify the  
 10 following:

11 (1) A health officer if the physician has reasonable cause to  
 12 believe that a patient:

13 (A) is a serious and present danger to the health of others as  
 14 described in section 2(a) of this chapter;

15 (B) has engaged in noncompliant behavior; or

16 (C) is suspected of being a person at risk (as defined in section  
 17 1 of this chapter).

18 (2) A person at risk (as defined in section 1 of this chapter) or a  
 19 person legally responsible for the patient if the physician:

20 (A) has medical verification that the patient is ~~a carrier;~~ **an**  
 21 **individual with a communicable disease;**

22 (B) knows the identity of the person at risk;

23 (C) has a reasonable belief of a significant risk of harm to the  
 24 identified person at risk;

25 (D) has reason to believe the identified person at risk has not  
 26 been informed and will not be informed of the risk by the  
 27 patient or another person; and

28 (E) has made reasonable efforts to inform the ~~carrier~~  
 29 **individual** of the physician's intent to make or cause the state  
 30 department of health to make a disclosure to the person at risk.

31 (c) A physician who notifies a person at risk under this section shall  
 32 do the following:

33 (1) Identify the ~~dangerous~~ **serious** communicable disease.

34 (2) Inform the person of available health care measures such as  
 35 counseling and testing.

36 (d) A physician who in good faith provides notification under this  
 37 section is not subject to liability in a civil, an administrative, a  
 38 disciplinary, or a criminal action.

39 (e) A patient's privilege with respect to a physician under  
 40 IC 34-46-3-1 is waived regarding:

41 (1) notification under subsection (b); and

42 (2) information provided about a patient's noncompliant behavior



1 in an investigation or action under this chapter, IC 16-41-2,  
 2 IC 16-41-3, IC 16-41-5, IC 16-41-6, IC 16-41-8, IC 16-41-9,  
 3 IC 16-41-13, IC 16-41-14, and IC 16-41-16.

4 (f) A physician's immunity from liability under subsection (d)  
 5 applies only to the provision of information reasonably calculated to  
 6 protect an identified person who is at epidemiological risk of infection.

7 (g) A physician who notifies a person under this section is also  
 8 required to satisfy the reporting requirements under IC 16-41-2-2  
 9 through IC 16-41-2-8.

10 SECTION 15. IC 16-41-7-4 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) As used in this  
 12 section, "person at risk" means an individual who in the best judgment  
 13 of a licensed physician:

14 (1) has engaged in high risk activity (as defined in section 1 of  
 15 this chapter); or

16 (2) is in imminent danger of engaging in high risk activity (as  
 17 defined in section 1 of this chapter).

18 (b) If a health officer is notified in writing by a physician under  
 19 section 3(b)(1)(A) of this chapter of a patient:

20 (1) for whom the physician has medical verification that the  
 21 patient is ~~a carrier~~; **an individual with a communicable disease**;  
 22 and

23 (2) who, in the best judgment of the physician, is a serious and  
 24 present danger to the health of others;

25 the health officer shall make an investigation of the ~~carrier individual~~  
 26 as authorized in IC 16-41-5-2 to determine whether the environmental  
 27 conditions surrounding the ~~carrier individual~~ or the conduct of the  
 28 ~~carrier individual~~ requires the intervention by the health officer or  
 29 designated health official to prevent the spread of disease to others.

30 (c) If the state department is requested in writing by a physician who  
 31 has complied with the requirements of section 3(b)(2) of this chapter  
 32 to notify a person at risk, the state department shall notify the person  
 33 at risk unless, in the opinion of the state department, the person at risk:

34 (1) has already been notified;

35 (2) will be notified; or

36 (3) will otherwise be made aware that the person is a person at  
 37 risk.

38 (d) The state department shall establish a confidential registry of all  
 39 persons submitting written requests under subsection (c).

40 (e) The state department shall adopt rules under IC 4-22-2 to  
 41 implement this section. Local health officers may submit advisory  
 42 guidelines to the state department to implement this chapter,



1 IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9. The  
 2 state department shall fully consider such advisory guidelines before  
 3 adopting a rule under IC 4-22-2-29 implementing this chapter,  
 4 IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9.

5 SECTION 16. IC 16-41-7-5, AS AMENDED BY P.L.158-2013,  
 6 SECTION 240, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in  
 8 IC 35-45-21-3, a person who recklessly violates or fails to comply with  
 9 this chapter commits a Class B misdemeanor.

10 (b) Each day a violation continues constitutes a separate offense.

11 (b) **An information or indictment alleging a violation of this**  
 12 **chapter shall be filed in accordance with rules adopted by the**  
 13 **supreme court. All records related to a proceeding of the defendant**  
 14 **described in this section shall be redacted so that it does not include**  
 15 **the defendant's name (in the same manner that cases involving**  
 16 **juveniles are redacted):**

17 (1) **permanently, if the defendant is not convicted of the**  
 18 **offense; or**

19 (2) **until the court enters a judgment of conviction, if the**  
 20 **defendant is convicted of the offense.**

21 (c) **Unless the defendant objects, the court shall close any**  
 22 **proceeding in which there is a possibility that identifying**  
 23 **information (as defined in IC 35-43-5-1) of the defendant will be**  
 24 **disclosed and prohibit every person present during a closed**  
 25 **proceeding from disclosing identifying information of the**  
 26 **defendant until the conclusion of the trial.**

27 (d) **Confidentiality of the medical information of the**  
 28 **complainant and the individual accused shall be maintained as**  
 29 **required by IC 16-41-8-1.**

30 SECTION 17. IC 16-41-8-1, AS AMENDED BY P.L.65-2016,  
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "potentially disease  
 33 transmitting offense" means any of the following:

34 (1) Battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3)  
 35 involving placing a bodily fluid or waste on another person.

36 (2) An offense relating to a criminal sexual act (as defined in  
 37 IC 35-31.5-2-216), if sexual intercourse or other sexual conduct  
 38 (as defined in IC 35-31.5-2-221.5) occurred.

39 The term includes an attempt to commit an offense, if sexual  
 40 intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5)  
 41 occurred, and a delinquent act that would be a crime if committed by  
 42 an adult.



1 (b) Except as provided in this chapter, a person may not disclose or  
 2 be compelled to disclose medical or epidemiological information  
 3 involving a communicable disease or other disease that is a danger to  
 4 health (as defined under rules adopted under IC 16-41-2-1). This  
 5 information may not be released or made public upon subpoena or  
 6 otherwise, except under the following circumstances:

7 (1) Release may be made of medical or epidemiologic information  
 8 for statistical purposes if done in a manner that does not identify  
 9 an individual.

10 (2) Release may be made of medical or epidemiologic information  
 11 with the written consent of all individuals identified in the  
 12 information released.

13 (3) Release may be made of medical or epidemiologic information  
 14 to the extent necessary to enforce public health laws, laws  
 15 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9  
 16 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,  
 17 **and IC 35-38-1-7.1 and ~~IC 35-45-21-1~~** or to protect the health or  
 18 life of a named party.

19 (4) Release may be made of the medical information of a person  
 20 in accordance with this chapter.

21 (c) Except as provided in this chapter, a person responsible for  
 22 recording, reporting, or maintaining information required to be reported  
 23 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses  
 24 or fails to protect medical or epidemiologic information classified as  
 25 confidential under this section commits a Class A misdemeanor.

26 (d) In addition to subsection (c), a public employee who violates this  
 27 section is subject to discharge or other disciplinary action under the  
 28 personnel rules of the agency that employs the employee.

29 (e) Release shall be made of the medical records concerning an  
 30 individual to:

31 (1) the individual;

32 (2) a person authorized in writing by the individual to receive the  
 33 medical records; or

34 (3) a coroner under IC 36-2-14-21.

35 (f) An individual may voluntarily disclose information about the  
 36 individual's communicable disease.

37 (g) The provisions of this section regarding confidentiality apply to  
 38 information obtained under IC 16-41-1 through IC 16-41-16.

39 SECTION 18. IC 16-41-8-5, AS AMENDED BY P.L.65-2016,  
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2019]: Sec. 5. (a) This section does not apply to medical  
 42 testing of an individual for whom an indictment or information is filed



1 for a sex crime and for whom a request to have the individual tested  
2 under section 6 of this chapter is filed.

3 (b) The following definitions apply throughout this section:

4 (1) "Bodily fluid" means blood, human waste, or any other bodily  
5 fluid.

6 (2) ~~"Dangerous~~ "Serious disease" means any of the following:

7 (A) Chancroid.

8 (B) Chlamydia.

9 (C) Gonorrhea.

10 (D) Hepatitis.

11 (E) Human immunodeficiency virus (HIV).

12 (F) Lymphogranuloma venereum.

13 (G) Syphilis.

14 (H) Tuberculosis.

15 (3) "Offense involving the transmission of a bodily fluid" means  
16 any offense (including a delinquent act that would be a crime if  
17 committed by an adult) in which a bodily fluid is transmitted from  
18 the defendant to the victim in connection with the commission of  
19 the offense.

20 (c) This subsection applies only to a defendant who has been  
21 charged with a potentially disease transmitting offense. At the request  
22 of an alleged victim of the offense, the parent, guardian, or custodian  
23 of an alleged victim who is less than eighteen (18) years of age, or the  
24 parent, guardian, or custodian of an alleged victim who is an  
25 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney  
26 shall petition a court to order a defendant charged with the commission  
27 of a potentially disease transmitting offense to submit to a screening  
28 test to determine whether the defendant is infected with a ~~dangerous~~  
29 **serious** disease. In the petition, the prosecuting attorney must set forth  
30 information demonstrating that the defendant has committed a  
31 potentially disease transmitting offense. The court shall set the matter  
32 for hearing not later than forty-eight (48) hours after the prosecuting  
33 attorney files a petition under this subsection. The alleged victim, the  
34 parent, guardian, or custodian of an alleged victim who is less than  
35 eighteen (18) years of age, and the parent, guardian, or custodian of an  
36 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)  
37 are entitled to receive notice of the hearing and are entitled to attend  
38 the hearing. The defendant and the defendant's counsel are entitled to  
39 receive notice of the hearing and are entitled to attend the hearing. If,  
40 following the hearing, the court finds probable cause to believe that the  
41 defendant has committed a potentially disease transmitting offense, the  
42 court may order the defendant to submit to a screening test for one (1)



1 or more ~~dangerous serious~~ diseases. If the defendant is charged with  
 2 battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving  
 3 placing a bodily fluid or waste on another person, the court may limit  
 4 testing under this subsection to a test only for human  
 5 immunodeficiency virus (HHV). However, the court may order  
 6 additional testing for human immunodeficiency virus (HHV) as may be  
 7 medically appropriate. The court shall take actions to ensure the  
 8 confidentiality of evidence introduced at the hearing.

9 (d) This subsection applies only to a defendant who has been  
 10 charged with an offense involving the transmission of a bodily fluid. At  
 11 the request of an alleged victim of the offense, the parent, guardian, or  
 12 custodian of an alleged victim who is less than eighteen (18) years of  
 13 age, or the parent, guardian, or custodian of an alleged victim who is  
 14 an endangered adult (as defined in IC 12-10-3-2), the prosecuting  
 15 attorney shall petition a court to order a defendant charged with the  
 16 commission of an offense involving the transmission of a bodily fluid  
 17 to submit to a screening test to determine whether the defendant is  
 18 infected with a ~~dangerous serious~~ disease. In the petition, the  
 19 prosecuting attorney must set forth information demonstrating that:

- 20 (1) the defendant has committed an offense; and  
 21 (2) a bodily fluid was transmitted from the defendant to the victim  
 22 in connection with the commission of the offense.

23 The court shall set the matter for hearing not later than forty-eight (48)  
 24 hours after the prosecuting attorney files a petition under this  
 25 subsection. The alleged victim of the offense, the parent, guardian, or  
 26 custodian of an alleged victim who is less than eighteen (18) years of  
 27 age, and the parent, guardian, or custodian of an alleged victim who is  
 28 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive  
 29 notice of the hearing and are entitled to attend the hearing. The  
 30 defendant and the defendant's counsel are entitled to receive notice of  
 31 the hearing and are entitled to attend the hearing. If, following the  
 32 hearing, the court finds probable cause to believe that the defendant has  
 33 committed an offense and that a bodily fluid was transmitted from the  
 34 defendant to the alleged victim in connection with the commission of  
 35 the offense, the court may order the defendant to submit to a screening  
 36 test for one (1) or more ~~dangerous serious~~ diseases. If the defendant is  
 37 charged with battery (IC 35-42-2-1) or domestic battery (IC  
 38 35-42-2-1.3) involving placing bodily fluid or waste on another person,  
 39 the court may limit testing under this subsection to a test only for  
 40 human immunodeficiency virus (HHV). However, the court may order  
 41 additional testing for human immunodeficiency virus (HHV) as may be  
 42 medically appropriate. The court shall take actions to ensure the



1 confidentiality of evidence introduced at the hearing.

2 (e) The testimonial privileges applying to communication between  
3 a husband and wife and between a health care provider and the health  
4 care provider's patient are not sufficient grounds for not testifying or  
5 providing other information at a hearing conducted in accordance with  
6 this section.

7 (f) A health care provider (as defined in IC 16-18-2-163) who  
8 discloses information that must be disclosed to comply with this  
9 section is immune from civil and criminal liability under Indiana  
10 statutes that protect patient privacy and confidentiality.

11 (g) The results of a screening test conducted under this section shall  
12 be kept confidential if the defendant ordered to submit to the screening  
13 test under this section has not been convicted of the potentially disease  
14 transmitting offense or offense involving the transmission of a bodily  
15 fluid with which the defendant is charged. The results may not be made  
16 available to any person or public or private agency other than the  
17 following:

- 18 (1) The defendant and the defendant's counsel.
- 19 (2) The prosecuting attorney.
- 20 (3) The department of correction or the penal facility, juvenile  
21 detention facility, or secure private facility where the defendant  
22 is housed.
- 23 (4) The alleged victim or the parent, guardian, or custodian of an  
24 alleged victim who is less than eighteen (18) years of age, or the  
25 parent, guardian, or custodian of an alleged victim who is an  
26 endangered adult (as defined in IC 12-10-3-2), and the alleged  
27 victim's counsel.

28 The results of a screening test conducted under this section may not be  
29 admitted against a defendant in a criminal proceeding or against a child  
30 in a juvenile delinquency proceeding.

31 (h) As soon as practicable after a screening test ordered under this  
32 section has been conducted, the alleged victim or the parent, guardian,  
33 or custodian of an alleged victim who is less than eighteen (18) years  
34 of age, or the parent, guardian, or custodian of an alleged victim who  
35 is an endangered adult (as defined in IC 12-10-3-2), and the victim's  
36 counsel shall be notified of the results of the test.

37 (i) An alleged victim may disclose the results of a screening test to  
38 which a defendant is ordered to submit under this section to an  
39 individual or organization to protect the health and safety of or to seek  
40 compensation for:

- 41 (1) the alleged victim;
- 42 (2) the alleged victim's sexual partner; or



1 (3) the alleged victim's family.  
 2 (j) The court shall order a petition filed and any order entered under  
 3 this section sealed.  
 4 (k) A person that knowingly or intentionally:  
 5 (1) receives notification or disclosure of the results of a screening  
 6 test under this section; and  
 7 (2) discloses the results of the screening test in violation of this  
 8 section;  
 9 commits a Class B misdemeanor.  
 10 SECTION 19. IC 16-41-9-1.5, AS AMENDED BY P.L.109-2015,  
 11 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2019]: Sec. 1.5. (a) If a public health authority has reason to  
 13 believe that:  
 14 (1) an individual:  
 15 (A) has been infected with; or  
 16 (B) has been exposed to;  
 17 a ~~dangerous~~ **serious** communicable disease or outbreak; and  
 18 (2) the individual is likely to cause the infection of an uninfected  
 19 individual if the individual is not restricted in the individual's  
 20 ability to come into contact with an uninfected individual;  
 21 the public health authority may petition a circuit or superior court for  
 22 an order imposing isolation or quarantine on the individual. A petition  
 23 for isolation or quarantine filed under this subsection must be verified  
 24 and include a brief description of the facts supporting the public health  
 25 authority's belief that isolation or quarantine should be imposed on an  
 26 individual, including a description of any efforts the public health  
 27 authority made to obtain the individual's voluntary compliance with  
 28 isolation or quarantine before filing the petition.  
 29 (b) Except as provided in subsections (e) and (k), an individual  
 30 described in subsection (a) is entitled to notice and an opportunity to  
 31 be heard, in person or by counsel, before a court issues an order  
 32 imposing isolation or quarantine. A court may restrict an individual's  
 33 right to appear in person if the court finds that the individual's personal  
 34 appearance is likely to expose an uninfected person to a ~~dangerous~~  
 35 **serious** communicable disease or outbreak.  
 36 (c) If an individual is restricted from appearing in person under  
 37 subsection (b), the court shall hold the hearing in a manner that allows  
 38 all parties to fully and safely participate in the proceedings under the  
 39 circumstances.  
 40 (d) If the public health authority proves by clear and convincing  
 41 evidence that:  
 42 (1) an individual has been infected or exposed to a ~~dangerous~~



1           **serious** communicable disease or outbreak; and

2           (2) the individual is likely to cause the infection of an uninfected  
3           individual if the individual is not restricted in the individual's  
4           ability to come into contact with an uninfected individual;

5           the court may issue an order imposing isolation or quarantine on the  
6           individual. The court shall establish the conditions of isolation or  
7           quarantine, including the duration of isolation or quarantine. The court  
8           shall impose the least restrictive conditions of isolation or quarantine  
9           that are consistent with the protection of the public.

10          (e) If the public health authority has reason to believe that an  
11          individual described in subsection (a) is likely to expose an uninfected  
12          individual to a ~~dangerous~~ **serious** communicable disease or outbreak  
13          before the individual described in subsection (a) can be provided with  
14          notice and an opportunity to be heard, the public health authority may  
15          seek in a circuit or superior court an emergency order of quarantine or  
16          isolation by filing a verified petition for emergency quarantine or  
17          isolation. The verified petition must include a brief description of the  
18          facts supporting the public health authority's belief that:

19           (1) isolation or quarantine should be imposed on an individual;  
20           and

21           (2) the individual described in subsection (a) may expose an  
22           uninfected individual to a ~~dangerous~~ **serious** communicable  
23           disease or outbreak before the individual described in subsection  
24           (a) can be provided with notice and an opportunity to be heard.

25          The verified petition must include a description of any efforts the  
26          public health authority made to obtain the individual's voluntary  
27          compliance with isolation or quarantine before filing the petition.

28          (f) If the public health authority proves by clear and convincing  
29          evidence that:

30           (1) an individual has been infected or exposed to a ~~dangerous~~  
31           **serious** communicable disease or outbreak;

32           (2) the individual is likely to cause the infection of an uninfected  
33           individual if the individual is not restricted in the individual's  
34           ability to come into contact with an uninfected individual; and

35           (3) the individual may expose an uninfected individual to a  
36           ~~dangerous~~ **serious** communicable disease or outbreak before the  
37           individual can be provided with notice and an opportunity to be  
38           heard;

39          the court may issue an emergency order imposing isolation or  
40          quarantine on the individual. The court shall establish the duration and  
41          other conditions of isolation or quarantine. The court shall impose the  
42          least restrictive conditions of isolation or quarantine that are consistent



1 with the protection of the public.

2 (g) A court may issue an emergency order of isolation or quarantine  
3 without the verified petition required under subsection (e) if the court  
4 receives sworn testimony of the same facts required in the verified  
5 petition:

- 6 (1) in a nonadversarial, recorded hearing before the judge;  
7 (2) orally by telephone or radio;  
8 (3) in writing by facsimile transmission (fax); or  
9 (4) through other electronic means approved by the court.

10 If the court agrees to issue an emergency order of isolation or  
11 quarantine based upon information received under subdivision (2), the  
12 court shall direct the public health authority to sign the judge's name  
13 and to write the time and date of issuance on the proposed emergency  
14 order. If the court agrees to issue an emergency order of isolation or  
15 quarantine based upon information received under subdivision (3), the  
16 court shall direct the public health authority to transmit a proposed  
17 emergency order to the court, which the court shall sign, add the date  
18 of issuance, and transmit back to the public health authority. A court  
19 may modify the conditions of a proposed emergency order.

20 (h) If an emergency order of isolation or quarantine is issued under  
21 subsection (g)(2), the court shall record the conversation on audiotape  
22 and order the court reporter to type or transcribe the recording for entry  
23 in the record. The court shall certify the audiotape, the transcription,  
24 and the order retained by the judge for entry in the record.

25 (i) If an emergency order of isolation or quarantine is issued under  
26 subsection (g)(3), the court shall order the court reporter to retype or  
27 copy the facsimile transmission for entry in the record. The court shall  
28 certify the transcription or copy and order retained by the judge for  
29 entry in the record.

30 (j) The clerk shall notify the public health authority who received an  
31 emergency order under subsection (g)(2) or (g)(3) when the  
32 transcription or copy required under this section is entered in the  
33 record. The public health authority shall sign the typed, transcribed, or  
34 copied entry upon receiving notice from the court reporter.

35 (k) The public health authority may issue an immediate order  
36 imposing isolation or quarantine on an individual if exigent  
37 circumstances, including the number of affected individuals, exist that  
38 make it impracticable for the public health authority to seek an order  
39 from a court, and obtaining the individual's voluntary compliance is or  
40 has proven impracticable or ineffective. An immediate order of  
41 isolation or quarantine expires after seventy-two (72) hours, excluding  
42 Saturdays, Sundays, and legal holidays, unless renewed in accordance



1 with subsection (l). The public health authority shall establish the other  
 2 conditions of isolation or quarantine. The public health authority shall  
 3 impose the least restrictive conditions of isolation or quarantine that are  
 4 consistent with the protection of the public. If the immediate order  
 5 applies to a group of individuals and it is impracticable to provide  
 6 individual notice, the public health authority shall post a copy of the  
 7 order where it is likely to be seen by individuals subject to the order.

8 (l) The public health authority may seek to renew an order of  
 9 isolation or quarantine or an immediate order of isolation or quarantine  
 10 issued under this section by doing the following:

11 (1) By filing a petition to renew the emergency order of isolation  
 12 or quarantine or the immediate order of isolation or quarantine  
 13 with:

14 (A) the court that granted the emergency order of isolation or  
 15 quarantine; or

16 (B) a circuit or superior court, in the case of an immediate  
 17 order.

18 The petition for renewal must include a brief description of the  
 19 facts supporting the public health authority's belief that the  
 20 individual who is the subject of the petition should remain in  
 21 isolation or quarantine and a description of any efforts the public  
 22 health authority made to obtain the individual's voluntary  
 23 compliance with isolation or quarantine before filing the petition.

24 (2) By providing the individual who is the subject of the  
 25 emergency order of isolation or quarantine or the immediate order  
 26 of isolation or quarantine with a copy of the petition and notice of  
 27 the hearing at least twenty-four (24) hours before the time of the  
 28 hearing.

29 (3) By informing the individual who is the subject of the  
 30 emergency order of isolation or quarantine or the immediate order  
 31 of isolation or quarantine that the individual has the right to:

32 (A) appear, unless the court finds that the individual's personal  
 33 appearance may expose an uninfected person to a ~~dangerous~~  
 34 **serious** communicable disease or outbreak;

35 (B) cross-examine witnesses; and

36 (C) counsel, including court appointed counsel in accordance  
 37 with subsection (c).

38 (4) If:

39 (A) the petition applies to a group of individuals; and

40 (B) it is impracticable to provide individual notice;

41 by posting the petition in a conspicuous location on the isolation  
 42 or quarantine premises.



1 (m) If the public health authority proves by clear and convincing  
2 evidence at a hearing under subsection (l) that:

3 (1) an individual has been infected or exposed to a ~~dangerous~~  
4 **serious** communicable disease or outbreak; and

5 (2) the individual is likely to cause the infection of an uninfected  
6 individual if the individual is not restricted in the individual's  
7 ability to come into contact with an uninfected individual;

8 the court may renew the existing order of isolation or quarantine or  
9 issue a new order imposing isolation or quarantine on the individual.

10 The court shall establish the conditions of isolation or quarantine,  
11 including the duration of isolation or quarantine. The court shall  
12 impose the least restrictive conditions of isolation or quarantine that are  
13 consistent with the protection of the public.

14 (n) Unless otherwise provided by law, a petition for isolation or  
15 quarantine, or a petition to renew an immediate order for isolation or  
16 quarantine, may be filed in a circuit or superior court in any county.  
17 Preferred venue for a petition described in this subsection is:

18 (1) the county or counties (if the area of isolation or quarantine  
19 includes more than one (1) county) where the individual,  
20 premises, or location to be isolated or quarantined is located; or

21 (2) a county adjacent to the county or counties (if the area of  
22 isolation or quarantine includes more than one (1) county) where  
23 the individual, premises, or location to be isolated or quarantined  
24 is located.

25 This subsection does not preclude a change of venue for good cause  
26 shown.

27 (o) Upon the motion of any party, or upon its own motion, a court  
28 may consolidate cases for a hearing under this section if:

29 (1) the number of individuals who may be subject to isolation or  
30 quarantine, or who are subject to isolation or quarantine, is so  
31 large as to render individual participation impractical;

32 (2) the law and the facts concerning the individuals are similar;  
33 and

34 (3) the individuals have similar rights at issue.

35 A court may appoint an attorney to represent a group of similarly  
36 situated individuals if the individuals can be adequately represented.

37 An individual may retain his or her own counsel or proceed pro se.

38 (p) A public health authority that imposes a quarantine that is not in  
39 the person's home:

40 (1) shall allow the parent or guardian of a child who is  
41 quarantined under this section; and

42 (2) may allow an adult;



1 to remain with the quarantined individual in quarantine. As a condition  
 2 of remaining with the quarantined individual, the public health  
 3 authority may require a person described in subdivision (2) who has not  
 4 been exposed to a ~~dangerous~~ **serious** communicable disease to receive  
 5 an immunization or treatment for the disease or condition, if an  
 6 immunization or treatment is available and if requiring immunization  
 7 or treatment does not violate a constitutional right.

8 (q) If an individual who is quarantined under this section is the sole  
 9 parent or guardian of one (1) or more children who are not quarantined,  
 10 the child or children shall be placed in the residence of a relative,  
 11 friend, or neighbor of the quarantined individual until the quarantine  
 12 period has expired. Placement under this subsection must be in  
 13 accordance with the directives of the parent or guardian, if possible.

14 (r) State and local law enforcement agencies shall cooperate with  
 15 the public health authority in enforcing an order of isolation or  
 16 quarantine.

17 (s) The court shall appoint an attorney to represent an indigent  
 18 individual in an action brought under this chapter or under IC 16-41-6.  
 19 If funds to pay for the court appointed attorney are not available from  
 20 any other source, the state department may use the proceeds of a grant  
 21 or loan to reimburse the county, state, or attorney for the costs of  
 22 representation.

23 (t) A person who knowingly or intentionally violates a condition of  
 24 isolation or quarantine under this chapter commits violating quarantine  
 25 or isolation, a Class A misdemeanor.

26 (u) The state department shall adopt rules under IC 4-22-2 to  
 27 implement this section, including rules to establish guidelines for:

- 28 (1) voluntary compliance with isolation and quarantine;
- 29 (2) quarantine locations and logistical support; and
- 30 (3) moving individuals to and from a quarantine location.

31 The absence of rules adopted under this subsection does not preclude  
 32 the public health authority from implementing any provision of this  
 33 section.

34 SECTION 20. IC 16-41-9-1.7, AS ADDED BY P.L.138-2006,  
 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2019]: Sec. 1.7. (a) An immunization program established by  
 37 a public health authority to combat a public health emergency  
 38 involving a ~~dangerous~~ **serious** communicable disease must comply  
 39 with the following:

- 40 (1) The state department must develop and distribute or post  
 41 information concerning the risks and benefits of immunization.
- 42 (2) No person may be required to receive an immunization



1 without that person's consent. No child may be required to receive  
 2 an immunization without the consent of the child's parent,  
 3 guardian, or custodian. The state department may implement the  
 4 procedures described in section 1.5 of this chapter concerning a  
 5 person who refuses to receive an immunization or the child of a  
 6 parent, guardian, or custodian who refuses to consent to the child  
 7 receiving an immunization.

8 (b) The state department shall adopt rules to implement this section.  
 9 The absence of rules adopted under this subsection does not preclude  
 10 the public health authority from implementing any provision of this  
 11 section.

12 SECTION 21. IC 16-41-9-3 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The local health  
 14 officer may exclude from school a student who has a ~~dangerous~~ **serious**  
 15 communicable disease that:

- 16 (1) is transmissible through normal school contacts; and
- 17 (2) poses a substantial threat to the health and safety of the school  
 18 community.

19 (b) If the local health officer subsequently determines that a student  
 20 who has been excluded from school under subsection (a) does not have  
 21 a ~~dangerous~~ **serious** communicable disease that:

- 22 (1) is transmissible through normal school contacts; and
- 23 (2) poses a substantial threat to the health and safety of the school  
 24 community;

25 the local health officer shall issue a certificate of health to admit or  
 26 readmit the student to school.

27 (c) A person who objects to the determination made by the local  
 28 health officer under this section may appeal to the executive board of  
 29 the state department, which is the ultimate authority. IC 4-21.5 applies  
 30 to proceedings under this section.

31 SECTION 22. IC 16-41-9-5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If a designated  
 33 health official determines that a ~~carrier~~ **an individual with a**  
 34 **communicable disease** has a ~~dangerous~~ **serious** communicable disease  
 35 and has reasonable grounds to believe that the ~~carrier~~ **individual** is  
 36 mentally ill and either dangerous or gravely disabled, the designated  
 37 health official may request:

- 38 (1) immediate detention under IC 12-26-4; or
- 39 (2) emergency detention under IC 12-26-5;

40 for the purpose of having the ~~carrier~~ **individual** apprehended, detained,  
 41 and examined. The designated health official may provide to the  
 42 superintendent of the psychiatric hospital or center or the attending



1 physician information about the ~~carrier's individual's~~ communicable  
 2 disease status. Communications under this subsection do not constitute  
 3 a breach of confidentiality.

4 (b) If the written report required under IC 12-26-5-5 states there is  
 5 probable cause to believe the **carrier individual with a communicable**  
 6 **disease** is mentally ill and either dangerous or gravely disabled and  
 7 requires continuing care and treatment, proceedings may continue  
 8 under IC 12-26.

9 (c) If the written report required under IC 12-26-5-5 states there is  
 10 not probable cause to believe the **carrier individual with a**  
 11 **communicable disease** is mentally ill and either dangerous or gravely  
 12 disabled and requires continuing care and treatment, the **carrier**  
 13 **individual** shall be referred to the designated health official who may  
 14 take action under this article.

15 SECTION 23. IC 16-41-9-6 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The chief medical  
 17 officer of a hospital or other institutional facility may direct that a  
 18 **carrier an individual with a communicable disease** detained under  
 19 this article be placed apart from the others and restrained from leaving  
 20 the facility. ~~A carrier~~ **An individual with a communicable disease**  
 21 detained under this article shall observe all the rules of the facility or  
 22 is subject to further action before the committing court.

23 (b) ~~A carrier~~ **An individual with a communicable disease** detained  
 24 under this article who leaves a tuberculosis hospital or other  
 25 institutional facility without being authorized to leave or who fails to  
 26 return from an authorized leave without having been formally  
 27 discharged is considered absent without leave.

28 (c) The sheriff of the county in which a **carrier an individual with**  
 29 **a communicable disease** referred to in subsection (b) is found shall  
 30 apprehend the **carrier individual** and return the **carrier individual** to  
 31 the facility at which the **carrier individual** was being detained upon  
 32 written request of the superintendent of the facility. Expenses incurred  
 33 under this section are treated as expenses described in section 13 of  
 34 this chapter.

35 SECTION 24. IC 16-41-9-7 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) ~~A carrier~~ **An**  
 37 **individual with a communicable disease** who:

- 38 (1) poses a serious and present danger to the health of others;  
 39 (2) has been voluntarily admitted to a hospital or other facility for  
 40 the treatment of tuberculosis or another **dangerous serious**  
 41 **communicable disease**; and  
 42 (3) who leaves the facility without authorized leave or against



1           medical advice or who fails to return from authorized leave;  
 2 shall be reported to a health officer by the facility not more than  
 3 twenty-four (24) hours after discovery of the ~~carrier's~~ **individual's**  
 4 absence.

5           (b) If a health officer fails or refuses to institute or complete  
 6 necessary legal measures to prevent a health threat (as defined in  
 7 IC 16-41-7-2) by the ~~carrier,~~ **individual,** the case shall be referred to  
 8 a designated health official for appropriate action under this article.

9           SECTION 25. IC 16-41-9-8, AS AMENDED BY P.L.1-2007,  
 10 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A local health officer may file  
 12 a report with the court that states that ~~a carrier an individual with a~~  
 13 **communicable disease** who has been detained under this article may  
 14 be discharged without danger to the health or life of others.

15           (b) The court may enter an order of release based on information  
 16 presented by the local health officer or other sources.

17           SECTION 26. IC 16-41-9-9 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) Not more than  
 19 thirty (30) days after the proposed release from a state penal institution  
 20 of a prisoner who is known to have:

21           (1) tuberculosis in a communicable stage; or

22           (2) ~~other dangerous~~ **another serious** communicable disease;

23 the chief administrative officer of the penal institution shall report to  
 24 the state department the name, address, age, sex, and date of release of  
 25 the prisoner.

26           (b) The state department shall provide the information furnished the  
 27 state department under subsection (a) to the health officer having  
 28 jurisdiction over the prisoner's destination address.

29           (c) Each health officer where the prisoner may be found has  
 30 jurisdiction over the released prisoner.

31           SECTION 27. IC 16-41-9-10 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The  
 33 administrator of a hospital or other facility for the treatment of  
 34 tuberculosis or other ~~dangerous~~ **serious** communicable disease may  
 35 transfer or authorize the transfer of a nonresident indigent ~~carrier~~  
 36 **individual with a communicable disease** to the ~~carrier's individual's~~  
 37 state or county of legal residence if the ~~carrier individual~~ is able to  
 38 travel. If the ~~carrier individual with a communicable disease~~ is  
 39 unable to travel, the administrator may have the ~~carrier individual~~  
 40 hospitalized until the ~~carrier individual~~ is able to travel.

41           (b) Costs for the travel and hospitalization authorized by this section  
 42 shall be paid by the:



- 1 (1) **carrier individual** under section 13 of this chapter; or  
 2 (2) state department if the **carrier individual with a**  
 3 **communicable disease** cannot pay the full cost.

4 SECTION 28. IC 16-41-9-12 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The  
 6 superintendent or the chief executive officer of the facility to which a  
 7 **carrier an individual with a communicable disease** has been ordered  
 8 under this chapter may decline to admit a patient if the superintendent  
 9 or chief executive officer determines that there is not available  
 10 adequate space, treatment staff, or treatment facilities appropriate to  
 11 the needs of the patient.

12 (b) The state department may commence an action under  
 13 IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and  
 14 a civil penalty not to exceed one thousand dollars (\$1,000) per  
 15 violation per day against a person who:

- 16 (1) fails to comply with IC 16-41-1 through IC 16-41-3,  
 17 IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or  
 18 IC 16-41-16 or a rule adopted under these chapters; or  
 19 (2) interferes with or obstructs the state department or the state  
 20 department's designated agent in the performance of official  
 21 duties under IC 16-41-1 through IC 16-41-3, IC 16-41-5 through  
 22 IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule  
 23 adopted under these chapters.

24 (c) The state department may commence an action against a facility  
 25 licensed by the state department under either subsection (b) or the  
 26 licensure statute for that facility, but the state department may not bring  
 27 an action arising out of one (1) incident under both statutes.

28 SECTION 29. IC 16-41-9-13, AS AMENDED BY P.L.138-2006,  
 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2019]: Sec. 13. (a) The court shall determine what part of the  
 31 cost of care or treatment ordered by the court, if any, the **carrier**  
 32 **individual with a communicable disease** can pay and whether there  
 33 are other available sources of public or private funding responsible for  
 34 payment of the **carrier's individual's** care or treatment. The **carrier**  
 35 **individual with a communicable disease** shall provide the court  
 36 documents and other information necessary to determine financial  
 37 ability. If the **carrier individual with a communicable disease** cannot  
 38 pay the full cost of care and other sources of public or private funding  
 39 responsible for payment of the **carrier's individual's** care or treatment  
 40 are not available, the county is responsible for the cost. If the ~~carrier:~~  
 41 **individual with a communicable disease:**

- 42 (1) provides inaccurate or misleading information; or



1 (2) later becomes able to pay the full cost of care;  
 2 the ~~carrier~~ **individual** becomes liable to the county for costs paid by the  
 3 county.

4 (b) Except as provided in subsections (c) and (d), the costs incurred  
 5 by the county under this chapter are limited to the costs incurred under  
 6 section 1.5 of this chapter.

7 (c) However, subsection (b) does not relieve the county of the  
 8 responsibility for the costs of a ~~carrier~~ **an individual with a**  
 9 **communicable disease** who is ordered by the court under this chapter  
 10 to a county facility.

11 (d) Costs, other than costs described in subsections (b) and (c) that  
 12 are incurred by the county for care ordered by the court under this  
 13 chapter, shall be reimbursed by the state under IC 16-21-7 to the extent  
 14 funds have been appropriated for reimbursement.

15 SECTION 30. IC 16-41-9-15, AS ADDED BY P.L.16-2009,  
 16 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2019]: Sec. 15. In carrying out its duties under this chapter, a  
 18 public health authority shall attempt to seek the cooperation of cases,  
 19 ~~carriers,~~ **individuals with a communicable disease,** contacts, or  
 20 suspect cases to implement the least restrictive but medically necessary  
 21 procedures to protect the public health.

22 SECTION 31. IC 16-41-10-2, AS AMENDED BY P.L.131-2018,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 2. (a) This section applies to the following:

25 (1) An emergency medical services provider who is exposed to  
 26 blood and body fluids while providing emergency medical  
 27 services to a patient.

28 (2) A law enforcement officer who is exposed to blood and body  
 29 fluids while performing the law enforcement officer's official  
 30 duties.

31 (b) An emergency medical services provider or a law enforcement  
 32 officer may request notification concerning exposure to a ~~dangerous~~  
 33 **serious** communicable disease under this chapter if the exposure is of  
 34 a type that has been demonstrated epidemiologically to transmit a  
 35 ~~dangerous~~ **serious** communicable disease.

36 (c) If an emergency medical services provider or a law enforcement  
 37 officer desires to be notified of results of testing following a possible  
 38 exposure to a ~~dangerous~~ **serious** communicable disease under this  
 39 chapter, the emergency medical services provider or law enforcement  
 40 officer shall notify the emergency medical services provider's or law  
 41 enforcement officer's employer not more than twenty-four (24) hours  
 42 after the emergency medical services provider or law enforcement



1 officer is exposed on a form that is prescribed by the state department  
2 and the Indiana emergency medical services commission.

3 (d) The emergency medical services provider or law enforcement  
4 officer shall distribute a copy of the completed form required under  
5 subsection (c) to the following:

6 (1) If applicable, the medical director of the emergency  
7 department of the medical facility:

8 (A) to which the patient was admitted following the exposure;  
9 or

10 (B) in which the patient was located at the time of the  
11 exposure.

12 (2) The emergency medical services provider's or law  
13 enforcement officer's employer.

14 (3) The state department.

15 SECTION 32. IC 16-41-10-2.5, AS AMENDED BY P.L.131-2018,  
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2019]: Sec. 2.5. (a) A patient (including a patient who is  
18 unable to consent due to physical or mental incapacity) to whose blood  
19 or body fluids an emergency medical services provider or a law  
20 enforcement officer is exposed as described in section 2 of this chapter  
21 is considered to have consented to:

22 (1) testing for the presence of a ~~dangerous~~ **serious** communicable  
23 disease of a type that has been epidemiologically demonstrated to  
24 be transmittable by an exposure of the kind experienced by the  
25 emergency medical services provider or law enforcement officer;  
26 and

27 (2) release of the testing results to a medical director or physician  
28 described in section 3 of this chapter.

29 The medical director or physician shall notify the emergency medical  
30 services provider or law enforcement officer of the test results.

31 (b) If a patient described in subsection (a) refuses to provide a blood  
32 or body fluid specimen for testing for a ~~dangerous~~ **serious**  
33 communicable disease, the exposed emergency medical services  
34 provider or law enforcement officer, the exposed emergency medical  
35 services provider's or law enforcement officer's employer, or the state  
36 department may petition the circuit or superior court having  
37 jurisdiction in the county:

38 (1) of the patient's residence; or

39 (2) where the employer of the exposed emergency medical  
40 services provider or law enforcement officer has the employer's  
41 principal office;

42 for an order requiring that the patient provide a blood or body fluid



1 specimen.

2 SECTION 33. IC 16-41-10-3, AS AMENDED BY P.L.131-2018,  
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), if a  
 5 patient to whose blood or body fluids an emergency medical services  
 6 provider or a law enforcement officer is exposed as described in section  
 7 2 of this chapter:

8 (1) is admitted to a medical facility following the exposure or is  
 9 located in a medical facility at the time of the exposure, a  
 10 physician designated by the medical facility shall, not more than  
 11 seventy-two (72) hours after the medical facility is notified under  
 12 section 2 of this chapter:

13 (A) cause a blood or body fluid specimen to be obtained from  
 14 the patient and testing to be performed for a ~~dangerous~~ **serious**  
 15 communicable disease of a type that has been  
 16 epidemiologically demonstrated to be transmittable by an  
 17 exposure of the kind experienced by the emergency medical  
 18 services provider or law enforcement officer; and

19 (B) notify the medical director of the emergency medical  
 20 services provider's employer or a physician as designated  
 21 under subsection (b) or (c); or

22 (2) is not described in subdivision (1), the exposed emergency  
 23 medical services provider or law enforcement officer, the exposed  
 24 emergency medical services provider's or law enforcement  
 25 officer's employer, or the state department may:

26 (A) arrange for testing of the patient as soon as possible; or  
 27 (B) petition the circuit or superior court having jurisdiction in  
 28 the county of the patient's residence or where the employer of  
 29 the exposed emergency medical services provider or law  
 30 enforcement officer has the employer's principal office for an  
 31 order requiring that the patient provide a blood or body fluid  
 32 specimen.

33 (b) An emergency medical services provider may, on the form  
 34 described in section 2 of this chapter, designate a physician other than  
 35 the medical director of the emergency medical services provider's  
 36 employer to receive the test results.

37 (c) A law enforcement officer shall, on the form described in section  
 38 2 of this chapter, designate a physician to receive the test results.

39 (d) The medical director or physician described in this section shall  
 40 notify the emergency medical services provider or law enforcement  
 41 officer of the test results not more than forty-eight (48) hours after the  
 42 medical director or physician receives the test results.



1 SECTION 34. IC 16-41-10-3.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) A medical  
 3 facility may not physically restrain a patient described in section 2.5 of  
 4 this chapter in order to test the patient for the presence of a ~~dangerous~~  
 5 **serious** communicable disease.

6 (b) Nothing in this chapter prohibits a patient from being discharged  
 7 from a medical facility before:

- 8 (1) a test is performed under section 2.5 or 3 of this chapter; or  
 9 (2) the results of a test are released under section 3 of this chapter.

10 (c) A provider or a facility that tests a patient for the presence of a  
 11 ~~dangerous serious~~ communicable disease under section 2.5 or ~~section~~  
 12 3 of this chapter is immune from liability for the performance of the  
 13 test over the patient's objection or without the patient's consent.  
 14 However, this subsection does not apply to an act or omission that  
 15 constitutes gross negligence or willful or wanton misconduct.

16 SECTION 35. IC 16-41-10-4, AS AMENDED BY P.L.131-2018,  
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2019]: Sec. 4. (a) A medical director or physician notified  
 19 under section 3 of this chapter shall, not more than forty-eight (48)  
 20 hours after receiving the notification under section 3 of this chapter,  
 21 contact the emergency medical services provider or law enforcement  
 22 officer described in section 2 of this chapter to do the following:

- 23 (1) Explain, without disclosing information about the patient, the  
 24 ~~dangerous serious~~ communicable disease to which the emergency  
 25 medical services provider or law enforcement officer was  
 26 exposed.  
 27 (2) Provide for any medically necessary treatment and counseling  
 28 to the emergency medical services provider or law enforcement  
 29 officer.

30 (b) Expenses of testing or treatment and counseling are the  
 31 responsibility of the emergency medical services provider or the  
 32 provider's or law enforcement officer's employer.

33 SECTION 36. IC 16-41-11-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. As used in this  
 35 chapter, "universal precautions" means procedures specified by rule  
 36 adopted by the state department under IC 4-22-2 that are used to  
 37 prevent the transmission of ~~dangerous serious~~ communicable diseases  
 38 including ~~acquired immune deficiency syndrome (AIDS)~~; through  
 39 blood or other body fluids.

40 SECTION 37. IC 16-41-12-15, AS AMENDED BY P.L.168-2014,  
 41 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2019]: Sec. 15. (a) A blood center shall require a blood donor



- 1 to provide to the blood center the following information:
- 2 (1) Name.
- 3 (2) Address.
- 4 (3) Date of birth.
- 5 (4) The blood donor's Social Security number, if the blood donor
- 6 is receiving monetary compensation for the donation.
- 7 (b) A blood center shall report the name and address of a blood
- 8 donor to the state department when a confirmatory test of the blood
- 9 donor's blood confirms the presence of antibodies to the human
- 10 immunodeficiency virus (HIV).
- 11 (c) A blood center shall provide to a blood donor information to
- 12 enable the blood donor to give informed consent to the procedures
- 13 required by this chapter or IC 16-36. The information required by this
- 14 subsection must be in the following form:

15 NOTICE

- 16 (1) This blood center performs a screening test for the human
- 17 immunodeficiency virus (HIV) on every donor's blood.
- 18 (2) This blood center reports to the state department of health the
- 19 name and address of a blood donor when a confirmatory test of
- 20 the blood donor's blood confirms the presence of antibodies to the
- 21 human immunodeficiency virus (HIV).
- 22 ~~(3) A person who recklessly, knowingly, or intentionally donates~~
- 23 ~~(excluding self-donations for stem cell transplantation, other~~
- 24 ~~autologous donations, or donations not intended by the blood~~
- 25 ~~center for distribution or use); sells, or transfers blood that~~
- 26 ~~contains antibodies for the human immunodeficiency virus (HIV)~~
- 27 ~~commits transferring contaminated blood, a Level 5 felony. The~~
- 28 ~~offense is a Level 4 felony if the offense results in the~~
- 29 ~~transmission of the virus to another person.~~

30 SECTION 38. IC 16-41-13-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The attending  
 32 physician or health care provider shall prepare and attach to the body  
 33 of a deceased individual a conspicuous notice with the statement:  
 34 "Observe Body Fluid Precautions" whenever the physician or provider  
 35 knows that at least one (1) of the following disease processes was  
 36 present in the deceased at the time of death:

- 37 (1) Hepatitis (Types B, non A, non B).
- 38 (2) Human immunodeficiency virus (HIV) infection. ~~(acquired~~
- 39 ~~immune deficiency syndrome and AIDS related complex).~~
- 40 (3) Tuberculosis.
- 41 (4) Herpes.
- 42 (5) Gonorrhea.



- 1 (6) Syphilis (primary and secondary).
- 2 (7) Burkett's lymphoma.
- 3 (8) Kaposi's sarcoma.
- 4 (9) Arthropod-borne viral diseases.
- 5 (10) Babesiosis.
- 6 (11) Creutzfeldt-Jakob disease.
- 7 (12) Leptospirosis.
- 8 (13) Malaria.
- 9 (14) Rat-bite fever.
- 10 (15) Relapsing fever.
- 11 (16) Y. Pestis.
- 12 (17) Hemorrhagic fevers.
- 13 (18) Rabies.
- 14 (19) Any other communicable disease (as defined in IC 16-41-2).

15 (b) The notice required in this chapter must accompany the body  
 16 when the body is picked up for disposition.

17 SECTION 39. IC 16-41-14-7 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Except as  
 19 provided in subsection (b), a practitioner may not use a donation of  
 20 semen until the following conditions are met:

- 21 (1) The specimen has been frozen and quarantined for at least one  
 22 hundred eighty (180) days.
- 23 (2) The donor is retested after one hundred eighty (180) days for  
 24 the HIV antibody.

25 (b) If the recipient indicates that the donor is in a mutually  
 26 monogamous relationship with the recipient, the practitioner:

- 27 (1) shall perform the HIV test required under this chapter for the  
 28 donor at least annually as long as artificial insemination  
 29 procedures are continuing; and
- 30 (2) may not perform artificial insemination unless ~~the tests for~~  
 31 ~~HIV antibody performed under this chapter produce negative~~  
 32 ~~results. safer conception practices are used and the practices~~  
 33 ~~are endorsed by the federal Centers for Disease Control and~~  
 34 ~~Prevention or other generally accepted experts.~~

35 SECTION 40. IC 16-41-14-8 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) **Except as**  
 37 **provided in subsection (b)**, a practitioner shall dispose of a donation  
 38 of semen after a confirmatory test indicates the presence of the HIV  
 39 antibody. The disposal must be made according to the rules concerning  
 40 the disposal of infectious waste.

41 (b) **Subsection (a) does not apply if a donation of semen that**  
 42 **indicates the presence of the HIV antibody is used according to**



1 **safer conception practices and the practices are endorsed by the**  
 2 **federal Centers for Disease Control and Prevention or other**  
 3 **generally accepted experts.**

4 SECTION 41. IC 16-41-14-13, AS AMENDED BY P.L.158-2013,  
 5 SECTION 244, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2019]: Sec. 13. A practitioner shall provide  
 7 information to a semen donor to enable the semen donor to give  
 8 informed consent to the procedures required by this chapter. The  
 9 information required by this section must be in the following form:

10 NOTICE

11 (1) This facility performs a screening test for the human  
 12 immunodeficiency virus (HIV) on every donor's blood.

13 (2) This facility reports to the state department of health the name  
 14 and address of a semen donor or recipient when a confirmatory  
 15 test of the semen donor's blood or the recipient's blood confirms  
 16 the presence of antibodies to the human immunodeficiency virus  
 17 (HIV).

18 ~~(3) A person who, for the purpose of artificial insemination;~~  
 19 ~~recklessly; knowingly; or intentionally donates; sells; or transfers~~  
 20 ~~semen that contains antibodies for the human immunodeficiency~~  
 21 ~~virus (HIV) commits transferring contaminated semen; a Level 5~~  
 22 ~~felony. The offense is a Level 4 felony if the offense results in the~~  
 23 ~~transmission of the virus to another person.~~

24 SECTION 42. IC 16-41-14-17 IS REPEALED [EFFECTIVE JULY  
 25 1, 2019]. Sec. 17: (a) This section does not apply to a person who  
 26 transfers for research purposes semen that contains antibodies for the  
 27 human immunodeficiency virus (HIV):

28 ~~(b) A person who, for the purpose of artificial insemination;~~  
 29 ~~recklessly; knowingly; or intentionally donates; sells; or transfers semen~~  
 30 ~~that contains antibodies for the human immunodeficiency virus (HIV)~~  
 31 ~~commits transferring contaminated semen; a Level 5 felony. The~~  
 32 ~~offense is a Level 4 felony if the offense results in the transmission of~~  
 33 ~~the virus to another person.~~

34 SECTION 43. IC 16-41-16-4, AS AMENDED BY P.L.213-2016,  
 35 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsections (c) and  
 37 (d), as used in this chapter, "infectious waste" means waste that  
 38 epidemiologic evidence indicates is capable of transmitting a  
 39 ~~dangerous serious~~ communicable disease (as defined by rule adopted  
 40 under IC 16-41-2-1).

41 (b) The term includes the following:

42 (1) Pathological wastes.



- 1 (2) Biological cultures and associated biologicals.  
 2 (3) Contaminated sharps.  
 3 (4) Infectious agent stock and associated biologicals.  
 4 (5) Blood and blood products in liquid or semiliquid form.  
 5 (6) Laboratory animal carcasses, body parts, and bedding.  
 6 (7) Wastes (as described under section 8 of this chapter).  
 7 (c) "Infectious waste", as the term applies to a:  
 8 (1) home health agency; or  
 9 (2) hospice service delivered in the home of a hospice patient;  
 10 includes only contaminated sharps.  
 11 (d) The term does not include an aborted fetus or a miscarried fetus.  
 12 SECTION 44. IC 34-30-2-80 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 80. IC 16-41-2-6  
 14 (Concerning physicians, hospitals, and laboratories for reporting  
 15 communicable or ~~dangerous~~ **other** diseases).  
 16 SECTION 45. IC 34-30-2-81, AS AMENDED BY P.L.86-2018,  
 17 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2019]: Sec. 81. (a) IC 16-41-7-2 (Concerning  
 19 the good faith reporting to a health officer of an individual thought to  
 20 present a serious and present danger to the health of others, to have  
 21 engaged in noncompliant behavior, or to be at risk of carrying a  
 22 ~~dangerous~~ **serious** communicable disease).  
 23 (b) IC 16-41-7-3 (Concerning a physician who provides notification  
 24 to certain individuals regarding a patient's ~~dangerous~~ **serious**  
 25 communicable disease).  
 26 SECTION 46. IC 34-30-2-81.5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 81.5. IC 16-41-10-3.5  
 28 (Concerning a provider who tests a patient for the presence of a  
 29 ~~dangerous~~ **serious** communicable disease).  
 30 SECTION 47. IC 34-30-2-82 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 82. IC 16-41-10-6  
 32 (Concerning a person reporting that an emergency medical services  
 33 provider has been exposed to a ~~dangerous~~ **serious** communicable  
 34 disease during the course of emergency duties).  
 35 SECTION 48. IC 34-30-2-149.5, AS AMENDED BY P.L.86-2018,  
 36 SECTION 320, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2019]: Sec. 149.5. (a) IC 35-38-1-10.5  
 38 (Concerning a person who makes a report or testifies in court regarding  
 39 the results of a test for the human immunodeficiency virus (HIV) or  
 40 ~~another dangerous~~ **other** disease performed on an individual convicted  
 41 of certain crimes).  
 42 (b) IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement



1 officer, or prosecuting attorney for an error or omission in the  
2 transportation of fingerprints, case history data, or sentencing data).

3 SECTION 49. IC 34-46-2-9 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. IC 16-41-2-4  
5 (Concerning reports of communicable or ~~dangerous serious~~ diseases).

6 SECTION 50. IC 34-46-2-10 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. IC 16-41-7-3  
8 (Concerning warning by physician of ~~dangerous serious~~ communicable  
9 disease).

10 SECTION 51. IC 35-31.5-2-52 IS REPEALED [EFFECTIVE JULY  
11 1, 2019]. Sec. 52: "~~Component~~", for purposes of IC 35-45-21-1, has the  
12 meaning set forth in IC 35-45-21-1(a).

13 SECTION 52. IC 35-38-1-10.5, AS AMENDED BY P.L.86-2018,  
14 SECTION 333, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2019]: Sec. 10.5. (a) The court:

16 (1) shall order that a person undergo a screening test for the  
17 human immunodeficiency virus (HIV) if the person is:

18 (A) convicted of an offense relating to a criminal sexual act  
19 and the offense created an epidemiologically demonstrated  
20 risk of transmission of the human immunodeficiency virus  
21 (HIV); or

22 (B) convicted of an offense relating to controlled substances  
23 and the offense involved:

24 (i) the delivery by any person to another person; or

25 (ii) the use by any person on another person;

26 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
27 paraphernalia that creates an epidemiologically demonstrated  
28 risk of transmission of HIV by involving percutaneous contact;  
29 and

30 (2) may order that a person undergo a screening test for a  
31 ~~dangerous serious~~ disease (as defined in IC 16-41-8-5) in  
32 accordance with IC 16-41-8-5.

33 (b) If the screening test required by this section indicates the  
34 presence of antibodies to HIV, the court shall order the person to  
35 undergo a confirmatory test.

36 (c) If the confirmatory test confirms the presence of the HIV  
37 antibodies, the court shall report the results to the state department of  
38 health and require a probation officer to conduct a presentence  
39 investigation to:

40 (1) obtain the medical record of the convicted person from the  
41 state department of health under IC 16-41-8-1(b)(3); and

42 (2) determine whether the convicted person had received risk



1 counseling that included information on the behavior that  
2 facilitates the transmission of HIV.

3 (d) A person who, in good faith:

- 4 (1) makes a report required to be made under this section; or  
5 (2) testifies in a judicial proceeding on matters arising from the  
6 report;

7 is immune from both civil and criminal liability due to the offering of  
8 that report or testimony.

9 (e) The privileged communication between a husband and wife or  
10 between a health care provider and the health care provider's patient is  
11 not a ground for excluding information required under this section.

12 (f) A mental health service provider (as defined in IC 34-6-2-80)  
13 who discloses information that must be disclosed to comply with this  
14 section is immune from civil and criminal liability under Indiana  
15 statutes that protect patient privacy and confidentiality."

16 SECTION 53. IC 35-45-21-1 IS REPEALED [EFFECTIVE JULY  
17 1, 2019]. Sec. 1: (a) As used in this section, "blood" has the meaning  
18 set forth in IC 16-41-12-2.5.

19 (b) A person who recklessly; knowingly; or intentionally donates;  
20 sells; or transfers blood or semen for artificial insemination (as defined  
21 in IC 16-41-14-2) that contains the human immunodeficiency virus  
22 (HIV) commits transferring contaminated body fluids, a Level 5 felony.

23 (c) However, the offense under subsection (b) is a Level 3 felony if  
24 it results in the transmission of the human immunodeficiency virus  
25 (HIV) to any person other than the defendant.

26 (d) This section does not apply to:

- 27 (1) a person who, for reasons of privacy, donates, sells, or  
28 transfers blood at a blood center (as defined in IC 16-41-12-3)  
29 after the person has notified the blood center that the blood must  
30 be disposed of and may not be used for any purpose;  
31 (2) a person who transfers blood semen, or another body fluid that  
32 contains the human immunodeficiency virus (HIV) for research  
33 purposes; or  
34 (3) a person who is an autologous blood donor for stem cell  
35 transplantation.

36 SECTION 54. IC 35-52-16-51 IS REPEALED [EFFECTIVE JULY  
37 1, 2019]. Sec. 51: IC 16-41-12-15 defines a crime concerning  
38 communicable diseases.

39 SECTION 55. IC 35-52-16-55 IS REPEALED [EFFECTIVE JULY  
40 1, 2019]. Sec. 55: IC 16-41-14-13 defines a crime concerning  
41 communicable diseases.

42 SECTION 56. IC 35-52-16-58 IS REPEALED [EFFECTIVE JULY



1 1, 2019]. Sec. 58. IC ~~16-41-14-17~~ defines a crime concerning  
2 communicable diseases.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1325 as introduced.)

KIRCHHOFER

Committee Vote: yeas 13, nays 0.

