HOUSE BILL No. 1182

DIGEST OF HB 1182 (Updated January 27, 2020 5:41 pm - DI 77)

Citations Affected:  IC 5-10; IC 16-18; IC 16-21; IC 16-30; IC 16-41; IC 16-51; IC 20-26; IC 20-30; IC 20-34; IC 31-11; IC 31-33; IC 34-30; IC 34-46.

Synopsis: HIV and fatality reviews. Removes acquired immune deficiency syndrome (AIDS) from the statutory definition of "exposure risk disease". Replaces the term "AIDS" with the term "human immunodeficiency virus (HIV)" where appropriate. Replaces the term "carrier" with the term "individual with a communicable disease" where appropriate. Replaces the term "danger" with the term "risk" where appropriate. Replaces the term "spread" with the term "transmission" where appropriate. Replaces the term "HIV antibody" with "human immunodeficiency virus (HIV)" where appropriate. Requires the state department of health (department) to specify, in any literature provided to children and young adults concerning HIV, that abstinence is the best way to prevent the transmission of HIV as a result of sexual activity. Provides that a physician or the authorized representative of a physician may not order an HIV test unless the physician or the authorized representative of a physician: (1) informs the patient of the test orally or in writing; (2) provides the patient with an explanation of the test orally, in writing, by video, or by a combination of these methods; and (3) informs the patient orally or in writing of the patient's right to ask questions and to refuse the test. Requires the information to be communicated to the patient in a language or manner that the patient understands. Requires a physician or an authorized representative of the physician to inform a patient of (Continued next page)

Effective: July 1, 2020.

Clere, Cook, Barrett, Fleming

January 13, 2020, read first time and referred to Committee on Public Health.
January 27, 2020, read second time, amended, ordered engrossed.

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the counseling services and treatment options available to the patient if an HIV test indicates that the patient is HIV positive. Requires a patient to be notified of their right to a: (1) hearing; and (2) counsel; in certain situations involving a court ordered HIV test. Specifies that the use of antiretroviral drugs and other medical interventions may lessen the likelihood of transmitting HIV to a child during childbirth. (Current law states that birth by caesarean section may lessen the likelihood of transmitting HIV to a child during childbirth). Provides that the requirement to dispose of semen that contains the HIV antibody does not apply if the semen is used according to safer conception practices endorsed by the federal Centers for Disease Control and Prevention or other generally accepted medical experts. Requires a suicide and overdose fatality review team (SOFR team) to review certain suicide and overdose fatalities. Allows a SOFR team to make recommendations concerning the prevention of suicide and overdose fatalities. Specifies membership, record keeping, and data entry requirements for SOFR teams. Defines certain terms. Makes conforming amendments.

HB 1182—LS 7135/DI 123
HOUSE BILL No. 1182

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

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

SECTION 1. IC 5-10-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As used in this chapter, "exposure risk disease" refers to:

1. acquired immune deficiency syndrome (AIDS);
2. (1) anthrax;
3. (2) hepatitis;
4. (3) human immunodeficiency virus (HIV);
5. (4) meningococcal meningitis;
6. (5) smallpox; and or
7. (6) tuberculosis.

SECTION 2. IC 5-10-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in section 6 of this chapter, an employee who:

1. is diagnosed with a health condition caused by an exposure risk disease that:
(A) requires medical treatment; and
(B) results in total or partial disability or death;
(2) by written affidavit has provided to the employee's employer
a verification described in subsection (b), (c), (d), (e), or (f); and
(3) before the employee is diagnosed with a health condition
caused by hepatitis or tuberculosis, tests negative for evidence of
hepatitis or tuberculosis through medical testing;
is presumed to have a disability or death incurred in the line of duty.
(b) An employee who is diagnosed with a health condition caused
by hepatitis and, if the health condition results in disability or death,
wishes to have a presumption of disability or death incurred in the line
of duty apply to the employee shall, by written affidavit executed
before death, provide verification that the employee has not:
(1) outside the scope of the employee's current employment, been
exposed through transfer of body fluids to an individual known to
have a medical condition caused by hepatitis;
(2) received blood products other than a transfusion received
because of an injury to the employee that occurred in the scope of
the employee's current employment;
(3) received blood products for the treatment of a coagulation
disorder since testing negative for hepatitis;
(4) engaged in sexual practices or other behavior identified as
high risk by the Centers for Disease Control and Prevention or the
Surgeon General of the United States;
(5) had sexual relations with another individual known to the
employee to have engaged in sexual practices or other behavior
described in subdivision (4); or
(6) used intravenous drugs that were not prescribed by a
physician.
(c) An employee who is diagnosed with a health condition caused
by meningococcal meningitis and, if the health condition results in
disability or death, wishes to have a presumption of disability or death
incurred in the line of duty apply to the employee shall, by written
affidavit executed before death, provide verification that the employee,
in the ten (10) days immediately preceding the diagnosis, was not
exposed to another individual known to:
(1) have meningococcal meningitis; or
(2) be an asymptomatic carrier of meningococcal meningitis;
outside the scope of the employee's current employment.
(d) An employee who is diagnosed with a health condition caused
by tuberculosis and, if the health condition results in disability or death,
wishes to have a presumption of disability or death incurred in the line
of duty apply to the employee shall, by written affidavit executed
before death, provide verification that the employee has not:
(1) outside the scope of the employee's current employment, been
exposed through transfer of body fluids to an individual known to
have a medical condition caused by meningococcal meningitis or
tuberculosis;
(2) received blood products other than a transfusion received
because of an injury to the employee that occurred in the scope of
the employee's current employment;
(3) received blood products for the treatment of a coagulation
disorder since testing negative for hepatitis or tuberculosis;
(4) engaged in sexual practices or other behavior identified as
high risk by the Centers for Disease Control and Prevention or the
Surgeon General of the United States;
(5) had sexual relations with another individual known to the
employee to have engaged in sexual practices or other behavior
described in subdivision (4); or
(6) used intravenous drugs that were not prescribed by a
physician.
of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(c) An employee who is diagnosed with a health condition caused by AIDS or HIV and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by AIDS or HIV;
(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
(3) received blood products for the treatment of a coagulation disorder since testing negative for AIDS or HIV;
(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
(6) used intravenous drugs that were not prescribed by a physician.

(f) An employee who is diagnosed with a health condition caused by smallpox and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

(g) A presumption of disability or death incurred in the line of duty may be rebutted by competent evidence.

(h) A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

SECTION 3. IC 16-18-2-49 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 49. “Carrier”, for purposes of IC 16-44, means a person who has:

(1) tuberculosis in a communicable stage; or
(2) another dangerous communicable disease.
SECTION 4. IC 16-18-2-91 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 91. "Dangerous communicable disease", for purposes of IC 16-41, means a communicable disease that is set forth in the list published by the state department under IC 16-41-2-4.

SECTION 5. IC 16-18-2-188.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 188.3. "Individual with a communicable disease", for purposes of IC 16-41, means a person who has:

(1) tuberculosis in a communicable state; or

(2) another serious communicable disease.

SECTION 6. IC 16-18-2-194.5, AS ADDED BY P.L.138-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a dangerous serious communicable disease (as described in IC 16-18-2-91, IC 16-18-2-327.5 and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 7. IC 16-18-2-302.6, AS ADDED BY P.L.138-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a dangerous serious communicable disease (as described in IC 16-18-2-91, IC 16-18-2-327.5 and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 8. IC 16-18-2-327.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 327.5. "Serious communicable disease", for purposes of IC 16-41, means a communicable disease that is classified by the state department as posing a serious health risk under IC 16-41-2-1.

SECTION 9. IC 16-18-2-328 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 328. "Serious and present danger risk to the health of others", for purposes of IC 16-41-7 and IC 16-41-9, has the meaning set forth in IC 16-41-7-2.

SECTION 10. IC 16-21-7-4, AS AMENDED BY P.L.138-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. With the approval of the budget director and
upon the recommendation of the budget committee, each county that has incurred costs for a carrier an individual with a communicable disease under:

(1) IC 16-41-1;
(2) IC 16-41-2;
(3) IC 16-41-3;
(4) IC 16-41-5;
(5) IC 16-41-6;
(6) IC 16-41-7;
(7) IC 16-41-8;
(8) IC 16-41-9; or
(9) IC 16-41-13;

is entitled to a pro rata share of the money remaining at the end of the state fiscal year in the fund established under this chapter.

SECTION 11. IC 16-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The state department shall consider the following factors in determining the allocation to a political subdivision of resources or funds that are appropriated from the general fund to the state department for the prevention of the spread transmission of acquired immune deficiency syndrome (AIDS): the human immunodeficiency virus (HIV):

(1) The population size.
(2) The reported incidence of the human immunodeficiency virus (HIV).
(3) The availability of resources.

SECTION 12. IC 16-41-2-1, AS AMENDED BY P.L.218-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, that establish reporting, monitoring, and preventive procedures for communicable diseases.

(b) The state department shall publish a list of:
(1) reportable communicable diseases;
(2) other diseases or conditions that are a danger to pose a serious health risk based upon the characteristics of the disease or condition; and
(3) the control measures for the diseases and conditions;

on the state department's Internet web site. The state department is not required to adopt rules under subsection (a) for the list described in this subsection.

(c) In updating the list described in subsection (b), the state department:

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(1) shall consider recommendations from:

(A) the United States Centers for Disease Control and
Prevention; and

(B) the Council of State and Territorial Epidemiologists; and

(2) may consult with local health departments.

SECTION 13. IC 16-41-3-1, AS AMENDED BY P.L.1-2006, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2 concerning the compilation for statistical purposes of information collected under IC 16-41-2.

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

(c) The state department shall notify the:

(1) department of homeland security;

(2) Indiana State Police; and

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

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

SECTION 14. IC 16-41-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The state department shall tabulate all case reports of tuberculosis and other dangerous serious communicable diseases reported under this article or under rules adopted under this article. The state department shall determine the prevalence and distribution of disease in Indiana and devise methods for restricting and controlling disease.

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

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

(d) The state department shall develop capabilities and procedures to perform preliminary analysis and identification in as close to a real

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time basis as is scientifically possible of unknown bacterial substances
that have been or may be employed as a weapon. The state department
shall implement the developed capacity and procedures immediately
after the state department achieves a Level B capability as determined
by the Centers for Disease Control and Prevention of the United States
Department of Health and Human Services and the United States
Public Health Service of the United States Department of Health and
Human Services.

SECTION 15. IC 16-41-4-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The state department
must provide information stressing the moral aspects of abstinence
from sexual activity in any literature that the state department
distributes to school children and young adults concerning available
methods for the prevention of acquired immune deficiency syndrome
(AIDS), the human immunodeficiency virus (HIV). Such literature
must state that the best way to avoid AIDS, prevent HIV transmission
as a result of sexual activity is for young people to refrain from sexual
activity until the young people are ready as adults to establish, in the
context of marriage, a mutually faithful monogamous relationship.

SECTION 16. IC 16-41-4-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state department
cannot distribute AIDS, HIV literature described in section 1 of this
chapter to school children without the consent of the governing body
of the school corporation the school children attend.

SECTION 17. IC 16-41-5-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The health officer
may make an investigation of each carrier or a dangerous individual
with a communicable disease to determine whether the environmental
conditions surrounding the carrier individual with a communicable
disease or the conduct of the carrier individual with a communicable
disease requires intervention by the health officer or designated health
official to prevent the spread, transmission of disease to others.

SECTION 18. IC 16-41-6-1, AS AMENDED BY P.L.129-2018,
SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 1. (a) As used in this section, "physician's
authorized representative" means:

(1) an advanced practice registered nurse (as defined by
IC 25-23-1-1(b)) who is operating in collaboration with a licensed
physician; or

(2) an individual acting under the supervision of a licensed
physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative
determines that it is medically necessary to conduct shall not order an
HIV test on an individual under the care of a physician the physician;
or physician's authorized representative may order the test if unless the
physician or the physician's authorized representative does the
following:

(1) Informs the patient of the test, orally or in writing.
(2) Provides the patient with an explanation of the test orally, in
writing, by video, or by a combination of these methods. and
(3) Informs the patient of the patient's right to ask questions and
to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician
or the physician's authorized representative may not perform the test
and shall document the patient's refusal in the patient's medical record.

(c) Unless it is clearly not feasible, the information delivered to
the patient who is to be tested under subsection (b) must be
provided in the native language or other communication used by
the patient. If the patient is unable to read written materials, the
materials must be translated or read to the patient in a language
the patient understands.

(d) After ordering an HIV test for a patient, the physician or the
physician's authorized representative shall
(1) discuss with the patient the availability of counseling
concerning the test results; and
(2) notify the patient of the test results and the availability of
HIV and other blood borne disease prevention counseling.

If a test conducted under this section indicates that a patient is HIV
infected; positive, in addition to the requirements set forth in
IC 16-41-2, the physician or the physician's authorized representative
shall inform the patient of the availability of counseling and of the
treatment and referral options available to the patient.

(e) A physician or a physician's authorized representative may
order an HIV test to be performed without informing the patient or the
patient's representative (as defined in IC 16-36-1-2) of the test or
regardless of the patient's or the patient's representative's refusal of the
HIV test if any of the following conditions apply:

(1) If ordered by a physician, consent can be implied due to
emergency circumstances and the test is medically necessary to
diagnose or treat the patient's emergent condition.
(2) Under a court order based on clear and convincing evidence
of a serious and present health threat to others posed by an
individual. A patient shall be notified of the patient's right to:
(A) a hearing; and
(B) counsel;

before a hearing is held under this subdivision. Any hearing conducted under this subdivision shall be held in camera at the request of the individual.

3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

4) The test is ordered under section 4 of this chapter.

5) The test is required or authorized under IC 11-10-3-2.5.

6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

7) A court has ordered the individual to undergo testing for HIV under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(17).

8) Both of the following are met:

   (A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

   (B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) (f) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(g) The state department may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 19. IC 16-41-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section, "informed consent" means authorization for a physical examination, made without undue inducement or any form of force, fraud, constraint, deceit, duress, or coercion after the following:

1) A fair explanation of the examination, including the purpose, potential uses, limitations, and the fair meaning of the examination results.

2) A fair explanation of the procedures to be followed, including the following:

   (A) The voluntary nature of the examination.

   (B) The right to withdraw consent to the examination process at any time.

   (C) The right to anonymity to the extent provided by law with respect to participation in the examination and disclosure of examination results.
The right to confidential treatment to the extent provided by law of information identifying the subject of the examination and the results of the examination.

(b) If the state health commissioner, the state health commissioner's legally authorized agent, or local health official has reasonable grounds to believe that an individual may have a communicable disease or other disease that poses a danger to serious health risk, the state health commissioner, the state health commissioner's legally authorized agent, or local health officer may ask the individual for written informed consent to be examined to prevent the transmission of the disease to other individuals.

(c) If the individual, when requested, refuses such an examination, the state health commissioner, the state health commissioner's legally authorized agent, or local health officer may compel the examination only upon a court order based on clear and convincing evidence of a serious and present health threat to others posed by the individual.

(d) A hearing held under this section shall be held in camera at the request of the individual.

SECTION 20. IC 16-41-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The state department shall adopt rules under IC 4-22-2 that include procedures:

(1) to inform the woman of the test results under this chapter, whether they are positive or negative;

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

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

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

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

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

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

(2) information concerning discrimination and legal protections;
(3) information concerning the duty to notify persons at risk as described in IC 16-41-7-1;
(4) information about risk behaviors for HIV transmission;
(5) information about the risk of transmission through breast feeding;
(6) notification that if the woman chooses not to be tested for HIV before delivery, at delivery the child will be tested subject to section 4 of this chapter;
(7) procedures for obtaining informed, written consent for testing under this chapter;
(8) procedures for post-test counseling by a health care provider when the test results are communicated to the woman, whether the results are positive or negative;
(9) procedures for referral for physical and emotional services if the test results are positive;
(10) procedures for explaining the importance of immediate entry into medical care if the test results are positive; and
(11) procedures for explaining that giving birth by cesarean section may the use of antiretroviral drugs and other medical interventions lessen the likelihood of transmitting HIV to the child during childbirth. especially when done in combination with medications, if the test results are positive.

SECTION 21. IC 16-41-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section applies to the following dangerous serious communicable diseases:
(1) Acquired immune deficiency syndrome (AIDS);
(2) (1) Human immunodeficiency virus (HIV).
(3) (2) Hepatitis B.
(b) As used in this section, "high risk activity" means sexual or needle sharing contact that has been demonstrated epidemiologically demonstrated, as determined by the federal Centers for Disease Control and Prevention, to bear a significant risk of transmitting a dangerous serious communicable disease described in subsection (a).
(c) As used in this section, "person at risk" means:
(1) past and present sexual or needle sharing partners who may have engaged in high risk activity; or
(2) sexual or needle sharing partners before engaging in high risk activity;
with the carrier an individual with a communicable disease who has of a dangerous serious communicable disease described in subsection (a).

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

1. The carrier's individual with a communicable disease's disease status.
2. The need to seek health care such as counseling and testing.

SECTION 22. IC 16-41-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A carrier An individual with a communicable disease is a "serious and present danger risk to the health of others" under the following conditions:

1. The carrier's individual with a communicable disease engages repeatedly in a behavior that has been demonstrated epidemiologically (as defined by rules adopted by the state department under IC 4-22-2) to transmit a dangerous serious communicable disease or that indicates a careless disregard for the transmission of the disease to others.
2. The carrier's individual with a communicable disease's past behavior or statements indicate an imminent danger risk that the carrier individual with a communicable disease will engage in behavior that transmits a dangerous serious communicable disease to others.
3. The carrier's individual with a communicable disease has failed or refused to carry out the carrier's individual with a communicable disease's duty to warn inform under section 1 of this chapter.

(b) A person who has reasonable cause to believe that a person:

1. is a serious and present danger risk to the health of others as described in subsection (a);
2. has engaged in noncompliant behavior; or
3. is suspected of being a person at risk (as described in section 1 of this chapter);
may report that information to a health officer.

(c) A person who makes a report under subsection (b) in good faith is not subject to liability in a civil, an administrative, a disciplinary, or a criminal action.

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

SECTION 23. IC 16-41-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A licensed
physician who diagnoses, treats, or counsels a patient with a **dangerous serious** communicable disease shall inform the patient of the patient's duty under section 1 of this chapter.

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

1. A health officer if the physician has reasonable cause to believe that a patient:
   1. A is a serious and present **danger risk** to the health of others as described in section 2(a) of this chapter;
   2. B has engaged in noncompliant behavior; or
   3. C is suspected of being a person at risk (as defined in section 1 of this chapter).

2. A person at risk (as defined in section 1 of this chapter) or a person legally responsible for the patient if the physician:
   1. A has medical verification that the patient is a **carrier** an individual with a communicable disease;
   2. B knows the identity of the person at risk;
   3. C has a reasonable belief of a significant risk of harm to the identified person at risk;
   4. D has reason to believe the identified person at risk has not been informed and will not be informed of the risk by the patient or another person; and
   5. E has made reasonable efforts to inform the **carrier individual with a communicable disease** of the physician's intent to make or cause the state department of health to make a disclosure to the person at risk.

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

1. Identify the **dangerous serious** communicable disease.
2. Inform the person of available health care measures such as counseling and testing.

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

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

1. Notification under subsection (b); and
2. Information provided about a patient's noncompliant behavior in an investigation or action under this chapter, IC 16-41-2, IC 16-41-3, IC 16-41-5, IC 16-41-6, IC 16-41-8, IC 16-41-9, IC 16-41-13, IC 16-41-14, and IC 16-41-16.
3. A physician's immunity from liability under subsection (d)
applies only to the provision of information reasonably calculated to protect an identified person who is at epidemiological risk of infection.

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

SECTION 24. IC 16-41-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this section, "person at risk" means an individual who in the best judgment of a licensed physician:

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

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

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

(1) for whom the physician has medical verification that the patient is a carrier, an individual with a communicable disease; and

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

the health officer shall make an investigation of the carrier individual with a communicable disease as authorized in IC 16-41-5-2 to determine whether the environmental conditions surrounding the carrier individual with a communicable disease or the conduct of the carrier individual with a communicable disease requires the intervention by the health officer or designated health official to prevent the spread transmission of disease to others.

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

(1) has already been notified;

(2) will be notified; or

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

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

(e) The state department shall adopt rules under IC 4-22-2 to implement this section. Local health officers may submit advisory guidelines to the state department to implement this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9. The state department shall fully consider such advisory guidelines before
adoption under IC 4-22-2-29 implementing this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9.

SECTION 25. IC 16-41-8-1, AS AMENDED BY P.L.218-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

1. Battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person.
2. An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

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

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiologic information involving a communicable disease or other serious disease that is a danger to health (as set forth in the list published under IC 16-41-2-1).

This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

1. Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.
2. Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.
3. Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.
4. Release may be made of the medical information of a person in accordance with this chapter.

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

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

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

(1) the individual;
(2) a person authorized in writing by the individual to receive the medical records; or
(3) a coroner under IC 36-2-14-21.

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

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

SECTION 26. IC 16-41-8-5, AS AMENDED BY P.L.65-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.
(2) "Dangerous disease" "Serious disease" means any of the following:
    (A) Chancroid.
    (B) Chlamydia.
    (C) Gonorrhea.
    (D) Hepatitis.
    (E) Human immunodeficiency virus (HIV).
    (F) Lymphogranuloma venereum.
    (G) Syphilis.
    (H) Tuberculosis.

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

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to undergo the medical testing prescribed by this chapter as to the transmission of a potentially disease transmitting offense.
of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous serious disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous serious diseases. If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

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

(1) the defendant has committed an offense; and

(2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of
age, and the parent, guardian, or custodian of an alleged victim who is
an endangered adult (as defined in IC 12-10-3-2) are entitled to receive
notice of the hearing and are entitled to attend the hearing. The
defendant and the defendant's counsel are entitled to receive notice of
the hearing and are entitled to attend the hearing. If, following the
hearing, the court finds probable cause to believe that the defendant has
committed an offense and that a bodily fluid was transmitted from the
defendant to the alleged victim in connection with the commission of
the offense, the court may order the defendant to submit to a screening
test for one (1) or more dangerous serious diseases. If the defendant is
charged with battery (IC 35-42-2-1) or domestic battery
(IC 35-42-2-1.3) involving placing bodily fluid or waste on another
person, the court may limit testing under this subsection to a test only
for human immunodeficiency virus (HIV). However, the court may
order additional testing for human immunodeficiency virus (HIV) as
may be medically appropriate. The court shall take actions to ensure
the confidentiality of evidence introduced at the hearing.
(e) The testimonial privileges applying to communication between
a husband and wife and between a health care provider and the health
care provider's patient are not sufficient grounds for not testifying or
providing other information at a hearing conducted in accordance with
this section.
(f) A health care provider (as defined in IC 16-18-2-163) who
discloses information that must be disclosed to comply with this
section is immune from civil and criminal liability under Indiana
statutes that protect patient privacy and confidentiality.
(g) The results of a screening test conducted under this section shall
be kept confidential if the defendant ordered to submit to the screening
test under this section has not been convicted of the potentially disease
transmitting offense or offense involving the transmission of a bodily
fluid with which the defendant is charged. The results may not be made
available to any person or public or private agency other than the
following:
   (1) The defendant and the defendant's counsel.
   (2) The prosecuting attorney.
   (3) The department of correction or the penal facility, juvenile
detention facility, or secure private facility where the defendant
is housed.
   (4) The alleged victim or the parent, guardian, or custodian of an
alleged victim who is less than eighteen (18) years of age, or the
parent, guardian, or custodian of an alleged victim who is an
endangered adult (as defined in IC 12-10-3-2), and the alleged
victim's counsel.
The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

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

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

(1) the alleged victim;
(2) the alleged victim's sexual partner; or
(3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

(1) receives notification or disclosure of the results of a screening test under this section; and
(2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 27. IC 16-41-9-1.5, AS AMENDED BY P.L.109-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) If a public health authority has reason to believe that:

(1) an individual:

(A) has been infected with; or
(B) has been exposed to;

dangerous serious communicable disease or outbreak; and

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

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority took to prevent such an infection.
authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a dangerous serious communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

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

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

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

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

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

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

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

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

(1) an individual has been infected or exposed to a dangerous
serious communicable disease or outbreak;
(2) the individual is likely to cause the infection of an uninfected
individual if the individual is not restricted in the individual's
ability to come into contact with an uninfected individual; and
(3) the individual may expose an uninfected individual to a
dangerous serious communicable disease or outbreak before the
individual can be provided with notice and an opportunity to be
heard;

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

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

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

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

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

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

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

(k) The public health authority may issue an immediate order
imposing isolation or quarantine on an individual if exigent
circumstances, including the number of affected individuals, exist that
make it impracticable for the public health authority to seek an order
from a court, and obtaining the individual's voluntary compliance is or
has proven impracticable or ineffective. An immediate order of
isolation or quarantine expires after seventy-two (72) hours, excluding
Saturdays, Sundays, and legal holidays, unless renewed in accordance
with subsection (l). The public health authority shall establish the other
conditions of isolation or quarantine. The public health authority shall
impose the least restrictive conditions of isolation or quarantine that are
consistent with the protection of the public. If the immediate order
applies to a group of individuals and it is impracticable to provide
individual notice, the public health authority shall post a copy of the
order where it is likely to be seen by individuals subject to the order.

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

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

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

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

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

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

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

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous serious communicable disease or outbreak; 
(B) cross-examine witnesses; and 
(C) counsel, including court appointed counsel in accordance with subsection (c). 

(4) If: 

(A) the petition applies to a group of individuals; and 
(B) it is impracticable to provide individual notice; 

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

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

(1) an individual has been infected or exposed to a dangerous serious communicable disease or outbreak; and 
(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; 

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. 

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

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

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

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

1. the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;
2. the law and the facts concerning the individuals are similar; and
3. the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

A public health authority that imposes a quarantine that is not in the person's home:
1. shall allow the parent or guardian of a child who is quarantined under this section; and
2. may allow an adult to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a serious communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

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

State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

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

A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

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

1. voluntary compliance with isolation and quarantine;
2. quarantine locations and logistical support; and
3. moving individuals to and from a quarantine location.

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

SECTION 28. IC 16-41-9-1.7, AS ADDED BY P.L.138-2006,
SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 1.7. (a) An immunization program established by
a public health authority to combat a public health emergency
involving a dangerous serious communicable disease must comply
with the following:

1. The state department must develop and distribute or post
information concerning the risks and benefits of immunization.
2. No person may be required to receive an immunization
without that person's consent. No child may be required to receive
an immunization without the consent of the child's parent,
guardian, or custodian. The state department may implement the
procedures described in section 1.5 of this chapter concerning a
person who refuses to receive an immunization or the child of a
parent, guardian, or custodian who refuses to consent to the child
receiving an immunization.
3. (b) The state department shall adopt rules to implement this section.
The absence of rules adopted under this subsection does not preclude
the public health authority from implementing any provision of this
section.

SECTION 29. IC 16-41-9-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The local health
officer may exclude from school a student who has a dangerous serious
communicable disease that:

1. is transmissible through normal school contacts; and
2. poses a substantial threat to the health and safety of the school
community.

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

1. is transmissible through normal school contacts; and
2. poses a substantial threat to the health and safety of the school
community;
the local health officer shall issue a certificate of health to admit or
readmit the student to school.

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

SECTION 30. IC 16-41-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a designated health official determines that a carrier an individual with a communicable disease has a dangerous serious communicable disease and has reasonable grounds to believe that the carrier individual with a communicable disease is mentally ill and either dangerous or gravely disabled, the designated health official may request:

1. immediate detention under IC 12-26-4; or
2. emergency detention under IC 12-26-5;

for the purpose of having the carrier individual with a communicable disease apprehended, detained, and examined. The designated health official may provide to the superintendent of the psychiatric hospital or center or the attending physician information about the carrier's communicable disease status of the individual with a communicable disease. Communications under this subsection do not constitute a breach of confidentiality.

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

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

SECTION 31. IC 16-41-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The chief medical officer of a hospital or other institutional facility may direct that a carrier an individual with a communicable disease detained under this article be placed apart from the others and restrained from leaving the facility. A carrier An individual with a communicable disease detained under this article shall observe all the rules of the facility or is subject to further action before the committing court.

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

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

SECTION 32. IC 16-41-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A carrier An individual with a communicable disease who:

(1) poses a serious and present danger risk to the health of others;
(2) has been voluntarily admitted to a hospital or other facility for the treatment of tuberculosis or another dangerous serious communicable disease; and
(3) who leaves the facility without authorized leave or against medical advice or who fails to return from authorized leave;

shall be reported to a health officer by the facility not more than twenty-four (24) hours after discovery of the carrier's individual with a communicable disease's absence.

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

SECTION 33. IC 16-41-9-8, AS AMENDED BY P.L.1-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A local health officer may file a report with the court that states that a carrier an individual with a communicable disease who has been detained under this article may be discharged without danger to the health or life of others.

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

SECTION 34. IC 16-41-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) Not more than thirty (30) days after the proposed release from a state penal institution of a prisoner who is known to have:

(1) tuberculosis in a communicable stage; or
(2) other dangerous another serious communicable disease;
the chief administrative officer of the penal institution shall report to

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the state department the name, address, age, sex, and date of release of
the prisoner.

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

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

SECTION 35. IC 16-41-9-10 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The
administrator of a hospital or other facility for the treatment of
tuberculosis or other dangerous serious communicable disease may
transfer or authorize the transfer of a nonresident indigent carrier
individual with a communicable disease to the carrier's state or
county of legal residence of the individual with a communicable
disease if the carrier individual with a communicable disease is able
to travel. If the carrier individual with a communicable disease is
unable to travel, the administrator may have the carrier individual with
a communicable disease hospitalized until the carrier individual with
a communicable disease is able to travel.

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

(1) carrier individual with a communicable disease under
section 13 of this chapter; or

(2) state department if the carrier individual with a
communicable disease cannot pay the full cost.

SECTION 36. IC 16-41-9-12 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The
superintendent or the chief executive officer of the facility to which a
carrier an individual with a communicable disease has been ordered
under this chapter may decline to admit a patient if the superintendent
or chief executive officer determines that there is not available
adequate space, treatment staff, or treatment facilities appropriate to
the needs of the patient.

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

(1) fails to comply with IC 16-41-1 through IC 16-41-3,
IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or
IC 16-41-16 or a rule adopted under these chapters; or

(2) interferes with or obstructs the state department or the state
department's designated agent in the performance of official
duties under IC 16-41-1 through IC 16-41-3, IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule adopted under these chapters.

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

SECTION 37. IC 16-41-9-13, AS AMENDED BY P.L.138-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the carrier individual with a communicable disease can pay and whether there are other available sources of public or private funding responsible for payment of the carrier individual's care or treatment. The carrier individual with a communicable disease shall provide the court documents and other information necessary to determine financial ability. If the carrier individual with a communicable disease cannot pay the full cost of care and other sources of public or private funding responsible for payment of the carrier's individual's care or treatment are not available, the county is responsible for the cost. If the carrier individual with a communicable disease:

(1) provides inaccurate or misleading information; or

(2) later becomes able to pay the full cost of care;

the carrier individual with a communicable disease becomes liable to the county for costs paid by the county.

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

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

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

SECTION 38. IC 16-41-9-15, AS ADDED BY P.L.16-2009, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. In carrying out its duties under this chapter, a public health authority shall attempt to seek the cooperation of cases, carriers, individuals with a communicable disease, contacts, or suspect cases to implement the least restrictive but medically necessary
procedures to protect the public health.

SECTION 39. IC 16-41-10-2, AS AMENDED BY P.L.131-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This section applies to the following:

(1) An emergency medical services provider who is exposed to blood and body fluids while providing emergency medical services to a patient.
(2) A law enforcement officer who is exposed to blood and body fluids while performing the law enforcement officer’s official duties.

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

(c) If an emergency medical services provider or a law enforcement officer desires to be notified of results of testing following a possible exposure to a dangerous serious communicable disease under this chapter, the emergency medical services provider or law enforcement officer shall notify the emergency medical services provider's or law enforcement officer's employer not more than twenty-four (24) hours after the emergency medical services provider or law enforcement officer is exposed on a form that is prescribed by the state department and the Indiana emergency medical services commission.

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

(1) If applicable, the medical director of the emergency department of the medical facility:
   (A) to which the patient was admitted following the exposure;
   or
   (B) in which the patient was located at the time of the exposure.

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

(3) The state department.

SECTION 40. IC 16-41-10-2.5, AS AMENDED BY P.L.224-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) A patient (including a patient who is unable to consent due to physical or mental incapacity) to whose blood or body fluids an emergency medical services provider or a law enforcement officer is exposed as described in section 2 of this chapter
is considered to have consented to:

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

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

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

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

(1) of the patient's residence; or

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

for an order requiring that the patient provide a blood or body fluid
specimen, including an emergency order for a blood or body fluid
specimen under section 2.6 of this chapter.

(c) If a patient described in subsection (a) refuses to provide a blood
or body fluid specimen for testing for a dangerous communicable
disease, and that patient is a witness, bystander, or victim of alleged
criminal activity (IC 35-31.5-2-73), the exposed emergency medical
services provider or law enforcement officer, the exposed emergency
medical services provider's or law enforcement officer's employer, or
the state department may submit the form described in section 2 of this
chapter to the medical director or physician of a hospital licensed under
IC 16-21-2, IC 16-22-2, or IC 16-23-1. The medical director or
physician described in this section shall notify the emergency medical
services provider or law enforcement officer of the test results not more
than forty-eight (48) hours after the medical director or physician
receives the test results.

SECTION 41. IC 16-41-10-3, AS AMENDED BY P.L.131-2018,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), if a
patient to whose blood or body fluids an emergency medical services
provider or a law enforcement officer is exposed as described in section

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of this chapter:

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

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

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

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

(A) arrange for testing of the patient as soon as possible; or

(B) petition the circuit or superior court having jurisdiction in the county of the patient's residence or where the employer of the exposed emergency medical services provider or law enforcement officer has the employer's principal office for an order requiring that the patient provide a blood or body fluid specimen.

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

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

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

SECTION 42. IC 16-41-10-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) A medical facility may not physically restrain a patient described in section 2.5 of this chapter in order to test the patient for the presence of a dangerous serious communicable disease.

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

1. (1) a test is performed under section 2.5 or 3 of this chapter; or
2. (2) the results of a test are released under section 3 of this chapter.
3. (c) A provider or a facility that tests a patient for the presence of a
4. dangerous serious communicable disease under section 2.5 or section
5. 3 of this chapter is immune from liability for the performance of the
6. test over the patient's objection or without the patient's consent.
However, this subsection does not apply to an act or omission that
constitutes gross negligence or willful or wanton misconduct.

SECTION 43. IC 16-41-10-4, AS AMENDED BY P.L.131-2018,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 4. (a) A medical director or physician notified
under section 3 of this chapter shall, not more than forty-eight (48)
hours after receiving the notification under section 3 of this chapter,
contact the emergency medical services provider or law enforcement
officer described in section 2 of this chapter to do the following:
1. (1) Explain, without disclosing information about the patient, the
dangerous serious communicable disease to which the emergency
medical services provider or law enforcement officer was
exposed.
2. (2) Provide for any medically necessary treatment and counseling
to the emergency medical services provider or law enforcement
officer.
(b) Expenses of testing or treatment and counseling are the
responsibility of the emergency medical services provider or the
provider's or law enforcement officer's employer.

SECTION 44. IC 16-41-11-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this
chapter, "universal precautions" means procedures specified by rule
adopted by the state department under IC 4-22-2 that are used to
prevent the transmission of dangerous serious communicable diseases
including acquired immune deficiency syndrome (AIDS); through
blood or other body fluids.

SECTION 45. IC 16-41-13-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The attending
physician or health care provider shall prepare and attach to the body
of a deceased individual a conspicuous notice with the statement:
"Observe Body Fluid Precautions" whenever the physician or provider
knows that at least one (1) of the following disease processes was
present in the deceased at the time of death:
1. (1) Hepatitis (Types B non A; non B) and C).
2. (2) Human immunodeficiency virus (HIV) infection. (acquired
immune deficiency syndrome and AIDS related complex).
(3) Tuberculosis.
(4) Herpes.
(5) Gonorrhea.
(6) Syphilis (primary and secondary).
(7) Burkett's lymphoma.
(8) Kaposi's sarcoma.
(9) Arthropod-borne viral diseases.
(10) Babesiosis.
(11) Creutzfeldt-Jakob disease.
(12) Leptospirosis.
(13) Malaria.
(14) Rat-bite fever.
(15) Relapsing fever.
(16) Y. Pestis.
(17) Hemorrhagic fevers.
(18) Rabies.
(19) Any other communicable disease (as defined in IC 16-41-2).

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

SECTION 46. IC 16-41-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in subsection (b), a practitioner shall dispose of a donation of semen after a confirmatory test indicates the presence of the HIV antibody. The disposal must be made according to the rules concerning the disposal of infectious waste.

(b) Subsection (a) does not apply to a donation of semen that:
(1) indicates the presence of the HIV antibody; and
(2) is used according to safer conception practices endorsed by the federal Centers for Disease Control and Prevention or other generally accepted medical experts.

SECTION 47. IC 16-41-16-4, AS AMENDED BY P.L.218-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Except as provided in subsections (c) and (d), as used in this chapter, "infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous serious communicable disease (as set forth in the list published under IC 16-41-2-1).

(b) The term includes the following:
(1) Pathological wastes.
(2) Biological cultures and associated biologicals.
(3) Contaminated sharps.
(4) Infectious agent stock and associated biologicals.
(5) Blood and blood products in liquid or semiliquid form.
(6) Laboratory animal carcasses, body parts, and bedding.
(7) Wastes (as described under section 8 of this chapter).
(c) "Infectious waste", as the term applies to a:
   (1) home health agency; or
   (2) hospice service delivered in the home of a hospice patient;
   includes only contaminated sharps.
(d) The term does not include an aborted fetus or a miscarried fetus.

SECTION 48. IC 16-51 IS ADDED TO THE INDIANA CODE AS
A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 51. SUICIDE AND OVERDOSE FATALITY
REVIEW TEAMS

Chapter 1. Definitions
Sec. 1. The definitions in this chapter apply throughout this
article.
Sec. 2. As used in this chapter, "SOFR team" refers to:
   (1) a county SOFR team; or
   (2) a regional SOFR team formed by multiple counties;
established under IC 16-51-2-1.
Sec. 3. As used in this chapter, "SOFR" means suicide and
overdose fatality review.

Chapter 2. Suicide and Overdose Fatality Review Teams
Sec. 1. (a) A:
   (1) local health department; or
   (2) person or entity approved by the state department;
may establish through a written agreement a SOFR team to review
suicides and overdose fatalities for the purpose of gathering
information concerning suicides and overdose fatalities and to use
the information gathered to improve community resources and
systems of care to reduce suicides and overdose fatalities.
   (b) A SOFR team may be established in a county or multiple
counties in Indiana.
   (c) Upon the establishment of a SOFR team under this section,
the SOFR team shall notify the state department of the
establishment of the SOFR team.
 Sec. 2. (a) A SOFR team shall do the following:
   (1) Identify similarities, trends, and factual patterns
concerning suicides and overdose fatalities in the area served
by the SOFR team.
   (2) Identify reasons for any higher minority suicide and
overdose fatality rate in the area served by the SOFR team.

(3) Create strategies and make recommendations for the prevention and reduction of suicides and overdose fatalities, including minority suicides and overdose fatalities, in the area served by the SOFR team.

(b) A SOFR team may do any of the following:

(1) Determine factors contributing to suicides and overdose fatalities.

(2) Identify public health and clinical interventions to improve systems of care and enhance coordination.

(3) Develop strategies for the prevention of suicides and overdose fatalities.

Sec. 3. (a) A SOFR team must be multidisciplinary and culturally diverse. The SOFR team should include professionals and representatives of agencies that provide services or community resources for families in the community.

(b) Members of a SOFR team must be appointed by the county health officer or another entity approved by the state department and may include local representatives from the following disciplines:

(1) Public health.

(2) Primary health care.

(3) Mental health.

(4) Law enforcement.

(5) Behavioral health.

(6) Parole or probation.

(7) Addiction medicine.

(8) Emergency medical services.

(9) Social work.

(c) Members may also include any of the following:

(1) A coroner or deputy coroner.

(2) An epidemiologist.

(3) A pathologist.

(d) The SOFR team shall meet at least quarterly.

Sec. 4. (a) The first SOFR team meeting shall convene at the call of the county health officer, the county health administrator, or their designees, as applicable.

(b) The SOFR team members shall elect a chairperson at the first SOFR team meeting and whenever there is a chairperson vacancy.

(c) After the election of a team chairperson, the SOFR team shall meet upon the call of the elected chairperson or upon the call
of the county health officer in the event that there is a chairperson vacancy.

Sec. 5. (a) Before a member of the SOFR team may participate in the review of a suicide or overdose fatality, the member must:
(1) sign a confidentiality form prepared by the state department;
(2) review the purpose and goal of the SOFR team; and
(3) review, for accuracy and comprehensiveness, any data collection form developed by the state department, if applicable.

(b) Individuals who are invited by the SOFR team chairperson to attend a SOFR team meeting must sign a confidentiality form before attending or participating in a SOFR team meeting.

(c) The state department shall create and make available a standardized confidentiality form to be used by members of all SOFR teams.

(d) The chairperson of a SOFR team is responsible for the safekeeping of all confidentiality agreements signed under this section.

Sec. 6. (a) The SOFR team shall review the death of each person whose death occurred in the area served by the SOFR team if one or more of the following conditions are met:
(1) The person's cause of death is listed as one (1) or more of the following:
   (A) Poisoning.
   (B) Intoxication.
   (C) Toxicity.
   (D) Inhalation.
   (E) Ingestion.
   (F) Overdose.
   (G) Exposure.
   (H) Chemical use.
   (I) Neonatal abstinence syndrome (NAS) effects.

(2) The person's manner of death is classified as one (1) of the following:
   (A) Accident.
   (B) Suicide.
   (C) Undetermined.

(3) The person's manner of death is classified as natural but drug intoxication or exposure is listed as a contributing factor.

(b) When conducting a SOFR fatality review under subsection

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(a), the SOFR team may review the following records if the records pertain to a person or incident within the scope of the SOFR team's review:

1. Records held by the:
   1. local or state health department;
   2. INSPECT program (as described under IC 25-26-24);
   3. or
   4. department of child services.

2. Medical records.

3. Law enforcement records.

4. Autopsy reports.

5. Coroner records.

6. Mental health reports.

7. Emergency medical services provider records.

8. Fire department run reports.

9. Disciplinary or health records generated by a local school system.

10. Any other record concerning the assessment, care, fatality, diagnosis, near fatality, if applicable, or treatment of the person subject to a SOFR team review.

(c) Except as otherwise provided, information and records acquired by a SOFR team during the execution of the SOFR team's duties are confidential and exempt from disclosure.

(d) Subject to subsection (e), records, information, documents, and reports acquired or produced by a SOFR team are not:

1. subject to subpoena or discovery; or
2. admissible as evidence;

in any administrative or judicial proceeding.

(e) Records, information, documents, and reports that are admissible and otherwise discoverable from alternate sources do not become immune from discovery or use in any administrative or judicial proceeding because of their use by a SOFR team.

Sec. 7. A SOFR team shall review the death certificate of a decedent received from the county health officer in order to determine whether the fatality qualifies for a SOFR team review under section 6 of this chapter.

Sec. 8. (a) Subject to IC 34-30-15, the following persons or entities shall comply with a records request by a SOFR team:

1. A coroner.
2. An emergency medical services provider.
3. A fire department.
4. A health system.
(5) A hospital.
(6) A law enforcement officer.
(7) A local or state governmental agency, including the department of child services.
(8) A mental health professional.
(9) A physician.
(10) A school.
(11) A social services provider.

(b) A person or entity that complies, in good faith, with a record request issued under subsection (a) may not be:
   (1) disciplined;
   (2) criminally prosecuted; or
   (3) held administratively or civilly liable;
for any disclosure related to the person's or entity's compliance with subsection (a).

(c) A person or entity subject to a records request by a SOFR team under subsection (a) may charge a reasonable fee for the service of duplicating any records requested by the SOFR team.

Sec. 9. If a fatality qualifies for a SOFR team review, the SOFR team shall:

   (1) identify the factors that contributed to the fatality of the decedent;
   (2) determine whether similar fatalities may be prevented in the future;
   (3) if applicable, identify other:
       (A) agencies or entities; and
       (B) resources;
that may be used to assist in the prevention of a similar fatality; and

   (4) if applicable, identify solutions to:
       (A) improve practice and policy; and
       (B) enhance coordination;
between the agencies, entities, and resources described in subdivision (3).

Sec. 10. (a) Except as provided in subsection (b), SOFR team meetings are open to the public.

(b) A SOFR team meeting that requires the use or discussion of confidential records or confidential identifying information must be closed to the public for the portion of the team meeting that uses or discusses confidential information.

Sec. 11. (a) Members of a SOFR team and individuals who attend a SOFR team meeting as invitees of the team chairperson:

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(1) may discuss, among themselves, confidential matters that are before the SOFR team;
(2) are bound by all applicable laws concerning the confidentiality of the matters reviewed by the SOFR team; and
(3) except as provided in subsection (b), may not be:
   (A) disciplined;
   (B) criminally prosecuted; or
   (C) held administratively or civilly liable;
for the sharing or discussion of any confidential matter before the SOFR team during a SOFR team meeting.
(b) The immunity described in subsection (a)(3) does not apply to a SOFR team member or a SOFR team invitee who discloses confidential information:
   (1) with malice;
   (2) in bad faith; or
   (3) negligently.

Sec. 12. The chairperson of a SOFR team or the chairperson's designee shall do the following for each SOFR team meeting:
(1) Prepare the agenda for the scheduled SOFR team meeting.
(2) Provide meeting notices to all members of the SOFR team.
(3) Ensure that all:
   (A) members of the SOFR team; and
   (B) SOFR team invitees;
sign confidentiality forms as required under this chapter.
(4) Maintain all confidentiality forms signed under this chapter.
(5) Enter and record all data reviewed by the SOFR team by using:
   (A) data collection tools provided to the SOFR team by the state department, if applicable; and
   (B) any other appropriate data collection system.
(6) Attend pertinent training concerning the use of the data collection tools employed by the SOFR team.
(7) Serve as a liaison for the SOFR team as necessary.
(8) Destroy all records, information, and documents obtained by the SOFR team under section 6 of this chapter upon the conclusion of the SOFR team's review of a specific suicide or overdose fatality.

Sec. 13. Records held or maintained by a SOFR team are subject to the confidentiality provisions of IC 31-33-18.

Sec. 14. (a) Before July 1 of each year, a SOFR team shall
submit a report to the state department that includes the following information:

(1) A summary of the data collected concerning the reviews conducted by the SOFR team for the previous calendar year.

(2) Actions recommended by the SOFR team to improve systems of care and community resources to reduce suicides and overdose fatalities in the area served by the SOFR team.

(3) Solutions proposed for any system inadequacies.

(b) The report described in subsection (a) may not contain identifying information relating to the deaths reviewed by the SOFR team.

(c) Review data concerning a suicide or overdose fatality is confidential and may not be released.

(d) The SOFR team may provide the state department with data concerning the reviews of a death under this chapter.

Sec. 15. Nothing in this chapter shall preclude any death, illness, or injury investigation or review to the extent authorized by other laws.

SECTION 49. IC 20-26-15-8, AS AMENDED BY P.L.192-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The contract must contain the following provisions:

(1) A list of the statutes and rules that are suspended from operation in a freeway school corporation or freeway school, as listed in section 5 of this chapter.

(2) A description of the privileges of a freeway school corporation or freeway school, as listed in section 6 of this chapter.

(3) A description of the educational benefits listed in section 7 of this chapter that a freeway school corporation or freeway school agrees to:

(A) achieve by the end of five (5) complete school years after the contract is signed; and

(B) maintain at the end of:

(i) the sixth; and

(ii) any subsequent;

complete school year after the contract is signed.

(4) Subject to section 15 of this chapter (before its expiration), a plan and a schedule for the freeway school corporation or freeway school to achieve the educational benefits listed in section 7 of this chapter by the end of five (5) complete school years after the contract is signed. The schedule must show some percentage of improvement by the end of the second, third, and fourth complete

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school years after the contract is signed.

(5) A school by school strategy, including curriculum, in which character education is demonstrated to be a priority. The strategy required under this subdivision must include the following subjects as integral parts of each school's character education:

   (A) Hygiene.
   (B) Alcohol and drugs.
   (C) Diseases transmitted sexually or through drug use including AIDS.
   (D) Honesty.
   (E) Respect.
   (F) Abstinence and restraint.

(6) A plan under which the freeway school corporation or freeway school will offer courses that will allow a student to become eligible to receive an Indiana diploma with a Core 40 with academic honors designation.

(7) A plan under which the freeway school corporation or freeway school will maintain a safe and disciplined learning environment for students and teachers.

(b) In the contract:

   (1) the quantitative measures of benefits may be higher, but not lower, than the minimum educational benefits listed in section 7 of this chapter; and

   (2) educational benefits may be included in addition to the minimum educational benefits listed in section 7 of this chapter.

SECTION 50. IC 20-30-5-12, AS AMENDED BY P.L.233-2015, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) Each school corporation shall:

   (1) include in the school corporation's curriculum instruction on the disease acquired immune deficiency syndrome (AIDS); human immunodeficiency virus (HIV); and

   (2) integrate this effort to the extent possible with instruction on other communicable diseases.

(b) Literature that is distributed to school children and young adults under this section must include information required by IC 20-34-3-17.

(c) The department, in consultation with the state department of health, shall develop AIDS HIV educational materials. The department shall make the materials developed under this section available to school corporations.

SECTION 51. IC 20-34-3-17, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020: Sec. 17. (a) The state board shall provide information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS): the human immunodeficiency virus (HIV). The literature must state that the best way to avoid AIDS prevent HIV transmission as a result of sexual activity is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

(b) The state board may not distribute AIDS HIV literature described in subsection (a) to students without the consent of the governing body of the school corporation the students attend.

SECTION 52. IC 31-11-4-4, AS AMENDED BY P.L.244-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

1. Full name.
2. Birthplace.
3. Residence.
4. Age.
5. Names of dependent children.
6. Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
   (A) the birth parents of the applicant if the applicant is not adopted; or
   (B) the adoptive parents of the applicant if the applicant is adopted.
7. Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.
8. A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
9. Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome): human immunodeficiency virus (HIV). The acknowledgment required by this subdivision must be in the following form:

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ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous serious communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome): human immunodeficiency virus (HIV).

__________________________ ____________
Signature of Applicant Date

__________________________ ____________
Signature of Applicant Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

(1) verify the application under subsection (a) by oath or affirmation; or
(2) sign the acknowledgment described in subsection (a)(9).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

(1) verifying the application under subsection (a) by oath or affirmation; or
(2) signing the acknowledgment described in subsection (a)(9);
the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 53. IC 31-11-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written
information or videotaped information approved by the AIDS HIV advisory council of the state department of health concerning dangerous serious communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV) infection and other dangerous serious communicable diseases that are sexually transmitted. The information must include an explanation of the following:

(1) The etiology of dangerous serious communicable diseases that are sexually transmitted.

(2) The behaviors that create a high risk of transmission of such diseases.

(3) Precautionary measures that reduce the risk of contracting such diseases.

(4) The necessity for consulting medical specialists if infection is suspected.

(c) At the time of application for a marriage license, each clerk of the circuit court shall:

(1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or

(2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted.

(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

(e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.

(f) If materials required by this section are not prepared by other sources, the state department of health shall prepare the materials.

(g) The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section. Except for the materials developed by the state, the state and county are not liable for the costs of materials used.
to implement this section and section 4 of this chapter.

SECTION 54. IC 31-33-18-2, AS AMENDED BY P.L.31-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:

(A) A police officer or other law enforcement agency.

(B) A prosecuting attorney.

(C) A coroner, in the case of the death of a child.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the
court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(13) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(14) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(15) A local child fatality review team established under IC 16-49-2.

(16) The statewide child fatality review committee established by IC 16-49-4.

(17) The department.

(18) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or
(iv) a volunteer providing services at;
a child care center licensed under IC 12-17.2-4 or a child care
home licensed under IC 12-17.2-5.
(19) A citizen review panel established under IC 31-25-2-20.4.
(20) The department of child services ombudsman established by
IC 4-13-19-3.
(21) The state superintendent of public instruction with protection
for the identity of:
(A) any person reporting known or suspected child abuse or
neglect; and
(B) any other person if the person or agency making the
information available finds that disclosure of the information
would be likely to endanger the life or safety of the person.
(22) The state child fatality review coordinator employed by the
state department of health under IC 16-49-5-1.
(23) A person who operates a child caring institution, group home,
or secure private facility if all the following apply:
(A) The child caring institution, group home, or secure private
facility is licensed under IC 31-27.
(B) The report or other materials concern:
(i) an employee of;
(ii) a volunteer providing services at; or
(iii) a child placed at;
the child caring institution, group home, or secure private
facility.
(C) The allegation in the report occurred at the child caring
institution, group home, or secure private facility.
(24) A person who operates a child placing agency if all the
following apply:
(A) The child placing agency is licensed under IC 31-27.
(B) The report or other materials concern:
(i) a child placed in a foster home licensed by the child placing
agency;
(ii) a person licensed by the child placing agency to operate a
foster family home;
(iii) an employee of the child placing agency or a foster family
home licensed by the child placing agency; or
(iv) a volunteer providing services at the child placing agency
or a foster family home licensed by the child placing agency.
(C) The allegations in the report occurred in the foster family
home or in the course of employment or volunteering at the child
placing agency or foster family home.

(26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.

(27) The statewide domestic violence fatality review committee established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.

(28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.

(29) A local fetal-infant mortality review team established under IC 16-49-6, as determined by the department to be relevant to the case of fetal or infant fatality that the local fetal-infant mortality review team is reviewing.

(30) A suicide and overdose fatality review team established under IC 16-51-2, as determined by the department to be relevant to the case of a suicide or overdose fatality that the suicide and overdose fatality review team is reviewing.

SECTION 55. IC 34-30-2-80 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 80. IC 16-41-2-6 (Concerning physicians, hospitals, and laboratories for reporting communicable or dangerous serious diseases).

SECTION 56. IC 34-30-2-81, AS AMENDED BY P.L.86-2018, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 81. (a) IC 16-41-7-2 (Concerning the good faith reporting to a health officer of an individual thought to present a serious and present danger risk to the health of others, to have engaged in noncompliant behavior, or to be at risk of carrying a dangerous serious communicable disease).

(b) IC 16-41-7-3 (Concerning a physician who provides notification to certain individuals regarding a patient's dangerous serious communicable disease).

SECTION 57. IC 34-30-2-81.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 81.5. IC 16-41-10-3.5 (Concerning a provider who tests a patient for the presence of a dangerous serious communicable disease).

SECTION 58. IC 34-30-2-83.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
(Concerning certain persons and entities complying with a records request related to a suicide or overdose fatality review).

(b) IC 16-51-2-11 (Concerning the substance of a suicide or overdose fatality review team meeting).

SECTION 59. IC 34-30-2-82 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 82. IC 16-41-10-6 (Concerning a person reporting that an emergency medical services provider has been exposed to a dangerous serious communicable disease during the course of emergency duties).

SECTION 60. IC 34-46-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. IC 16-41-2-4 (Concerning reports of communicable or dangerous serious diseases).

SECTION 61. IC 34-46-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. IC 16-41-7-3 (Concerning warning by physician of dangerous serious communicable disease).
COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1182, 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:

Page 7, line 35, delete "(a) A physician or the physician's authorized".
Page 7, delete lines 36 through 38.
Page 7, line 39, reset in roman "(a)".
Page 7, line 39, delete "(b)".
Page 7, run in lines 35 through 39.
Page 8, line 4, reset in roman "(b)".
Page 8, line 4, delete "(c)".
Page 8, line 10, delete "test." and insert "test, orally or in writing.".
Page 8, line 11, delete ":".
Page 8, line 12, delete "(A)".
Page 8, line 12, delete "that includes information" and insert "orally, in writing, by video, or by a combination of these methods.".
Page 8, delete line 13.
Page 8, line 14, delete "statutory requirements concerning disclosure;".
Page 8, line 14, strike "and".
Page 8, run in lines 11 through 14.
Page 8, delete line 15.
Page 8, between lines 20 and 21, begin a new paragraph and insert:
"(c) Unless it is clearly not feasible, the information delivered to the patient who is to be tested under subsection (b) must be provided in the native language or other communication used by the patient. If the patient is unable to read written materials, the materials must be translated or read to the patient in a language the patient understands.".
Page 8, line 30, delete "in person and orally".
Page 34, line 24, delete "A" and insert "(a) Except as provided in subsection (b), a".
Page 34, line 26, reset in roman "HIV antibody."
Page 34, line 26, delete "human immunodeficiency virus".
Page 34, line 27, delete "(HIV)."
Page 34, between lines 28 and 29, begin a new paragraph and insert:
"(b) Subsection (a) does not apply to a donation of semen that:
(1) indicates the presence of the HIV antibody; and
(2) is used according to safer conception practices endorsed by the federal Centers for Disease Control and Prevention or
other generally accepted medical experts.".

Page 35, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 48. IC 16-51 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 51. SUICIDE AND OVERDOSE FATALITY REVIEW TEAMS

Chapter 1. Definitions
Sec. 1. The definitions in this chapter apply throughout this article.
Sec. 2. As used in this chapter, "SOFR team" refers to:
(1) a county SOFR team; or
(2) a regional SOFR team formed by multiple counties; established under IC 16-51-2-1.
Sec. 3. As used in this chapter, "SOFR" means suicide and overdose fatality review.

Chapter 2. Suicide and Overdose Fatality Review Teams
Sec. 1. (a) A:
(1) local health department; or
(2) person or entity approved by the state department; may establish through a written agreement a SOFR team to review suicides and overdose fatalities for the purpose of gathering information concerning suicides and overdose fatalities and to use the information gathered to improve community resources and systems of care to reduce suicides and overdose fatalities.
(b) A SOFR team may be established in a county or multiple counties in Indiana.
(c) Upon the establishment of a SOFR team under this section, the SOFR team shall notify the state department of the establishment of the SOFR team.
Sec. 2. (a) A SOFR team shall do the following:
(1) Identify similarities, trends, and factual patterns concerning suicides and overdose fatalities in the area served by the SOFR team.
(2) Identify reasons for any higher minority suicide and overdose fatality rate in the area served by the SOFR team.
(3) Create strategies and make recommendations for the prevention and reduction of suicides and overdose fatalities, including minority suicides and overdose fatalities, in the area served by the SOFR team.
(b) A SOFR team may do any of the following:
(1) Determine factors contributing to suicides and overdose

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fatalities.  
(2) Identify public health and clinical interventions to improve systems of care and enhance coordination.  
(3) Develop strategies for the prevention of suicides and overdose fatalities.

Sec. 3. (a) A SOFR team must be multidisciplinary and culturally diverse. The SOFR team should include professionals and representatives of agencies that provide services or community resources for families in the community.

(b) Members of a SOFR team must be appointed by the county health officer or another entity approved by the state department and may include representatives from the following disciplines:

(1) Primary health care.  
(2) Mental health.  
(3) Law enforcement.  
(4) Behavioral health.  
(5) Parole or probation.  
(6) Addiction medicine.  
(7) Emergency medical services.  
(8) Social work.

(c) Members may also include any of the following:

(1) A coroner or deputy coroner.  
(2) An epidemiologist.  
(3) A pathologist.

(d) The SOFR team shall meet at least quarterly.

Sec. 4. (a) The first SOFR team meeting shall convene at the call of the county health officer, the county health administrator, or their designees, as applicable.

(b) The SOFR team members shall elect a chairperson at the first SOFR team meeting and whenever there is a chairperson vacancy.

(c) After the election of a team chairperson, the SOFR team shall meet upon the call of the elected chairperson or upon the call of the county health officer in the event that there is a chairperson vacancy.

Sec. 5. (a) Before a member of the SOFR team may participate in the review of a suicide or overdose fatality, the member must:

(1) sign a confidentiality form prepared by the state department;
(2) review the purpose and goal of the SOFR team; and
(3) review, for accuracy and comprehensiveness, any data collection form developed by the state department, if applicable.
(b) Individuals who are invited by the SOFR team chairperson to attend a SOFR team meeting must sign a confidentiality form before attending or participating in a SOFR team meeting.

(c) The state department shall create and make available a standardized confidentiality form to be used by members of all SOFR teams.

(d) The chairperson of a SOFR team is responsible for the safekeeping of all confidentiality agreements signed under this section.

Sec. 6. (a) The SOFR team shall review the death of each person whose death occurred in the area served by the SOFR team if one or more of the following conditions are met:

(1) The person's cause of death is listed as one or more of the following:
   (A) Poisoning.
   (B) Intoxication.
   (C) Toxicity.
   (D) Inhalation.
   (E) Ingestion.
   (F) Overdose.
   (G) Exposure.
   (H) Chemical use.
   (I) Neonatal abstinence syndrome (NAS) effects.

(2) The person's manner of death is classified as one of the following:
   (A) Accident.
   (B) Suicide.
   (C) Undetermined.

(3) The person's manner of death is classified as natural but drug intoxication or exposure is listed as a contributing factor.

(b) When conducting a SOFR fatality review under subsection (a), the SOFR team may review the following records if the records pertain to a person or incident within the scope of the SOFR team's review:

(1) Records held by the:
   (A) local or state health department;
   (B) INSPECT program (as described under IC 25-26-24); or
   (C) department of child services.

(2) Medical records.

(3) Law enforcement records.

(4) Autopsy reports.

(5) Coroner records.
(6) Mental health reports.
(7) Emergency medical services provider records.
(8) Fire department run reports.
(9) Disciplinary or health records generated by a local school system.
(10) Any other record concerning the assessment, care, fatality, diagnosis, near fatality, if applicable, or treatment of the person subject to a SOFR team review.

(c) Except as otherwise provided, information and records acquired by a SOFR team during the execution of the SOFR team's duties are confidential and exempt from disclosure.

(d) Subject to subsection (e), records, information, documents, and reports acquired or produced by a SOFR team are not:

(1) subject to subpoena or discovery; or
(2) admissible as evidence;

in any administrative or judicial proceeding.

(e) Records, information, documents, and reports that are admissible and otherwise discoverable from alternate sources do not become immune from discovery or use in any administrative or judicial proceeding because of their use by a SOFR team.

Sec. 7. A SOFR team shall review the death certificate of a decedent received from the county health officer in order to determine whether the fatality qualifies for a SOFR team review under section 6 of this chapter.

Sec. 8. (a) Subject to IC 34-30-15, the following persons or entities shall comply with a records request by a SOFR team:

(1) A coroner.
(2) An emergency medical services provider.
(3) A fire department.
(4) A health system.
(5) A hospital.
(6) A law enforcement officer.
(7) A local or state governmental agency, including the department of child services.
(8) A mental health professional.
(9) A physician.
(10) A school.
(11) A social services provider.

(b) A person or entity that complies, in good faith, with a record request issued under subsection (a) may not be:

(1) disciplined;
(2) criminally prosecuted; or
(3) held administratively or civilly liable;
for any disclosure related to the person's or entity's compliance with subsection (a).

c) A person or entity subject to a records request by a SOFR team under subsection (a) may charge a reasonable fee for the service of duplicating any records requested by the SOFR team.

Sec. 9. If a fatality qualifies for a SOFR team review, the SOFR team shall:

(1) identify the factors that contributed to the fatality of the decedent;
(2) determine whether similar fatalities may be prevented in the future;
(3) if applicable, identify other:
   (A) agencies or entities; and
   (B) resources;
that may be used to assist in the prevention of a similar fatality; and
(4) if applicable, identify solutions to:
   (A) improve practice and policy; and
   (B) enhance coordination;
between the agencies, entities, and resources described in subdivision (3).

Sec. 10. (a) Except as provided in subsection (b), SOFR team meetings are open to the public.

(b) A SOFR team meeting that requires the use or discussion of confidential records or confidential identifying information must be closed to the public for the portion of the team meeting that uses or discusses confidential information.

Sec. 11. (a) Members of a SOFR team and individuals who attend a SOFR team meeting as invitees of the team chairperson:

(1) may discuss, among themselves, confidential matters that are before the SOFR team;
(2) are bound by all applicable laws concerning the confidentiality of the matters reviewed by the SOFR team; and
(3) except as provided in subsection (b), may not be:
   (A) disciplined;
   (B) criminally prosecuted; or
   (C) held administratively or civilly liable;
for the sharing or discussion of any confidential matter before the SOFR team during a SOFR team meeting.

(b) The immunity described in subsection (a)(3) does not apply to a SOFR team member or a SOFR team invitee who discloses
confidential information:
(1) with malice;
(2) in bad faith; or
(3) negligently.

Sec. 12. The chairperson of a SOFR team or the chairperson's
designee shall do the following for each SOFR team meeting:
(1) Prepare the agenda for the scheduled SOFR team meeting.
(2) Provide meeting notices to all members of the SOFR team.
(3) Ensure that all:
   (A) members of the SOFR team; and
   (B) SOFR team invitees;
sign confidentiality forms as required under this chapter.
(4) Maintain all confidentiality forms signed under this chapter.
(5) Enter and record all data reviewed by the SOFR team by using:
   (A) data collection tools provided to the SOFR team by the
       state department, if applicable; and
   (B) any other appropriate data collection system.
(6) Attend pertinent training concerning the use of the data
    collection tools employed by the SOFR team.
(7) Serve as a liaison for the SOFR team as necessary.
(8) Destroy all records, information, and documents obtained
    by the SOFR team under section 6 of this chapter upon the
    conclusion of the SOFR team's review of a specific suicide or
    overdose fatality.

Sec. 13. Records held or maintained by a SOFR team are subject
to the confidentiality provisions of IC 31-33-18.

Sec. 14. (a) Before July 1 of each year, a SOFR team shall submit
a report to the state department that includes the following
information:
(1) A summary of the data collected concerning the reviews
    conducted by the SOFR team for the previous calendar year.
(2) Actions recommended by the SOFR team to improve
    systems of care and community resources to reduce suicides
    and overdose fatalities in the area served by the SOFR team.
(3) Solutions proposed for any system inadequacies.
(b) The report described in subsection (a) may not contain
    identifying information relating to the deaths reviewed by the
    SOFR team.
(c) Review data concerning a suicide or overdose fatality is
    confidential and may not be released.

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(d) The SOFR team may provide the state department with data concerning the reviews of a death under this chapter.

Sec. 15. Nothing in this chapter shall preclude any death, illness, or injury investigation or review to the extent authorized by other laws.

Delete pages 36 through 49.

Page 50, delete lines 1 through 4.

Page 54, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 54. IC 31-33-18-2, AS AMENDED BY P.L.31-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.
(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
(3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:
   (A) A police officer or other law enforcement agency.
   (B) A prosecuting attorney.
   (C) A coroner, in the case of the death of a child.
(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
(5) An individual legally authorized to place a child in protective custody if:
   (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
   (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
(8) Each parent, guardian, custodian, or other person responsible
for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(13) A person about whom a report has been made, with protection for the identity of:
   (A) any person reporting known or suspected child abuse or neglect; and
   (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(14) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:
   (A) child at imminent risk of placement;
   (B) child in need of services; or
   (C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(15) A local child fatality review team established under IC 16-49-2.

(16) The statewide child fatality review committee established by IC 16-49-4.
(17) The department.
(18) The division of family resources, if the investigation report:
   (A) is classified as substantiated; and
   (B) concerns:
       (i) an applicant for a license to operate;
       (ii) a person licensed to operate;
       (iii) an employee of; or
       (iv) a volunteer providing services at;
   a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.
(19) A citizen review panel established under IC 31-25-2-20.4.
(20) The department of child services ombudsman established by IC 4-13-19-3.
(21) The state superintendent of public instruction with protection for the identity of:
   (A) any person reporting known or suspected child abuse or neglect; and
   (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
(22) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.
(23) A person who operates a child caring institution, group home, or secure private facility if all the following apply:
    (A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.
    (B) The report or other materials concern:
        (i) an employee of;
        (ii) a volunteer providing services at; or
        (iii) a child placed at;
    the child caring institution, group home, or secure private facility.
    (C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.
(24) A person who operates a child placing agency if all the following apply:
    (A) The child placing agency is licensed under IC 31-27.
    (B) The report or other materials concern:
        (i) a child placed in a foster home licensed by the child placing agency;
        (ii) a person licensed by the child placing agency to operate a foster family home;

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(iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or
(iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.


(26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.

(27) The statewide domestic violence fatality review committee established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.

(28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.

(29) A local fetal-infant mortality review team established under IC 16-49-6, as determined by the department to be relevant to the case of fetal or infant fatality that the local fetal-infant mortality review team is reviewing.

(30) A suicide and overdose fatality review team established under IC 16-51-2, as determined by the department to be relevant to the case of a suicide or overdose fatality that the suicide and overdose fatality review team is reviewing.

Page 55, delete lines 5 through 16, begin a new paragraph and insert:

"SECTION 58. IC 34-30-2-83.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 83.9. (a) IC 16-51-2-8 (Concerning certain persons and entities complying with a records request related to a suicide or overdose fatality review).

(b) IC 16-51-2-11 (Concerning the substance of a suicide or overdose fatality review team meeting)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1182 as introduced.)

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Committee Vote: yeas 7, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1182 be amended to read as follows:

Page 7, line 16, reset in roman "the best".
Page 7, line 16, delete "one (1)".
Page 7, line 17, after "transmission" insert "as a result of sexual activity".
Page 36, line 19, after "include" insert "local"
Page 36, delete lines 20 through 27 begin a new line block indented and insert:

"(1) Public health.
(2) Primary health care.
(3) Mental health.
(4) Law enforcement.
(5) Behavioral health.
(6) Parole or probation.
(7) Addiction medicine.
(8) Emergency medical services.
(9) Social work."

Page 43, line 4, reset in roman "the best".
Page 43, line 4, delete "one (1)".
Page 43, line 5, after "transmission" insert "as a result of sexual activity".

(Reference is to HB 1182 as printed January 24, 2020.)

CLERE