



February 8, 2021

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## HOUSE BILL No. 1340

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DIGEST OF HB 1340 (Updated February 8, 2021 9:03 am - DI 140)

**Citations Affected:** IC 16-18; IC 16-41; IC 20-19; IC 34-30; IC 35-31.5; IC 35-38; IC 35-42; IC 35-45; IC 35-52.

**Synopsis:** Human immunodeficiency virus. Replaces statutory references to "dangerous communicable disease" with "serious communicable disease". Replaces statutory references to "carrier" with "individual with a communicable disease". Repeals certain criminal provisions concerning the human immunodeficiency virus (HIV). Extends the expiration of the syringe exchange program until July 1, 2030. Makes conforming amendments.

**Effective:** July 1, 2021.

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### Clere, Barrett, Cook, Fleming

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January 14, 2021, read first time and referred to Committee on Public Health.  
February 8, 2021, reported — Do Pass.

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HB 1340—LS 7400/DI 123





February 8, 2021

First Regular Session of the 122nd General Assembly (2021)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1340

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

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

- 1 SECTION 1. IC 16-18-2-166 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 166. "Health directive",  
3 for purposes of IC 16-41, means:  
4 (1) a written statement; or  
5 (2) in an emergency, an oral statement followed by a written  
6 statement within seventy-two (72) hours;  
7 to a **carrier an individual with a communicable disease** issued by a  
8 designated health official under IC 16-41.  
9 SECTION 2. IC 16-18-2-250 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 250. "Noncompliant  
11 behavior", for purposes of IC 16-41, means behavior of a **carrier an**  
12 **individual with a communicable disease** that is not in compliance  
13 with a health directive.  
14 SECTION 3. IC 16-41-7.5-14, AS AMENDED BY P.L.112-2020,  
15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2021]: Sec. 14. This chapter expires July 1, ~~2022~~. **2030**.  
17 SECTION 4. IC 16-41-8-1, AS AMENDED BY P.L.112-2020,

**HB 1340—LS 7400/DI 123**



1 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 1. (a) As used in this chapter, "potentially disease  
3 transmitting offense" means any of the following:

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

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

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

13 (b) Except as provided in this chapter, a person may not disclose or  
14 be compelled to disclose medical or epidemiological information  
15 involving a communicable disease or other serious disease (as set forth  
16 in the list published under IC 16-41-2-1). This information may not be  
17 released or made public upon subpoena or otherwise, except under the  
18 following circumstances:

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

22 (2) Release may be made of medical or epidemiologic information  
23 with the written consent of all individuals identified in the  
24 information released.

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

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

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

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

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



- 1 (1) the individual;  
 2 (2) a person authorized in writing by the individual to receive the  
 3 medical records; or  
 4 (3) a coroner under IC 36-2-14-21.
- 5 (f) An individual may voluntarily disclose information about the  
 6 individual's communicable disease.
- 7 (g) The provisions of this section regarding confidentiality apply to  
 8 information obtained under IC 16-41-1 through IC 16-41-16.
- 9 SECTION 5. IC 16-41-8-5, AS AMENDED BY P.L.112-2020,  
 10 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2021]: Sec. 5. (a) This section does not apply to medical  
 12 testing of an individual for whom an indictment or information is filed  
 13 for a sex crime and for whom a request to have the individual tested  
 14 under section 6 of this chapter is filed.
- 15 (b) The following definitions apply throughout this section:
- 16 (1) "Bodily fluid" means blood, human waste, or any other bodily  
 17 fluid.
- 18 (2) "Serious disease" means any of the following:
- 19 (A) Chancroid.  
 20 (B) Chlamydia.  
 21 (C) Gonorrhea.  
 22 (D) Hepatitis.  
 23 (E) Human immunodeficiency virus (HIV).  
 24 (F) Lymphogranuloma venereum.  
 25 (G) Syphilis.  
 26 (H) Tuberculosis.
- 27 (3) "Offense involving the transmission of a bodily fluid" means  
 28 any offense (including a delinquent act that would be a crime if  
 29 committed by an adult) in which a bodily fluid is transmitted from  
 30 the defendant to the victim in connection with the commission of  
 31 the offense.
- 32 (c) This subsection applies only to a defendant who has been  
 33 charged with a potentially disease transmitting offense. At the request  
 34 of an alleged victim of the offense, the parent, guardian, or custodian  
 35 of an alleged victim who is less than eighteen (18) years of age, or the  
 36 parent, guardian, or custodian of an alleged victim who is an  
 37 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney  
 38 shall petition a court to order a defendant charged with the commission  
 39 of a potentially disease transmitting offense to submit to a screening  
 40 test to determine whether the defendant is infected with a serious  
 41 disease. In the petition, the prosecuting attorney must set forth  
 42 information demonstrating that the defendant has committed a



1 potentially disease transmitting offense. The court shall set the matter  
 2 for hearing not later than forty-eight (48) hours after the prosecuting  
 3 attorney files a petition under this subsection. The alleged victim, the  
 4 parent, guardian, or custodian of an alleged victim who is less than  
 5 eighteen (18) years of age, and the parent, guardian, or custodian of an  
 6 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)  
 7 are entitled to receive notice of the hearing and are entitled to attend  
 8 the hearing. The defendant and the defendant's counsel are entitled to  
 9 receive notice of the hearing and are entitled to attend the hearing. If,  
 10 following the hearing, the court finds probable cause to believe that the  
 11 defendant has committed a potentially disease transmitting offense, the  
 12 court may order the defendant to submit to a screening test for one (1)  
 13 or more serious diseases. ~~If the defendant is charged with battery (IC~~  
 14 ~~35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a~~  
 15 ~~bodily fluid or waste on another person, the court may limit testing~~  
 16 ~~under this subsection to a test only for human immunodeficiency virus~~  
 17 ~~(HIV). However, the court may order additional testing for human~~  
 18 ~~immunodeficiency virus (HIV) as may be medically appropriate.~~ The  
 19 court shall take actions to ensure the confidentiality of evidence  
 20 introduced at the hearing.

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

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

35 The court shall set the matter for hearing not later than forty-eight (48)  
 36 hours after the prosecuting attorney files a petition under this  
 37 subsection. The alleged victim of the offense, the parent, guardian, or  
 38 custodian of an alleged victim who is less than eighteen (18) years of  
 39 age, and the parent, guardian, or custodian of an alleged victim who is  
 40 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive  
 41 notice of the hearing and are entitled to attend the hearing. The  
 42 defendant and the defendant's counsel are entitled to receive notice of



1 the hearing and are entitled to attend the hearing. If, following the  
 2 hearing, the court finds probable cause to believe that the defendant has  
 3 committed an offense and that a bodily fluid was transmitted from the  
 4 defendant to the alleged victim in connection with the commission of  
 5 the offense, the court may order the defendant to submit to a screening  
 6 test for one (1) or more serious diseases. ~~If the defendant is charged~~  
 7 ~~with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3)~~  
 8 ~~involving placing bodily fluid or waste on another person, the court~~  
 9 ~~may limit testing under this subsection to a test only for human~~  
 10 ~~immunodeficiency virus (HIV). However, the court may order~~  
 11 ~~additional testing for human immunodeficiency virus (HIV) as may be~~  
 12 ~~medically appropriate.~~ The court shall take actions to ensure the  
 13 confidentiality of evidence introduced at the hearing.

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

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

23 (g) The results of a screening test conducted under this section shall  
 24 be kept confidential if the defendant ordered to submit to the screening  
 25 test under this section has not been convicted of the potentially disease  
 26 transmitting offense or offense involving the transmission of a bodily  
 27 fluid with which the defendant is charged. The results may not be made  
 28 available to any person or public or private agency other than the  
 29 following:

- 30 (1) The defendant and the defendant's counsel.
- 31 (2) The prosecuting attorney.
- 32 (3) The department of correction or the penal facility, juvenile  
 33 detention facility, or secure private facility where the defendant  
 34 is housed.
- 35 (4) The alleged victim or the parent, guardian, or custodian of an  
 36 alleged victim who is less than eighteen (18) years of age, or the  
 37 parent, guardian, or custodian of an alleged victim who is an  
 38 endangered adult (as defined in IC 12-10-3-2), and the alleged  
 39 victim's counsel.

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



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

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

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

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

16 (k) A person that knowingly or intentionally:

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

21 commits a Class B misdemeanor.

22 SECTION 6. IC 16-41-10-2.5, AS AMENDED BY P.L.112-2020,  
 23 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2021]: Sec. 2.5. (a) A patient (including a patient who is  
 25 unable to consent due to physical or mental incapacity) to whose blood  
 26 or body fluids an emergency medical services provider, a health care  
 27 provider, or a law enforcement officer is exposed as described in  
 28 section 2 of this chapter is considered to have consented to:

- 29 (1) testing for the presence of a serious communicable disease of  
 30 a type that has been epidemiologically demonstrated to be  
 31 transmittable by an exposure of the kind experienced by the  
 32 emergency medical services provider, health care provider, or law  
 33 enforcement officer; and
- 34 (2) release of the testing results to a medical director or physician  
 35 described in section 3 of this chapter.

36 The medical director or physician shall notify the emergency medical  
 37 services provider, health care provider, or law enforcement officer of  
 38 the test results.

39 (b) If a patient described in subsection (a) refuses to provide a blood  
 40 or body fluid specimen for testing for a serious communicable disease,  
 41 the exposed emergency medical services provider, health care provider,  
 42 or law enforcement officer, the exposed emergency medical services





1 provider's, health care provider's, or law enforcement officer's  
 2 employer, or the state department may petition the circuit or superior  
 3 court having jurisdiction in the county:

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

5 (2) where the employer of the exposed emergency medical  
 6 services provider, health care provider, or law enforcement officer  
 7 has the employer's principal office;

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

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

25 SECTION 7. IC 16-41-12-15, AS AMENDED BY P.L.133-2020,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 15. (a) A blood center shall require a blood donor  
 28 to provide to the blood center the following information:

29 (1) Name.

30 (2) Address.

31 (3) Date of birth.

32 (4) The blood donor's Social Security number, if the blood donor  
 33 is receiving monetary compensation for the donation.

34 (b) A blood center shall report the name and address of a blood  
 35 donor to the state department when a confirmatory test of the blood  
 36 donor's blood confirms the presence of antibodies to the human  
 37 immunodeficiency virus (HIV).

38 (c) A blood center shall provide to a blood donor information to  
 39 enable the blood donor to give informed consent to the procedures  
 40 required by this chapter or IC 16-36. The information required by this  
 41 subsection must be in the following form:

42 NOTICE

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

3 (2) This blood center reports to the state department of health the  
4 name and address of a blood donor when a confirmatory test of  
5 the blood donor's blood confirms the presence of antibodies to the  
6 human immunodeficiency virus (HIV).

7 ~~(3) A person who recklessly, knowingly, or intentionally donates~~  
8 ~~(excluding self-donations for stem cell transplantation, other~~  
9 ~~autologous donations, or donations not intended by the blood~~  
10 ~~center for distribution or use); sells, or transfers blood that~~  
11 ~~contains antibodies for the human immunodeficiency virus (HIV)~~  
12 ~~commits a criminal offense as described in IC 35-45-21-1.~~

13 SECTION 8. IC 16-41-14-13, AS AMENDED BY P.L.133-2020,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2021]: Sec. 13. A practitioner shall provide information to a  
16 semen donor to enable the semen donor to give informed consent to the  
17 procedures required by this chapter. The information required by this  
18 section must be in the following form:

19 NOTICE

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

22 (2) This facility reports to the state department of health the name  
23 and address of a semen donor or recipient when a confirmatory  
24 test of the semen donor's blood or the recipient's blood confirms  
25 the presence of antibodies to the human immunodeficiency virus  
26 (HIV).

27 ~~(3) A person who, for the purpose of artificial insemination,~~  
28 ~~recklessly, knowingly, or intentionally donates, sells, or transfers~~  
29 ~~semen that contains antibodies for the human immunodeficiency~~  
30 ~~virus (HIV) commits a criminal offense as described in~~  
31 ~~IC 35-45-21-1.~~

32 SECTION 9. IC 16-41-14-17 IS REPEALED [EFFECTIVE JULY  
33 1, 2021]. Sec. 17. (a) This section does not apply to a person who  
34 transfers for research purposes semen that contains antibodies for the  
35 human immunodeficiency virus (HIV):

36 ~~(b) A person who, for the purpose of artificial insemination,~~  
37 ~~recklessly, knowingly, or intentionally donates, sells, or transfers semen~~  
38 ~~that contains antibodies for the human immunodeficiency virus (HIV)~~  
39 ~~commits transferring contaminated semen, a Level 5 felony. The~~  
40 ~~offense is a Level 4 felony if the offense results in the transmission of~~  
41 ~~the virus to another person.~~

42 SECTION 10. IC 20-19-8-3, AS AMENDED BY P.L.92-2020,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 3. (a) The legislative council is urged to assign to  
3 the study committee during the 2019, 2020, 2021, and 2022 interims  
4 the study of the following:

5 (1) How to do the following:

6 (A) Eliminate, reduce, or streamline the number of education  
7 mandates placed on schools.

8 (B) Streamline fiscal and compliance reporting to the general  
9 assembly on a sustainable and systematic basis.

10 (2) During the 2019 interim, the following:

11 (A) The following provisions:

12 IC 5-2-10.1-11 (school safety specialist).

13 IC 5-11-1-27 (local government internal control standards).

14 IC 20-20-40-13 (restraint and seclusion; notice requirement;  
15 training; elements of the restraint and seclusion plan).

16 IC 20-26-5-34.2 (bullying prevention; training for  
17 employees and volunteers).

18 IC 20-26-13 (graduation rate determination).

19 IC 20-26-16-4 (school corporation police officer minimum  
20 training requirements).

21 IC 20-26-18 (criminal gang measures).

22 IC 20-26-18.2 (school resource officers).

23 IC 20-28-3-4.5 (training on child abuse and neglect).

24 IC 20-28-3-6 (youth suicide awareness and prevention  
25 training).

26 IC 20-28-3-7 (training on human trafficking).

27 IC 20-34-7 (student athletes: concussions and head injuries).

28 (B) The relation, if applicable, of any requirements under  
29 provisions listed in clause (A) with the following federal  
30 provisions, and whether any of the requirements under  
31 provisions listed in clause (A) or other state law can be  
32 streamlined with the federal provisions to alleviate  
33 administrative burdens for schools:

34 29 CFR 1910.1030 (bloodborne pathogens).

35 29 CFR 1910.147 (lock out/tag out).

36 (3) During the 2020 interim, the following:

37 (A) The following provisions:

38 IC 5-11-1-27 (local government internal control standards).

39 IC 5-22-8-2 (purchases below fifty thousand dollars  
40 (\$50,000)).

41 IC 20-19-6.2 (Indiana family friendly school designation  
42 program).



1 IC 20-26-3-5 (constitutional or statutory exercise of powers;  
 2 written policy).  
 3 IC 20-26-5-1 (power and purpose to conduct various  
 4 education programs).  
 5 IC 20-26-5-10 (adoption of criminal history background and  
 6 child protection index check policy; implementation of  
 7 policy).  
 8 IC 20-26-5-34.4 (child suicide awareness and prevention).  
 9 IC 20-33-2-14 (compulsory attendance; school corporation  
 10 policy; exceptions; service as page or honoree of general  
 11 assembly).  
 12 IC 20-33-8-12 (adoption of discipline rules; publicity  
 13 requirement; discipline policy regulations and guidelines;  
 14 delegation of authority; rulemaking powers of governing  
 15 body).  
 16 IC 20-33-8-13.5 (discipline rules prohibiting bullying  
 17 required).  
 18 IC 20-33-8-32 (locker searches).  
 19 IC 20-43-10-3.5 (teacher appreciation grants).  
 20 410 IAC 33-4-3 (vehicles idling).  
 21 410 IAC 33-4-7 (policy for animals in the classroom).  
 22 410 IAC 33-4-8 (policy to minimize student exposure to  
 23 chemicals).  
 24 511 IAC 6-10-4 (postsecondary enrollment program local  
 25 policies).  
 26 511 IAC 6.1-5-9 (required homework policy).  
 27 511 IAC 6.1-5-10 (policy prohibiting retaining students for  
 28 athletic purposes).  
 29 511 IAC 7-36-9 (medication administration).  
 30 511 IAC 7-42-10 (least restrictive environment and delivery  
 31 of special education and related services).  
 32 (B) The relation, if applicable, of any requirements under  
 33 provisions listed in clause (A) with the following federal  
 34 provisions, and whether any of the requirements under  
 35 provisions listed in clause (A) or any other state law can be  
 36 streamlined with the federal provisions to alleviate  
 37 administrative burdens for schools:  
 38 20 U.S.C. 1232h(c) and 34 CFR 98.3 (parental access to  
 39 instructional materials).  
 40 20 U.S.C. 6318(a)(2) (parent and family engagement).  
 41 20 U.S.C. 7961(h)(1) (Gun-Free Schools Act).  
 42 41 U.S.C. 8103 and 34 CFR 84 (drug-free workplace).



- 1 42 U.S.C. 1751 through 42 U.S.C. 1769 (school lunch).  
 2 7 CFR 210.31 (local school wellness policy).  
 3 (4) During the 2021 interim, the following:  
 4 (A) The following provisions:  
 5 IC 5-3-1-3(b) through IC 5-3-1-3(e) and IC 5-3-1-3(g)  
 6 (publication of annual financial report).  
 7 IC 20-18-2-2.7 (definition of "curricular material").  
 8 IC 20-19-2-8 (adoption of administrative rules by the state  
 9 board).  
 10 IC 20-19-2-16 (federal aid concerning children with  
 11 disabilities).  
 12 IC 20-19-3-9.4 (disclosure of student test number  
 13 information).  
 14 IC 20-20-8-8 (school corporation annual performance  
 15 report).  
 16 IC 20-20-33 (alternative education program grants).  
 17 IC 20-26-13 (graduation rate determination).  
 18 IC 20-28-5-1 (department's responsibility for licensing  
 19 teachers).  
 20 IC 20-28-11.5-9 (staff performance evaluation reporting).  
 21 IC 20-30-8 (alternative program for certain students).  
 22 IC 20-33-2-3.2 (definition of "attend").  
 23 IC 20-33-5-7 (public schools; curricular material assistance;  
 24 state reimbursement).  
 25 IC 20-34-6 (student safety reporting).  
 26 IC 20-35-5-2 (formation of special education cooperative).  
 27 IC 20-36 (high ability students).  
 28 IC 20-43-1-3 (definition of "honors designation award").  
 29 IC 20-43-4-2 (determination of ADM).  
 30 IC 20-43-10-3 (determination of annual performance grant).  
 31 IC 21-12-10 (eligibility for Mitch Daniels early graduation  
 32 scholarship).  
 33 511 IAC 6-9.1 (waiver of curriculum and graduation rules  
 34 for high ability students).  
 35 511 IAC 6.2-3.1 (reading plan).  
 36 511 IAC 7-46-4 (child count data collection).  
 37 511 IAC 10-6-4(a)(1) (staff evaluation measures).  
 38 511 IAC 16-2-7 (creditable experience for licensing).  
 39 (B) The relation, if applicable, of any requirements under  
 40 provisions listed in clause (A) with the following federal  
 41 provisions and whether any of the requirements under  
 42 provisions listed in clause (A) or other state law can be



- 1 streamlined with the federal provisions to alleviate  
 2 administrative burdens for schools:  
 3 20 U.S.C. 3413(c)(1) (civil rights data collection).  
 4 Individuals with Disabilities Education Act (IDEA), Section  
 5 618 Part C (child count reporting requirements).  
 6 Elementary and Secondary Education Act of 1965 (ESEA),  
 7 Section 8303, as amended by the Every Student Succeeds  
 8 Act (ESSA) (consolidated reporting).  
 9 34 CFR 300.601 (state performance plans and data  
 10 collection).
- 11 (5) During the 2022 interim, the following provisions:  
 12 IC 20-30-5-5.5 (instruction on bullying prevention).  
 13 IC 20-30-5-5.7 (child abuse and child sexual abuse).  
 14 IC 20-30-5-7 (required curriculum).  
 15 IC 20-30-5-8 (safety instruction).  
 16 IC 20-30-5-9 (hygiene instruction).  
 17 IC 20-30-5-10 (disease instruction).  
 18 IC 20-30-5-11 (drug education).  
 19 IC 20-30-5-12 (~~AIDS education~~): **(Human immunodeficiency**  
 20 **virus (HIV) education).**  
 21 IC 20-30-5-13 (human sexuality and sexually transmitted  
 22 diseases instructional requirements).  
 23 IC 20-30-5-14 (career awareness and development).  
 24 IC 20-30-5-15 (breast cancer and testicular cancer education).  
 25 IC 20-30-5-16 (human organ and blood donor program  
 26 education).  
 27 IC 20-30-5-17 (access to materials; consent for participation).  
 28 IC 20-30-5-18 (meningitis information).  
 29 IC 20-30-5-19 (personal financial responsibility instruction).  
 30 IC 20-30-5-20 (instruction in cardiopulmonary resuscitation).  
 31 IC 20-30-5-23 (computer studies).
- 32 (b) The study committee shall include in its annual report for each  
 33 interim the study committee's recommendations, including any  
 34 recommendations to the general assembly as to whether a provision  
 35 described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or (a)(5) should  
 36 repealed or whether the provision may be improved to lessen the  
 37 administrative burden placed on schools.
- 38 (c) This chapter expires January 1, 2023.
- 39 SECTION 11. IC 34-30-2-149.5, AS AMENDED BY P.L.86-2018,  
 40 SECTION 320, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2021]: Sec. 149.5. (a) IC 35-38-1-10.5  
 42 (Concerning a person who makes a report or testifies in court regarding



1 the results of a test for the human immunodeficiency virus (HIV) or  
 2 another dangerous a serious disease performed on an individual  
 3 convicted of certain crimes).

4 (b) IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement  
 5 officer, or prosecuting attorney for an error or omission in the  
 6 transportation of fingerprints, case history data, or sentencing data).

7 SECTION 12. IC 35-31.5-2-52 IS REPEALED [EFFECTIVE JULY  
 8 1, 2021]. Sec. 52: "~~Component~~", for purposes of IC 35-45-21-1, has the  
 9 meaning set forth in IC 35-45-21-1(a).

10 SECTION 13. IC 35-31.5-2-83.3 IS REPEALED [EFFECTIVE  
 11 JULY 1, 2021]. Sec. 83.3: "~~Dangerous sexually transmitted disease~~"  
 12 means:

- 13 (1) the human immunodeficiency virus (HIV);
- 14 (2) herpes;
- 15 (3) gonorrhea;
- 16 (4) syphilis;
- 17 (5) chlamydia; or
- 18 (6) hepatitis.

19 SECTION 14. IC 35-31.5-2-292.9 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2021]: Sec. 292.9. "**Serious sexually**  
 22 **transmitted disease**" means:

- 23 (1) the human immunodeficiency virus (HIV);
- 24 (2) herpes;
- 25 (3) gonorrhea;
- 26 (4) syphilis;
- 27 (5) chlamydia; or
- 28 (6) hepatitis.

29 SECTION 15. IC 35-38-1-9.5, AS AMENDED BY P.L.125-2007,  
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 9.5. A probation officer shall obtain confidential  
 32 information from the state department of health under IC 16-41-8-1 to  
 33 determine whether a convicted person was a **carrier of an individual**  
 34 **with** the human immunodeficiency virus (HIV) when the crime was  
 35 committed if the person is:

- 36 (1) convicted of an offense relating to a criminal sexual act and  
 37 the offense created an epidemiologically demonstrated risk of  
 38 transmission of the human immunodeficiency virus (HIV); or
- 39 (2) convicted of an offense relating to controlled substances and  
 40 the offense involved:
  - 41 (A) the delivery by any person to another person; or
  - 42 (B) the use by any person on another person;



1 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 2 paraphernalia that creates an epidemiologically demonstrated risk  
 3 of transmission of HIV by involving percutaneous contact.

4 SECTION 16. IC 35-38-1-10.5, AS AMENDED BY P.L.86-2018,  
 5 SECTION 333, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) The court:

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

9 (A) convicted of an offense relating to a criminal sexual act  
 10 and the offense created an epidemiologically demonstrated  
 11 risk of transmission of the human immunodeficiency virus  
 12 (HIV); or

13 (B) convicted of an offense relating to controlled substances  
 14 and the offense involved:

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

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

17 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 18 paraphernalia that creates an epidemiologically demonstrated  
 19 risk of transmission of HIV by involving percutaneous contact;  
 20 and

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

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

27 (c) If the confirmatory test confirms the presence of the HIV  
 28 antibodies, the court shall report the results to the state department of  
 29 health and require a probation officer to conduct a presentence  
 30 investigation to:

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

33 (2) determine whether the convicted person had received risk  
 34 counseling that included information on the behavior that  
 35 facilitates the transmission of HIV.

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

37 (1) makes a report required to be made under this section; or

38 (2) testifies in a judicial proceeding on matters arising from the  
 39 report;

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

42 (e) The privileged communication between a husband and wife or





1 between a health care provider and the health care provider's patient is  
2 not a ground for excluding information required under this section.

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

7 SECTION 17. IC 35-42-4-3, AS AMENDED BY P.L.187-2015,  
8 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 3. (a) A person who, with a child under fourteen  
10 (14) years of age, knowingly or intentionally performs or submits to  
11 sexual intercourse or other sexual conduct (as defined in  
12 IC 35-31.5-2-221.5) commits child molesting, a Level 3 felony.  
13 However, the offense is a Level 1 felony if:

14 (1) it is committed by a person at least twenty-one (21) years of  
15 age;

16 (2) it is committed by using or threatening the use of deadly force  
17 or while armed with a deadly weapon;

18 (3) it results in serious bodily injury;

19 (4) the commission of the offense is facilitated by furnishing the  
20 victim, without the victim's knowledge, with a drug (as defined in  
21 IC 16-42-19-2(1)) or a controlled substance (as defined in  
22 IC 35-48-1-9) or knowing that the victim was furnished with the  
23 drug or controlled substance without the victim's knowledge; or

24 (5) it results in the transmission of a ~~dangerous~~ **serious** sexually  
25 transmitted disease and the person knew that the person was  
26 infected with the disease.

27 (b) A person who, with a child under fourteen (14) years of age,  
28 performs or submits to any fondling or touching, of either the child or  
29 the older person, with intent to arouse or to satisfy the sexual desires of  
30 either the child or the older person, commits child molesting, a Level  
31 4 felony. However, the offense is a Level 2 felony if:

32 (1) it is committed by using or threatening the use of deadly force;

33 (2) it is committed while armed with a deadly weapon; or

34 (3) the commission of the offense is facilitated by furnishing the  
35 victim, without the victim's knowledge, with a drug (as defined in  
36 IC 16-42-19-2(1)) or a controlled substance (as defined in  
37 IC 35-48-1-9) or knowing that the victim was furnished with the  
38 drug or controlled substance without the victim's knowledge.

39 (c) A person may be convicted of attempted child molesting of an  
40 individual at least fourteen (14) years of age if the person believed the  
41 individual to be a child under fourteen (14) years of age at the time the  
42 person attempted to commit the offense.



1 (d) It is a defense to a prosecution under this section that the  
 2 accused person reasonably believed that the child was sixteen (16)  
 3 years of age or older at the time of the conduct, unless:

4 (1) the offense is committed by using or threatening the use of  
 5 deadly force or while armed with a deadly weapon;

6 (2) the offense results in serious bodily injury; or

7 (3) the commission of the offense is facilitated by furnishing the  
 8 victim, without the victim's knowledge, with a drug (as defined in  
 9 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 10 IC 35-48-1-9) or knowing that the victim was furnished with the  
 11 drug or controlled substance without the victim's knowledge.

12 SECTION 18. IC 35-45-16-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. ~~(a)~~ As used in this  
 14 chapter, "HIV" refers to the human immunodeficiency virus.

15 ~~(b) The term includes acquired immune deficiency syndrome~~  
 16 ~~(AIDS) and AIDS related complex.~~

17 SECTION 19. IC 35-45-21-1 IS REPEALED [EFFECTIVE JULY  
 18 1, 2021]. Sec. ~~1~~. ~~(a)~~ As used in this section, "blood" has the meaning  
 19 set forth in IC ~~16-41-12-2.5~~.

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

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

27 ~~(d) This section does not apply to:~~

28 ~~(1) a person who; for reasons of privacy; donates; sells; or~~  
 29 ~~transfers blood at a blood center (as defined in IC 16-41-12-3)~~  
 30 ~~after the person has notified the blood center that the blood must~~  
 31 ~~be disposed of and may not be used for any purpose;~~

32 ~~(2) a person who transfers blood semen; or another body fluid that~~  
 33 ~~contains the human immunodeficiency virus (HHV) for research~~  
 34 ~~purposes; or~~

35 ~~(3) a person who is an autologous blood donor for stem cell~~  
 36 ~~transplantation.~~

37 SECTION 20. IC 35-52-16-58 IS REPEALED [EFFECTIVE JULY  
 38 1, 2021]. Sec. ~~58~~. IC ~~16-41-14-17~~ defines a crime concerning  
 39 communicable diseases.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1340 as introduced.)

BARRETT

Committee Vote: Yeas 11, Nays 0

