

SENATE BILL No. 80

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41; IC 20-33-8-31; IC 20-35-12-1; IC 22-15-6; IC 35-52-16; IC 36-1-8.5-3.

Synopsis: Indiana Code publication bill. Addresses nonsubstantive problems not suitable for inclusion in the annual Technical Corrections bill, including resolution of the conflicts between versions of sections that were both amended and repealed during the 2019 legislative session. (The introduced version of this bill was prepared by the code revision commission.)

Effective: July 1, 2020.

**Young M, Freeman, Breaux,
Taylor G**

January 6, 2020, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 80

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

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

1 SECTION 1. IC 16-41-12-15, AS AMENDED BY P.L.168-2014,
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 15. (a) A blood center shall require a blood donor
4 to provide to the blood center the following information:
5 (1) Name.
6 (2) Address.
7 (3) Date of birth.
8 (4) The blood donor's Social Security number, if the blood donor
9 is receiving monetary compensation for the donation.
10 (b) A blood center shall report the name and address of a blood
11 donor to the state department when a confirmatory test of the blood
12 donor's blood confirms the presence of antibodies to the human
13 immunodeficiency virus (HIV).
14 (c) A blood center shall provide to a blood donor information to
15 enable the blood donor to give informed consent to the procedures
16 required by this chapter or IC 16-36. The information required by this
17 subsection must be in the following form:

2020

IN 80—LS 6177/DI 112



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

NOTICE

- (1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.
- (2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).
- (3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, other autologous donations, or donations not intended by the blood center for distribution or use), sells, or transfers blood that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated blood, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 2. IC 16-41-14-13, AS AMENDED BY P.L.158-2013, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. A practitioner shall provide information to a semen donor to enable the semen donor to give informed consent to the procedures required by this chapter. The information required by this section must be in the following form:

NOTICE

- (1) This facility performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.
- (2) This facility reports to the state department of health the name and address of a semen donor or recipient when a confirmatory test of the semen donor's blood or the recipient's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).
- (3) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 3. IC 20-33-8-31, AS AMENDED BY P.L.94-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) If a student is suspended from school or from any educational function under this chapter, the student's absence from school because of the suspension is not a violation of:



1 (1) IC 20-33-2; or

2 (2) any other statute relating to compulsory school attendance.

3 (b) If a student is expelled from school or from any educational
4 function under this chapter, the student's absence from school because
5 of the expulsion is a violation of IC 20-33-2 or any other statute
6 relating to compulsory school attendance if the student may enroll in:

7 (1) an alternative education program in the county or in a county
8 immediately adjacent to the county containing the school
9 corporation from which the student was expelled; or

10 (2) a virtual charter school; ~~if the student does not enroll in a~~
11 ~~program or school described in subdivision (1) or (2);~~

12 during the student's expulsion. In the event an alternative education
13 program or virtual charter school is not available for a student to attend
14 under this subsection, the student's expulsion is not a violation of
15 IC 20-33-2 or any other statute relating to compulsory school
16 attendance.

17 SECTION 4. IC 20-35-12-1, AS ADDED BY P.L.260-2019,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2020]: Sec. 1. This chapter applies to children who are:

20 (1) less than ~~ten (10)~~ **eleven (11)** years of age; and

21 (2) deaf or hard of hearing.

22 SECTION 5. IC 22-15-6-4, AS AMENDED BY P.L.249-2019,
23 SECTION 35, IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 4: (a)~~

24 As used in this chapter, "inspection agency" means:

25 (1) an insurance company inspection agency; or

26 (2) an owner or user inspection agency licensed under section 6
27 of this chapter.

28 (b) A boiler and pressure vessel inspector licensed under section 5
29 of this chapter and employed by an inspection agency may perform any
30 of the following:

31 (1) An inspection required by section 2 of this chapter.

32 (2) The issuance of a permit under section 2 of this chapter.

33 (3) The issuance of an appropriate order under IC 22-12-7 when
34 an equipment law has been violated.

35 (c) The authority of an inspector acting under this chapter is limited
36 to enforcement related to regulated boilers or pressure vessels insured,
37 owned, or operated by the inspection agency employing the inspector.

38 (d) Unless an annual report is substituted under subsection (c), an
39 inspection agency shall, within thirty (30) days after the completion of
40 an inspection, submit to the office the report required by the
41 commission. In addition to any other information required by the
42 commission, the inspector conducting the inspection shall cite on the



1 report any violation of the equipment law applicable to the regulated
2 boiler or pressure vessel.

3 (e) In the case of boilers or pressure vessels inspected by an owner
4 or user inspection agency, an annual report filed on or before the
5 annual date as the commission may prescribe for each report may be
6 substituted. An annual report of an owner or user inspection agency
7 must list, by number and abbreviated description necessary for
8 identification, each boiler and pressure vessel inspected during the
9 covered period; the date of the last inspection of each unit; and for each
10 pressure vessel the approximate date for its next inspection under the
11 rules of the commission. Each annual report of an owner or user
12 inspection must also contain the certificate of a professional engineer
13 registered under IC 25-31 and having supervision over the inspections
14 reported; swearing or affirming under penalty of perjury that each
15 inspection was conducted in conformity with the equipment laws.

16 (f) An owner or user inspection agency shall pay the fee set under
17 IC 22-12-6 with a report under subsection (e).

18 (g) In addition to the reports required by subsections (d) and (e), an
19 owner, a user, or an inspection agency shall immediately notify the
20 division when an incident occurs to render a boiler or pressure vessel
21 inoperative.

22 (h) An inspection agency, an owner, or a user that violates this
23 section is subject to a disciplinary action under IC 22-12-7.

24 SECTION 6. IC 22-15-6-6, AS AMENDED BY P.L.249-2019,
25 SECTION 37, IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 6: (a)
26 The division shall issue a license to act as an owner or user boiler and
27 pressure vessel inspection agency to an applicant who qualifies under
28 this section.

29 (b) A license issued under this section expires if the bond required
30 by subsection (c)(3) becomes invalid.

31 (c) To qualify for a license under this section an applicant must:

32 (1) submit the name and address of the applicant;

33 (2) submit proof that inspections will be supervised by one (1) or
34 more professional engineers licensed under IC 25-31 and
35 regularly employed by the applicant;

36 (3) provide a surety bond issued by a surety qualified to do
37 business in Indiana for one hundred thousand dollars (\$100,000);
38 made payable to the division and conditioned upon compliance
39 with the equipment laws applicable to inspections and the true
40 accounting for all funds due to the division; and

41 (4) pay the fee set under IC 22-12-6-6(a)(9).

42 (d) An owner or user boiler and pressure vessel inspection agency



1 licensee under this section shall maintain with the division the most
 2 current name and address of the licensee and the name of the
 3 professional engineer supervising the licensee's inspections and notify
 4 the division of any changes within thirty (30) days after the change
 5 occurs. An inspection agency that violates this subsection is subject to
 6 a disciplinary action under IC 22-12-7.

7 (e) The commission may establish standards for the operation of
 8 inspection agencies:

9 (f) An inspection agency that violates this section is subject to a
 10 disciplinary action under IC 22-12-7.

11 SECTION 7. IC 35-52-16-51 IS REPEALED [EFFECTIVE JULY
 12 1, 2020]. Sec. 51. IC 16-41-12-15 defines a crime concerning
 13 communicable diseases:

14 SECTION 8. IC 35-52-16-55 IS REPEALED [EFFECTIVE JULY
 15 1, 2020]. Sec. 55. IC 16-41-14-13 defines a crime concerning
 16 communicable diseases:

17 SECTION 9. IC 36-1-8.5-3, AS AMENDED BY P.L.191-2015,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 3. As used in this chapter, "judge" means an
 20 individual who holds or formerly held office as:

- 21 (1) a judge of the supreme court, court of appeals, tax court,
 22 circuit court, superior court, municipal court, county court, federal
 23 court, **probate court**, or small claims court; or
 24 (2) a magistrate, commissioner, or juvenile referee of a court.

