



January 25, 2017

SENATE BILL No. 175

DIGEST OF SB 175 (Updated January 23, 2017 11:53 am - DI 84)

Citations Affected: IC 16-36.

Synopsis: Health care consent. Provides that a grandparent may consent to health care for a grandchild incapable of consenting if a health care representative has not been appointed, is not reasonably available, declines to act, or is unknown to the health care provider. Provides that a grandparent may consent to health care for a minor grandchild if: (1) there is not a guardian or other representative; or (2) a parent, an individual in loco parentis, or an adult sibling is not reasonably available, declines to act, or is unknown to the health care provider.

Effective: July 1, 2017.

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January 9, 2017, read first time and referred to Committee on Civil Law.
January 24, 2017, reported favorably — Do Pass.

SB 175—LS 6750/DI 104



January 25, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 175

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 16-36-1-5, AS AMENDED BY P.L.81-2015,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 5. (a) If an individual incapable of consenting
4 under section 4 of this chapter has not appointed a health care
5 representative under section 7 of this chapter or the health care
6 representative appointed under section 7 of this chapter is not
7 reasonably available or declines to act, consent to health care may be
8 given:
9 (1) by a judicially appointed guardian of the person or a
10 representative appointed under section 8 of this chapter; or
11 (2) by a spouse, a parent, an adult child, ~~or~~ an adult sibling, **or a**
12 **grandparent**, unless disqualified under section 9 of this chapter,
13 if:
14 (A) there is no guardian or other representative described in
15 subdivision (1);
16 (B) the guardian or other representative is not reasonably
17 available or declines to act; or

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- 1 (C) the existence of the guardian or other representative is
 2 unknown to the health care provider; or
 3 (3) by the individual's religious superior, if the individual is a
 4 member of a religious order and:
 5 (A) there is no guardian or other representative described in
 6 subdivision (1);
 7 (B) the guardian or other representative is not reasonably
 8 available or declines to act; or
 9 (C) the existence of the guardian or other representative is
 10 unknown to the health care provider.
 11 (b) Consent to health care for a minor not authorized to consent
 12 under section 3 of this chapter may be given by any of the following:
 13 (1) A judicially appointed guardian of the person or a
 14 representative appointed under section 8 of this chapter.
 15 (2) A parent or an individual in loco parentis if:
 16 (A) there is no guardian or other representative described in
 17 subdivision (1);
 18 (B) the guardian or other representative is not reasonably
 19 available or declines to act; or
 20 (C) the existence of the guardian or other representative is
 21 unknown to the health care provider.
 22 (3) An adult sibling of the minor if:
 23 (A) there is no guardian or other representative described in
 24 subdivision (1);
 25 (B) a parent or an individual in loco parentis is not reasonably
 26 available or declines to act; or
 27 (C) the existence of the parent or individual in loco parentis is
 28 unknown to the health care provider.
 29 **(4) A grandparent of the minor if:**
 30 **(A) there is no guardian or other representative described**
 31 **in subdivision (1);**
 32 **(B) a parent, an individual in loco parentis, or an adult**
 33 **sibling is not reasonably available or declines to act; or**
 34 **(C) the existence of the parent, individual in loco parentis,**
 35 **or adult sibling is unknown to the health care provider.**
 36 (c) A representative delegated authority to consent under section 6
 37 of this chapter has the same authority and responsibility as the
 38 individual delegating the authority.
 39 (d) An individual authorized to consent for another under this
 40 section shall act in good faith and in the best interest of the individual
 41 incapable of consenting.



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 175 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 0

