



January 25, 2019

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## SENATE BILL No. 352

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DIGEST OF SB 352 (Updated January 23, 2019 12:36 pm - DI 104)

**Citations Affected:** IC 16-36.

**Synopsis:** Consent to pregnancy services of a minor. Allows a minor who is at least 16 years of age and: (1) pregnant; (2) in labor; or (3) postpartum; to consent to health care concerning the pregnancy, delivery, and postpartum care. Makes technical corrections.

**Effective:** July 1, 2019.

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### Leising, Becker, Breaux

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January 10, 2019, read first time and referred to Committee on Health and Provider Services.  
January 24, 2019, amended, reported favorably — Do Pass.

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SB 352—LS 6659/DI 104





January 25, 2019

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

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

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

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

## SENATE BILL No. 352

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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 16-36-1-3, AS AMENDED BY P.L.4-2010,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsections (b)  
4 through (d), unless incapable of consenting under section 4 of this  
5 chapter, an individual may consent to the individual's own health care  
6 if the individual is:  
7 (1) an adult; or  
8 (2) a minor and:  
9 (A) is emancipated;  
10 (B) is:  
11 (i) at least fourteen (14) years of age;  
12 (ii) not dependent on a parent for support;  
13 (iii) living apart from the minor's parents or from an  
14 individual in loco parentis; and  
15 (iv) managing the minor's own affairs;  
16 (C) is or has been married;  
17 (D) is in the military service of the United States; or

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1           **(E) meets the requirements of section 3.5 of this chapter;**  
 2           **or**  
 3           ~~(E)~~ **(F)** is authorized to consent to the health care by any other  
 4           statute.

5           (b) A person at least seventeen (17) years of age is eligible to donate  
 6           blood in a voluntary and noncompensatory blood program without  
 7           obtaining parental permission.

8           (c) A person who is sixteen (16) years of age is eligible to donate  
 9           blood in a voluntary and noncompensatory blood program if the person  
 10          has obtained written permission from the person's parent.

11          (d) An individual who has, suspects that the individual has, or has  
 12          been exposed to a venereal disease is competent to give consent for  
 13          medical or hospital care or treatment of the individual.

14          SECTION 2. IC 16-36-1-3.5 IS ADDED TO THE INDIANA CODE  
 15          AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 16          1, 2019]: **Sec. 3.5. (a) This section does not apply to consent to the**  
 17          **provision of an abortion or completion of a POST form.**

18          **(b) A minor who:**

19                 **(1) is at least sixteen (16) years of age; and**

20                 **(2) is:**

21                         **(A) pregnant;**

22                         **(B) in labor; or**

23                         **(C) postpartum for a sixty (60) day period after the birth;**  
 24          **is competent to give consent for the minor's medical or hospital**  
 25          **care and treatment with respect to the pregnancy, delivery, and**  
 26          **postpartum care of the minor.**

27          SECTION 3. IC 16-36-6-7, AS AMENDED BY THE TECHNICAL  
 28          CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS  
 29          AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:  
 30          Sec. 7. (a) The following individuals may complete a POST form:

31                 (1) A qualified person who is:

32                         (A) either:

33                                 (i) at least eighteen (18) years of age; or

34                                 (ii) less than eighteen (18) years of age but authorized to  
 35                                 consent under IC 16-36-1-3(a)(2) **(except under**  
 36                                 **IC 16-36-1-3(a)(2)(E)); and**

37                                 (B) of sound mind.

38                 (2) A qualified person's representative, if the qualified person:

39                                 (A) is less than eighteen (18) years of age and is not authorized  
 40                                 to consent under IC 16-36-1-3(a)(2); or

41                                 (B) has been determined to be incapable of making decisions  
 42                                 about the qualified person's health care by a treating physician,



- 1 advanced practice **registered** nurse, or physician assistant  
2 acting in good faith and the representative has been:
- 3 (i) appointed by the individual under IC 16-36-1-7 to serve  
4 as the individual's health care representative;
- 5 (ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17  
6 as the individual's attorney in fact with authority to consent  
7 to or refuse health care for the individual;
- 8 (iii) appointed by a court as the individual's health care  
9 representative under IC 16-36-1-8; or
- 10 (iv) appointed by a court as the guardian of the person with  
11 the authority to make health care decisions under IC 29-3.
- 12 (b) In order to complete a POST form, a person described in  
13 subsection (a) and the qualified person's treating physician, advanced  
14 practice **registered** nurse, or physician assistant or the physician's,  
15 advanced practice **registered** nurse's, or physician assistant's designee  
16 must do the following:
- 17 (1) Discuss the qualified person's goals and treatment options  
18 available to the qualified person based on the qualified person's  
19 health.
- 20 (2) Complete the POST form, to the extent possible, based on the  
21 qualified person's preferences determined during the discussion  
22 in subdivision (1).
- 23 (c) When completing a POST form on behalf of a qualified person,  
24 a representative shall act:
- 25 (1) in good faith; and
- 26 (2) in:
- 27 (A) accordance with the qualified person's express or implied  
28 intentions, if known; or
- 29 (B) the best interest of the qualified person, if the qualified  
30 person's express or implied intentions are not known.
- 31 (d) A copy of the executed POST form shall be maintained in the  
32 qualified person's medical file.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 26, delete "Treatment under this section".

Page 2, delete line 27.

and when so amended that said bill do pass.

(Reference is to SB 352 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 1.

