



February 28, 2003

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## SENATE BILL No. 307

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DIGEST OF SB 307 (Updated February 26, 2003 4:11 PM - DI 104)

**Citations Affected:** IC 16-18; IC 16-41.

**Synopsis:** Duty to warn about sexually transmitted diseases. Provides that a person who knows that the person carries specified sexually transmitted diseases and who recklessly fails to warn the person's sexual partners of the status commits a Class C misdemeanor. Requires a physician who diagnoses, treats, or counsels a person who is a carrier of a sexually transmitted disease to inform the patient of the patient's duty to warn the person's sexual partners.

**Effective:** July 1, 2003.

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### Miller

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January 15, 2003, read first time and referred to Committee on Health and Provider Services.  
February 27, 2003, amended, reported favorably — Do Pass.

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SB 307—LS 7529/DI 104+



February 28, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## SENATE BILL No. 307

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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 16-18-2-328.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: **Sec. 328.2. "Sexual conduct" has the**  
4 **meaning set forth in IC 16-41-7-1.5(a).**

5 SECTION 2. IC 16-18-2-328.3 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2003]: **Sec. 328.3. "Sexually transmitted**  
8 **disease", for purposes of IC 16-41-7-1.5, includes the diseases set**  
9 **forth in IC 16-41-7-1.5(b).**

10 SECTION 3. IC 16-41-7-1.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2003]: **Sec. 1.5. (a) As used in this section, "sexual conduct"**  
13 **means physical contact that has been demonstrated**  
14 **epidemiologically to transmit a sexually transmitted disease.**

15 **(b) As used in this section, "sexually transmitted disease"**  
16 **includes the following diseases:**

17 **(1) Syphilis.**

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- 1           (2) Genital herpes.
- 2           (3) Gonorrhea.
- 3           (4) Chlamydia.
- 4           (5) Human papillomavirus.
- 5       (c) A person who:
- 6           (1) is a carrier of a sexually transmitted disease; and
- 7           (2) knows that the person carries a sexually transmitted
- 8           disease;
- 9       has a duty to warn a sexual partner, before engaging in sexual
- 10       conduct, of the person's sexually transmitted disease status and to
- 11       advise the sexual partner to seek health care such as counseling
- 12       and testing.
- 13       (d) A person who has engaged in sexual conduct has a duty to:
- 14           (1) warn the person's sexual partner if the person believes the
- 15           person carried a sexually transmitted disease at the time of
- 16           the sexual conduct; and
- 17           (2) advise the sexual partner to seek health care such as
- 18           counseling and testing.
- 19       (e) A person who recklessly violates this section commits a Class
- 20       C misdemeanor.
- 21       SECTION 4. IC 16-41-7-3.5 IS ADDED TO THE INDIANA CODE
- 22       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 23       1, 2003]: **Sec. 3.5. A licensed physician who diagnoses, treats, or**
- 24       **counsels a patient with a sexually transmitted disease specified in**
- 25       **section 1.5(b) of this chapter shall inform the patient of the**
- 26       **patient's duty under section 1.5 of this chapter.**
- 27       SECTION 5. IC 16-41-7-5, AS AMENDED BY P.L.1-1999,
- 28       SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29       JULY 1, 2003]: Sec. 5. (a) Except as provided in IC 35-42-1-9 **and**
- 30       **section 1.5 of this chapter**, a person who recklessly violates or fails to
- 31       comply with this chapter commits a Class B misdemeanor.
- 32       (b) Each day a violation continues constitutes a separate offense.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 307, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-328.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 328.2. "Sexual conduct" has the meaning set forth in IC 16-41-7-1.5(a).**"

Page 1, line 8, delete ""person at risk" refers" and insert ""**sexual conduct**" means".

Page 1, delete lines 9 through 12.

Page 1, line 13, delete "sexual" and insert "**physical**".

Page 2, line 9, delete "person at risk" and insert "**sexual partner, before engaging in sexual conduct,**".

Page 2, line 10, delete "person at risk" and insert "**sexual partner**".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

**"(d) A person who has engaged in sexual conduct has a duty to:**

**(1) warn the person's sexual partner if the person believes the person carried a sexually transmitted disease at the time of the sexual conduct; and**

**(2) advise the sexual partner to seek health care such as counseling and testing.**

**(e) A person who recklessly violates this section commits a Class C misdemeanor."**

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 5. IC 16-41-7-5, AS AMENDED BY P.L.1-1999, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as provided in IC 35-42-1-9 **and section 1.5 of this chapter**, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 307 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 1.

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