



March 30, 2005

**ENGROSSED
SENATE BILL No. 293**

DIGEST OF SB 293 (Updated March 29, 2005 2:25 pm - DI 77)

Citations Affected: IC 16-39; noncode.

Synopsis: Health related information disclosure. Provides for disclosure of certain information concerning a missing person. Requires the state department of health to request a determination that the provision is not preempted by the federal Health Insurance Portability and Accountability Act.

Effective: July 1, 2005.

Miller, Howard
(HOUSE SPONSOR — FRIZZELL)

January 6, 2005, read first time and referred to Committee on Health and Provider Services.

February 3, 2005, amended, reported favorably — Do Pass.

February 7, 2005, read second time, ordered engrossed.

February 8, 2005, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Public Health.

March 29, 2005, reported — Do Pass.

**C
o
p
y**

ES 293—LS 7207/DI 97+



March 30, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 293

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 16-39-10 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 10. Disclosure of Protected Health Information**

5 **Sec. 1. As used in this chapter, "covered entity" has the meaning**
6 **set forth in 45 CFR 160.103 as in effect on November 4, 2004.**

7 **Sec. 2. As used in this chapter, "law enforcement official" has**
8 **the meaning set forth in 45 CFR 164.501 as in effect on November**
9 **4, 2004.**

10 **Sec. 3. As used in this chapter, "protected health information"**
11 **has the meaning set forth in 45 CFR 160.103 as in effect on**
12 **November 4, 2004.**

13 **Sec. 4. A covered entity may disclose the following protected**
14 **health information to a law enforcement official who requests the**
15 **protected health information for the purpose of identifying or**
16 **locating a missing person:**

17 (1) **Contact information, including family, personal**

ES 293—LS 7207/DI 97+



C
O
P
Y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

representative, and friends of the individual.

(2) Previous addresses of the individual and the individual's family, personal representative, and friends.

SECTION 2. [EFFECTIVE JULY 1, 2005] (a) The state department of health shall, not later than September 1, 2005, request that the secretary of the United States Department of Health and Human Services make a determination under 45 CFR 160.204 that IC 16-39-10, as added by this act, is not preempted by 45 CFR 164 because an intrusion into privacy that may result from implementing this chapter is warranted when balanced against a compelling state interest, including a public health, safety, or welfare need to identify or locate a missing person.

(b) Upon receiving a determination from the secretary concerning a request made under subsection (a), the state department of health shall:

(1) publish the determination on the state department's Internet web site; and

(2) forward the results of the determination to:

(A) the licensing authority for each covered entity;

(B) each law enforcement agency in Indiana; and

(C) the executive director of the legislative services agency.

(c) This SECTION expires December 31, 2008.

C
O
P
Y



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 293, 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, delete lines 1 through 17.
- Page 2, delete lines 1 through 20.
- Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 293 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 293.

MILLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 293, 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.

BECKER, Chair

Committee Vote: yeas 8, nays 0.

C
O
P
Y

