

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 581, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 16-41-6-1, AS AMENDED BY P.L.94-2010,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 1. (a) Except as provided in IC 16-41-8-6,
6 IC 16-41-10-2.5, and subsection (b), a person may ~~not~~ perform a
7 screening or confirmatory test for the antibody or antigen to HIV
8 ~~without the oral or written consent of~~ **unless** the individual to be tested
9 or a representative as authorized under IC 16-36-1 **has indicated in**
10 **writing that the individual refuses to consent to the test.** A
11 physician ordering the test or the physician's authorized representative
12 shall document ~~whether or not~~ **the refusal by an individual or the**
13 **individual's representative. has consented.** The test for the antibody
14 or antigen to HIV may not be performed on a woman under section 5
15 or 6 of this chapter if the woman refuses under section 7 of this chapter
16 to consent to the test.
17 (b) The test for the antibody or antigen to HIV may be performed if
18 one (1) of the following conditions exists:
19 (1) If ordered by a physician who has obtained a health care
20 consent under IC 16-36-1 or ~~an implied consent under emergency~~

- 1 ~~circumstances~~ and the test is medically necessary to diagnose or
 2 treat the patient's condition.
- 3 (2) Under a court order based on clear and convincing evidence
 4 of a serious and present health threat to others posed by an
 5 individual. A hearing held under this subsection shall be held in
 6 camera at the request of the individual.
- 7 (3) If the test is done on blood collected or tested anonymously as
 8 part of an epidemiologic survey under IC 16-41-2-3 or
 9 IC 16-41-17-10(a)(5).
- 10 (4) The test is ordered under section 4 of this chapter.
- 11 (5) The test is required or authorized under IC 11-10-3-2.5.
- 12 (c) A court may order a person to undergo testing for HIV under
 13 IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).".
- 14 Page 2, line 26, delete ":".
- 15 Page 2, line 27, after "that" insert "**document:**".
- 16 Page 2, line 28, delete "document".
- 17 Page 2, line 29, delete "tested in the woman's medical records;" and
 18 insert "**tested;**".
- 19 Page 2, line 30, delete "document".
- 20 Page 2, line 33, reset in roman "must".
- 21 Page 2, line 34, delete "may".
- 22 Page 2, line 34, delete "orally or".
- 23 Renumber all SECTIONS consecutively.
 (Reference is to SB 581 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Miller

Chairperson