

# HOUSE BILL No. 1547

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## DIGEST OF INTRODUCED BILL

**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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## Kirchhofer

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January 17, 2019, read first time and referred to Committee on Public Health.

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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.

## HOUSE BILL No. 1547

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



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. Treatment under this section**  
 27          **includes consent to obtaining postpartum contraception.**

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

32           (1) A qualified person who is:

33           (A) either:

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

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

38           (B) of sound mind.

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

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

42           (B) has been determined to be incapable of making decisions



1 about the qualified person's health care by a treating physician,  
2 advanced practice **registered** nurse, or physician assistant  
3 acting in good faith and the representative has been:

4 (i) appointed by the individual under IC 16-36-1-7 to serve  
5 as the individual's health care representative;

6 (ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17  
7 as the individual's attorney in fact with authority to consent  
8 to or refuse health care for the individual;

9 (iii) appointed by a court as the individual's health care  
10 representative under IC 16-36-1-8; or

11 (iv) appointed by a court as the guardian of the person with  
12 the authority to make health care decisions under IC 29-3.

13 (b) In order to complete a POST form, a person described in  
14 subsection (a) and the qualified person's treating physician, advanced  
15 practice **registered** nurse, or physician assistant or the physician's,  
16 advanced practice **registered** nurse's, or physician assistant's designee  
17 must do the following:

18 (1) Discuss the qualified person's goals and treatment options  
19 available to the qualified person based on the qualified person's  
20 health.

21 (2) Complete the POST form, to the extent possible, based on the  
22 qualified person's preferences determined during the discussion  
23 in subdivision (1).

24 (c) When completing a POST form on behalf of a qualified person,  
25 a representative shall act:

26 (1) in good faith; and

27 (2) in:

28 (A) accordance with the qualified person's express or implied  
29 intentions, if known; or

30 (B) the best interest of the qualified person, if the qualified  
31 person's express or implied intentions are not known.

32 (d) A copy of the executed POST form shall be maintained in the  
33 qualified person's medical file.

