



March 29, 2019

ENGROSSED HOUSE BILL No. 1547

DIGEST OF HB 1547 (Updated March 27, 2019 11:45 am - 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. Requires a health care provider to make a reasonable effort to contact a minor's parent or guardian before or at the initial appointment and before providing treatment and document in writing each attempt to contact the parent or guardian. Requires the health care provider to act in the manner that is in the best interests of the minor and the fetus. Requires the health care provider to make one additional attempt to contact the parent or guardian of a minor for consent if providing continuing care to the minor. Makes technical corrections.

Effective: July 1, 2019.

Kirchhofer, Manning, Shackelford, Clere

(SENATE SPONSORS — LEISING, BECKER, ROGERS)

January 17, 2019, read first time and referred to Committee on Public Health.
February 14, 2019, amended, reported — Do Pass.
February 18, 2019, read second time, ordered engrossed.
February 19, 2019, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 4, 2019, read first time and referred to Committee on Health and Provider Services.
March 28, 2019, amended, reported favorably — Do Pass.

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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.

ENGROSSED 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

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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 **(c) Before a health care provider may provide care to a minor**
 28 **described in subsection (b), the health care provider shall, before**
 29 **or at the initial appointment for treatment, make a reasonable**
 30 **effort to contact the minor's parent or guardian for consent to**
 31 **provide the treatment and document in writing each attempt the**
 32 **health care provider made to contact the parent or guardian of the**
 33 **minor. If, after the health care provider has made a reasonable**
 34 **attempt to contact the minor's parent or guardian before or at the**
 35 **initial appointment for treatment, either:**
- 36 **(1) the health care provider is unable to make contact; or**
 37 **(2) the parent or guardian of the minor refuses to provide**
 38 **consent for treatment;**
- 39 **the health care provider shall act in the manner that is in the best**
 40 **interests of the minor and the fetus.**
- 41 **(d) If, after the initial appointment or treatment, the health care**
 42 **provider determines that additional care is in the best interest of**



1 **the minor and the fetus, the health care provider shall make one (1)**
 2 **additional attempt to contact the parent or guardian of the minor**
 3 **for consent before providing the additional care.**

4 SECTION 3. IC 16-36-6-7, AS AMENDED BY THE TECHNICAL
 5 CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS
 6 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

7 Sec. 7. (a) The following individuals may complete a POST form:

8 (1) A qualified person who is:

9 (A) either:

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

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

14 (B) of sound mind.

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

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

18 (B) has been determined to be incapable of making decisions
 19 about the qualified person's health care by a treating physician,
 20 advanced practice **registered** nurse, or physician assistant
 21 acting in good faith and the representative has been:

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

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

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

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

31 (b) In order to complete a POST form, a person described in
 32 subsection (a) and the qualified person's treating physician, advanced
 33 practice **registered** nurse, or physician assistant or the physician's,
 34 advanced practice **registered** nurse's, or physician assistant's designee
 35 must do the following:

36 (1) Discuss the qualified person's goals and treatment options
 37 available to the qualified person based on the qualified person's
 38 health.

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

42 (c) When completing a POST form on behalf of a qualified person,



- 1 a representative shall act:
- 2 (1) in good faith; and
- 3 (2) in:
 - 4 (A) accordance with the qualified person's express or implied
 - 5 intentions, if known; or
 - 6 (B) the best interest of the qualified person, if the qualified
 - 7 person's express or implied intentions are not known.
- 8 (d) A copy of the executed POST form shall be maintained in the
- 9 qualified person's medical file.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1547, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

Page 2, delete line 27, begin a new paragraph and insert:

"(c) Before a health care provider may provide care to a minor described in subsection (b), the health care provider shall, before or at the initial appointment for treatment, make a reasonable effort to contact the minor's parent or guardian for consent to provide the treatment. If, after the health care provider has made a reasonable attempt to contact the minor's parent or guardian before or at the initial appointment for treatment, either:

(1) the health care provider is unable to make contact; or

(2) the parent or guardian of the minor refuses to provide consent for treatment;

the health care provider shall act in the manner that is in the best interests of the minor and the fetus."

and when so amended that said bill do pass.

(Reference is to HB 1547 as introduced.)

KIRCHHOFER

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1547, 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 31, delete "treatment." and insert "**treatment and document in writing each attempt the health care provider made to contact the parent or guardian of the minor.**".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"(d) If, after the initial appointment or treatment, the health care provider determines that additional care is in the best interest

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of the minor and the fetus, the health care provider shall make one (1) additional attempt to contact the parent or guardian of the minor for consent before providing the additional care."

and when so amended that said bill do pass.

(Reference is to HB 1547 as printed February 15, 2019.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 0.

