

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 ENROLLED ACT No. 1547

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AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-36-1-3, AS AMENDED BY P.L.4-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsections (b) through (d), unless incapable of consenting under section 4 of this chapter, an individual may consent to the individual's own health care if the individual is:

- (1) an adult; or
- (2) a minor and:
  - (A) is emancipated;
  - (B) is:
    - (i) at least fourteen (14) years of age;
    - (ii) not dependent on a parent for support;
    - (iii) living apart from the minor's parents or from an individual in loco parentis; and
    - (iv) managing the minor's own affairs;
  - (C) is or has been married;
  - (D) is in the military service of the United States; **or**
  - (E) meets the requirements of section 3.5 of this chapter;**  
**or**
  - ~~(E)~~ **(F)** is authorized to consent to the health care by any other statute.
- (b) A person at least seventeen (17) years of age is eligible to donate

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blood in a voluntary and noncompensatory blood program without obtaining parental permission.

(c) A person who is sixteen (16) years of age is eligible to donate blood in a voluntary and noncompensatory blood program if the person has obtained written permission from the person's parent.

(d) An individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual.

**SECTION 2. IC 16-36-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) This section does not apply to consent to the provision of an abortion or completion of a POST form.**

**(b) A minor who:**

**(1) is at least sixteen (16) years of age; and**

**(2) is:**

**(A) pregnant;**

**(B) in labor; or**

**(C) postpartum for a sixty (60) day period after the birth; is competent to give consent for the minor's medical or hospital care and treatment with respect to the pregnancy, delivery, and postpartum care of the minor.**

**(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 and document in writing each attempt the health care provider made to contact the parent or guardian of the minor. 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.**

**(d) If, after the initial appointment or treatment, the health care provider determines that additional care is in the best interest 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, if applicable, before:**

**(1) the provision of prenatal care;**

**(2) the delivery of the baby; and**



**(3) the provision of postpartum care.**

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

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

- (1) A qualified person who is:
  - (A) either:
    - (i) at least eighteen (18) years of age; or
    - (ii) less than eighteen (18) years of age but authorized to consent under IC 16-36-1-3(a)(2) **(except under IC 16-36-1-3(a)(2)(E))**; and
  - (B) of sound mind.
- (2) A qualified person's representative, if the qualified person:
  - (A) is less than eighteen (18) years of age and is not authorized to consent under IC 16-36-1-3(a)(2); or
  - (B) has been determined to be incapable of making decisions about the qualified person's health care by a treating physician, advanced practice **registered** nurse, or physician assistant acting in good faith and the representative has been:
    - (i) appointed by the individual under IC 16-36-1-7 to serve as the individual's health care representative;
    - (ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17 as the individual's attorney in fact with authority to consent to or refuse health care for the individual;
    - (iii) appointed by a court as the individual's health care representative under IC 16-36-1-8; or
    - (iv) appointed by a court as the guardian of the person with the authority to make health care decisions under IC 29-3.
- (b) In order to complete a POST form, a person described in subsection (a) and the qualified person's treating physician, advanced practice **registered** nurse, or physician assistant or the physician's, advanced practice **registered** nurse's, or physician assistant's designee must do the following:
  - (1) Discuss the qualified person's goals and treatment options available to the qualified person based on the qualified person's health.
  - (2) Complete the POST form, to the extent possible, based on the qualified person's preferences determined during the discussion in subdivision (1).
- (c) When completing a POST form on behalf of a qualified person, a representative shall act:
  - (1) in good faith; and

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(2) in:

- (A) accordance with the qualified person's express or implied intentions, if known; or
- (B) the best interest of the qualified person, if the qualified person's express or implied intentions are not known.

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



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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