



February 12, 2021

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## SENATE BILL No. 232

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DIGEST OF SB 232 (Updated February 11, 2021 12:43 pm - DI 142)

**Citations Affected:** IC 5-10.

**Synopsis:** Exposure risk diseases. Adds any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), to the list of diseases considered an exposure risk disease for purposes of emergency and public safety employee death and disability presumed in the line of duty for years ending before January 1, 2022. Provides that an employee diagnosed with any SARS, including COVID-19 in the line of duty before January 1, 2020 shall provide verification that the employee was exposed to another individual known to have any SARS, including COVID-19 in the line of duty as demonstrated to the employer through contract testing. Provides that disability must be demonstrated through medical records and death must be caused by SARS, including COVID-19, as demonstrated on the death certificate to the employer before the benefit may be paid. Prohibits state employee benefit claims based on a health condition caused by COVID-19 contracted in the line of duty after 2021.

**Effective:** July 1, 2021.

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**Ford Jon, Baldwin, Tallian, Doriot,  
Crane, Kruse, Niezgodski, Qaddoura**

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January 7, 2021, read first time and referred to Committee on Pensions and Labor.  
January 28, 2021, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 11, 2021, amended, reported favorably — Do Pass.

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SB 232—LS 6866/DI 92





February 12, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 232

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 5-10-13-1, AS AMENDED BY P.L.112-2020,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. As used in this chapter, "exposure risk disease"  
4 refers to:

- 5 (1) anthrax;  
6 (2) hepatitis;  
7 (3) human immunodeficiency virus (HIV);  
8 (4) meningococcal meningitis;  
9 (5) smallpox; or  
10 (6) tuberculosis.

11 **In addition, only for calendar years ending before January 1, 2022,**  
12 **the term shall also include any variant of severe acute respiratory**  
13 **syndrome (SARS), including coronavirus disease (COVID-19).**

14 SECTION 2. IC 5-10-13-5, AS AMENDED BY P.L.112-2020,  
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2021]: Sec. 5. (a) Except as provided in section 6 of this  
17 chapter, an employee who:

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1 (1) is diagnosed with a health condition caused by an exposure  
2 risk disease that:

3 (A) requires medical treatment; ~~and~~

4 (B) results in total or partial disability or death; **and**

5 **(C) was contracted before January 1, 2022, in the case of**  
6 **any variant of severe acute respiratory syndrome (SARS),**  
7 **including coronavirus disease (COVID-19);**

8 (2) by written affidavit has provided to the employee's employer  
9 a verification described in subsection (b), (c), (d), (e), ~~or~~ (f), **or**  
10 **(g); and**

11 (3) before the employee is diagnosed with a health condition  
12 caused by hepatitis or tuberculosis, tests negative for evidence of  
13 hepatitis or tuberculosis through medical testing;

14 is presumed to have a disability or death incurred in the line of duty.

15 (b) An employee who is diagnosed with a health condition caused  
16 by hepatitis and, if the health condition results in disability or death,  
17 wishes to have a presumption of disability or death incurred in the line  
18 of duty apply to the employee shall, by written affidavit executed  
19 before death, provide verification that the employee has not:

20 (1) outside the scope of the employee's current employment, been  
21 exposed through transfer of body fluids to an individual known to  
22 have a medical condition caused by hepatitis;

23 (2) received blood products other than a transfusion received  
24 because of an injury to the employee that occurred in the scope of  
25 the employee's current employment;

26 (3) received blood products for the treatment of a coagulation  
27 disorder since testing negative for hepatitis;

28 (4) engaged in sexual practices or other behavior identified as  
29 high risk by the Centers for Disease Control and Prevention or the  
30 Surgeon General of the United States;

31 (5) had sexual relations with another individual known to the  
32 employee to have engaged in sexual practices or other behavior  
33 described in subdivision (4); or

34 (6) used intravenous drugs that were not prescribed by a  
35 physician.

36 (c) An employee who is diagnosed with a health condition caused  
37 by meningococcal meningitis and, if the health condition results in  
38 disability or death, wishes to have a presumption of disability or death  
39 incurred in the line of duty apply to the employee shall, by written  
40 affidavit executed before death, provide verification that the employee,  
41 in the ten (10) days immediately preceding the diagnosis, was not  
42 exposed to another individual known to:



- 1 (1) have meningococcal meningitis; or  
 2 (2) be an asymptomatic carrier of meningococcal meningitis;  
 3 outside the scope of the employee's current employment.
- 4 (d) An employee who is diagnosed with a health condition caused  
 5 by tuberculosis and, if the health condition results in disability or death,  
 6 wishes to have a presumption of disability or death incurred in the line  
 7 of duty apply to the employee shall, by written affidavit executed  
 8 before death, provide verification that the employee has not, outside the  
 9 scope of the employee's current employment, been exposed to another  
 10 individual known to have tuberculosis.
- 11 (e) An employee who is diagnosed with a health condition caused  
 12 by HIV and, if the health condition results in disability or death, wishes  
 13 to have a presumption of disability or death incurred in the line of duty  
 14 apply to the employee shall, by written affidavit executed before death,  
 15 provide verification that the employee has not:
- 16 (1) outside the scope of the employee's current employment, been  
 17 exposed through transfer of body fluids to an individual known to  
 18 have a medical condition caused by HIV;  
 19 (2) received blood products other than a transfusion received  
 20 because of an injury to the employee that occurred in the scope of  
 21 the employee's current employment;  
 22 (3) received blood products for the treatment of a coagulation  
 23 disorder since testing negative for HIV;  
 24 (4) engaged in sexual practices or other behavior identified as  
 25 high risk by the Centers for Disease Control and Prevention or the  
 26 Surgeon General of the United States;  
 27 (5) had sexual relations with another individual known to the  
 28 employee to have engaged in sexual practices or other behavior  
 29 described in subdivision (4); or  
 30 (6) used intravenous drugs that were not prescribed by a  
 31 physician.
- 32 (f) An employee who is diagnosed with a health condition caused by  
 33 smallpox and, if the health condition results in disability or death,  
 34 wishes to have a presumption of disability or death incurred in the line  
 35 of duty apply to the employee shall, by written affidavit executed  
 36 before death, provide verification that the employee has not, outside the  
 37 scope of the employee's current employment, been exposed to another  
 38 individual known to have smallpox.
- 39 **(g) An employee who is diagnosed with a health condition**  
 40 **caused by any variant of severe acute respiratory syndrome**  
 41 **(SARS), including coronavirus disease (COVID-19), and, if the**  
 42 **health condition results in disability or death, wishes to have a**



1 presumption of disability or death incurred in the line of duty  
 2 before January 1, 2022, apply to the employee shall, by written  
 3 affidavit executed before death, provide verification that the  
 4 employee before January 1, 2022, was exposed to another  
 5 individual known to have any variant of severe acute respiratory  
 6 syndrome (SARS), including coronavirus disease (COVID-19), in  
 7 the line of duty as demonstrated to the employer through contract  
 8 tracing. Disability must be demonstrated through medical records  
 9 and death must be caused by SARS, including COVID-19, as  
 10 demonstrated on the death certificate. Proof of disability or death  
 11 must be provided to the employer before the benefit may be paid.

12 ~~(g)~~ (h) A presumption of disability or death incurred in the line of  
 13 duty may be rebutted by competent evidence.

14 ~~(h)~~ (i) A meeting or hearing held to rebut a presumption of disability  
 15 or death incurred in the line of duty may be held as an executive  
 16 session under IC 5-14-1.5-6.1(b)(1).

17 SECTION 3. IC 5-10-13-6 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. If a standard,  
 19 medically recognized vaccine or other measure exists for the  
 20 prevention of an exposure risk disease and the vaccine or other  
 21 measure is medically indicated for an employee according to  
 22 immunization policies established by the Advisory Committee on  
 23 Immunization Practices of the United States Public Health Service, the  
 24 following apply:

25 (1) If:

26 (A) the employee receives the vaccine or other measure as  
 27 required by the employee's employer; or

28 (B) the employee's physician provides written notice to the  
 29 employer that the vaccine or other measure would pose a  
 30 significant risk to the employee's health;

31 and the employee meets the other requirements of this chapter, a  
 32 presumption of disability or death incurred in the line of duty  
 33 under this chapter applies to the employee.

34 (2) If:

35 (A) the employee does not receive the vaccine or other  
 36 measure as required by the employee's employer; and

37 (B) the employee's physician has not provided written notice  
 38 that the vaccine or other measure would pose a significant risk  
 39 to the employee's health;

40 a presumption of disability or death incurred in the line of duty  
 41 under this chapter does not apply to the employee. **In addition, in**  
 42 **the case of a health condition caused by any variant of severe**



1           **acute respiratory syndrome (SARS), including coronavirus**  
2           **disease (COVID-19), if the employee was offered and refused**  
3           **a vaccine for COVID-19, a presumption of disability or death**  
4           **incurred in the line of duty under this chapter does not apply**  
5           **to the employee.**

6           SECTION 4. IC 5-10-19 IS ADDED TO THE INDIANA CODE AS  
7           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
8           1, 2021]:

9           **Chapter 19. Limitation on Coronavirus Disease (COVID-19)**  
10          **Employee Benefit Claims**

11          **Sec. 1. Notwithstanding any other provision of this article or any**  
12          **other law, no disability benefit, death benefit, survivor's benefit,**  
13          **surviving spouse or dependent continued health coverage benefit,**  
14          **or other similar employee benefit provided under this article shall**  
15          **be allowed based on an employee's health condition caused by any**  
16          **variant of severe acute respiratory syndrome (SARS), including**  
17          **coronavirus disease (COVID-19), contracted in the line of duty**  
18          **after December 31, 2021.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 232 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 11, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 232, 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 9 through 10.

Page 1, line 11, reset in roman "(5)".

Page 1, line 11, delete "(6)".

Page 1, line 12, reset in roman "(6)".

Page 1, line 12, delete "(7)".

Page 1, after line 12, begin a new line blocked left and insert:

**"In addition, only for calendar years ending before January 1, 2022, the term shall also include any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19).**

SECTION 2. IC 5-10-13-5, AS AMENDED BY P.L.112-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in section 6 of this chapter, an employee who:

(1) is diagnosed with a health condition caused by an exposure risk disease that:

(A) requires medical treatment; ~~and~~

(B) results in total or partial disability or death; **and**

**(C) was contracted before January 1, 2022, in the case of any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19);**

(2) by written affidavit has provided to the employee's employer

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a verification described in subsection (b), (c), (d), (e), ~~or~~ (f), **or (g)**; and

(3) before the employee is diagnosed with a health condition caused by hepatitis or tuberculosis, tests negative for evidence of hepatitis or tuberculosis through medical testing;

is presumed to have a disability or death incurred in the line of duty.

(b) An employee who is diagnosed with a health condition caused by hepatitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by hepatitis;

(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;

(3) received blood products for the treatment of a coagulation disorder since testing negative for hepatitis;

(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;

(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or

(6) used intravenous drugs that were not prescribed by a physician.

(c) An employee who is diagnosed with a health condition caused by meningococcal meningitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee, in the ten (10) days immediately preceding the diagnosis, was not exposed to another individual known to:

(1) have meningococcal meningitis; or

(2) be an asymptomatic carrier of meningococcal meningitis; outside the scope of the employee's current employment.

(d) An employee who is diagnosed with a health condition caused by tuberculosis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the



scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(e) An employee who is diagnosed with a health condition caused by HIV and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

- (1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by HIV;
- (2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
- (3) received blood products for the treatment of a coagulation disorder since testing negative for HIV;
- (4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
- (5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
- (6) used intravenous drugs that were not prescribed by a physician.

(f) An employee who is diagnosed with a health condition caused by smallpox and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

**(g) An employee who is diagnosed with a health condition caused by any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty before January 1, 2022, apply to the employee shall, by written affidavit executed before death, provide verification that the employee before January 1, 2022, was exposed to another individual known to have any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), in the line of duty as demonstrated to the employer through contract tracing. Disability must be demonstrated through medical records**



**and death must be caused by SARS, including COVID-19, as demonstrated on the death certificate. Proof of disability or death must be provided to the employer before the benefit may be paid.**

~~(g)~~ **(h)** A presumption of disability or death incurred in the line of duty may be rebutted by competent evidence.

~~(h)~~ **(i)** A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

SECTION 3. IC 5-10-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. If a standard, medically recognized vaccine or other measure exists for the prevention of an exposure risk disease and the vaccine or other measure is medically indicated for an employee according to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, the following apply:

(1) If:

(A) the employee receives the vaccine or other measure as required by the employee's employer; or

(B) the employee's physician provides written notice to the employer that the vaccine or other measure would pose a significant risk to the employee's health;

and the employee meets the other requirements of this chapter, a presumption of disability or death incurred in the line of duty under this chapter applies to the employee.

(2) If:

(A) the employee does not receive the vaccine or other measure as required by the employee's employer; and

(B) the employee's physician has not provided written notice that the vaccine or other measure would pose a significant risk to the employee's health;

a presumption of disability or death incurred in the line of duty under this chapter does not apply to the employee. **In addition, in**

**the case of a health condition caused by any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), if the employee was offered and refused a vaccine for COVID-19, a presumption of disability or death incurred in the line of duty under this chapter does not apply to the employee.**

SECTION 4. IC 5-10-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

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**Chapter 19. Limitation on Coronavirus Disease (COVID-19)  
Employee Benefit Claims**

**Sec. 1. Notwithstanding any other provision of this article or any other law, no disability benefit, death benefit, survivor's benefit, surviving spouse or dependent continued health coverage benefit, or other similar employee benefit provided under this article shall be allowed based on an employee's health condition caused by any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), contracted in the line of duty after December 31, 2021."**

and when so amended that said bill do pass.

(Reference is to SB 232 as printed January 29, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

