



March 16, 2021

**ENGROSSED
SENATE BILL No. 232**

DIGEST OF SB 232 (Updated March 16, 2021 11:34 am - DI 143)

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. Adds probation and community corrections officers to the list of employees eligible for a line of duty death benefit.

Effective: January 1, 2020 (retroactive); July 1, 2021.

**Ford Jon, Baldwin, Tallian, Doriot,
Crane, Niezgodski, Qaddoura**
(HOUSE SPONSORS — JUDY, FRYE R, ANDRADE)

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.
February 15, 2021, read second time, ordered engrossed. Engrossed.
February 16, 2021, read third time, passed. Yeas 45, nays 1.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.
March 16, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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March 16, 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.

ENGROSSED SENATE BILL No. 232

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 JANUARY 1, 2020 (RETROACTIVE)]: Sec. 1. As used in this
4 chapter, "exposure risk disease" refers to:

- 5 (1) anthrax;
- 6 (2) hepatitis;
- 7 (3) human immunodeficiency virus (HIV);
- 8 (4) meningococcal meningitis;
- 9 **(5) any variant of severe acute respiratory syndrome (SARS),**
10 **including coronavirus disease (COVID-19);**
- 11 ~~(5) (6) smallpox; or~~
- 12 ~~(6) (7) tuberculosis.~~

13 SECTION 2. IC 5-10-13-2, AS AMENDED BY P.L.227-2005,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 2. As used in this chapter, "employee" means an
16 individual who:

- 17 (1) is employed full time by the state or a political subdivision of

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- 1 the state as:
- 2 (A) a member of a fire department (as defined in IC 36-8-1-8);
- 3 (B) an emergency medical services provider (as defined in
- 4 IC 16-41-10-1);
- 5 (C) a member of a police department (as defined in
- 6 IC 36-8-1-9);
- 7 (D) a correctional officer (as defined in IC 5-10-10-1.5);
- 8 (E) a state police officer;
- 9 (F) a county police officer;
- 10 (G) a county sheriff;
- 11 (H) an excise police officer;
- 12 (I) a conservation enforcement officer;
- 13 (J) a town marshal;
- 14 (K) a deputy town marshal; ~~or~~
- 15 (L) a member of a consolidated law enforcement department
- 16 established under IC 36-3-1-5.1;
- 17 **(M) a probation officer; or**
- 18 **(N) a community corrections officer;**
- 19 (2) in the course of the individual's employment is at high risk for
- 20 occupational exposure to an exposure risk disease; and
- 21 (3) is not employed elsewhere in a similar capacity.
- 22 **SECTION 3. An emergency is declared for this act.**



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.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 232, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 232 Digest Correction as printed February 12, 2021.)

FRYE R

Committee Vote: yeas 12, nays 0.

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