



Reprinted  
March 27, 2019

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## ENGROSSED SENATE BILL No. 333

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DIGEST OF SB 333 (Updated March 26, 2019 5:13 pm - DI 106)

**Citations Affected:** IC 9-13; IC 9-30; IC 16-41; IC 34-30.

**Synopsis:** Body cavity searches and blood draws. Establishes a procedure authorizing licensed medical personnel to obtain a bodily fluid sample or to retrieve contraband from the body cavity of an individual as part of a criminal investigation, and, grants, with certain exceptions, immunity to medical personnel. Provides a method for certain emergency medical services providers and law enforcement officers who have been exposed to blood or body fluids to obtain the results of a test for a dangerous communicable disease.

**Effective:** July 1, 2019.

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### Grooms, Head, Randolph Lonnie M

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(HOUSE SPONSORS — MAHAN, MCNAMARA)

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January 7, 2019, read first time and referred to Committee on Judiciary.  
February 14, 2019, amended, reported favorably — Do Pass.  
February 21, 2019, read second time, amended, ordered engrossed.  
February 22, 2019, engrossed.  
February 25, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2019, read first time and referred to Committee on Courts and Criminal Code.  
March 21, 2019, amended, reported — Do Pass.  
March 26, 2019, read second time, amended, ordered engrossed.

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ES 333—LS 6966/DI 106





Reprinted  
March 27, 2019

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 SENATE BILL No. 333

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 9-13-2-93.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 93.1. "Licensed health care professional", for**  
4 **purposes of IC 9-30-6-6, means a health care professional licensed**  
5 **in Indiana.**

6 SECTION 2. IC 9-13-2-125.7 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2019]: **Sec. 125.7. "Physician", for purposes**  
9 **of IC 9-30-6-6, means an individual who is licensed to practice**  
10 **medicine in Indiana under IC 25-22.5.**

11 SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.237-2013,  
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2019]: Sec. 6. (a) A physician, ~~or~~ a person trained in  
14 **retrieving contraband or** obtaining bodily substance samples and  
15 acting under the direction of or under a protocol prepared by a  
16 physician, **or a licensed health care professional acting within the**  
17 **professional's scope of practice and under the direction of or under**

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- 1 **a protocol prepared by a physician, who:**  
 2 (1) obtains a blood, urine, or other bodily substance sample from  
 3 a person, regardless of whether the sample is taken for diagnostic  
 4 purposes or at the request of a law enforcement officer under this  
 5 section; **or**  
 6 (2) performs a chemical test on blood, urine, or other bodily  
 7 substance obtained from a person; **or**  
 8 **(3) searches for or retrieves contraband from the body cavity**  
 9 **of an individual;**  
 10 shall deliver the sample **or contraband** or disclose the results of the  
 11 test to a law enforcement officer who requests the sample, **contraband,**  
 12 or results as a part of a criminal investigation. Samples, **contraband,**  
 13 and test results shall be provided to a law enforcement officer even if  
 14 the person has not consented to or otherwise authorized their release.  
 15 (b) A physician, **a licensed health care professional,** a hospital, or  
 16 an agent of a physician or hospital is not civilly or criminally liable for  
 17 any of the following:  
 18 (1) Disclosing test results in accordance with this section.  
 19 (2) Delivering **contraband, or** a blood, urine, or other bodily  
 20 substance sample in accordance with this section.  
 21 (3) **Searching for or retrieving contraband or** obtaining a  
 22 blood, urine, or other bodily substance sample in accordance with  
 23 this section.  
 24 (4) Disclosing to the prosecuting attorney or the deputy  
 25 prosecuting attorney for use at or testifying at the criminal trial of  
 26 the person as to facts observed or opinions formed.  
 27 (5) Failing to treat a person from whom **contraband is retrieved**  
 28 **or** a blood, urine, or other bodily substance sample is obtained at  
 29 the request of a law enforcement officer if the person declines  
 30 treatment.  
 31 (6) Injury to a person arising from the performance of duties in  
 32 good faith under this section. **However, immunity does not**  
 33 **apply if the physician, licensed health care professional,**  
 34 **hospital, or agent of a physician or hospital acts with gross**  
 35 **negligence or willful or wanton misconduct.**  
 36 (c) For the purposes of ~~this chapter, IC 9-30-5, or IC 9-30-9:~~ **a**  
 37 **criminal proceeding:**  
 38 (1) the privileges arising from a patient-physician relationship do  
 39 not apply to the **contraband,** samples, test results, or testimony  
 40 described in this section; and  
 41 (2) **contraband,** samples, test results, and testimony may be  
 42 admitted in a proceeding in accordance with the applicable rules



- 1 of evidence.
- 2 (d) The exceptions to the patient-physician relationship specified in  
 3 subsection (c) do not affect those relationships in a proceeding **not**  
 4 **covered by this chapter, IC 9-30-5, or IC 9-30-9. that is not a criminal**  
 5 **proceeding.**
- 6 (e) The **contraband**, test results, and samples obtained by a law  
 7 enforcement officer under subsection (a) may be disclosed only to a  
 8 prosecuting attorney or a deputy prosecuting attorney for use as  
 9 evidence in a criminal proceeding. ~~under this chapter, IC 9-30-5, or~~  
 10 ~~IC 9-30-9.~~
- 11 (f) This section does not require a physician or a person under the  
 12 direction of a physician to perform a chemical test **or to retrieve**  
 13 **contraband.**
- 14 (g) ~~A physician or a person trained in obtaining bodily substance~~  
 15 ~~samples and acting under the direction of or under a protocol prepared~~  
 16 ~~by a physician shall obtain a blood, urine, or other bodily substance~~  
 17 ~~sample if the following exist:~~
- 18 (1) ~~A law enforcement officer requests that the sample be~~  
 19 ~~obtained:~~
- 20 (2) ~~The law enforcement officer has certified in writing the~~  
 21 ~~following:~~
- 22 (A) ~~That the officer has probable cause to believe the person~~  
 23 ~~from whom the sample is to be obtained has violated~~  
 24 ~~IC 9-30-5.~~
- 25 (B) ~~That the person from whom the sample is to be obtained~~  
 26 ~~has been involved in a motor vehicle accident that resulted in~~  
 27 ~~the serious bodily injury or death of another.~~
- 28 (C) ~~That the accident that caused the serious bodily injury or~~  
 29 ~~death of another occurred not more than three (3) hours before~~  
 30 ~~the time the sample is requested.~~
- 31 (3) ~~Not more than the use of reasonable force is necessary to~~  
 32 ~~obtain the sample.~~
- 33 (h) (g) If the person:
- 34 (1) from whom the **contraband is to be retrieved or the** bodily  
 35 substance sample is to be obtained under this section does not  
 36 consent; and
- 37 (2) resists the **retrieval of the contraband or the** taking of a  
 38 sample;
- 39 the law enforcement officer may use reasonable force to assist an  
 40 individual, who must be authorized under this section to **retrieve**  
 41 **contraband or** obtain a sample, in the **retrieval of the contraband or**  
 42 **the** taking of the sample.



1           (†) (h) The person authorized under this section to **retrieve**  
2 **contraband or** obtain a bodily substance sample shall take the sample  
3 **or retrieve the contraband** in a medically accepted manner.

4           (†) (i) This subsection does not apply to **contraband retrieved or**  
5 a bodily substance sample taken at a licensed hospital (as defined in  
6 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer  
7 may transport the person to a place where the **contraband may be**  
8 **retrieved or the** sample may be obtained by any of the following  
9 persons who are trained in **retrieving contraband or** obtaining bodily  
10 substance samples and who have been engaged to **retrieve contraband**  
11 **or** obtain samples under this section:

12           (1) A physician holding an unlimited license to practice medicine  
13 or osteopathy.

14           (2) A registered nurse.

15           (3) A licensed practical nurse.

16           (4) An advanced emergency medical technician (as defined in  
17 IC 16-18-2-6.5).

18           (5) A paramedic (as defined in IC 16-18-2-266).

19           (6) Except as provided in subsections (~~k~~) (j) through (†), (k), any  
20 other person qualified through training, experience, or education  
21 to **retrieve contraband or** obtain a bodily substance sample.

22           (~~k~~) (j) A law enforcement officer may not **retrieve contraband or**  
23 obtain a bodily substance sample under this section if the **contraband**  
24 **is to be retrieved or the** sample is to be obtained from another law  
25 enforcement officer as a result of the other law enforcement officer's  
26 involvement in an accident or alleged crime.

27           (†) (k) A law enforcement officer who is otherwise qualified to  
28 obtain a bodily substance sample under this section may obtain a bodily  
29 substance sample from a person involved in an accident or alleged  
30 crime who is not a law enforcement officer only if:

31           (1) before January 1, 2013, the officer obtained a bodily substance  
32 sample from an individual as part of the officer's official duties as  
33 a law enforcement officer; and

34           (2) the:

35           (A) person consents to the officer obtaining a bodily substance  
36 sample; or

37           (B) obtaining of the bodily substance sample is authorized by  
38 a search warrant.

39           SECTION 4. IC 16-41-10-2.5, AS AMENDED BY P.L.131-2018,  
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2019]: Sec. 2.5. (a) A patient (including a patient who is  
42 unable to consent due to physical or mental incapacity) to whose blood



1 or body fluids an emergency medical services provider or a law  
 2 enforcement officer is exposed as described in section 2 of this chapter  
 3 is considered to have consented to:

4 (1) testing for the presence of a dangerous communicable disease  
 5 of a type that has been epidemiologically demonstrated to be  
 6 transmittable by an exposure of the kind experienced by the  
 7 emergency medical services provider or law enforcement officer;  
 8 and

9 (2) release of the testing results to a medical director or physician  
 10 described in section 3 of this chapter.

11 The medical director or physician shall notify the emergency medical  
 12 services provider or law enforcement officer of the test results.

13 (b) If a patient described in subsection (a) refuses to provide a blood  
 14 or body fluid specimen for testing for a dangerous communicable  
 15 disease, the exposed emergency medical services provider or law  
 16 enforcement officer, the exposed emergency medical services  
 17 provider's or law enforcement officer's employer, or the state  
 18 department may petition the circuit or superior court having  
 19 jurisdiction in the county:

20 (1) of the patient's residence; or

21 (2) where the employer of the exposed emergency medical  
 22 services provider or law enforcement officer has the employer's  
 23 principal office;

24 for an order requiring that the patient provide a blood or body fluid  
 25 specimen.

26 **(c) If a patient described in subsection (a) refuses to provide a**  
 27 **blood or body fluid specimen for testing for a dangerous**  
 28 **communicable disease, and that patient is a witness, bystander, or**  
 29 **victim of alleged criminal activity (IC 35-31.5-2-73), the exposed**  
 30 **emergency medical services provider or law enforcement officer,**  
 31 **the exposed emergency medical services provider's or law**  
 32 **enforcement officer's employer, or the state department may**  
 33 **submit the form described in section 2 of this chapter to the**  
 34 **medical director or physician of a hospital licensed under**  
 35 **IC 16-21-2, IC 16-22-2, or IC 16-23-1. The medical director or**  
 36 **physician described in this section shall notify the emergency**  
 37 **medical services provider or law enforcement officer of the test**  
 38 **results not more than forty-eight (48) hours after the medical**  
 39 **director or physician receives the test results.**

40 SECTION 5. IC 34-30-2-33 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 33. IC 9-30-6-6  
 42 (Concerning physicians, **licensed health care professionals**, hospitals,



1 and their agents for matters related to obtaining, testing, and releasing  
2 samples and information regarding blood, urine, or other bodily  
3 substances).





## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 333, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-93.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 93.1. "Licensed health care professional", for purposes of IC 9-30-6-6, has the meaning set forth in IC 35-33-15-1.**

SECTION 2. IC 9-13-2-125.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 125.7. "Physician", for purposes of IC 9-30-6-6, has the meaning set forth in IC 35-33-15-1.**

SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.237-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A physician, **or** a person trained in **retrieving contraband or** obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, **or a licensed health care professional acting within the professional's scope of practice and under the direction of or under a protocol prepared by a physician**, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; **or**
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person; **or**
- (3) searches for or retrieves contraband from the body cavity of an individual;**

shall deliver the sample **or contraband** or disclose the results of the test to a law enforcement officer who requests the sample, **contraband**, or results as a part of a criminal investigation. Samples, **contraband**, and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, **a licensed health care professional**, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.

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(2) Delivering **contraband, or** a blood, urine, or other bodily substance sample in accordance with this section.

(3) **Searching for or retrieving contraband, or** obtaining a blood, urine, or other bodily substance sample in accordance with this section.

(4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.

(5) Failing to treat a person from whom **contraband is retrieved or** a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.

(6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of ~~this chapter, IC 9-30-5, or IC 9-30-9:~~ **a criminal proceeding:**

(1) the privileges arising from a patient-physician relationship do not apply to the **contraband**, samples, test results, or testimony described in this section; and

(2) **contraband**, samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding ~~not covered by this chapter, IC 9-30-5, or IC 9-30-9.~~ **that is not a criminal proceeding.**

(e) The **contraband**, test results, and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding. ~~under this chapter, IC 9-30-5, or IC 9-30-9.~~

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test **or to retrieve contraband.**

(g) ~~A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:~~

(1) ~~A law enforcement officer requests that the sample be obtained.~~

(2) ~~The law enforcement officer has certified in writing the following:~~



(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

(B) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.

(C) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) (g) If the person:

(1) from whom the **contraband is to be retrieved or the** bodily substance sample is to be obtained under this section does not consent; and

(2) resists the **retrieval of the contraband or the** taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to **retrieve contraband or** obtain a sample, in the **retrieval of the contraband or the** taking of the sample.

(i) (h) The person authorized under this section to **retrieve contraband or** obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) (i) This subsection does not apply to **contraband retrieved or** a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the **contraband may be retrieved or the** sample may be obtained by any of the following persons who are trained in **retrieving contraband or** obtaining bodily substance samples and who have been engaged to **retrieve contraband or** obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(5) A paramedic (as defined in IC 16-18-2-266).

(6) Except as provided in subsections (k) (j) through (l) (k), any other person qualified through training, experience, or education to **retrieve contraband or** obtain a bodily substance sample.



~~(j)~~ (j) A law enforcement officer may not **retrieve contraband or** obtain a bodily substance sample under this section if the **contraband is to be retrieved or the** sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.

~~(k)~~ (k) A law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section may obtain a bodily substance sample from a person involved in an accident or alleged crime who is not a law enforcement officer only if:

- (1) before January 1, 2013, the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and
- (2) the:
  - (A) person consents to the officer obtaining a bodily substance sample; or
  - (B) obtaining of the bodily substance sample is authorized by a search warrant.

SECTION 4. IC 16-41-10-2.5, AS AMENDED BY P.L.131-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) A patient (including a patient who is unable to consent due to physical or mental incapacity) to whose blood or body fluids an emergency medical services provider or a law enforcement officer is exposed as described in section 2 of this chapter is considered to have consented to:

- (1) testing for the presence of a dangerous communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider or law enforcement officer; and
- (2) release of the testing results to a medical director or physician described in section 3 of this chapter.

The medical director or physician shall notify the emergency medical services provider or law enforcement officer of the test results.

(b) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a dangerous communicable disease, the exposed emergency medical services provider or law enforcement officer, the exposed emergency medical services provider's or law enforcement officer's employer, or the state department may petition the circuit or superior court having jurisdiction in the county:

- (1) of the patient's residence; or
- (2) where the employer of the exposed emergency medical



services provider or law enforcement officer has the employer's principal office;  
for **a warrant or** an order requiring that the patient provide a blood or body fluid specimen.

SECTION 5. IC 16-41-10-3, AS AMENDED BY P.L.131-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), if a patient to whose blood or body fluids an emergency medical services provider or a law enforcement officer is exposed as described in section 2 of this chapter:

(1) is admitted to a medical facility following the exposure or is located in a medical facility at the time of the exposure, a physician designated by the medical facility shall, not more than seventy-two (72) hours after the medical facility is notified under section 2 of this chapter:

(A) cause a blood or body fluid specimen to be obtained from the patient and testing to be performed for a dangerous communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider or law enforcement officer; and

(B) notify the medical director of the emergency medical services provider's employer or a physician as designated under subsection (b) or (c); or

(2) is not described in subdivision (1), the exposed emergency medical services provider or law enforcement officer, the exposed emergency medical services provider's or law enforcement officer's employer, or the state department may:

(A) arrange for testing of the patient as soon as possible; or

(B) petition the circuit or superior court having jurisdiction in the county of the patient's residence or where the employer of the exposed emergency medical services provider or law enforcement officer has the employer's principal office for **a warrant or** an order requiring that the patient provide a blood or body fluid specimen.

(b) An emergency medical services provider may, on the form described in section 2 of this chapter, designate a physician other than the medical director of the emergency medical services provider's employer to receive the test results.

(c) A law enforcement officer shall, on the form described in section 2 of this chapter, designate a physician to receive the test results.

(d) The medical director or physician described in this section shall



notify the emergency medical services provider or law enforcement officer of the test results not more than forty-eight (48) hours after the medical director or physician receives the test results."

Page 2, delete lines 8 through 24.

Page 2, line 25, delete "(b)" and insert "**Sec. 2. (a)**".

Page 2, line 29, delete "this section." and insert "**IC 9-30-6-6**".

Page 2, line 31, delete "this section." and insert "**IC 9-30-6-6**".

Page 2, line 33, delete "this section." and insert "**IC 9-30-6-6**".

Page 2, line 35, delete "orifice" and insert "**cavity**".

Page 2, delete line 36 and insert "**IC 9-30-6-6**".

Page 2, line 40, delete "formed." and insert "**formed with respect to an examination made or acts taken under IC 9-30-6-6**".

Page 2, line 42, after "obtained" insert "**under IC 9-30-6-6**".

Page 3, line 4, delete "this section." and insert "**IC 9-30-6-6**".

Page 3, between lines 4 and 5, begin a new line blocked left and insert:

**"However, the immunity under this subsection does not apply if the physician or licensed health care professional acts with gross negligence or willful or wanton misconduct."**

Page 3, line 5, delete "(c)" and insert "**(b)**".

Page 3, line 8, delete "this section;" and insert "**IC 9-30-6-6**";".

Page 3, line 9, after "testimony" insert "**relating to an examination made or acts taken under IC 9-30-6-6**".

Page 3, line 12, delete "(d)" and insert "**(c)**".

Page 3, line 13, delete "(c)" and insert "**(b)**".

Page 3, line 15, delete "(e)" and insert "**(d)**".

Page 3, line 16, delete "subsection (a)" and insert "**IC 9-30-6-6**".

Page 3, line 19, delete "(f)" and insert "**(e)**".

Page 3, line 19, delete "does" and insert "**and IC 9-30-6-6 do**".

Page 3, line 22, delete "test." and insert "**test or to retrieve contraband**".

Page 3, delete lines 23 through 35.

Page 3, line 36, delete "(h)" and insert "**(f)**".

Page 3, line 38, delete "this section" and insert "**IC 9-30-6-6**".

Page 4, line 1, delete "this section" and insert "**IC 9-30-6-6**".

Page 4, line 4, delete "(i)" and insert "**(g)**".

Page 4, line 4, delete "this section" and insert "**IC 9-30-6-6**".

Page 4, line 7, delete "(j)" and insert "**(h)**".

Page 4, line 13, delete "this section:" and insert "**IC 9-30-6-6**".

Page 4, line 21, delete "(k) through (l)," and insert "**(i) through (j)**".

Page 4, line 24, delete "(k)" and insert "**(i)**".

Page 4, line 25, delete "under this section".



Page 4, line 30, delete "(l)" and insert "(j)".

Page 4, line 31, delete "under this section" and insert "**under IC 9-30-6-6**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 333 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 3.

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SENATE MOTION

Madam President: I move that Senate Bill 333 be amended to read as follows:

Page 1, line 4, delete "has the meaning set forth in" and insert "**means a health care professional licensed in Indiana**".

Page 1, delete line 5.

Page 1, line 9, delete "has the meaning set forth in IC 35-33-15-1." and insert "**means an individual who is licensed to practice medicine in Indiana under IC 25-22.5**".

Page 2, line 31, after "section." insert "**However, immunity does not apply if the physician, licensed health care professional, hospital, or the agent of a physician or hospital acts with gross negligence or willful or wanton misconduct**".

Page 3, line 40, after "the sample" insert "**or retrieve the contraband**".

Page 6, delete lines 21 through 42.

Delete pages 7 through 9.

(Reference is to SB 333 as printed February 15, 2019.)

GROOMS



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 333, 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 21, delete "contraband," and insert "**contraband**".

Page 2, line 34, delete "the".

Page 6, after line 24, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 33. IC 9-30-6-6 (Concerning physicians, **licensed health care professionals**, hospitals, and their agents for matters related to obtaining, testing, and releasing samples and information regarding blood, urine, or other bodily substances)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 333 as reprinted February 22, 2019.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 5, line 24, delete "a warrant or".

Page 5, between lines 25 and 26, begin a new paragraph and insert:

**"(c) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a dangerous communicable disease, and that patient is a witness, bystander, or victim of alleged criminal activity (IC 35-31.5-2-73), the exposed emergency medical services provider or law enforcement officer, the exposed emergency medical services provider's or law enforcement officer's employer, or the state department may submit the form described in section 2 of this chapter to the medical director or physician of a hospital licensed under IC 16-21-2, IC 16-22-2, or IC 16-23-1. The medical director or physician described in this section shall notify the emergency**

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**medical services provider or law enforcement officer of the test results not more than forty-eight (48) hours after the medical director or physician receives the test results."**

Page 5, delete lines 26 through 42.

Page 6, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed March 22, 2019.)

YOUNG J

