

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 44 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 1, between lines 10 and 11, begin a new paragraph and insert:
2 "SECTION 2. IC 16-41-6-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as
4 provided in IC 16-41-10-2.5 and subsection (b), a person may not
5 perform a screening or confirmatory test for the antibody or antigen to
6 HIV without the **oral or written** consent of the individual to be tested
7 or a representative as authorized under IC 16-36-1. A physician
8 ordering the test or the physician's authorized representative shall
9 document whether or not the individual has consented. The test for the
10 antibody or antigen to HIV may not be performed on a woman under
11 section 5 or 6 of this chapter if the woman refuses under section 7 of
12 this chapter to consent to the test.
13 (b) The test for the antibody or antigen to HIV may be performed if
14 one (1) of the following conditions exists:
15 (1) If ordered by a physician who has obtained a health care
16 consent under IC 16-36-1 or an implied consent under emergency
17 circumstances and the test is medically necessary to diagnose or
18 treat the patient's condition.
19 (2) Under a court order based on clear and convincing evidence
20 of a serious and present health threat to others posed by an
21 individual. A hearing held under this subsection shall be held in
22 camera at the request of the individual.
23 (3) If the test is done on blood collected or tested anonymously as

- 1 part of an epidemiologic survey under IC 16-41-2-3 or
- 2 IC 16-41-17-10(a)(5).
- 3 (4) The test is ordered under section 4 of this chapter.
- 4 (5) The test is required or authorized under IC 11-10-3-2.5.
- 5 (c) A court may order a person to undergo testing for HIV under
- 6 IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16)."
- 7 Renumber all SECTIONS consecutively.
(Reference is to ESB 44 as printed April 6, 2007.)

Representative Lawson L

| Adopted

Rejected |

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred Engrossed Senate Bill 44, begs leave to report that said bill has been amended as directed.

Representative Lawson L