

## **IC 16-41-15**

### **Chapter 15. Communicable Disease: Prevention and Control of Venereal Diseases**

#### **IC 16-41-15-1**

##### **Approved laboratory**

Sec. 1. As used in this chapter, "approved laboratory" means a laboratory approved by the state department for making serological tests.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-2**

##### **Standard serological test for syphilis**

Sec. 2. As used in this chapter, "standard serological test for syphilis" means a test recognized as a standard serological test for syphilis by the state department.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-3**

##### **Venereal disease prevention and control programs; appropriation requests**

Sec. 3. The local board of health or health officer may request from the appropriate body an appropriation for a venereal disease prevention and control program, which may include hospitalization and quarantine, when the local board of health or health officer determines that either of the following conditions exist:

- (1) There is a prevalency of venereal disease inimical to the public health, safety, and welfare of the citizens.
- (2) Venereal disease is causing economic interference with any phase of public welfare in the local health board's or health officer's jurisdiction.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-4**

##### **Appropriations**

Sec. 4. The local health officer shall transmit the request for funds to establish the venereal disease prevention and control program to the appropriate governing body, which may appropriate, out of any money that may be available in the governing body's general fund, an amount the governing body considers necessary and advisable to properly carry out the program as an emergency appropriation.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-5**

##### **Tax levies; collection; credit**

Sec. 5. The appropriate governing body may levy annually a tax of not more than one cent (\$0.01) on each one hundred dollars (\$100) of taxable property for the control and prevention of venereal disease. The tax is in addition to other taxes of the local governing body. The tax shall be collected in the same manner as other taxes

and shall be credited to the local board of health venereal disease prevention and control fund.

*As added by P.L.2-1993, SEC.24. Amended by P.L.6-1997, SEC.178.*

#### **IC 16-41-15-6**

##### **Infant eye examinations; treatment**

Sec. 6. A person in professional attendance at a birth shall carefully examine the eyes of the infant and if there is reason for suspecting infection in one (1) or both eyes, the person in professional attendance at the birth shall apply such prophylactic treatment as may be prescribed by the state department.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-7**

##### **Birth certificates; ophthalmia neonatorum precaution information**

Sec. 7. The state department shall require in each birth certificate, in addition to information otherwise required in the certificate, an answer to the question "Were precautions taken against ophthalmia neonatorum?"

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-8**

##### **Duty to provide ophthalmia neonatorum precaution information**

Sec. 8. It is unlawful for any person in professional attendance at a birth to fail to include an answer to the question on a birth certificate: "Were precautions taken against ophthalmia neonatorum?"

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-9**

##### **Infant eye inflammation, swelling, or discharge; reports; treatment**

Sec. 9. (a) If:

- (1) one (1) or both eyes of an infant become inflamed, swollen, or show an unnatural discharge or secretion at any time within two (2) weeks after birth; and
- (2) there is no legally qualified person in professional attendance;

the parent or other person who is in charge of the care of the infant shall immediately report in writing the infection or unnatural discharge not more than six (6) hours after discovery to the health officer.

(b) If treatment has not been secured by the time the report on the infection or unnatural discharge is made, the local health officer shall direct the person to secure adequate medical service and to make a report to the local health officer when the treatment has been secured.

(c) If the person who is in charge of the care of the infant is unable to pay for medical treatment for the infant, the local health officer may direct the person to place the infant in the charge of the proper agency or official responsible for the medical care of

indigents.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-10**

##### **Syphilis testing during pregnancy; duty of physician**

Sec. 10. A physician who diagnoses a pregnancy of a woman shall take or cause to be taken a sample of blood:

- (1) at the time of diagnosis of pregnancy; and
- (2) during the third trimester of pregnancy, if the woman belongs to a high risk population for which the Centers for Disease Control "Sexually Transmitted Diseases Treatment Guidelines" recommend a third trimester syphilis testing;

and shall submit each sample to an approved laboratory for a standard serological test for syphilis.

*As added by P.L.2-1993, SEC.24. Amended by P.L.255-1996, SEC.16.*

#### **IC 16-41-15-11**

##### **Syphilis testing during pregnancy; duty of attendant**

Sec. 11. A person other than a physician who is permitted by law to attend a pregnant woman, but who is not permitted by law to take blood specimens, shall cause a sample of the blood of the pregnant woman to be taken by a licensed physician, who shall submit the sample to an approved laboratory for a standard serological test for syphilis.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-12**

##### **Syphilis testing at time of delivery**

Sec. 12. If at the time of delivery positive evidence is not available to show that standard serological tests for syphilis have been made in accordance with section 10 of this chapter, the person in attendance at the delivery shall take or cause to be taken a sample of the blood of the woman at the time of the delivery and shall submit the sample to an approved laboratory for a standard serological test for syphilis.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-13**

##### **Syphilis testing information; inclusion in birth and stillbirth certificates**

Sec. 13. (a) The state department shall require in each birth certificate and stillbirth certificate, in addition to information otherwise required in the certificate, the following information:

- (1) Whether a serological test for syphilis was made for the woman who bore the child.
- (2) If a serological test for syphilis was made, the date the blood specimen was taken.
- (3) If a serological test for syphilis was made, whether the test was made during pregnancy or at the time of delivery.

(4) If a serological test for syphilis was not made, the reason why the test was not made.

(b) A person who prepares a birth certificate or a stillbirth certificate shall include the information required in subsection (a).  
*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-14**

##### **Admission of infected persons to charitable and penal institutions**

Sec. 14. The fact that a person has a venereal disease may not bar the person's admission to a benevolent, charitable, or penal institution or correctional facility supported and maintained in any part by state funds.

*As added by P.L.2-1993, SEC.24. Amended by P.L.12-1996, SEC.12.*

#### **IC 16-41-15-15**

##### **Treatment of infected persons admitted to charitable and penal institutions**

Sec. 15. Whenever a person with a venereal disease is admitted to a benevolent, charitable, or penal institution or correctional facility of Indiana, the superintendent or official in charge of the institution or correctional facility shall institute and provide the proper treatment for the person and shall carry out laboratory tests necessary to determine the nature, course, duration, and results of the treatment.

*As added by P.L.2-1993, SEC.24. Amended by P.L.12-1996, SEC.13.*

#### **IC 16-41-15-16**

##### **Free laboratory service for charitable and penal institutions**

Sec. 16. The services of the laboratory of the state department shall be available without charge for the laboratory diagnoses and tests as may be necessary to carry out sections 14 and 15 of this chapter. The state institutions and the state department shall cooperate in every reasonable way in the prevention and suppression of venereal diseases.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-17**

##### **Application of chapter to spiritual and prayer healing**

Sec. 17. Sections 10 through 12 of this chapter do not apply to the following:

(1) A person who administers to or treats the sick or suffering by spiritual means or prayer.

(2) A person who, because of the person's religious belief, in good faith selects and depends upon spiritual means or prayer for treatment or cure of diseases.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-15-18**

##### **Violations**

Sec. 18. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a

Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

*As added by P.L.2-1993, SEC.24.*