

IC 9-27-5

Chapter 5. Toxicology Accident Research

IC 9-27-5-1

State department of toxicology; study

Sec. 1. (a) The state, in recognition of the need for and lack of adequate information regarding the role of alcohol, carbon monoxide, and certain drugs in fatalities occurring as a result of traffic accidents involving motor vehicles, requires specific information pertaining to Indiana. The information, to be of value in the evaluation of the traffic accident rate in Indiana, must be gathered, prepared, and interpreted on the basis of local conditions. It is recognized that the extrapolation of information gathered in other states will not provide accurate information in view of the variables introduced by demographic differences and a multitude of environmental factors that differ from state to state.

(b) In recognition of the need for the information described in subsection (a), the director of the state department of toxicology, in conjunction with the office of traffic safety, shall conduct a study of the incidence and effect of alcohol, carbon monoxide, and certain drugs in all motor vehicle traffic accidents involving a fatality.

As added by P.L.2-1991, SEC.15. Amended by P.L.158-2011, SEC.1.

IC 9-27-5-2

State department of toxicology; aid

Sec. 2. The director of the state department of toxicology may solicit and receive aid from the following:

- (1) The office of traffic safety.
- (2) The state police department.
- (3) The commission on forensic sciences.
- (4) The Indiana Coroners Association.
- (5) The state department of health.
- (6) The Indiana State Medical Association.
- (7) Other agencies that may, in the director's opinion, make a contribution to the effectiveness of the study.

As added by P.L.2-1991, SEC.15. Amended by P.L.2-1992, SEC.90.

IC 9-27-5-3

Test results; dissemination; immunity from liability; practice of medicine

Sec. 3. (a) The results of a test conducted as part of a study conducted under this chapter are not public records. The results comprise information that is required by the investigator for the preparation of the study. Since these are the results of a statistical examination, the findings in a specific instance or collection of instances are not admissible in evidence in an action in a court or in a proceeding before a tribunal, a board, an agency, or an individual.

(b) The consolidated results of the examinations may be disseminated and made public for any use, but there must be no method of identifying the individuals involved.

(c) An individual participating in a bona fide activity concerned with the conduct of statistical examination is immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

(d) This chapter may not be construed as permitting a person to engage in the practice of medicine.

As added by P.L.2-1991, SEC.15.

IC 9-27-5-4

Collection of specimens

Sec. 4. (a) The director of the state department of toxicology, in conjunction with the office of traffic safety, may require the appropriate agencies to collect the necessary specimens to the maximum extent practicable from the body of each driver and pedestrian who is at least fifteen (15) years of age and who dies within four (4) hours after involvement in an accident.

(b) To the maximum extent practicable and consistent with legal rights, a quantitative test must also be conducted on each surviving driver in an accident that involves a fatality or that results in serious bodily injury in a manner consistent with IC 9-30-7.

(c) Specimens or reports collected under this section must consist of those items prescribed by the director of the department of toxicology and must include sufficient data to approximate the blood alcohol concentration of the driver or pedestrian at the time of the accident.

As added by P.L.2-1991, SEC.15.

IC 9-27-5-5

Reports

Sec. 5. The director of the state department of toxicology, in conjunction with the office of traffic safety, shall prepare a report of the annual statistical findings and related recommendations for presentation upon request of the legislative council. The report must be in an electronic format under IC 5-14-6.

As added by P.L.2-1991, SEC.15. Amended by P.L.28-2004, SEC.78.