

## **IC 35-45-21**

### **Chapter 21. Offenses Against Public Health**

#### **IC 35-45-21-1**

##### **Transferring contaminated body fluids**

Sec. 1. (a) As used in this section, "blood" has the meaning set forth in IC 16-41-12-2.5.

(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Level 5 felony.

(c) However, the offense under subsection (b) is a Level 3 felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.

(d) This section does not apply to:

- (1) a person who, for reasons of privacy, donates, sells, or transfers blood at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood must be disposed of and may not be used for any purpose;
- (2) a person who transfers blood semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; or
- (3) a person who is an autologous blood donor for stem cell transplantation.

*As added by P.L.158-2013, SEC.547. Amended by P.L.213-2013, SEC.18.*

#### **IC 35-45-21-2**

##### **Sale or distribution of HIV testing equipment**

Sec. 2. (a) The sale or distribution of:

- (1) diagnostic testing equipment or apparatus; or
- (2) a blood collection kit;

intended for home use to diagnose or confirm human immunodeficiency virus (HIV) infection or disease is prohibited unless the testing equipment, apparatus, or kit has been approved for such use by the federal Food and Drug Administration.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

*As added by P.L.158-2013, SEC.547.*

#### **IC 35-45-21-3**

##### **Failure of carriers of dangerous communicable diseases to warn persons at risk**

Sec. 3. (a) A person who recklessly violates or fails to comply with IC 16-41-7 commits a Class B misdemeanor.

(b) A person who knowingly or intentionally violates or fails to comply with IC 16-41-7-1 commits a Level 6 felony.

(c) Each day a violation described in this section continues

constitutes a separate offense.  
*As added by P.L.158-2013, SEC.547.*

#### **IC 35-45-21-4**

##### **Tattooing or body piercing a minor**

Sec. 4. (a) As used in this section, "tattoo" means:

- (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring; upon or under the skin.

(b) As used in this section, "body piercing" means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

(c) Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally provides a tattoo to a person who is less than eighteen (18) years of age commits tattooing a minor, a Class A misdemeanor.

(d) This subsection does not apply to an act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.

(e) A person may provide a tattoo to a person who is less than eighteen (18) years of age or perform body piercing upon a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the tattoo or undergoing the body piercing:

- (1) is present at the time the tattoo is provided or the body piercing is performed; and
- (2) provides written permission for the person to receive the tattoo or undergo the body piercing.

(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-3-4.1 or IC 16-19-3-4.2.

*As added by P.L.158-2013, SEC.547.*

#### **IC 35-45-21-5**

##### **Obstruction of delivery of prescription drug**

Sec. 5. (a) The following definitions apply throughout this section:

- (1) "Health care provider" refers to a health care provider (as defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or IC 16-18-2-163(c)) or a qualified medication aide as described in IC 16-28-1-11.
- (2) "Licensed health professional" has the meaning set forth in IC 25-23-1-27.1.

(3) "Practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include a veterinarian.

(4) "Prescription drug" has the meaning set forth in IC 35-48-1-25.

(b) A person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of a prescription drug:

(1) prescribed or ordered by a practitioner for a person who is a patient of the practitioner; and

(2) without the prescription or order of a practitioner;

commits interference with medical services, a Class A misdemeanor, except as provided in subsection (c).

(c) An offense described in subsection (b) is:

(1) a Level 6 felony if the offense results in bodily injury;

(2) a Level 5 felony if it is committed by a person who is a licensed health care provider or licensed health professional;

(3) a Level 4 felony if it results in serious bodily injury to the patient; and

(4) a Level 2 felony if it results in the death of the patient.

(d) A person is justified in engaging in conduct otherwise prohibited under this section if the conduct is performed by:

(1) a health care provider or licensed health professional who acts in good faith within the scope of the person's practice or employment; or

(2) a person who is rendering emergency care at the scene of an emergency or accident in a good faith attempt to avoid or minimize serious bodily injury to the patient.

*As added by P.L.158-2013, SEC.547.*