IC 16-41-13

Chapter 13. Communicable Disease: Body Fluid Precautions With Respect to Handling of Dead Bodies

IC 16-41-13-1

Notice requirement

Sec. 1. (a) The attending physician or health care provider shall prepare and attach to the body of a deceased individual a conspicuous notice with the statement: "Observe Body Fluid Precautions" whenever the physician or provider knows that at least one (1) of the following disease processes was present in the deceased at the time of death:

(1) Hepatitis (Types B, non A, non B).

(2) Human immunodeficiency virus (HIV) infection (acquired immune deficiency syndrome and AIDS related complex).

(3) Tuberculosis.

(4) Herpes.

(5) Gonorrhea.

(6) Syphilis (primary and secondary).

(7) Burkett's lymphoma.

(8) Kaposi's sarcoma.

(9) Arthropod-borne viral diseases.

(10) Babesiosis.

(11) Creutzfeldt-Jakob disease.

(12) Leptospirosis.

(13) Malaria.

(14) Rat-bite fever.

(15) Relapsing fever.

(16) Y. Pestis.

(17) Hemorrhagic fevers.

(18) Rabies.

(19) Any other communicable disease (as defined in IC 16-41-2).

(b) The notice required in this chapter must accompany the body when the body is picked up for disposition.

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

IC 16-41-13-2

Presentation of notice

Sec. 2. A person who:

(1) picks up or transports a body for disposition; and

(2) has received notice of a communicable disease under this chapter;

shall present the notice described in section 1 of this chapter to the embalmer, funeral director, or other person taking possession of the body.

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

IC 16-41-13-3

Confidentiality of information

Sec. 3. (a) Information regarding a deceased individual's communicable disease contained in the notice required by this chapter shall be kept confidential by the attending physician, health care provider, funeral director, or other person in possession of the body. Such information may be disclosed only if the information is required by state or federal law or under a court order based on circumstances described in IC 16-41-8-1.

(b) An attending physician, health care provider, or other person in possession of the body who discloses information in violation of this chapter commits a Class A misdemeanor.

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

IC 16-41-13-4

Refusal or failure to give notice; penalty

Sec. 4. A person who knowingly refuses or fails to give notice under section 1 of this chapter to persons disposing of a body that the deceased individual was known to have been diagnosed as having a communicable disease listed in section 1 of this chapter commits a Class C misdemeanor.

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

IC 16-41-13-5

Use of universal precautions

Sec. 5. The provisions of IC 16-41-11 requiring the use of universal precautions apply to embalmers, funeral directors, and other persons who take possession of or handle a body.

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

IC 16-41-13-6

Violations

Sec. 6. (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.