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2017 Indiana Code
TITLE 16. Health
ARTICLE 41. PUBLIC HEALTH
MEASURES FOR THE PREVENTION
AND CONTROL OF DISEASE
CHAPTER 6. Communicable Disease:
Mandatory Testing of Individuals With
Communicable or Dangerous Diseases
16-41-6-2. Informed consent; court
ordered examinations

Universal Citation: IN Code § 16-41-6-2 (2017)

IC 16-41-6-2 Informed consent; court ordered examinations

Sec. 2. (a) As used in this section, "informed consent" means authorization for physical examination, made without undue inducement or any form of force, fraud, constraint, deceit, duress, or coercion after the following:

(1) A fair explanation of the examination, including the purpose, potential uses, limitations, and the fair meaning of the examination results.

(2) A fair explanation of the procedures to be followed, including the following:

(A) The voluntary nature of the examination.

(B) The right to withdraw consent to the examination process at any time.

(C) The right to anonymity to the extent provided by law with respect to participation in the examination and disclosure of examination results.

(D) The right to confidential treatment to the extent provided by law of information identifying the subject of the examination and the results of the examination.

(b) If the state health commissioner, the state health commissioner's legally authorized agent, or local health official has reasonable grounds to believe that an individual may have a communicable disease or other disease that is a danger to health, the state health commissioner, the state health commissioner's legally authorized agent, or local health officer may ask the individual for written informed consent to be examined to prevent the transmission of the disease to other individuals.

(c) If the individual, when requested, refuses such an examination, the state health commissioner, the state health commissioner's legally authorized agent, or local health officer may compel the examination only upon a court order based on clear and convincing evidence of a serious and present health threat to others posed by the individual.

(d) A hearing held under this section shall be held in camera at the request of the individual.

[Pre-1993 Recodification Citation: 16-1-9.5-3.]

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

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