SENATE BILL No. 182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 11-10; IC 16-37-2; IC 24-15-2-14.

Synopsis: Gender issues. Defines "female", "male", "gender", and "sex" for all Indiana statutes. Provides that the department of correction shall assign an offender, including a delinquent offender, to a facility or program that is based on the offender's biological sex at birth. Clarifies that a local health officer shall mark the sex of an individual as male or female on a birth certificate. Provides that the Indiana department of health may make an addition to a birth certificate, for purposes of paternity, in certain situations. Provides the circumstances for when the sex designation on a birth certificate can be amended.

Effective: July 1, 2026.

Brown L

January 5, 2026, read first time and referred to Committee on Health and Provider Services.

Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 182

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.238-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

(1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.

(2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.

(3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.

(6) Except as provided in subsection (c), "female", when

referencing the human species, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly, an intentional disruption, or an unintentional disruption, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

(7) "Gender", when used alone to refer to males, females, or the natural differences between males and females is a synonym for sex.

~~(6)~~ **(8)** "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

~~(7)~~ **(9)** "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

~~(8)~~ **(10)** "Infant" or "minor" means a person less than eighteen (18) years of age.

~~(9)~~ **(11)** "Inhabitant" may be construed to mean a resident in any place.

~~(10)~~ **(12)** "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

~~(11)~~ **(13)** "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(14) Except as provided in subsection (c), "male", when referencing the human species, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly, an intentional disruption, or an unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

~~(12)~~ **(15)** "Mentally incompetent" means of unsound mind.

~~(13)~~ **(16)** "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

~~(14)~~ **(17)** "Month" means a calendar month, unless otherwise expressed.

~~(15)~~ **(18)** "Noncode statute" means a statute that is not codified as part of the Indiana Code.

~~(16)~~ **(19)** "Oath" includes "affirmation", and "to swear" includes to "affirm".

~~(17)~~ **(20)** "Person" extends to bodies politic and corporate.

~~(18)~~ **(21)** "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(19)~~ **(22)** "Population" has the meaning set forth in IC 1-1-3.5-3.

~~(20)~~ **(23)** "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(21)~~ **(24)** "Property" includes personal and real property.

(25) Except as provided in subsection (c), "sex" refers to the two (2) sexes, female and male, in the human species with the organization of the anatomy, hormones, and the gametes oriented toward fertilization without regard to the individual's psychological, behavioral, social, chosen, or subjective experience of gender.

~~(22)~~ **(26)** "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ **(27)** "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ **(28)** "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ **(29)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ **(30)** "Will" includes a testament and codicil.

~~(27)~~ **(31)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ **(32)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ **(33)** "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ **(34)** The definitions in IC 35-31.5 apply to all statutes relating to penal offenses.

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly

excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

(1) The individual is a resident of Indiana.

(2) The individual served in an active or reserve component of the armed forces of the United States or the Indiana National Guard.

(3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National Guard under conditions other than conditions set forth in IC 10-17-12-7.5(2).

The definitions set forth in this subsection may not be construed to affect a Hoosier veteran's eligibility for any state program that is based upon a particular aspect of the Hoosier veteran's service such as a disability or a wartime service requirement.

(c) The definitions of:

(1) "sex", in subsection (a)(25);

(2) "male", in subsection (a)(14); and

(3) "female", in subsection (a)(6);

do not preclude the reasonable accommodation of an individual with a congenital and physically verifiable diagnosis of a disorder of sex development (DSD) or a difference in sex development (DSD).

SECTION 2. IC 11-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Upon completion of the evaluation prescribed in section 2 of this chapter and before assigning ~~him~~ **an offender** to a facility or program, the department shall determine the appropriate degree of security (maximum, medium, or minimum) for each offender as described in IC 35-38-3-6. In making that determination the department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the recommendations of the sentencing court; and

(3) the degree and kind of custodial control necessary for the protection of the public, staff, other confined persons, and the individual being considered.

(b) After determining the offender's security classification, the department shall assign ~~him~~ **the offender** to a facility or program; make an initial employment, education, training, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services. In making the assignment, the

department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the offender's security classification;

(3) the offender's need for special therapy or programs, including employment, education, or training available only in specific facilities or programs;

(4) the likelihood of the offender's reintegration into the community in which the facility or program is located;

(5) the desirability of keeping the offender in a facility or program near the area in which ~~he~~ **the offender** resided before commitment;

(6) the desires of the offender;

(7) the current population levels of the facilities or programs considered appropriate for the offender; and

(8) the length of the offender's sentence.

(c) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(d) Before assigning an offender to a facility or program, the department shall give ~~him~~ **the offender** an opportunity to present pertinent information; discuss with ~~him~~ **the offender** all aspects of the evaluation, classification, and assignment process; and work with ~~him~~ **the offender** to determine a fair and appropriate assignment.

(e) The department shall assign an offender to a facility or program that is based on the offender's biological sex, as defined by IC 1-1-4-5(a)(25), at birth.

~~(e)~~ **(f)** If an offender is sentenced to a term of imprisonment of one (1) year or less, the department may make an assignment under this section without making the evaluation prescribed in section 2 of this chapter. In determining the length of an offender's term, consecutive terms of imprisonment shall be added together.

~~(f)~~ **(g)** This section does not prohibit the temporary assignment of an offender pending evaluation and classification.

SECTION 3. IC 11-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Upon completion of the evaluation prescribed in section 4 of this chapter, the department shall assign the offender to a facility or program; make an initial education, training, employment, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services it considers appropriate. In making the assignment, the

department shall, among other relevant information, consider:

(1) the results of the evaluation prescribed in section 4 of this chapter;

(2) the recommendations of the committing court;

(3) the offender's need for special therapy or programs, including education, training, or employment available only in specific facilities or programs;

(4) the degree and type of custodial control necessary for the protection of the public, staff, other committed offenders, and the individual being considered;

(5) the likelihood of the offender's reintegration into the community in which the facility or program is located;

(6) the desirability of keeping the offender in a facility or program near the area in which ~~he~~ **the offender** resided before commitment;

(7) the desires of the offender and ~~his~~ **the offender's** parents, guardian, or custodian;

(8) the current population levels of the facilities or programs considered appropriate for the offender; and

(9) the probable length of commitment.

(b) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(c) If an offender is found to be pregnant, the department may return her to the committing court for further disposition.

(d) Before assigning an offender to a facility or program, the department shall give ~~him~~ **the offender** an opportunity to present pertinent information, discuss with ~~him~~ **the offender** all aspects of the evaluation and assignment process, and work with ~~him~~ **the offender** to determine a fair and appropriate assignment.

(e) The department shall assign an offender to a facility or program that is based on the offender's biological sex, as defined by IC 1-1-4-5(a)(25), at birth.

~~(e)~~ **(f)** The department shall, by certified mail, return receipt requested, notify the parent, guardian, custodian, or nearest relative of any committed offender of ~~his~~ **the offender's** physical location and any change in that location.

~~(f)~~ **(g)** This section does not preclude the temporary assignment of an offender pending evaluation.

SECTION 4. IC 16-37-2-9, AS AMENDED BY P.L.138-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2026]: Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

(1) Name.

(2) Sex, **as defined by IC 1-1-4-5(a)(25), either male or female.**

(3) Date of birth.

(4) Place of birth.

(5) Name of the parents.

(6) Birthplace of the parents.

(7) The date of filing of the certificate of birth.

(8) The person in attendance at the birth.

(9) Location of the birth, including whether the birth occurred at a hospital, licensed health care facility, home, or other non-health care facility.

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection. Upon request by an individual, a paper copy of the permanent record in subsection (a) must be provided by the local health officer.

(c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

(d) The permanent record of the information required under this section may be maintained in the Indiana birth registration system (IBRS).

SECTION 5. IC 16-37-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) As used in this section, "DNA test" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared with the genetic codes of another individual.

(b) The state department may make additions to or corrections in a certificate of birth on receipt of adequate documentary evidence, ~~including~~ **based on either** the results of a DNA test under subsection (c) or a paternity affidavit executed under section 2.1 of this chapter.

(c) The state department may make an addition to a birth certificate, **for purposes of paternity,** based on the results of a DNA test only if:

(1) a father is not named on the birth certificate; and

(2) a citation to this subsection as the authority for the addition is noted on the birth certificate.

(d) The sex designation on a birth certificate may not be amended, except for:

(1) a medically verifiable disorder of sex development, including an individual with:

(A) external sex characteristics that are irremovably ambiguous;

(B) forty-six (46) XX chromosomes with virilization;

(C) forty-six (46) XY chromosomes with undervirilization; or

(D) both ovarian and testicular issues; or

(2) except as provided in subsection (e), a correction of a birth certificate that is voluntarily amended to record a sex other than the sex of the individual as previously recorded at birth.

(e) An individual applying for a corrected birth certificate under subsection (d)(2) must present a state vital record, federal record, or other documentation bearing the correct sex or attesting to the change.

SECTION 6. IC 24-15-2-14, AS ADDED BY P.L.94-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. "Health record" has the meaning set forth in ~~IC 1-1-4-5(a)(6).~~ **IC 1-1-4-5(a)(8).**