

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:

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

7 (1) "Adult", "of full age", and "person in his majority" mean a
8 person at least eighteen (18) years of age.
9 (2) "Attorney" includes a counselor or other person authorized to
10 appear and represent a party in an action or special proceeding.
11 (3) "Autism" means a neurological condition as described in the
12 most recent edition of the Diagnostic and Statistical Manual of
13 Mental Disorders of the American Psychiatric Association.
14 (4) "Bond" does not necessarily imply a seal.
15 (5) "Clerk" means the clerk of the court or a person authorized to
16 perform the clerk's duties.
17 (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.

15 (7) (9) "Highway" includes county bridges and state and county
16 roads, unless otherwise expressly provided.

17 (8) (10) "Infant" or "minor" means a person less than eighteen
18 (18) years of age.

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

26 (14) Except as provided in subsection (c), "male", when
27 referencing the human species, means an individual who
28 naturally has, had, will have, or would have, but for a
29 congenital anomaly, an intentional disruption, or an
30 unintentional disruption, the reproductive system that at some
31 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.

(+) (19) "Oath" includes "affirmation", and "to swear" includes to "affirm".

(+) (20) "Person" extends to bodies politic and corporate.





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

5 (1) The individual is a resident of Indiana.
 6 (2) The individual served in an active or reserve component of the
 7 armed forces of the United States or the Indiana National Guard.
 8 (3) The individual completed any required military occupational
 9 specialty training and was not discharged or separated from the
 10 armed forces or the Indiana National Guard under conditions
 11 other than conditions set forth in IC 10-17-12-7.5(2).

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

16 **(c) The definitions of:**

17 (1) "sex", in subsection (a)(25);
 18 (2) "male", in subsection (a)(14); and
 19 (3) "female", in subsection (a)(6);

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

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

32 (1) the results of the evaluation prescribed in section 2 of this
 33 chapter;
 34 (2) the recommendations of the sentencing court; and
 35 (3) the degree and kind of custodial control necessary for the
 36 protection of the public, staff, other confined persons, and the
 37 individual being considered.

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



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

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

3 chapter;

4 (2) the offender's security classification;

5 (3) the offender's need for special therapy or programs, including

6 employment, education, or training available only in specific

7 facilities or programs;

8 (4) the likelihood of the offender's reintegration into the

9 community in which the facility or program is located;

10 (5) the desirability of keeping the offender in a facility or program

11 near the area in which ~~he~~ **the offender** resided before

12 commitment;

13 (6) the desires of the offender;

14 (7) the current population levels of the facilities or programs

15 considered appropriate for the offender; and

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

17 (c) If the department determines that a committed offender is

18 mentally or physically incapacitated to such an extent that proper

19 custody, care, and control cannot be provided by the department, it

20 shall make arrangements for placement outside the department.

21 (d) Before assigning an offender to a facility or program, the

22 department shall give ~~him~~ **the offender** an opportunity to present

23 pertinent information; discuss with ~~him~~ **the offender** all aspects of the

24 evaluation, classification, and assignment process; and work with ~~him~~

25 **the offender** to determine a fair and appropriate assignment.

26 (e) **The department shall assign an offender to a facility or**

27 **program that is based on the offender's biological sex, as defined**

28 **by IC 1-1-4-5(a)(25), at birth.**

29 (f) If an offender is sentenced to a term of imprisonment of one

30 (1) year or less, the department may make an assignment under this

31 section without making the evaluation prescribed in section 2 of this

32 chapter. In determining the length of an offender's term, consecutive

33 terms of imprisonment shall be added together.

34 (g) This section does not prohibit the temporary assignment of

35 an offender pending evaluation and classification.

36 SECTION 3. IC 11-10-2-5 IS AMENDED TO READ AS

37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Upon completion

38 of the evaluation prescribed in section 4 of this chapter, the department

39 shall assign the offender to a facility or program; make an initial

40 education, training, employment, or other assignment within that

41 facility or program; and order medical, psychiatric, psychological, or

42 other services it considers appropriate. In making the assignment, the



1 department shall, among other relevant information, consider:

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

3 chapter;

4 (2) the recommendations of the committing court;

5 (3) the offender's need for special therapy or programs, including

6 education, training, or employment available only in specific

7 facilities or programs;

8 (4) the degree and type of custodial control necessary for the

9 protection of the public, staff, other committed offenders, and the

10 individual being considered;

11 (5) the likelihood of the offender's reintegration into the

12 community in which the facility or program is located;

13 (6) the desirability of keeping the offender in a facility or program

14 near the area in which ~~he~~ **the offender** resided before

15 commitment;

16 (7) the desires of the offender and ~~his~~ **the offender's** parents,

17 guardian, or custodian;

18 (8) the current population levels of the facilities or programs

19 considered appropriate for the offender; and

20 (9) the probable length of commitment.

21 (b) If the department determines that a committed offender is

22 mentally or physically incapacitated to such an extent that proper

23 custody, care, and control cannot be provided by the department, it

24 shall make arrangements for placement outside the department.

25 (c) If an offender is found to be pregnant, the department may return

26 her to the committing court for further disposition.

27 (d) Before assigning an offender to a facility or program, the

28 department shall give ~~him~~ **the offender** an opportunity to present

29 pertinent information, discuss with ~~him~~ **the offender** all aspects of the

30 evaluation and assignment process, and work with ~~him~~ **the offender** to

31 determine a fair and appropriate assignment.

32 (e) **The department shall assign an offender to a facility or**

33 **program that is based on the offender's biological sex, as defined**

34 **by IC 1-1-4-5(a)(25), at birth.**

35 (f) The department shall, by certified mail, return receipt

36 requested, notify the parent, guardian, custodian, or nearest relative of

37 any committed offender of ~~his~~ **the offender's** physical location and any

38 change in that location.

39 (g) This section does not preclude the temporary assignment of

40 an offender pending evaluation.

41 SECTION 4. IC 16-37-2-9, AS AMENDED BY P.L.138-2019,

42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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

3 (1) Name.
4 (2) Sex, **as defined by IC 1-1-4-5(a)(25), either male or female.**
5 (3) Date of birth.
6 (4) Place of birth.
7 (5) Name of the parents.
8 (6) Birthplace of the parents.
9 (7) The date of filing of the certificate of birth.
10 (8) The person in attendance at the birth.
11 (9) Location of the birth, including whether the birth occurred at
12 a hospital, licensed health care facility, home, or other non-health
13 care facility.
14 (b) Except as provided in subsection (c), the permanent record shall
15 be open to public inspection. Upon request by an individual, a paper
16 copy of the permanent record in subsection (a) must be provided by the
17 local health officer.
18 (c) The birth record of an adopted child remains subject to the
19 confidentiality provisions of IC 31-19 regarding the release of adoption
20 information.
21 (d) The permanent record of the information required under this
22 section may be maintained in the Indiana birth registration system
23 (IBRS).

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

30 (b) The state department may make additions to or corrections in a
31 certificate of birth on receipt of adequate documentary evidence,
32 **including based on either** the results of a DNA test under subsection
33 (c) or a paternity affidavit executed under section 2.1 of this chapter.
34 (c) The state department may make an addition to a birth certificate,
35 **for purposes of paternity**, based on the results of a DNA test only if:
36 (1) a father is not named on the birth certificate; and
37 (2) a citation to this subsection as the authority for the addition is
38 noted on the birth certificate.

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

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



