

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in **this** *this* this style **type** or in **this** *this* this style **type**.

## SENATE BILL No. 182

Proposed Changes to introduced printing by AM018203

### DIGEST OF PROPOSED AMENDMENT

Gender matters. Amends the definition of "gender" and states that "gender" is a synonym of "sex". Removes references to the phrase "biological sex". Removes language providing that certain definitions do not preclude specified reasonable accommodations. Limits changes of the sex designation on a birth certificate to specified medically verifiable genetic or physiological disorders. Modifies language concerning applying for a corrected birth certificate.

---

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  
10 to appear and represent a party in an action or special  
11 proceeding.  
12 (3) "Autism" means a neurological condition as described in the  
13 most recent edition of the Diagnostic and Statistical Manual of  
14 Mental Disorders of the American Psychiatric Association.  
15 (4) "Bond" does not necessarily imply a seal.  
16 (5) "Clerk" means the clerk of the court or a person authorized  
17 to perform the clerk's duties.

2026

IN 182—LS 6808/DI 107



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

8 (7) "Gender" ~~when used alone to refer to males, females,  
9 or the natural differences between males and females~~ is a  
10 synonym for sex [and has the meaning set forth in  
11 subdivision (25)].

(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.

18 (7) (9) "Highway" includes county bridges and state and county  
19 roads, unless otherwise expressly provided.

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

22 (9) (11) "Inhabitant" may be construed to mean a resident in any  
23 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),~~ "~~m~~**[M]ale**", 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.

36 (12) (15) "Mentally incompetent" means of unsound mind.

40 (14) (17) "Month" means a calendar month, unless otherwise  
41 expressed.

42 (18) "Noncode statute" means a statute that is not codified

2026

IN 182—LS 6808/DI 107



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

1 as part of the Indiana Code.  
 2 (16) (19) "Oath" includes "affirmation", and "to swear" includes  
 3 to "affirm".  
 4 (17) (20) "Person" extends to bodies politic and corporate.  
 5 (18) (21) "Personal property" includes goods, chattels, evidences  
 6 of debt, and things in action.  
 7 (19) (22) "Population" has the meaning set forth in IC 1-1-3.5-3.  
 8 (20) (23) "Preceding" and "following", referring to sections in  
 9 statutes, mean the sections next preceding or next following that  
 10 in which the words occur, unless some other section is  
 11 designated.  
 12 (21) (24) "Property" includes personal and real property.  
 13 (25) ~~Except as provided in subsection (c),~~ "sex"  
 14 refers to the two (2) sexes, female and male, in the human  
 15 species with the organization of ~~the~~ anatomy, hormones,  
 16 and ~~the~~ gametes oriented toward fertilization without  
 17 regard to the individual's psychological, behavioral, social,  
 18 chosen, or subjective experience of gender.  
 19 (22) (26) "Sheriff" means the sheriff of the county or another  
 20 person authorized to perform sheriff's duties.  
 21 (23) (27) "State", applied to any one (1) of the United States,  
 22 includes the District of Columbia and the commonwealths,  
 23 possessions, states in free association with the United States, and  
 24 the territories. "United States" includes the District of Columbia  
 25 and the commonwealths, possessions, states in free association  
 26 with the United States, and the territories.  
 27 (24) (28) "Under legal disabilities" includes persons less than  
 28 eighteen (18) years of age, mentally incompetent, or out of the  
 29 United States.  
 30 (25) (29) "Verified", when applied to pleadings, means  
 31 supported by oath or affirmation in writing.  
 32 (26) (30) "Will" includes a testament and codicil.  
 33 (27) (31) "Without relief" in any judgment, contract, execution,  
 34 or other instrument of writing or record, means without the  
 35 benefit of valuation laws.  
 36 (28) (32) "Written" and "in writing" include printing,  
 37 lithographing, or other mode of representing words and letters.  
 38 If the written signature of a person is required, the terms mean  
 39 the proper handwriting of the person or the person's mark.  
 40 (29) (33) "Year" means a calendar year, unless otherwise  
 41 expressed.  
 42 (30) (34) The definitions in IC 35-31.5 apply to all statutes



1 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:

10 (1) The individual is a resident of Indiana.

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

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

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

← ~~(e) 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).~~

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

38 (1) the results of the evaluation prescribed in section 2 of this  
39 chapter;  
40 (2) the recommendations of the sentencing court; and  
41 (3) the degree and kind of custodial control necessary for the  
42 protection of the public, staff, other confined persons, and the

2026

IN 182—LS 6808/DI 107



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

1 individual being considered.

2 (b) After determining the offender's security classification, the  
 3 department shall assign **him the offender** to a facility or program;  
 4 make an initial employment, education, training, or other assignment  
 5 within that facility or program; and order medical, psychiatric,  
 6 psychological, or other services. In making the assignment, the  
 7 department shall, in addition to other relevant information, consider:

8       (1) the results of the evaluation prescribed in section 2 of this  
 9       chapter;  
 10      (2) the offender's security classification;  
 11      (3) the offender's need for special therapy or programs, including  
 12       employment, education, or training available only in specific  
 13       facilities or programs;  
 14      (4) the likelihood of the offender's reintegration into the  
 15       community in which the facility or program is located;  
 16      (5) the desirability of keeping the offender in a facility or  
 17       program near the area in which **he the offender** resided before  
 18       commitment;  
 19      (6) the desires of the offender;  
 20      (7) the current population levels of the facilities or programs  
 21       considered appropriate for the offender; and  
 22      (8) the length of the offender's sentence.

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

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, classification, and assignment process; and work with **him**  
 31 **the offender** to 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) If an offender is sentenced to a term of imprisonment of one  
 36 (1) year or less, the department may make an assignment under this  
 37 section without making the evaluation prescribed in section 2 of this  
 38 chapter. In determining the length of an offender's term, consecutive  
 39 terms of imprisonment shall be added together.

40 (g) This section does not prohibit the temporary assignment of  
 41 an offender pending evaluation and classification.

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

2026

IN 182—LS 6808/DI 107



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Upon completion  
 2       of the evaluation prescribed in section 4 of this chapter, the department  
 3       shall assign the offender to a facility or program; make an initial  
 4       education, training, employment, or other assignment within that  
 5       facility or program; and order medical, psychiatric, psychological, or  
 6       other services it considers appropriate. In making the assignment, the  
 7       department shall, among other relevant information, consider:

- 8               (1) the results of the evaluation prescribed in section 4 of this  
 9               chapter;
- 10               (2) the recommendations of the committing court;
- 11               (3) the offender's need for special therapy or programs, including  
 12               education, training, or employment available only in specific  
 13               facilities or programs;
- 14               (4) the degree and type of custodial control necessary for the  
 15               protection of the public, staff, other committed offenders, and  
 16               the individual being considered;
- 17               (5) the likelihood of the offender's reintegration into the  
 18               community in which the facility or program is located;
- 19               (6) the desirability of keeping the offender in a facility or  
 20               program near the area in which ~~he~~ **the offender** resided before  
 21               commitment;
- 22               (7) the desires of the offender and ~~his~~ **the offender's** parents,  
 23               guardian, or custodian;
- 24               (8) the current population levels of the facilities or programs  
 25               considered appropriate for the offender; and
- 26               (9) the probable length of commitment.

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

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

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

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

41               (f) The department shall, by certified mail, return receipt  
 42       requested, notify the parent, guardian, custodian, or nearest relative of



1 any committed offender of ~~his~~ **the offender's** physical location and any  
 2 change in that location.

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

5 SECTION 4. IC 16-37-2-9, AS AMENDED BY P.L.138-2019,  
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2026]: Sec. 9. (a) The local health officer shall make a  
 8 permanent record of the following from a birth certificate:

- 9 (1) Name.
- 10 (2) Sex, **as defined by IC 1-1-4-5(a)(25), either male or**  
 11 **female.**
- 12 (3) Date of birth.
- 13 (4) Place of birth.
- 14 (5) Name of the parents.
- 15 (6) Birthplace of the parents.
- 16 (7) The date of filing of the certificate of birth.
- 17 (8) The person in attendance at the birth.
- 18 (9) Location of the birth, including whether the birth occurred at  
 19 a hospital, licensed health care facility, home, or other  
 20 non-health care facility.

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

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

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

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

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

40 (c) The state department may make an addition to a birth  
 41 certificate, **for purposes of paternity**, based on the results of a DNA  
 42



1 test only if:

2 (1) a father is not named on the birth certificate; and  
 3 (2) a citation to this subsection as the authority for the addition  
 4 is noted on the birth certificate.

5 **(d) The sex designation on a birth certificate may not be**  
 6 **amended, except for****[either of the following]****:**

7 (1) ~~↔~~**[A]** medically verifiable**[genetic or physiological]**  
 8 disorder of sex development, including ~~an individual~~  
 9 ~~with~~**[the following]**:

10 (A) ~~↔~~**[E]xternal** sex characteristics that are  
 11 ~~irremovably~~**[irresolvably]** ambiguous~~↔~~**[.]**  
 12 (B) ~~↔~~**[F]orty-six** (46) XX chromosomes with  
 13 virilization~~↔~~**[.]**  
 14 (C) ~~↔~~**[F]orty-six** (46) XY chromosomes with  
 15 undervirilization~~↔~~**[.]**  
 16 (D) ~~↔~~**[B]oth** ovarian and testicular ~~issues;~~  
 17 ~~or~~**[tissues.]**

18 (2) ~~↔~~**[E]xcept as provided in subsection (e), a correction of**  
 19 **a birth certificate that** ~~is voluntarily~~**[was previously]**  
 20 **amended to record a sex other than the sex** ~~[designation]~~**of**  
 21 **the individual**~~as previously recorded at birth~~**.**

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

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

30 1

2026

IN 182—LS 6808/DI 107



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY