

HOUSE BILL No. 1022

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-19-4; IC 7.1-1-3-16.6; IC 7.1-7-4; IC 8-1-34-30; IC 8-2.1-19.1-5; IC 9-32-16-11; IC 15-15-13; IC 16-18-4-4; IC 16-25-6; IC 16-27-2-5; IC 16-28-13; IC 20-26-5-10; IC 20-51-3; IC 21-18.5-6-11; IC 24-7-8-5; IC 25-1-1.1-4; IC 25-26-14; IC 25-34.1-8-10; IC 25-36.5-1-18; IC 28-1; IC 28-7-5-4; IC 28-8; IC 28-11-5-4.5.

Synopsis: Expanded criminal history checks. Provides that an expanded criminal history check may be used instead of certain background checks and criminal history checks.

Effective: July 1, 2019.

Thompson

January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1022

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 4-13-19-4, AS AMENDED BY P.L.48-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 4. (a) The governor shall appoint the ombudsman.
4 The ombudsman serves at the pleasure of the governor. An individual
5 may not be appointed as ombudsman if the individual has been
6 employed by the department of child services at any time during the
7 preceding twelve (12) months. The governor shall appoint a successor
8 ombudsman not later than thirty (30) days after a vacancy occurs in the
9 position of the ombudsman.

10 (b) The office of the department of child services ombudsman:
11 (1) shall employ at least two (2) full time employees to assist the
12 ombudsman with receiving, investigating, and attempting to
13 resolve complaints described in section 5 of this chapter; and
14 (2) may employ technical experts and other employees to carry
15 out the purposes of this chapter.

16 (c) The office of the department of child services ombudsman may
17 not hire an individual to serve as an ombudsman if the individual has



1 been employed by the department of child services during the
2 preceding twelve (12) months.

3 (d) The ombudsman and any other person employed or authorized
4 by the ombudsman:

5 (1) are subject to the same criminal history and background
6 checks, to be performed by the department of child services, that
7 are required for department of child services family case
8 managers; and

9 (2) are subject to the same disqualification for employment
10 criteria as department of child services family case managers.

11 **(e) The criminal history and background check requirement**
12 **described in subsection (d) may be satisfied by fulfilling the**
13 **components of an expanded criminal history check under**
14 **IC 20-26-2-1.5.**

15 SECTION 2. IC 7.1-1-3-16.6 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: **Sec. 16.6. "Expanded criminal history**
18 **check" has the meaning set forth in IC 20-26-2-1.5.**

19 SECTION 3. IC 7.1-7-4-1, AS AMENDED BY P.L.206-2017,
20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2019]: Sec. 1. (a) A manufacturer of e-liquid may not mix,
22 bottle, package, or sell e-liquid to retailers, consumers, or distributors
23 in Indiana without a permit issued by the commission under this article.

24 (b) All e-liquids manufactured by an e-liquids manufacturer
25 approved by the commission under this article before July 1, 2017, may
26 be distributed and sold for retail until the expiration date of the
27 e-liquids.

28 (c) A manufacturing permit issued by the commission is valid for
29 five (5) years. A manufacturing permit issued by the commission under
30 this article before July 1, 2017, does not expire before July 1, 2020.

31 (d) An initial application for a manufacturing permit must include
32 the following:

33 (1) The name, telephone number, and address of the applicant.

34 (2) The name, telephone number, and address of the
35 manufacturing facility.

36 (3) The name, telephone number, title, and address of the person
37 responsible for the manufacturing facility.

38 (4) Verification that the facility will comply with applicable
39 tobacco products good manufacturing practices promulgated
40 under 21 U.S.C. 387f(e) of the federal Food, Drug, and Cosmetic
41 Act.

42 (5) Verification that the manufacturer will comply with the



1 applicable ingredient listing required by 21 U.S.C. 387d(a)(1) of
2 the federal Food, Drug, and Cosmetic Act.

3 (6) Written consent allowing the state police department to
4 conduct a state or national criminal history background check on
5 any person listed on the application.

6 (7) A nonrefundable initial application fee of one thousand dollars
7 (\$1,000).

8 (e) The fees collected under subsection (d)(7) shall be deposited in
9 the enforcement and administration fund established under IC 7.1-4-10.

10 **(f) The state or national criminal history background check**
11 **requirement described in subsection (d)(6) may be satisfied by**
12 **fulfilling the components of an expanded criminal history check**
13 **under IC 20-26-2-1.5.**

14 SECTION 4. IC 7.1-7-4-2, AS AMENDED BY P.L.206-2017,
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 2. (a) A manufacturing permit that is renewed by
17 the commission is valid for five (5) years.

18 (b) A renewal application for a manufacturing permit must include
19 the following:

20 (1) The name, telephone number, and address of the applicant.

21 (2) The name, telephone number, and address of the
22 manufacturing facility.

23 (3) The name, telephone number, title, and address of the person
24 responsible for the manufacturing facility.

25 (4) Verification that the facility complies with all tobacco
26 products good manufacturing practices:

27 (A) set forth in; and

28 (B) promulgated in federal rules under;

29 21 U.S.C. 387f through 21 U.S.C. 387u of the federal Food, Drug,
30 and Cosmetic Act.

31 (5) Written consent allowing the state police department to
32 conduct a state or national criminal history background check on
33 any person listed on the application.

34 (6) A nonrefundable renewal application fee of five hundred
35 dollars (\$500).

36 (c) The fees collected under subsection (b)(6) shall be deposited in
37 the enforcement and administration fund established under IC 7.1-4-10.

38 **(d) The state or national criminal history background check**
39 **requirement described in subsection (b)(5) may be satisfied by**
40 **fulfilling the components of an expanded criminal history check**
41 **under IC 20-26-2-1.5.**

42 SECTION 5. IC 7.1-7-4-7, AS AMENDED BY P.L.206-2017,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 7. (a) On receipt of a completed permit
3 application, the commission shall forward a copy of the application to
4 the state police department.

5 (b) The state police department shall perform a state or national
6 criminal history background check of the applicant and return the
7 application to the commission along with the state police department's
8 findings from the state or national background check. The commission
9 is responsible for the cost of a state or national criminal history
10 background check conducted under this article.

11 (c) The commission shall review the permit application after it is
12 returned from the state police department under subsection (b). The
13 commission shall grant or deny a completed application for a permit
14 within sixty (60) days of receipt of the application. If the commission
15 determines that:

- 16 (1) all the requirements under this article have been met; and
17 (2) the applicant has not been convicted within ten (10) years
18 before the date of application of:

19 (A) a federal crime having a sentence of at least one (1) year;
20 (B) an Indiana Class A, Class B, or Class C felony (for a crime
21 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
22 Level 4, or Level 5 felony (for a crime committed after June
23 30, 2014); or

24 (C) a crime in a state other than Indiana having a penalty equal
25 to the penalty for an Indiana Class A, Class B, or Class C
26 felony (for a crime committed before July 1, 2014) or a Level
27 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime
28 committed after June 30, 2014);

29 (D) an Indiana Class D felony involving a controlled substance
30 under IC 35-48-4 (for a crime committed before July 1, 2014)
31 or a Level 6 felony involving a controlled substance under
32 IC 35-48-4 (for a crime committed after June 30, 2014); or

33 (E) a crime in a state other than Indiana similar to a Class D
34 felony involving a controlled substance under IC 35-48-4 (for
35 a crime committed before July 1, 2014) or a Level 6 felony
36 involving a controlled substance under IC 35-48-4 (for a crime
37 committed after June 30, 2014);

38 the commission shall approve the application for issuance of the
39 permit.

40 (d) If the completed application for a permit is denied, the
41 commission must state the reasons for the denial. If a completed
42 application is denied under this section, the applicant may reapply



1 within thirty (30) days after the date of the denial. There is no
2 application fee for a reapplication under this subsection.

3 **(e) The state or national criminal history background check**
4 **requirement described in subsection (b) may be satisfied by**
5 **fulfilling the components of an expanded criminal history check**
6 **under IC 20-26-2-1.5.**

7 SECTION 6. IC 8-1-34-30, AS AMENDED BY P.L.177-2018,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 30. (a) As used in this section, "designated
10 employee" means a holder's:

- 11 (1) employee; or
12 (2) authorized agent;

13 whom the holder designates or will designate to receive direct
14 marketing authority.

15 (b) As used in this section, "direct marketing authority" means the
16 authority granted by the commission to a holder to market any service
17 or product offered by the holder directly to all households and
18 businesses in a service area served by the holder.

19 (c) As used in this section, "political subdivision" has the meaning
20 set forth in IC 36-1-2-13.

21 (d) A holder may apply to the commission, in the manner and form
22 prescribed by the commission, for direct marketing authority. An
23 application must include the following information with respect to each
24 designated employee of the holder:

- 25 (1) Name.
26 (2) Home address.
27 (3) Driver's license number.
28 (4) A certification described in subsection (e)(1).

29 (e) In an application under subsection (d), a holder shall include the
30 following:

- 31 (1) A certification by the holder that each designated employee
32 satisfies the following requirements:
33 (A) The employee is at least eighteen (18) years of age.
34 (B) The employee has a high school diploma or the equivalent
35 of a high school diploma.
36 (C) The employee has not been convicted of a felony within
37 the seven (7) years immediately preceding the date of the
38 application.
39 (D) Within the seven (7) years immediately preceding the date
40 of the application, the employee has not been released from
41 incarceration after serving time for a felony conviction.
42 (E) The employee has not been convicted of:



- 1 (i) a misdemeanor involving fraud, deceit, or dishonesty;
 2 (ii) a battery offense included in IC 35-42-2 as a
 3 misdemeanor; or
 4 (iii) two (2) or more misdemeanors involving the illegal use
 5 of alcohol or the illegal sale, use, or possession of a
 6 controlled substance;
 7 within the five (5) years immediately preceding the date of the
 8 application.
 9 (F) The employee has a valid driver's license.
- 10 (2) Proof of financial responsibility.
- 11 (f) A holder may comply with subsection (e)(1) by submitting to the
 12 commission a document signed by the holder in which the holder:
- 13 (1) identifies each designated employee by name, home address,
 14 and driver's license number;
 15 (2) certifies that each designated employee has been the subject
 16 of a criminal history background check for each jurisdiction in the
 17 United States in which the designated employee has lived or
 18 worked within the seven (7) years immediately preceding the date
 19 of the application; and
 20 (3) affirms that the background check described in subdivision (2)
 21 for each designated employee indicates that the designated
 22 employee satisfies the requirements set forth in subsection (e)(1),
 23 as applicable.
- 24 (g) Not more than fifteen (15) days after the commission receives an
 25 application under subsection (d), the commission shall determine
 26 whether the application is complete and properly verified. If the
 27 commission determines that the application is incomplete or not
 28 properly verified, the commission shall notify the applicant holder of
 29 the deficiency and allow the holder to resubmit the application after
 30 correcting the deficiency. If the commission determines that the
 31 application is complete and properly verified, the commission shall
 32 issue an order granting the holder direct marketing authority. The order
 33 must contain the following:
- 34 (1) The name of the holder.
 35 (2) The names of designated employees of the holder.
 36 (3) A grant of direct marketing authority to the holder and
 37 designated employees of the holder.
 38 (4) The date on which the order takes effect.
- 39 The commission shall provide public notice of an order granting direct
 40 marketing authority under this subsection by posting the order on the
 41 commission's Internet web site.
 42 (h) A holder that has direct marketing authority shall notify the



1 commission in a timely manner of any changes to the holder's list of
2 designated employees. A designated employee may exercise direct
3 marketing authority immediately upon the holder's submission to the
4 commission of all information required under subsection (e)(1) with
5 respect to the designated employee.

6 (i) Only the commission is authorized to grant direct marketing
7 authority to a holder under this section. However, subject to subsection
8 (j), with respect to direct marketing activities in a holder's service area
9 within a political subdivision, this section does not prohibit a holder
10 from electing to:

11 (1) apply for marketing or solicitation authority directly from the
12 political subdivision; and

13 (2) exercise any marketing or solicitation authority under a
14 license, permit, or other authority granted by the political
15 subdivision before, on, or after June 30, 2013;

16 instead of applying for and exercising direct marketing authority
17 granted by the commission under this section.

18 (j) A political subdivision may not do any of the following:

19 (1) Require a holder that is granted direct marketing authority
20 from the commission under this section to also obtain marketing
21 or solicitation authority from the political subdivision in order to
22 engage in direct marketing in the holder's service area within the
23 political subdivision.

24 (2) Impose any licensing requirement or fee on a holder in
25 connection with any direct marketing authority granted to the
26 holder by the commission under this section with respect to the
27 holder's service area within the political subdivision.

28 (3) Except as provided in subsection (k), otherwise regulate a
29 holder that is granted direct marketing authority from the
30 commission under this section and that engages in direct
31 marketing in the holder's service area within the political
32 subdivision.

33 (k) A political subdivision may enforce any ordinance or regulation
34 that:

35 (1) imposes restrictions as to the hours or manner in which direct
36 marketing activities may be performed in the political
37 subdivision; and

38 (2) applies uniformly to all persons engaging in direct marketing
39 or other soliciting in the political subdivision, regardless of:

40 (A) the product or service being marketed; or

41 (B) the type of business engaged in by the person engaging in
42 the direct marketing or other soliciting.



1 **(l) The criminal history background check requirement**
 2 **described in subsection (f)(2) may be satisfied by fulfilling the**
 3 **components of an expanded criminal history check under**
 4 **IC 20-26-2-1.5.**

5 SECTION 7. IC 8-2.1-19.1-5, AS AMENDED BY P.L.198-2016,
 6 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 5. (a) Before a TNC allows an individual to act as
 8 a TNC driver on the TNC's digital network, the TNC shall:

9 (1) require the individual to submit to the TNC an application that
 10 includes:

11 (A) the individual's name, address, and age;

12 (B) a copy of the individual's driver's license;

13 (C) a copy of the certificate of registration for the personal
 14 vehicle that the individual will use to provide prearranged
 15 rides;

16 (D) proof of financial responsibility for the personal vehicle
 17 described in clause (C) of a type and in the amounts required
 18 by the TNC; and

19 (E) any other information required by the TNC;

20 (2) with respect to the individual, conduct or contract with a third
 21 party to conduct:

22 (A) a local and national criminal **history** background check;
 23 and

24 (B) a search of the national sex offender registry; and

25 (3) obtain a copy of the individual's driving record maintained
 26 under IC 9-14-12-3.

27 (b) A TNC may not knowingly allow to act as a TNC driver on the
 28 TNC's digital network an individual:

29 (1) who has received judgments for:

30 (A) more than three (3) moving traffic violations; or

31 (B) at least one (1) violation involving reckless driving or
 32 driving on a suspended or revoked license;

33 in the preceding three (3) years;

34 (2) who has been convicted of a:

35 (A) felony; or

36 (B) misdemeanor involving:

37 (i) resisting law enforcement;

38 (ii) dishonesty;

39 (iii) injury to a person;

40 (iv) operating while intoxicated;

41 (v) operating a vehicle in a manner that endangers a person;

42 (vi) operating a vehicle with a suspended or revoked license;



1 or

2 (vii) damage to the property of another person;
3 in the preceding seven (7) years;

4 (3) who is a match in the national sex offender registry;

5 (4) who is unable to provide information required under
6 subsection (a); or

7 (5) who is less than nineteen (19) years of age.

8 **(c) At the sole discretion of a TNC, a TNC may choose to satisfy**
9 **the local and national criminal history background check**
10 **requirement described in subsection (a)(2) by fulfilling the**
11 **components of an expanded criminal history check under**
12 **IC 20-26-2-1.5.**

13 SECTION 8. IC 9-32-16-11, AS AMENDED BY P.L.137-2018,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 11. (a) All dealers operating as a:

16 (1) corporation;

17 (2) limited liability company;

18 (3) limited partnership; or

19 (4) limited liability partnership;

20 shall file and maintain all filings required to remain in good standing
21 with the secretary of state business services division.

22 (b) A dealer that applies for a license under this article shall provide
23 the secretary:

24 (1) the federal tax identification number; and

25 (2) the registered retail merchant's certificate number issued
26 under IC 6-2.5-8;

27 issued to the dealer.

28 (c) The dealer must, for the entire licensing period, have an
29 established place of business with a physical Indiana address. The
30 dealer may not have a mailing address that differs from the actual
31 location of the business. At the discretion of the secretary, an
32 exemption may be granted for dealers with an established place of
33 business in a location not serviced by the United States Postal Service
34 to allow a post office box to be used as a mailing address. A dealer
35 using a post office box for this reason must notify the division in
36 writing with the dealer's application.

37 (d) Before the secretary may issue a license to a dealer, the
38 following must submit to a national criminal history background check
39 (as defined in IC 10-13-3-12) or expanded criminal history check (as
40 defined in IC 20-26-2-1.5) administered by the state police:

41 (1) Each dealer owner.

42 (2) Each dealer manager.



1 The secretary shall make the determination whether an individual must
2 submit to a national criminal history background check or an expanded
3 criminal history check under this subsection.

4 (e) A national criminal history background check or expanded
5 criminal history check conducted under subsection (d):

- 6 (1) is at the expense of the dealer and the dealer owners; and
7 (2) may be completed not more than sixty (60) days before the
8 dealer applies for a license under this article.

9 (f) The secretary may deny an application for a license if the
10 division finds that a dealer owner or a dealer manager has been
11 convicted of a:

- 12 (1) felony within the previous ten (10) years;
13 (2) felony or misdemeanor involving theft or fraud; or
14 (3) felony or misdemeanor concerning an aspect of business
15 involving the offer, sale, financing, repair, modification, or
16 manufacture of a motor vehicle or watercraft.

17 (g) If a dealer adds or changes a dealer owner or dealer manager
18 after issuance of the initial license, the dealer must submit an
19 application for a change in ownership in a manner prescribed by the
20 secretary not later than ten (10) days after the change. The new dealer
21 owner or dealer manager shall submit to a national criminal history
22 background check or expanded criminal history check as set forth in
23 subsection (d).

24 (h) Following licensure under this article, a dealer shall, not later
25 than ninety (90) days after the entry of an order or judgment, notify the
26 division in writing if the dealer owner or dealer manager has been
27 convicted of a:

- 28 (1) felony within the past ten (10) years;
29 (2) felony or misdemeanor involving theft or fraud; or
30 (3) felony or misdemeanor concerning an aspect of business
31 involving the:
32 (A) offer;
33 (B) sale;
34 (C) financing;
35 (D) repair;
36 (E) modification; or
37 (F) manufacture;
38 of a motor vehicle or watercraft.

39 (i) The dealer and the corporation, company, or partnership must be
40 in good standing with the bureau, the department of state revenue, the
41 department of financial institutions, and the state police department
42 during the entire period for which a license is valid.



1 **(j) The national criminal history background check requirement**
 2 **described in subsection (d) may be satisfied by fulfilling the**
 3 **components of an expanded criminal history check under**
 4 **IC 20-26-2-1.5.**

5 SECTION 9. IC 15-15-13-7, AS ADDED BY P.L.165-2014,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 7. (a) Subject to section 15 of this chapter, the
 8 production of, possession of, scientific study of, and commerce in
 9 industrial hemp is authorized in Indiana. Industrial hemp is an
 10 agricultural product that is subject to regulation by the state seed
 11 commissioner. The state seed commissioner shall adopt rules to
 12 oversee the licensing, production, and management of:

- 13 (1) industrial hemp; and
 14 (2) agricultural hemp seed;

15 to ensure integrity of audits and security of field sites of each
 16 commodity.

17 (b) All growers and handlers must have an industrial hemp license
 18 issued by the state seed commissioner. Growers and handlers engaged
 19 in the production of agricultural hemp seed must also have an
 20 agricultural hemp seed production license.

21 (c) An application for an industrial hemp license or agricultural
 22 hemp seed production license must include the following:

- 23 (1) The name and address of the applicant.
 24 (2) The name and address of the industrial hemp operation of the
 25 applicant.
 26 (3) The global positioning system coordinates and legal
 27 description of the property used for the industrial hemp operation.
 28 (4) If the industrial hemp license or agricultural hemp seed
 29 production license application is made by a grower, the acreage
 30 size of the field where the industrial hemp will be grown.
 31 (5) A statement signed by the applicant, under penalty of perjury,
 32 that the person applying for the industrial hemp license or
 33 agricultural hemp seed production license has not been convicted
 34 of a drug related felony or misdemeanor in the previous ten (10)
 35 years.
 36 (6) A written consent allowing the state police department to
 37 conduct a state or national criminal history background check.
 38 (7) A written consent allowing the state police department, if a
 39 license is issued to the applicant, to enter the premises on which
 40 the industrial hemp is grown to conduct physical inspections of
 41 industrial hemp planted and grown by the applicant, and to ensure
 42 the plants meet the definition of industrial hemp as set forth in



1 section 6 of this chapter. Not more than two (2) physical
 2 inspections may be conducted under this subdivision per year,
 3 unless a valid search warrant for an inspection has been issued by
 4 a court of competent jurisdiction.

5 (8) A nonrefundable application fee, which must include the
 6 amount necessary to conduct a state or national criminal history
 7 background check, in an amount determined by the state seed
 8 commissioner.

9 (9) Any other information required by the state seed
 10 commissioner.

11 **(d) The state or national criminal history background check**
 12 **requirement described in subsection (c)(6) may be satisfied by**
 13 **fulfilling the components of an expanded criminal history check**
 14 **under IC 20-26-2-1.5.**

15 SECTION 10. IC 15-15-13-8, AS ADDED BY P.L.165-2014,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 8. (a) Each license application received under this
 18 chapter must be processed as follows:

19 (1) Upon receipt of a license application, the state seed
 20 commissioner shall forward a copy of the application to the state
 21 police department. The state police department shall do the
 22 following:

23 (A) Perform a state or national criminal history background
 24 check of the applicant.

25 (B) Determine if the requirements under section 7(c)(5) of this
 26 chapter concerning prior criminal convictions have been met.

27 (C) Return the application to the state seed commissioner
 28 along with the state police department's determinations and a
 29 copy of the state or national criminal history background
 30 check.

31 (2) The state seed commissioner shall review the license
 32 application returned from the state police department.

33 (b) If the state seed commissioner determines that all the
 34 requirements under this chapter have been met and that a license
 35 should be granted to the applicant, the state seed commissioner shall
 36 approve the application for issuance of a license.

37 (c) An industrial hemp license or agricultural hemp seed production
 38 license is valid for a one (1) year term unless revoked. An industrial
 39 hemp license or agricultural hemp seed production license may be
 40 renewed in accordance with rules adopted by the state seed
 41 commissioner and is nontransferable.

42 **(d) The state or national criminal history background check**



1 **requirement described in subsection (a)(1)(A) may be satisfied by**
 2 **fulfilling the components of an expanded criminal history check**
 3 **under IC 20-26-2-1.5.**

4 SECTION 11. IC 16-18-4-4, AS ADDED BY P.L.199-2013,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 4. (a) The governing board of a hospital shall
 7 require an individual appointed as a hospital police officer under this
 8 chapter to meet at least the following requirements:

9 (1) The individual must successfully complete, within one (1)
 10 year after the individual is appointed as a hospital police officer,
 11 the minimum basic training and educational requirements as
 12 approved by the governing board of the hospital and the law
 13 enforcement training board.

14 (2) The individual must undergo a psychological evaluation.

15 (3) The individual must undergo a national criminal history
 16 background check.

17 (b) The governing board of the hospital shall require an individual
 18 appointed as a hospital police officer to annually attend inservice
 19 training courses approved by the governing board of the hospital.

20 **(c) The national criminal history background check**
 21 **requirement described in subsection (a)(3) may be satisfied by**
 22 **fulfilling the components of an expanded criminal history check**
 23 **under IC 20-26-2-1.5.**

24 SECTION 12. IC 16-25-6-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person who
 26 owns or operates a hospice program shall apply, not more than three (3)
 27 business days after the date that an employee or a volunteer begins to
 28 provide hospice services, for a copy of the employee's or volunteer's
 29 limited criminal history from the Indiana central repository for criminal
 30 history information under IC 10-13-3.

31 (b) A hospice program may not employ an individual or allow a
 32 volunteer to provide hospice services for more than three (3) business
 33 days without applying for that individual's or volunteer's limited
 34 criminal history as required by subsection (a).

35 **(c) The limited criminal history requirement described in**
 36 **subsection (a) may be satisfied by fulfilling the components of an**
 37 **expanded criminal history check under IC 20-26-2-1.5.**

38 SECTION 13. IC 16-25-6-3, AS AMENDED BY P.L.214-2013,
 39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), a
 41 person who owns or operates a hospice program may not employ an
 42 individual or allow a volunteer to provide hospice services if that



1 individual's or volunteer's limited criminal history **check conducted**
 2 **under section 2 of this chapter** indicates that the individual or
 3 volunteer has:

- 4 (1) been convicted of rape (IC 35-42-4-1);
- 5 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
- 6 (repealed);
- 7 (3) been convicted of exploitation of an endangered adult
- 8 (IC 35-46-1-12);
- 9 (4) had a judgment entered against the individual for failure to
- 10 report battery, neglect, or exploitation of an endangered adult
- 11 (IC 35-46-1-13); or
- 12 (5) been convicted of theft (IC 35-43-4), if the conviction for theft
- 13 occurred less than ten (10) years before the individual's
- 14 employment application date.

15 (b) A hospice program may not employ an individual or allow a
 16 volunteer to provide hospice services for more than twenty-one (21)
 17 calendar days without receipt of that individual's or volunteer's limited
 18 criminal history required by section 2 of this chapter, unless the Indiana
 19 central repository for criminal history information under IC 10-13-3 is
 20 solely responsible for failing to provide the individual's or volunteer's
 21 limited criminal history to the hospice program within the time
 22 required under this subsection.

23 **(c) The limited criminal history requirement described in**
 24 **subsections (a) and (b) may be satisfied by fulfilling the**
 25 **components of an expanded criminal history check under**
 26 **IC 20-26-2-1.5.**

27 SECTION 14. IC 16-27-2-5, AS AMENDED BY P.L.51-2016,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a
 30 person who operates a home health agency under IC 16-27-1 or a
 31 personal services agency under IC 16-27-4 may not employ a person to
 32 provide services in a patient's or client's temporary or permanent
 33 residence if that person's national criminal history background check
 34 or expanded criminal history check indicates that the person has been
 35 convicted of any of the following:

- 36 (1) Rape (IC 35-42-4-1).
- 37 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- 38 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 39 (4) Failure to report battery, neglect, or exploitation of an
- 40 endangered adult (IC 35-46-1-13).
- 41 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
- 42 than ten (10) years before the person's employment application



- 1 date.
- 2 (6) A felony that is substantially equivalent to a felony listed in:
- 3 (A) subdivisions (1) through (4); or
- 4 (B) subdivision (5), if the conviction for theft occurred less
- 5 than ten (10) years before the person's employment application
- 6 date;
- 7 for which the conviction was entered in another state.
- 8 (b) A home health agency or personal services agency may not
- 9 employ a person to provide services in a patient's or client's temporary
- 10 or permanent residence for more than twenty-one (21) calendar days
- 11 without receipt of that person's national criminal history background
- 12 check or expanded criminal history check required by section 4 of this
- 13 chapter, unless the state police department, the Federal Bureau of
- 14 Investigation under IC 10-13-3-39, or the private agency providing the
- 15 expanded criminal history check is responsible for failing to provide
- 16 the person's national criminal history background check or expanded
- 17 criminal history check to the home health agency or personal services
- 18 agency within the time required under this subsection.
- 19 **(c) The national criminal history background check**
- 20 **requirement described in subsections (a) and (b) may be satisfied**
- 21 **by fulfilling the components of an expanded criminal history check**
- 22 **under IC 20-26-2-1.5.**
- 23 SECTION 15. IC 16-28-13-4 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as
- 25 provided in subsection (b), a person who:
- 26 (1) operates or administers a health care facility; or
- 27 (2) operates an entity in the business of contracting to provide
- 28 nurse aides or other unlicensed employees for a health care
- 29 facility;
- 30 shall apply within three (3) business days from the date a person is
- 31 employed as a nurse aide or other unlicensed employee for a copy of
- 32 the person's state nurse aide registry report from the state department
- 33 and a limited criminal history from the Indiana central repository for
- 34 criminal history information under IC 10-13-3 or another source
- 35 allowed by law.
- 36 (b) A health care facility is not required to apply for the state nurse
- 37 aide registry report and limited criminal history required by subsection
- 38 (a) if the health care facility contracts to use the services of a nurse aide
- 39 or other unlicensed employee who is employed by an entity in the
- 40 business of contracting to provide nurse aides or other unlicensed
- 41 employees to health care facilities.
- 42 **(c) The limited criminal history requirement described in**



1 **subsections (a) and (b) may be satisfied by fulfilling the**
 2 **components of an expanded criminal history check under**
 3 **IC 20-26-2-1.5.**

4 SECTION 16. IC 16-28-13-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A person who:

- 6 (1) operates or administers a health care facility; or
 7 (2) operates an entity in the business of contracting to provide
 8 nurse aides or other unlicensed employees for a health care
 9 facility;

10 may not employ a person as a nurse aide or other unlicensed employee
 11 after receipt of the person's state nurse aide registry report if that
 12 person's report indicates that the person committed an offense under
 13 section ~~(3)(a)(2)~~ **3(a)(2)** of this chapter and has been placed on the
 14 state nurse aide registry, or after receipt of the ~~limited~~ **person's**
 15 **criminal history check** if ~~that the~~ **the** person's ~~limited~~ **criminal history**
 16 **check under section 4 of this chapter** indicates that the person has
 17 been convicted of any of the offenses described in section 3(a)(1) of
 18 this chapter.

19 **(b) The criminal history check requirement described in**
 20 **subsection (a) may be satisfied by fulfilling the components of an**
 21 **expanded criminal history check under IC 20-26-2-1.5.**

22 SECTION 17. IC 16-28-13-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A person who:

- 24 (1) operates or administers a health care facility; or
 25 (2) operates an entity in the business of contracting to provide
 26 nurse aides or other unlicensed employees for a health care
 27 facility;

28 is responsible for the payment of fees under IC 10-13-3-30 and other
 29 fees required to process a state nurse aide registry report and a ~~limited~~
 30 **criminal history check** under section 4 of this chapter.

31 (b) A health care facility or an entity in the business of contracting
 32 to provide nurse aides or other unlicensed employees for a health care
 33 facility may require a person who applies to the health care facility or
 34 entity for employment as a nurse aide or other unlicensed employee:

- 35 (1) to pay the cost of fees described in subsection (a) to the health
 36 care facility or entity at the time the person submits an application
 37 for employment; or
 38 (2) to reimburse the health care facility or entity for the cost of
 39 fees described in subsection (a).

40 **(c) The criminal history check requirement described in**
 41 **subsection (a) may be satisfied by fulfilling the components of an**
 42 **expanded criminal history check under IC 20-26-2-1.5.**



1 SECTION 18. IC 16-28-13-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Each:

3 (1) health care facility; and

4 (2) entity in the business of contracting to provide nurse aides or
5 other unlicensed employees for a health care facility;

6 shall maintain a personnel record for each nurse aide and other
7 unlicensed employee employed by the health care facility or entity that
8 includes the nurse aide's or other unlicensed employee's state nurse
9 aide registry report and ~~limited~~ criminal history **check** required by
10 section 4 of this chapter.

11 (b) The personnel records of each health care facility shall be
12 available for inspection by the state department to assure compliance
13 with this chapter.

14 (c) An entity in the business of contracting to provide nurse aides or
15 other unlicensed employees to health care facilities shall provide a
16 copy of the state nurse aide registry report and ~~limited~~ criminal history
17 **check** obtained under section 4 of this chapter to each health care
18 facility to which the entity provides a nurse aide or other unlicensed
19 employee. If the entity fails to provide a copy of the state nurse aide
20 registry report and ~~limited~~ criminal history **check** to a health care
21 facility, the health care facility is not in violation of this chapter.

22 **(d) The criminal history check requirement described in**
23 **subsections (a) and (c) may be satisfied by fulfilling the components**
24 **of an expanded criminal history check under IC 20-26-2-1.5.**

25 SECTION 19. IC 20-26-5-10, AS AMENDED BY P.L.167-2018,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 10. (a) This section applies to a:

28 (1) school corporation;

29 (2) charter school; or

30 (3) nonpublic school that employs one (1) or more employees.

31 (b) A school corporation, a charter school, and a nonpublic school
32 shall adopt a policy concerning criminal history information for
33 individuals who:

34 (1) apply for:

35 (A) employment with the school corporation, charter school,
36 or nonpublic school; or

37 (B) employment with an entity with which the school
38 corporation, charter school, or nonpublic school contracts for
39 services;

40 (2) seek to enter into a contract to provide services to the school
41 corporation, charter school, or nonpublic school; or

42 (3) are employed by an entity that seeks to enter into a contract to



1 provide services to the school corporation, charter school, or
2 nonpublic school;
3 if the individuals are likely to have direct, ongoing contact with
4 children within the scope of the individuals' employment.

5 (c) Except as provided in subsections (f) and (g), a school
6 corporation, a charter school, and a nonpublic school shall administer
7 a policy adopted under this section uniformly for all individuals to
8 whom the policy applies.

9 (d) A policy adopted under this section must require that the school
10 corporation, charter school, or nonpublic school conduct an expanded
11 criminal history check concerning each applicant for employment who
12 is likely to have direct, ongoing contact with children within the scope
13 of the individual's employment before or not later than thirty (30) days
14 after the start date of the applicant's employment by the school
15 corporation, charter school, or nonpublic school.

16 (e) A policy adopted under this section:

17 (1) ~~must~~ **may** require that the school corporation, charter school,
18 or nonpublic school conduct an Indiana expanded child protection
19 index check; and

20 (2) may require that the school corporation, charter school, or
21 nonpublic school conduct an expanded child protection index
22 check in other states;

23 concerning each applicant for employment who is likely to have direct,
24 ongoing contact with children within the scope of the individual's
25 employment. An Indiana expanded child protection index check must
26 be completed before or not later than sixty (60) days after the start date
27 of the applicant's employment by the school corporation, charter
28 school, or nonpublic school.

29 (f) A policy adopted under this section must state that the school
30 corporation, charter school, or nonpublic school requires an expanded
31 criminal history check concerning an employee of the school
32 corporation, charter school, or nonpublic school who is likely to have
33 direct, ongoing contact with children within the scope of the
34 employee's employment. The checks must be conducted every five (5)
35 years. A school corporation, charter school, or nonpublic school may
36 adopt a policy to require an employee to obtain an expanded child
37 protection index check every five (5) years.

38 (g) In implementing subsection (f), and subject to subsection (j), a
39 school corporation, charter school, or nonpublic school may update the
40 checks required under subsection (f) for employees who are employed
41 by the school corporation, charter school, or nonpublic school as of
42 July 1, 2017, over a period not to exceed five (5) years by annually



1 conducting updated expanded criminal history checks and expanded
2 child protection index checks for at least one-fifth (1/5) of the number
3 of employees who are employed by the school corporation, charter
4 school, or nonpublic school on July 1, 2017.

5 (h) An applicant or employee may be required to provide a written
6 consent for the school corporation, charter school, or nonpublic school
7 to request an expanded criminal history check and an expanded child
8 protection index check concerning the individual before the
9 individual's employment by the school corporation, charter school, or
10 nonpublic school. The school corporation, charter school, or nonpublic
11 school may require the individual to provide a set of fingerprints and
12 pay any fees required for the expanded criminal history check and
13 expanded child protection index check. Each applicant for employment
14 or employee described in subsection (f) may be required:

15 (1) at the time the individual applies or updates an expanded
16 criminal history check under subsection (f); or

17 (2) while an expanded criminal history check or expanded child
18 protection index check is being conducted;

19 to answer questions concerning the individual's expanded criminal
20 history check and expanded child protection index check. The failure
21 to answer honestly questions asked under this subsection is grounds for
22 termination of the employee's employment.

23 (i) An applicant is responsible for all costs associated with obtaining
24 the expanded criminal history check and expanded child protection
25 index check unless the school corporation, charter school, or nonpublic
26 school agrees to pay the costs. A school corporation, charter school, or
27 nonpublic school may agree to pay the costs associated with obtaining
28 an expanded criminal history background check for an employee. An
29 employee of a school corporation, charter school, or nonpublic school
30 may not be required to pay the costs of an expanded child protection
31 index check.

32 (j) An applicant or employee may not be required by a school
33 corporation, charter school, or nonpublic school to obtain an expanded
34 criminal history check more than one (1) time during a five (5) year
35 period. However, a school corporation, charter school, or nonpublic
36 school may obtain an expanded criminal history check or an expanded
37 child protection index check at any time if the school corporation,
38 charter school, or nonpublic school has reason to believe that the
39 applicant or employee:

40 (1) is the subject of a substantiated report of child abuse or
41 neglect; or

42 (2) has been charged with or convicted of a crime listed in section



1 11(b) of this chapter.

2 (k) As used in this subsection, "offense requiring license revocation"
3 means an offense listed in IC 20-28-5-8(c). A policy adopted under this
4 section must prohibit a school corporation, charter school, or nonpublic
5 school from hiring a person who has been convicted of an offense
6 requiring license revocation, unless the conviction has been reversed,
7 vacated, or set aside on appeal.

8 (l) Information obtained under this section must be used in
9 accordance with law.

10 SECTION 20. IC 20-51-3-3, AS AMENDED BY P.L.211-2013,
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 3. (a) An agreement entered into under section 1
13 of this chapter between the department and a scholarship granting
14 organization must require the scholarship granting organization to do
15 the following:

16 (1) Provide a receipt to taxpayers for contributions made to the
17 scholarship granting organization that will be used in a school
18 scholarship program. The department of state revenue shall
19 prescribe a standardized form for the receipt issued under this
20 subdivision. The receipt must indicate the value of the
21 contribution and part of the contribution being designated for use
22 in a school scholarship program.

23 (2) Allow a taxpayer to designate a participating school for which
24 the taxpayer's contribution must be used as scholarships.

25 (3) Use not more than ten percent (10%) of the total amount of
26 contributions for administrative costs.

27 (4) Distribute one hundred percent (100%) of any income earned
28 on contributions as school scholarships to eligible students.

29 (5) Conduct criminal history background checks on all the
30 scholarship granting organization's employees and board
31 members and exclude from employment or governance any
32 individual who might reasonably pose a risk to the appropriate
33 use of contributed funds.

34 (6) Make the reports required by this chapter.

35 (b) **The criminal history background check requirement**
36 **described in subsection (a)(5) may be satisfied by fulfilling the**
37 **components of an expanded criminal history check under**
38 **IC 20-26-2-1.5.**

39 SECTION 21. IC 20-51-3-4, AS ADDED BY P.L.182-2009(ss),
40 SECTION 364, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2019]: Sec. 4. An agreement entered into under
42 section 1 of this chapter may not prohibit a scholarship granting



1 organization from receiving contributions other than contributions
2 described in section ~~3(†)~~ **3(a)(1)** of this chapter.

3 SECTION 22. IC 21-18.5-6-11, AS AMENDED BY P.L.273-2013,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 11. **(a)** Full authorization under this chapter may
6 not be issued unless and until the board for proprietary education finds
7 that the postsecondary credit bearing proprietary educational institution
8 meets minimum standards that are appropriate to that type or class of
9 postsecondary credit bearing proprietary educational institution,
10 including the following minimum standards:

11 (1) The postsecondary credit bearing proprietary educational
12 institution has a sound financial structure with sufficient
13 resources for continued support.

14 (2) The postsecondary credit bearing proprietary educational
15 institution has satisfactory training or educational facilities with
16 sufficient tools, supplies, or equipment and the necessary number
17 of work stations or classrooms to adequately train, instruct, or
18 educate the number of students enrolled or proposed to be
19 enrolled.

20 (3) The postsecondary credit bearing proprietary educational
21 institution has an adequate number of qualified instructors or
22 teachers, sufficiently trained by experience or education, to give
23 the instruction, education, or training contemplated.

24 (4) The advertising and representations made on behalf of the
25 postsecondary credit bearing proprietary educational institution
26 to prospective students are truthful and free from
27 misrepresentation or fraud.

28 (5) The charge made for the training, instruction, or education is
29 clearly stated and based upon the services rendered.

30 (6) The premises and conditions under which the students work
31 and study are sanitary, healthful, and safe according to modern
32 standards.

33 (7) The postsecondary credit bearing proprietary educational
34 institution has and follows a refund policy approved by the board
35 for proprietary education.

36 (8) The owner or chief administrator of the postsecondary credit
37 bearing proprietary educational institution is subject to a
38 background check by the board for proprietary education and has
39 not been convicted of a felony.

40 (9) The owner or chief administrator of the postsecondary credit
41 bearing proprietary educational institution has not been the owner
42 or chief administrator of a postsecondary credit bearing



1 proprietary educational institution that has had its authorization
 2 revoked or has been closed involuntarily in the five (5) year
 3 period preceding the application for authorization. However, if
 4 the owner or chief administrator of the postsecondary credit
 5 bearing proprietary educational institution has been the owner or
 6 chief administrator of a postsecondary credit bearing proprietary
 7 educational institution that has had its authorization revoked or
 8 has been closed involuntarily more than five (5) years before the
 9 application for authorization, the board for proprietary education
 10 may issue full authorization at the board for proprietary
 11 education's discretion.

12 **(b) The background check requirement described in subsection**
 13 **(a)(8) may be satisfied by fulfilling the components of an expanded**
 14 **criminal history check under IC 20-26-2-1.5.**

15 SECTION 23. IC 24-7-8-5, AS ADDED BY P.L.216-2013,
 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 5. (a) Before appointing or hiring any director,
 18 executive officer, or Indiana store manager, a lessor must perform a
 19 criminal background check on the candidate and retain, until the
 20 department's next examination of the lessor is completed, records of the
 21 background check in the lessor's files.

22 **(b) The criminal background check requirement described in**
 23 **subsection (a) may be satisfied by fulfilling the components of an**
 24 **expanded criminal history check under IC 20-26-2-1.5.**

25 SECTION 24. IC 25-1-1.1-4, AS AMENDED BY P.L.3-2014,
 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 4. (a) This section applies to an individual who is
 28 applying for, or will be applying for, an initial license or an initial
 29 certificate under one (1) of the occupations or professions described in
 30 IC 25-0.5-1.

31 **(b) As used in this chapter, "expanded criminal history check"**
 32 **has the meaning set forth in IC 20-26-2-1.5.**

33 ~~(b)~~ (c) As used in this chapter, "national criminal history
 34 background check" means the criminal history record system
 35 maintained by the Federal Bureau of Investigation based on fingerprint
 36 identification or any other method of positive identification.

37 ~~(c)~~ (d) An individual applying for an initial license or initial
 38 certificate specified in subsection (a) shall submit to a national criminal
 39 history background check **or an expanded criminal history check** at
 40 the cost of the individual.

41 ~~(d)~~ (e) The state police department shall release the results of a
 42 national criminal history background check **or an expanded criminal**



1 **history check** conducted under this section to the Indiana professional
2 licensing agency.

3 ~~(e)~~ **(f)** A board, a commission, or a committee may conduct a
4 random audit and require an individual seeking a renewal of a license
5 or a certificate specified in subsection (a) to submit to a national
6 criminal history background check at the cost of the individual.

7 **(g) The national criminal history background check**
8 **requirement described in this section may be satisfied by fulfilling**
9 **the components of an expanded criminal history check under**
10 **IC 20-26-2-1.5.**

11 SECTION 25. IC 25-26-14-16, AS AMENDED BY P.L.98-2006,
12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 16. (a) In reviewing, for purposes of licensure or
14 renewal of a license under this chapter, the qualifications of persons
15 who engage in wholesale distribution of legend drugs in Indiana, the
16 board shall consider the following factors:

17 (1) A finding by the board that the applicant has:

18 (A) violated a law; or

19 (B) been disciplined by a regulatory agency for violating a
20 law;

21 related to drug distribution in any state.

22 (2) A criminal conviction of the applicant.

23 (3) The applicant's past experience in the manufacture or
24 distribution of legend drugs, including controlled substances.

25 (4) The furnishing by the applicant of false or fraudulent material
26 in any application made in connection with drug manufacturing
27 or distribution.

28 (5) Suspension or revocation of any license held by the applicant
29 or the applicant's owner or the imposition of sanctions against the
30 applicant or the applicant's owner by the federal or a state or local
31 government for the manufacture or distribution of any drugs,
32 including controlled substances.

33 (6) Compliance with licensing requirements under previously
34 granted licenses.

35 (7) Compliance with requirements to maintain and make available
36 to the board or to federal, state, or local law enforcement officials
37 those records required under this chapter.

38 (8) Any other factors or qualifications the board considers
39 relevant to the public health and safety, including whether the
40 granting of the license would not be in the public interest.

41 (b) In reviewing an application for licensure or renewal of a license
42 under this chapter, the board shall consider the results of criminal



- 1 history and financial background checks for:
- 2 (1) the designated representative or the most senior individual
- 3 responsible for facility operations, purchasing, and inventory
- 4 control;
- 5 (2) the supervisor or the designated representative or the most
- 6 senior individual under subdivision (1); and
- 7 (3) principals and owners with more than a ten percent (10%)
- 8 interest in the wholesale drug distributor, if the wholesale drug
- 9 distributor is a nonpublicly held company.
- 10 (c) The criminal history and financial background checks conducted
- 11 under subsection (b) must:
- 12 (1) be conducted at the applicant's expense;
- 13 (2) include a criminal history for all current and previous states of
- 14 residence of the applicant;
- 15 (3) include the criminal history in the federal district where the
- 16 applicant currently resides;
- 17 (4) include information from the previous seven (7) years; and
- 18 (5) be approved by the board.
- 19 (d) An applicant shall provide and attest to:
- 20 (1) an affirmation that the applicant has not been involved in or
- 21 convicted of any criminal or prohibited acts; or
- 22 (2) a statement providing a complete disclosure of the applicant's
- 23 past criminal convictions and violations of state and federal laws;
- 24 regarding drugs.
- 25 **(e) The criminal history background check requirement**
- 26 **described in subsections (b) and (c) may be satisfied by fulfilling**
- 27 **the components of an expanded criminal history check under**
- 28 **IC 20-26-2-1.5.**
- 29 SECTION 26. IC 25-26-14-17.8, AS AMENDED BY P.L.98-2006,
- 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2019]: Sec. 17.8. (a) A wholesale drug distributor licensed
- 32 under this chapter that purchases legend drugs from a wholesale drug
- 33 distributor that is not licensed under this chapter shall act with due
- 34 diligence as required under this section and rules adopted by the board.
- 35 However, the due diligence requirements of this section do not apply
- 36 to purchases from an unlicensed wholesale drug distributor that has
- 37 obtained accreditation through the National Association of Boards of
- 38 Pharmacy's Verified-Accredited Wholesale Distributors program.
- 39 (b) Before the initial purchase of legend drugs from the unlicensed
- 40 wholesale drug distributor, the licensed wholesale drug distributor shall
- 41 obtain the following information from the unlicensed wholesale drug
- 42 distributor:



- 1 (1) A list of states in which the unlicensed wholesale drug
- 2 distributor is licensed.
- 3 (2) A list of states into which the unlicensed wholesale drug
- 4 distributor ships legend drugs.
- 5 (3) Copies of all state and federal regulatory licenses and
- 6 registrations held by the unlicensed wholesale drug distributor.
- 7 (4) The unlicensed wholesale drug distributor's most recent
- 8 facility inspection reports.
- 9 (5) Information regarding general and product liability insurance
- 10 maintained by the unlicensed wholesale drug distributor,
- 11 including copies of relevant policies.
- 12 (6) A list of other names under which the unlicensed wholesale
- 13 drug distributor does business or has been previously known.
- 14 (7) A list of corporate officers and managerial employees of the
- 15 unlicensed wholesale drug distributor.
- 16 (8) A list of all owners of the unlicensed wholesale drug
- 17 distributor that own more than ten percent (10%) of the
- 18 unlicensed wholesale drug distributor, unless the unlicensed
- 19 wholesale drug distributor is publicly traded.
- 20 (9) A list of all disciplinary actions taken against the unlicensed
- 21 wholesale drug distributor by state and federal agencies.
- 22 (10) A description, including the address, dimensions, and other
- 23 relevant information, of each facility used by the unlicensed
- 24 wholesale drug distributor for legend drug storage and
- 25 distribution.
- 26 (11) A description of legend drug import and export activities of
- 27 the unlicensed wholesale drug distributor.
- 28 (12) A description of the unlicensed wholesale drug distributor's
- 29 procedures to ensure compliance with this chapter.
- 30 (13) A statement:
- 31 (A) as to whether; and
- 32 (B) of the identity of each manufacturer for which;
- 33 the unlicensed wholesale drug distributor is an authorized
- 34 distributor.
- 35 (c) Before the initial purchase of legend drugs from an unlicensed
- 36 wholesale drug distributor, the licensed wholesale drug distributor
- 37 shall:
- 38 (1) request that the board obtain and consider the results of a
- 39 national criminal history background check (as defined in
- 40 IC 10-13-3-12) through the state police department of all
- 41 individuals associated with the unlicensed wholesale drug
- 42 distributor as specified for licensure of a wholesale drug



- 1 distributor under section 16(b) of this chapter; and
 2 (2) verify the unlicensed wholesale drug distributor's status as an
 3 authorized distributor, if applicable.
 4 (d) If an unlicensed wholesale drug distributor's facility has not been
 5 inspected by the board or the board's agent within three (3) years after
 6 a contemplated purchase described in subsection (a), the licensed
 7 wholesale drug distributor shall conduct an inspection of the
 8 unlicensed wholesale drug distributor's facility:
 9 (1) before the initial purchase of legend drugs from the unlicensed
 10 wholesale drug distributor; and
 11 (2) at least once every three (3) years unless the unlicensed
 12 wholesale drug distributor's facility has been inspected by the
 13 board, or the board's agent, during the same period;
 14 to ensure compliance with applicable laws and regulations relating to
 15 the storage and handling of legend drugs. A third party may be engaged
 16 to conduct the site inspection on behalf of the licensed wholesale drug
 17 distributor.
 18 (e) At least annually, a licensed wholesale drug distributor that
 19 purchases legend drugs from an unlicensed wholesale drug distributor
 20 shall ensure that the unlicensed wholesale drug distributor maintains
 21 a record keeping system that meets the requirements of section 17(3)
 22 of this chapter.
 23 (f) If a licensed wholesale drug distributor that purchases legend
 24 drugs from an unlicensed wholesale drug distributor has reason to
 25 believe that a legend drug purchased from the unlicensed wholesale
 26 drug distributor is misbranded, adulterated, counterfeit, or suspected
 27 counterfeit, the licensed wholesale drug distributor shall conduct a for
 28 cause authentication of each distribution of the legend drug back to the
 29 manufacturer.
 30 (g) An unlicensed wholesale drug distributor that has engaged in the
 31 distribution of a legend drug for which a licensed wholesale drug
 32 distributor conducts a for cause authentication under subsection (f)
 33 shall provide, upon request, detailed information regarding the
 34 distribution of the legend drug, including the:
 35 (1) date of purchase of the legend drug;
 36 (2) lot number of the legend drug;
 37 (3) sales invoice number of the legend drug; and
 38 (4) contact information, including name, address, telephone
 39 number, and any electronic mail address of the unlicensed
 40 wholesale drug distributor that sold the legend drug.
 41 (h) If a licensed wholesale drug distributor conducts a for cause
 42 authentication under subsection (f) and is unable to authenticate each



1 distribution of the legend drug, the licensed wholesale drug distributor
 2 shall quarantine the legend drug and report the circumstances to the
 3 board and the federal Food and Drug Administration within ten (10)
 4 business days after completing the attempted authentication.

5 (i) If a licensed wholesale drug distributor authenticates the
 6 distribution of a legend drug back to the manufacturer under subsection
 7 (f), the licensed wholesale drug distributor shall maintain records of the
 8 authentication for three (3) years and shall provide the records to the
 9 board upon request.

10 (j) A licensed wholesale drug distributor that purchases legend
 11 drugs from an unlicensed wholesale drug distributor shall, at least
 12 annually, conduct random authentications of required pedigrees on at
 13 least ten percent (10%) of sales units of distributions of legend drugs
 14 that were purchased from unlicensed wholesale drug distributors.

15 (k) An unlicensed wholesale drug distributor from which a licensed
 16 wholesale drug distributor has purchased legend drugs shall cooperate
 17 with the random authentications of pedigrees under this section and
 18 provide requested information in a timely manner.

19 (l) If a wholesale drug distributor conducts a random authentication
 20 under subsection (j) and is unable to authenticate each distribution of
 21 the legend drug, the wholesale drug distributor shall quarantine the
 22 legend drug and report the circumstances to the board and the federal
 23 Food and Drug Administration not more than ten (10) business days
 24 after completing the attempted authentication.

25 **(m) The national criminal history background check**
 26 **requirement described in subsection (c) may be satisfied by**
 27 **fulfilling the components of an expanded criminal history check**
 28 **under IC 20-26-2-1.5.**

29 SECTION 27. IC 25-34.1-8-10, AS AMENDED BY P.L.145-2008,
 30 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 10. (a) To be licensed or certified as a real estate
 32 appraiser, an individual must meet the following conditions:

33 (1) Not have a conviction for any of the following:

34 (A) An act that would constitute a ground for disciplinary
 35 sanction under IC 25-1-11.

36 (B) A crime that has a direct bearing on the individual's ability
 37 to practice competently.

38 (C) Fraud or material deception in the course of professional
 39 services or activities.

40 (D) A crime that indicates the individual has the propensity to
 41 endanger the public.

42 (2) Have satisfied the requirements established under



- 1 IC 25-34.1-3-8(f).
- 2 (b) After December 31, 2008, the board shall require each applicant
3 for initial licensure or certification under this chapter to submit
4 fingerprints for a national criminal history background check (as
5 defined in IC 10-13-3-12) by the Federal Bureau of Investigation, for
6 use by the board in determining whether the applicant should be denied
7 licensure or certification under this chapter for any reason set forth in
8 subsection (a)(1). The applicant shall pay any fees or costs associated
9 with the fingerprints and **criminal history** background check required
10 under this subsection. The board may not release the results of a
11 **criminal history** background check described in this subsection to any
12 private entity.
- 13 (c) The board may request evidence of compliance with this section
14 in accordance with subsection (d). Evidence of compliance with this
15 section may include any of the following:
- 16 (1) Subject to subsections (b) and (d)(2), criminal **history**
17 background checks, including a national criminal history
18 background check (as defined in IC 10-13-3-12) by the Federal
19 Bureau of Investigation.
- 20 (2) Credit histories.
- 21 (3) Other background checks considered necessary by the board.
- 22 (d) The board may request evidence of compliance with this section
23 at any of the following times:
- 24 (1) The time of application for an initial license or certificate.
25 (2) The time of renewal of a license or certificate.
26 (3) Any other time considered necessary by the board.
- 27 (e) The commission, upon recommendation of the board, shall adopt
28 rules under IC 4-22-2 to implement this section.
- 29 **(f) The national criminal history background check requirement**
30 **described in subsections (b) and (c) may be satisfied by fulfilling**
31 **the components of an expanded criminal history check under**
32 **IC 20-26-2-1.5.**
- 33 SECTION 28. IC 25-36.5-1-18 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) The definitions
35 set forth in IC 10-13-3 apply throughout this section.
- 36 (b) The department shall under IC 10-13-3-27(b) request and obtain
37 the release of a limited criminal history from the state police
38 department on each person who applies to the department under this
39 chapter for the issuance of either of the following:
- 40 (1) A timber buyer registration certificate.
41 (2) A timber buyer agent's license.
- 42 **(c) The limited criminal history requirement described in**



1 **subsection (b) may be satisfied by fulfilling the components of an**
 2 **expanded criminal history check under IC 20-26-2-1.5.**

3 SECTION 29. IC 28-1-2-23, AS AMENDED BY P.L.27-2012,
 4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 23. (a) A corporation or an individual acting
 6 directly, indirectly, or through or in concert with one (1) or more other
 7 corporations or individuals may not acquire control of any bank, trust
 8 company, stock savings bank, holding company, corporate fiduciary,
 9 or industrial loan and investment company unless the department has
 10 received and approved an application for change in control. The
 11 department has not more than one hundred twenty (120) days following
 12 receipt of an application to issue a notice approving the proposed
 13 change in control. The application shall contain the name and address
 14 of the corporation, individual, or individuals who propose to acquire
 15 control.

16 (b) The period for approval under subsection (a) may be extended:

17 (1) in the discretion of the director for an additional thirty (30)
 18 days; and

19 (2) not to exceed two (2) additional times for not more than
 20 forty-five (45) days each time if:

21 (A) the director determines that the corporation, individual, or
 22 individuals who propose to acquire control have not submitted
 23 substantial evidence of the qualifications described in
 24 subsection (c);

25 (B) the director determines that any material information
 26 submitted is substantially inaccurate; or

27 (C) the director has been unable to complete the investigation
 28 of the corporation, individual, or individuals who propose to
 29 acquire control because of any delay caused by or the
 30 inadequate cooperation of the corporation, individual, or
 31 individuals.

32 (c) The department shall issue a notice approving the application
 33 only after it has become satisfied that both of the following apply:

34 (1) The corporation, individual, or individuals who propose to
 35 acquire control are qualified by competence, experience,
 36 character, and financial responsibility to control and operate the
 37 bank, trust company, stock savings bank, bank holding company,
 38 corporate fiduciary, or industrial loan and investment company in
 39 a legal and proper manner.

40 (2) The interests of the stockholders, depositors, and creditors of
 41 the bank, trust company, stock savings bank, bank holding
 42 company, corporate fiduciary, or industrial loan and investment



1 company and the interests of the public generally will not be
2 jeopardized by the proposed change in control.

3 (d) As used in this section, "holding company" means any company
4 (as defined in IC 28-2-15-5 before July 1, 1992, and as defined in
5 IC 28-2-16-5 beginning July 1, 1992) that directly or indirectly controls
6 one (1) or more state chartered financial institutions.

7 (e) As used in this section, "control", "controlling", "controlled by",
8 or "under common control with" means possession of the power
9 directly or indirectly to:

10 (1) direct or cause the direction of the management or policies of
11 a bank, a trust company, a holding company, a corporate
12 fiduciary, or an industrial loan and investment company, whether
13 through the beneficial ownership of voting securities, by contract,
14 or otherwise; or

15 (2) vote at least twenty-five percent (25%) of voting securities of
16 a bank, a trust company, a holding company, a corporate
17 fiduciary, or an industrial loan and investment company, whether
18 the voting rights are derived through the beneficial ownership of
19 voting securities, by contract, or otherwise.

20 (f) The director may determine, in the director's discretion, that
21 subsection (a) does not apply to a transaction if the director determines
22 that the direct or beneficial ownership of the bank, trust company, stock
23 savings bank, holding company, corporate fiduciary, or industrial loan
24 and investment company will not change as a result of the transaction.

25 (g) The president or other chief executive officer of a financial
26 institution or holding company shall report to the director any transfer
27 or sale of shares of stock of the financial institution or holding
28 company that results in direct or indirect ownership by a stockholder
29 or an affiliated group of stockholders of at least ten percent (10%) of
30 the outstanding stock of the financial institution or holding company.
31 The report required by this subsection must be made not later than ten
32 (10) days after the president or other chief executive officer becomes
33 aware of the transfer of the shares of stock on the books of the financial
34 institution or holding company.

35 (h) To assist the department in making a determination under
36 subsection (c), the director may conduct any investigation the director
37 determines is warranted, including any background check described in
38 IC 28-11-5-4.5.

39 (i) This subsection applies to a transaction described in 12 CFR
40 303.83(b)(1), including the following:

- 41 (1) The acquisition of voting shares through inheritance.
42 (2) The acquisition of voting shares through a bona fide gift.



1 (3) The acquisition of voting shares in satisfaction of a debt
 2 previously contracted in good faith, other than the acquisition of
 3 a defaulted loan secured by a controlling amount of the voting
 4 securities of a bank, trust company, stock savings bank, bank
 5 holding company, corporate fiduciary, or industrial loan and
 6 investment company.

7 In a transaction to which this subsection applies, the acquiring person
 8 shall use the person's best effort to comply with the requirements of this
 9 section. However, it is not a violation of this section if the acquiring
 10 person is not able to satisfy the requirements of this section and notifies
 11 the department of the acquisition not later than thirty (30) calendar
 12 days after the acquisition and provides any relevant information
 13 requested by the department. This subsection does not limit the
 14 authority of the department to conduct any investigation necessary to
 15 approve or disapprove the transaction under subsection (c).

16 **(j) The background check requirement described in subsection**
 17 **(h) may be satisfied by fulfilling the components of an expanded**
 18 **criminal history check under IC 20-26-2-1.5.**

19 SECTION 30. IC 28-1-29-3, AS AMENDED BY P.L.216-2013,
 20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 3. (a) No person shall operate a debt management
 22 company in Indiana without having obtained a license from the
 23 department. For purposes of this section, a person is operating in
 24 Indiana if:

25 (1) the person or any of the person's employees or agents are
 26 located in Indiana; or

27 (2) the person:

28 (A) contracts with debtors who are residents of Indiana; or

29 (B) solicits business from residents of Indiana by
 30 advertisements or other communications sent or delivered
 31 through any of the following means:

32 (i) Mail.

33 (ii) Personal delivery.

34 (iii) Telephone.

35 (iv) Radio.

36 (v) Television.

37 (vi) The Internet or other electronic communications.

38 (vii) Any other means of communication.

39 (b) The director may request evidence of compliance with this
 40 section at:

41 (1) the time of application;

42 (2) the time of renewal of a license; or



1 (3) any other time considered necessary by the director.

2 (c) For purposes of subsection (b), evidence of compliance with this
3 section may include:

4 (1) criminal background checks, including a national criminal
5 history background check (as defined in IC 10-13-3-12) by the
6 Federal Bureau of Investigation for any individual described in
7 section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter;

8 (2) credit histories; and

9 (3) other background checks considered necessary by the director.

10 If the director requests a national criminal history background check
11 under subdivision (1) for an individual described in that subdivision,
12 the director shall require the individual to submit fingerprints to the
13 department or to the state police department, ~~as appropriate,~~ **if**
14 **required,** at the time evidence of compliance is requested under
15 subsection (b). The individual to whom the request is made shall pay
16 any fees or costs associated with the fingerprints and the national
17 criminal history background check. The national criminal history
18 background check may be used by the director to determine the
19 individual's compliance with this section. The director or the
20 department may not release the results of the national criminal history
21 background check to any private entity.

22 (d) The fee for a license or renewal of a license shall be fixed by the
23 department under IC 28-11-3-5 and shall be nonrefundable. The
24 department may impose a fee under IC 28-11-3-5 for each day that a
25 renewal fee and any related documents that are required to be
26 submitted with a renewal application are delinquent.

27 (e) If a person knowingly acts as a debt management company in
28 violation of this chapter, any agreement the person has made under this
29 chapter is void and the debtor under the agreement is not obligated to
30 pay any fees. If the debtor has paid any amounts to the person, the
31 debtor, or the department on behalf of the debtor, may recover the
32 payment from the person that violated this section.

33 (f) A license issued under this section, except in a transaction
34 approved under section 3.1 of this chapter, is not assignable or
35 transferable. In order to remain in force, a license issued under this
36 section must be renewed every year in the manner prescribed by the
37 director of the department. The director of the department shall
38 prescribe the form of the renewal application. In order to be accepted
39 for processing, a renewal application must be accompanied by the
40 following:

41 (1) The license renewal fee imposed under subsection (d).

42 (2) The licensee's most recent audited financial statements



1 covering the licensee's immediately preceding fiscal year, as
 2 prepared by an independent certified public accountant in
 3 compliance with the requirements set forth in section 5(d) of this
 4 chapter. If the licensee's financial statements for the immediately
 5 preceding fiscal year are not available at the time of renewal, the
 6 licensee has one hundred twenty (120) days after the end of the
 7 immediately preceding fiscal year to file the financial statements.

8 (3) All other information and documents requested by the director
 9 of the department.

10 (g) If the department of state revenue notifies the department that a
 11 person is on the most recent tax warrant list, the department shall not
 12 issue or renew the person's license until:

13 (1) the person provides to the department a statement from the
 14 department of state revenue that the person's tax warrant has been
 15 satisfied; or

16 (2) the department receives a notice from the commissioner of the
 17 department of state revenue under IC 6-8.1-8-2(k).

18 **(h) The national criminal history background check**
 19 **requirement described in subsection (c) may be satisfied by**
 20 **fulfilling the components of an expanded criminal history check**
 21 **under IC 20-26-2-1.5.**

22 SECTION 31. IC 28-7-5-4, AS AMENDED BY P.L.159-2017,
 23 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 4. (a) Application for a pawnbroker's license shall
 25 be submitted on a form prescribed by the director and must include all
 26 information required by the director. An application submitted under
 27 this section must identify the location or locations at which the
 28 applicant proposes to engage in business as a pawnbroker in Indiana.

29 (b) An application submitted under this section must indicate
 30 whether any individual described in section 8(a)(2) or 8(a)(3) of this
 31 chapter at the time of the application:

32 (1) is under indictment for a felony under the laws of Indiana or
 33 any other jurisdiction; or

34 (2) has been convicted of a felony under the laws of Indiana or
 35 any other jurisdiction.

36 (c) The director may request that the applicant provide evidence of
 37 compliance with this section at:

38 (1) the time of application;

39 (2) the time of renewal of a license; or

40 (3) any other time considered necessary by the director.

41 (d) For purposes of subsection (c), evidence of compliance with this
 42 section may include:



1 (1) criminal background checks, including a national criminal
 2 history background check (as defined in IC 10-13-3-12) by the
 3 Federal Bureau of Investigation for any individual described in
 4 subsection (b);

5 (2) credit histories; and

6 (3) other background checks considered necessary by the director.

7 If the director requests a national criminal history background check
 8 under subdivision (1) for an individual described in that subdivision,
 9 the director shall require the individual to submit fingerprints to the
 10 department or to the state police department, ~~as appropriate~~, **if**
 11 **required**, at the time evidence of compliance is requested under
 12 subsection (c). The individual to whom the request is made shall pay
 13 any fees or costs associated with the fingerprints and the national
 14 criminal history background check. The national criminal history
 15 background check may be used by the director to determine the
 16 individual's compliance with this section. The director or the
 17 department may not release the results of the national criminal history
 18 background check to any private entity.

19 **(e) The national criminal history background check**
 20 **requirement described in subsection (d) may be satisfied by**
 21 **fulfilling the components of an expanded criminal history check**
 22 **under IC 20-26-2-1.5.**

23 SECTION 32. IC 28-8-4-20, AS AMENDED BY P.L.216-2013,
 24 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 20. (a) A person may not engage in the business
 26 of money transmission:

27 (1) from a place of business in Indiana; or

28 (2) with a consumer who is a resident of Indiana and who enters
 29 into the transaction in Indiana;

30 without a license required by this chapter.

31 (b) An application for a license must be:

32 (1) submitted on a form prescribed by the director and must
 33 include the information required by the director; and

34 (2) accompanied by a nonrefundable application fee as fixed by
 35 the department under IC 28-11-3-5.

36 (c) An application submitted under this section must indicate
 37 whether any individuals described in section 35(b)(2) or 35(b)(3) of
 38 this chapter have been convicted of a felony under the laws of Indiana
 39 or any other jurisdiction.

40 (d) The director may request evidence of compliance with this
 41 section at:

42 (1) the time of application;



- 1 (2) the time of renewal of a license; or
 2 (3) any other time considered necessary by the director.
- 3 (e) For purposes of subsection (d), evidence of compliance may
 4 include:
 5 (1) criminal background checks, including a national criminal
 6 history background check (as defined in IC 10-13-3-12) by the
 7 Federal Bureau of Investigation for an individual described in
 8 section 35(b)(2) or 35(b)(3) of this chapter;
 9 (2) credit histories; and
 10 (3) other background checks considered necessary by the director.
- 11 If the director requests a national criminal history background check
 12 under subdivision (1) for an individual described in that subdivision,
 13 the director shall require the individual to submit fingerprints to the
 14 department or to the state police department, ~~as appropriate,~~ **if**
 15 **required**, at the time evidence of compliance is requested under
 16 subsection (d). The individual to whom the request is made shall pay
 17 any fees or costs associated with the fingerprints and the national
 18 criminal history background check. The national criminal history
 19 background check may be used by the director to determine the
 20 individual's compliance with this section. The director or the
 21 department may not release the results of the national criminal history
 22 background check to any private entity.
- 23 (f) If the department of state revenue notifies the department that a
 24 person is on the most recent tax warrant list, the department shall not
 25 issue or renew the person's license until:
 26 (1) the person provides to the department a statement from the
 27 department of state revenue that the person's tax warrant has been
 28 satisfied; or
 29 (2) the department receives a notice from the commissioner of the
 30 department of state revenue under IC 6-8.1-8-2(k).
- 31 **(g) The national criminal history background check**
 32 **requirement described in subsection (e) may be satisfied by**
 33 **fulfilling the components of an expanded criminal history check**
 34 **under IC 20-26-2-1.5.**
- 35 SECTION 33. IC 28-8-5-12, AS AMENDED BY P.L.35-2010,
 36 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The department shall
 38 determine the financial responsibility, business experience, character,
 39 and general fitness of the applicant before issuing the license.
- 40 (b) The department may refuse to issue a license for any of the
 41 following reasons:
 42 (1) Any of the following has been convicted of a felony under the



1 laws of Indiana or any other jurisdiction:

2 (A) An executive officer, director, or manager of the applicant,
3 or any other individual having a similar status or performing
4 a similar function for the applicant.

5 (B) Any person directly or indirectly owning of record or
6 owning beneficially at least ten percent (10%) of the
7 outstanding shares of any class of equity security of the
8 applicant.

9 (2) The application was submitted for the benefit of, or on behalf
10 of, a person who does not qualify for a license.

11 (c) The director of the department may request evidence of
12 compliance with this section by the licensee at:

13 (1) the time of application;

14 (2) the time of renewal of the licensee's license; or

15 (3) any other time considered necessary by the director.

16 (d) For purposes of subsection (c), evidence of compliance may
17 include:

18 (1) criminal background checks, including a national criminal
19 history background check (as defined in IC 10-13-3-12) by the
20 Federal Bureau of Investigation for any individual described in
21 subsection (b)(1);

22 (2) credit histories; and

23 (3) other background checks considered necessary by the director.

24 If the director requests a national criminal history background check
25 under subdivision (1) for an individual described in that subdivision,
26 the director shall require the individual to submit fingerprints to the
27 department or to the state police department, ~~as appropriate,~~ **if**
28 **required**, at the time evidence of compliance is requested under
29 subsection (c). The individual to whom the request is made shall pay
30 any fees or costs associated with the fingerprints and the national
31 criminal history background check. The national criminal history
32 background check may be used by the director to determine the
33 individual's compliance with this section. The director or the
34 department may not release the results of the national criminal history
35 background check to any private entity.

36 **(e) The national criminal history background check**
37 **requirement described in subsection (d) may be satisfied by**
38 **fulfilling the components of an expanded criminal history check**
39 **under IC 20-26-2-1.5.**

40 SECTION 34. IC 28-11-5-4.5, AS AMENDED BY P.L.90-2008,
41 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 4.5. (a) To obtain additional information for the



- 1 purposes of section 4 of this chapter, the director may require:
- 2 (1) criminal background checks, including a national criminal
- 3 history background check (as defined in IC 10-13-3-12) by the
- 4 Federal Bureau of Investigation;
- 5 (2) credit histories; and
- 6 (3) other background checks considered necessary by the director;
- 7 for any incorporator, director, principal shareholder, or officer of a
- 8 proposed financial institution.
- 9 (b) If the director requests a national criminal history background
- 10 check under subsection (a) for any individual described in subsection
- 11 (a), the director shall require the individual to submit fingerprints to the
- 12 department or to the state police department, ~~as appropriate.~~ **if**
- 13 **required.** The individual to whom the request is made shall pay any
- 14 fees or costs associated with the fingerprints and the national criminal
- 15 history background check. A national criminal history background
- 16 check conducted under subsection (a) may be used by the department
- 17 to:
- 18 (1) conduct an investigation under section 4(a)(1) or 4(a)(2) of
- 19 this chapter; or
- 20 (2) disapprove an application under section 4(b)(2) of this
- 21 chapter.
- 22 The director or the department may not release the results of the
- 23 national criminal history background check to any private entity.
- 24 **(c) The national criminal history background check**
- 25 **requirement described in subsection (b) may be satisfied by**
- 26 **fulfilling the components of an expanded criminal history check**
- 27 **under IC 20-26-2-1.5.**

