

HOUSE BILL No. 1052

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 10-13-3-30; IC 12-10-17.1-12; IC 15-15-13; IC 16-18; IC 16-25-6; IC 16-27-2; IC 16-28-13; IC 20-47-6-9; IC 20-51-3-3; IC 21-18.5-6-11; IC 22-1-5-13; IC 24-7-8-5; IC 25-1; IC 25-21.8; IC 25-26-14; IC 25-27-1; 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; IC 36-12-1-14.

Synopsis: Criminal background checks. Amends criminal background check requirements in numerous provisions throughout the Indiana Code to uniformly require an expanded criminal history check. Requires the state police department or a law enforcement agency to refund a fee collected for release or inspection of an individual's limited criminal history if the state police department or the law enforcement agency is unable to provide any information regarding the individual's history of arrest or criminal charges. Makes technical corrections.

Effective: July 1, 2021.

Thompson

January 4, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1052

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, 2021]: 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; an~~
7 **expanded criminal history check (as defined by**
8 **IC 20-26-2-1.5)** that ~~are is~~ required for department of child
9 services family case managers; and

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

12 SECTION 2. IC 7.1-1-3-16.6 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2021]: **Sec. 16.6. "Expanded criminal history**
15 **check" has the meaning set forth in IC 20-26-2-1.5.**

16 SECTION 3. IC 7.1-7-4-1, AS AMENDED BY P.L.49-2020,
17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 1. (a) A manufacturer of e-liquid may not mix,
19 bottle, package, or sell e-liquid to retailers, consumers, or distributors
20 in Indiana without a permit issued by the commission under this article.

21 (b) An e-liquid manufactured by an e-liquids manufacturer
22 approved by the commission under this article before July 1, 2017, may
23 be distributed and sold for retail until the expiration date of the
24 e-liquid.

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

28 (d) An initial application for a manufacturing permit must include
29 the following:

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

31 (2) The name, telephone number, and address of the
32 manufacturing facility.

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

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

39 (5) Verification that the manufacturer will comply with the
40 applicable ingredient listing required by 21 U.S.C. 387d(a)(1) of
41 the federal Food, Drug, and Cosmetic Act.

42 (6) Written consent allowing the state police department to



- 1 conduct a ~~state or national~~ **an expanded** criminal history
 2 ~~background~~ check on any person listed on the application.
- 3 (7) A nonrefundable initial application fee of one thousand dollars
 4 (\$1,000).
- 5 (e) The fees collected under subsection (d)(7) shall be deposited in
 6 the enforcement and administration fund established under IC 7.1-4-10.
- 7 SECTION 4. IC 7.1-7-4-2, AS AMENDED BY P.L.206-2017,
 8 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 2. (a) A manufacturing permit that is renewed by
 10 the commission is valid for five (5) years.
- 11 (b) A renewal application for a manufacturing permit must include
 12 the following:
- 13 (1) The name, telephone number, and address of the applicant.
 14 (2) The name, telephone number, and address of the
 15 manufacturing facility.
 16 (3) The name, telephone number, title, and address of the person
 17 responsible for the manufacturing facility.
 18 (4) Verification that the facility complies with all tobacco
 19 products good manufacturing practices:
 20 (A) set forth in; and
 21 (B) promulgated in federal rules under;
 22 21 U.S.C. 387f through 21 U.S.C. 387u of the federal Food, Drug,
 23 and Cosmetic Act.
 24 (5) Written consent allowing the state police department to
 25 conduct a ~~state or national~~ **an expanded** criminal history
 26 ~~background~~ check on any person listed on the application.
- 27 (6) A nonrefundable renewal application fee of five hundred
 28 dollars (\$500).
- 29 (c) The fees collected under subsection (b)(6) shall be deposited in
 30 the enforcement and administration fund established under IC 7.1-4-10.
- 31 SECTION 5. IC 7.1-7-4-7, AS AMENDED BY P.L.206-2017,
 32 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 7. (a) On receipt of a completed permit
 34 application, the commission shall forward a copy of the application to
 35 the state police department.
- 36 (b) The state police department shall perform a ~~state or national~~ **an**
 37 **expanded** criminal history ~~background~~ check of the applicant and
 38 return the application to the commission along with the state police
 39 department's findings from the ~~state or national background~~ **expanded**
 40 **criminal history** check. The commission is responsible for the cost of
 41 a ~~state or national~~ **an expanded** criminal history ~~background~~ check
 42 conducted under this article.



1 (c) The commission shall review the permit application after it is
 2 returned from the state police department under subsection (b). The
 3 commission shall grant or deny a completed application for a permit
 4 within sixty (60) days of receipt of the application. If the commission
 5 determines that:

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

9 (A) a federal crime having a sentence of at least one (1) year;
 10 (B) an Indiana Class A, Class B, or Class C felony (for a crime
 11 committed before July 1, 2014) or a Level 1, Level 2, Level 3,
 12 Level 4, or Level 5 felony (for a crime committed after June
 13 30, 2014); or

14 (C) a crime in a state other than Indiana having a penalty equal
 15 to the penalty for an Indiana Class A, Class B, or Class C
 16 felony (for a crime committed before July 1, 2014) or a Level
 17 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime
 18 committed after June 30, 2014);

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

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

28 the commission shall approve the application for issuance of the
 29 permit.

30 (d) If the completed application for a permit is denied, the
 31 commission must state the reasons for the denial. If a completed
 32 application is denied under this section, the applicant may reapply
 33 within thirty (30) days after the date of the denial. There is no
 34 application fee for a reapplication under this subsection.

35 SECTION 6. IC 8-1-34-30, AS AMENDED BY P.L.177-2018,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 30. (a) As used in this section, "designated
 38 employee" means a holder's:

- 39 (1) employee; or
 40 (2) authorized agent;

41 whom the holder designates or will designate to receive direct
 42 marketing authority.



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

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

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

- 11 (1) Name.
- 12 (2) Home address.
- 13 (3) Driver's license number.
- 14 (4) A certification described in subsection (e)(1).

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

17 (1) A certification by the holder that each designated employee
 18 satisfies the following requirements:

- 19 (A) The employee is at least eighteen (18) years of age.
- 20 (B) The employee has a high school diploma or the equivalent
 21 of a high school diploma.
- 22 (C) The employee has not been convicted of a felony within
 23 the seven (7) years immediately preceding the date of the
 24 application.
- 25 (D) Within the seven (7) years immediately preceding the date
 26 of the application, the employee has not been released from
 27 incarceration after serving time for a felony conviction.
- 28 (E) The employee has not been convicted of:
 29 (i) a misdemeanor involving fraud, deceit, or dishonesty;
 30 (ii) a battery offense included in IC 35-42-2 as a
 31 misdemeanor; or
 32 (iii) two (2) or more misdemeanors involving the illegal use
 33 of alcohol or the illegal sale, use, or possession of a
 34 controlled substance;
 35 within the five (5) years immediately preceding the date of the
 36 application.
- 37 (F) The employee has a valid driver's license.

38 (2) Proof of financial responsibility.

39 (f) A holder may comply with subsection (e)(1) by submitting to the
 40 commission a document signed by the holder in which the holder:

- 41 (1) identifies each designated employee by name, home address,
 42 and driver's license number;



1 (2) certifies that each designated employee has been the subject
 2 of ~~a~~ **an expanded** criminal history ~~background~~ check for each
 3 jurisdiction in the United States in which the designated employee
 4 has lived or worked within the seven (7) years immediately
 5 preceding the date of the application; and

6 (3) affirms that the ~~background~~ **expanded criminal history** check
 7 described in subdivision (2) for each designated employee
 8 indicates that the designated employee satisfies the requirements
 9 set forth in subsection (e)(1), as applicable.

10 (g) Not more than fifteen (15) days after the commission receives an
 11 application under subsection (d), the commission shall determine
 12 whether the application is complete and properly verified. If the
 13 commission determines that the application is incomplete or not
 14 properly verified, the commission shall notify the applicant holder of
 15 the deficiency and allow the holder to resubmit the application after
 16 correcting the deficiency. If the commission determines that the
 17 application is complete and properly verified, the commission shall
 18 issue an order granting the holder direct marketing authority. The order
 19 must contain the following:

20 (1) The name of the holder.

21 (2) The names of designated employees of the holder.

22 (3) A grant of direct marketing authority to the holder and
 23 designated employees of the holder.

24 (4) The date on which the order takes effect.

25 The commission shall provide public notice of an order granting direct
 26 marketing authority under this subsection by posting the order on the
 27 commission's Internet web site.

28 (h) A holder that has direct marketing authority shall notify the
 29 commission in a timely manner of any changes to the holder's list of
 30 designated employees. A designated employee may exercise direct
 31 marketing authority immediately upon the holder's submission to the
 32 commission of all information required under subsection (e)(1) with
 33 respect to the designated employee.

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

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

41 (2) exercise any marketing or solicitation authority under a
 42 license, permit, or other authority granted by the political



1 subdivision before, on, or after June 30, 2013;
 2 instead of applying for and exercising direct marketing authority
 3 granted by the commission under this section.

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

5 (1) Require a holder that is granted direct marketing authority
 6 from the commission under this section to also obtain marketing
 7 or solicitation authority from the political subdivision in order to
 8 engage in direct marketing in the holder's service area within the
 9 political subdivision.

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

14 (3) Except as provided in subsection (k), otherwise regulate a
 15 holder that is granted direct marketing authority from the
 16 commission under this section and that engages in direct
 17 marketing in the holder's service area within the political
 18 subdivision.

19 (k) A political subdivision may enforce any ordinance or regulation
 20 that:

21 (1) imposes restrictions as to the hours or manner in which direct
 22 marketing activities may be performed in the political
 23 subdivision; and

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

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

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

29 SECTION 7. IC 8-2.1-19.1-5, AS AMENDED BY P.L.198-2016,
 30 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 5. (a) Before a TNC allows an individual to act as
 32 a TNC driver on the TNC's digital network, the TNC shall:

33 (1) require the individual to submit to the TNC an application that
 34 includes:

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

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

37 (C) a copy of the certificate of registration for the personal
 38 vehicle that the individual will use to provide prearranged
 39 rides;

40 (D) proof of financial responsibility for the personal vehicle
 41 described in clause (C) of a type and in the amounts required
 42 by the TNC; and



- 1 (E) any other information required by the TNC;
 2 (2) with respect to the individual, conduct or contract with a third
 3 party to conduct:
 4 (A) ~~a local and national~~ **an expanded criminal background**
 5 **history check (as defined by IC 20-26-2-1.5);** and
 6 (B) a search of the national sex offender registry; and
 7 (3) obtain a copy of the individual's driving record maintained
 8 under IC 9-14-12-3.
 9 (b) A TNC may not knowingly allow to act as a TNC driver on the
 10 TNC's digital network an individual:
 11 (1) who has received judgments for:
 12 (A) more than three (3) moving traffic violations; or
 13 (B) at least one (1) violation involving reckless driving or
 14 driving on a suspended or revoked license;
 15 in the preceding three (3) years;
 16 (2) who has been convicted of a:
 17 (A) felony; or
 18 (B) misdemeanor involving:
 19 (i) resisting law enforcement;
 20 (ii) dishonesty;
 21 (iii) injury to a person;
 22 (iv) operating while intoxicated;
 23 (v) operating a vehicle in a manner that endangers a person;
 24 (vi) operating a vehicle with a suspended or revoked license;
 25 or
 26 (vii) damage to the property of another person;
 27 in the preceding seven (7) years;
 28 (3) who is a match in the national sex offender registry;
 29 (4) who is unable to provide information required under
 30 subsection (a); or
 31 (5) who is less than nineteen (19) years of age.
 32 SECTION 8. IC 9-32-16-11, AS AMENDED BY P.L.120-2020,
 33 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 11. (a) All dealers operating as a:
 35 (1) corporation;
 36 (2) limited liability company;
 37 (3) limited partnership; or
 38 (4) limited liability partnership;
 39 shall file and maintain all filings required to remain in good standing
 40 with the secretary of state business services division.
 41 (b) The dealer must, for the entire licensing period, have an
 42 established place of business with a physical Indiana address. The



1 dealer may not have a mailing address that differs from the actual
 2 location of the business. At the discretion of the secretary, an
 3 exemption may be granted for dealers with an established place of
 4 business in a location not serviced by the United States Postal Service
 5 to allow a post office box to be used as a mailing address. A dealer
 6 using a post office box for this reason must notify the division in
 7 writing with the dealer's application.

8 (c) Before the secretary may issue a license to a dealer, the
 9 following must occur:

10 (1) A dealer must disclose to the secretary the following:

11 (A) Each dealer owner.

12 (B) For a dealer owner that is a business entity, the following:

13 (i) If a corporation, each officer, director, and shareholder
 14 designated in writing by the board of directors.

15 (ii) If a limited liability company, each member of the
 16 company designated in writing by all members.

17 (iii) If a partnership, each partner.

18 (iv) If a sole proprietorship, the proprietor.

19 (C) Each dealer manager.

20 (2) A person under subdivision (1) must submit to a ~~national~~
 21 ~~criminal history background check (as defined in IC 10-13-3-12)~~
 22 ~~or an~~ expanded criminal history check (as defined in
 23 IC 20-26-2-1.5) administered by the state police.

24 ~~The secretary shall make the determination whether an individual must~~
 25 ~~submit to a national criminal history background check or an expanded~~
 26 ~~criminal history check under this subsection.~~

27 (d) ~~A national criminal history background check or An~~ expanded
 28 criminal history check conducted under subsection (c):

29 (1) is at the expense of the dealer and the dealer owners; and

30 (2) may be completed not more than sixty (60) days before the
 31 dealer applies for a license under this article.

32 (e) The secretary may deny an application for a license if the
 33 division finds that a dealer owner or a dealer manager has been
 34 convicted of a:

35 (1) felony within the previous ten (10) years;

36 (2) felony or misdemeanor involving theft or fraud; or

37 (3) felony or misdemeanor concerning an aspect of business
 38 involving the offer, sale, financing, repair, modification, or
 39 manufacture of a motor vehicle or watercraft.

40 (f) If a dealer adds or changes a dealer owner or dealer manager
 41 after issuance of the initial license, the dealer must submit a
 42 application for a change in ownership in a manner prescribed by the



1 secretary not later than ten (10) days after the change. The new dealer
 2 owner or dealer manager shall submit to a ~~national criminal history~~
 3 ~~background check or an~~ expanded criminal history check as set forth
 4 in subsection (c).

5 (g) Following licensure under this article, a dealer shall, not later
 6 than ninety (90) days after the entry of an order or judgment, notify the
 7 division in writing if the dealer owner or dealer manager has been
 8 convicted of a:

- 9 (1) felony within the past ten (10) years;
 10 (2) felony or misdemeanor involving theft or fraud; or
 11 (3) felony or misdemeanor concerning an aspect of business
 12 involving the:
 13 (A) offer;
 14 (B) sale;
 15 (C) financing;
 16 (D) repair;
 17 (E) modification; or
 18 (F) manufacture;
 19 of a motor vehicle or watercraft.

20 (h) The dealer and the corporation, company, or partnership must be
 21 in good standing with the bureau, the department of state revenue, the
 22 department of financial institutions, and the state police department
 23 during the entire period for which a license is valid.

24 SECTION 9. IC 10-13-3-30, AS AMENDED BY P.L.216-2007,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 30. (a) Except as provided in subsection (c), on
 27 request for release or inspection of a limited criminal history, law
 28 enforcement agencies may, if the agency has complied with the
 29 reporting requirements in section 24 of this chapter, and the department
 30 shall do the following:

- 31 (1) Require a form, provided by law enforcement agencies and the
 32 department, to be completed. The form shall be maintained for
 33 two (2) years and shall be available to the record subject upon
 34 request.
 35 (2) Collect a three dollar (\$3) fee to defray the cost of processing
 36 a request for inspection.
 37 (3) Collect a seven dollar (\$7) fee to defray the cost of processing
 38 a request for release. However, law enforcement agencies and the
 39 department may not charge the fee for requests received from the
 40 parent locator service of the child support bureau of the
 41 department of child services.

42 (b) Law enforcement agencies and the department shall edit



1 information so that the only information released or inspected is
2 information that:

3 (1) has been requested; and

4 (2) is limited criminal history information.

5 (c) The fee required under subsection (a) shall be waived if the
6 request relates to the registration of sex or violent offenders under
7 IC 11-8-8 or the Indiana sex and violent offender registry under
8 IC 36-2-13-5.5 or concerns a person required to register as a sex or
9 violent offender under IC 11-8-8.

10 **(d) The department or a law enforcement agency shall refund**
11 **a fee collected from a person under this section for release or**
12 **inspection of an individual's limited criminal history if the**
13 **department or the law enforcement agency is unable to provide the**
14 **person with any information regarding the individual's history of**
15 **arrest or criminal charges.**

16 SECTION 10. IC 12-10-17.1-12, AS AMENDED BY P.L. 133-2018,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 12. (a) The division shall register an individual
19 who provides the following:

20 (1) A personal resume containing information concerning the
21 individual's qualifications, work experience, and any credentials
22 the individual may hold. The individual must certify that the
23 information contained in the resume is true and accurate.

24 (2) The individual's

25 ~~(A) limited criminal history check from the Indiana central~~
26 ~~repository for criminal history information under IC 10-13-3;~~

27 ~~(B) expanded criminal history check under (as defined by~~
28 ~~IC 20-26-2-1.5). or~~

29 ~~(C) criminal history check from another source allowed by~~
30 ~~law.~~

31 (3) If applicable, the individual's state nurse aide registry report
32 from the state department of health. This subdivision does not
33 require an individual to be a nurse aide.

34 (4) Three (3) letters of reference.

35 (5) A registration fee. The division shall establish the amount of
36 the registration fee.

37 (6) Proof that the individual is at least eighteen (18) years of age.

38 (7) Any other information required by the division.

39 (b) A registration is valid for two (2) years. A personal services
40 attendant may renew the personal services attendant's registration by
41 updating any information in the file that has changed and by paying the
42 fee required under subsection (a)(5). The ~~limited~~ **expanded** criminal



1 history check and report required under subsection (a)(2) and (a)(3)
2 must be updated every two (2) years.

3 (c) The division and any organization designated under section 11
4 of this chapter shall maintain a file for each personal services attendant
5 that contains:

- 6 (1) comments related to the provision of attendant care services
7 submitted by an individual in need of self-directed in-home care
8 who has employed the personal services attendant; and
9 (2) the items described in subsection (a)(1) through (a)(4).

10 (d) Upon request, the division shall provide to an individual in need
11 of self-directed in-home care the following:

- 12 (1) Without charge, a list of personal services attendants who are
13 registered with the division and available within the requested
14 geographic area.
15 (2) A copy of the information of a specified personal services
16 attendant who is on file with the division under subsection (c).
17 The division may charge a fee for shipping, handling, and copying
18 expenses.

19 (e) ~~The limited criminal history check requirement described in~~
20 ~~subsection (a)(2) may be satisfied by fulfilling the components of an~~
21 ~~expanded criminal history check under IC 20-26-2-1.5 and is subject~~
22 ~~to the conditions described in IC 16-27-2-4(c).~~

23 SECTION 11. IC 15-15-13-7, AS AMENDED BY P.L.190-2019,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 7. (a) Subject to section 15 of this chapter, the
26 production of, possession of, scientific study of, and commerce in hemp
27 is authorized in Indiana. Hemp is subject to regulation by the state seed
28 commissioner. The state seed commissioner shall adopt rules to
29 oversee the licensing, production, and management of:

- 30 (1) hemp; and
31 (2) agricultural hemp seed.

32 (b) All growers and handlers must have a hemp license issued by
33 the state seed commissioner. Growers and handlers engaged in the
34 production of agricultural hemp seed must also have an agricultural
35 hemp seed production license.

36 (c) An application for a hemp license or agricultural hemp seed
37 production license must include the following:

- 38 (1) The name and address of the applicant.
39 (2) The name and address of the hemp operation of the applicant.
40 (3) The global positioning system coordinates and legal
41 description of the property used for the hemp operation.
42 (4) If the hemp license or agricultural hemp seed production



- 1 license application is made by a grower, the acreage size of the
- 2 field where the hemp will be grown.
- 3 (5) A statement signed by the applicant, under penalty of perjury,
- 4 that the person applying for the hemp license or agricultural hemp
- 5 seed production license has not been convicted of a drug related
- 6 felony or misdemeanor in the previous ten (10) years.
- 7 (6) A written consent allowing the state police department to
- 8 conduct ~~a state or national~~ **an expanded** criminal history
- 9 ~~background~~ check.
- 10 (7) A written consent allowing the state police department, the
- 11 state seed commissioner, or the state seed commissioner's
- 12 authorized representative, if a license is issued to the applicant, to
- 13 conduct aerial inspections and to enter the premises on which the
- 14 hemp is grown to conduct physical inspections of hemp planted
- 15 and grown by the applicant, and to ensure the plants meet the
- 16 definition of hemp as set forth in section 6 of this chapter.
- 17 (8) A nonrefundable application fee, which must include the
- 18 amount necessary to conduct ~~a state or national~~ **an expanded**
- 19 criminal history ~~background~~ check, in an amount determined by
- 20 the state seed commissioner.
- 21 (9) Any other information required by the state seed
- 22 commissioner.
- 23 SECTION 12. IC 15-15-13-8, AS AMENDED BY P.L.156-2020,
- 24 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2021]: Sec. 8. (a) Each license application received under this
- 26 chapter must be processed as follows:
- 27 (1) Upon receipt of a license application, the state seed
- 28 commissioner shall do one (1) of the following:
- 29 (A) Forward a copy of the application to the state police
- 30 department. The state police department shall do the
- 31 following:
- 32 (i) Perform ~~a state or national~~ **an expanded** criminal history
- 33 ~~background~~ check of the applicant.
- 34 (ii) Determine if the requirements under section 7(c)(5) of
- 35 this chapter concerning prior criminal convictions have been
- 36 met.
- 37 (iii) Return the application to the state seed commissioner
- 38 along with the state police department's determinations and
- 39 a copy of the ~~state or national~~ **expanded** criminal history
- 40 ~~background~~ check.
- 41 (B) Do the following:
- 42 (i) Perform ~~a state or national~~ **an expanded** criminal history



1 ~~background~~ check of the applicant under the same standards
 2 as the state police department would perform.

3 (ii) Determine if the requirements under section 7(c)(5) of
 4 this chapter concerning prior criminal convictions have been
 5 met.

6 (2) The state seed commissioner shall review the license
 7 application and the **expanded** criminal history ~~background~~ check.

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

12 (c) A hemp license or agricultural hemp seed production license
 13 expires on December 31 of the year for which the license was issued,
 14 unless revoked. A hemp license or agricultural hemp seed production
 15 license may be renewed in accordance with rules adopted by the state
 16 seed commissioner and is nontransferable.

17 SECTION 13. IC 16-18-2-244.5 IS REPEALED [EFFECTIVE
 18 JULY 1, 2021]. ~~Sec. 244.5. "National criminal history background~~
 19 ~~check", for purposes of IC 16-27-2, has the meaning set forth in~~
 20 ~~IC 16-27-2-2.1.~~

21 SECTION 14. IC 16-18-4-4, AS ADDED BY P.L.199-2013,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 4. (a) The governing board of a hospital shall
 24 require an individual appointed as a hospital police officer under this
 25 chapter to meet at least the following requirements:

26 (1) The individual must successfully complete, within one (1)
 27 year after the individual is appointed as a hospital police officer,
 28 the minimum basic training and educational requirements as
 29 approved by the governing board of the hospital and the law
 30 enforcement training board.

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

32 (3) The individual must undergo ~~a national~~ **an expanded** criminal
 33 history ~~background~~ check **(as defined by IC 20-26-2-1.5)**.

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

37 SECTION 15. IC 16-25-6-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A person who
 39 owns or operates a hospice program shall apply, not more than three (3)
 40 business days after the date that an employee or a volunteer begins to
 41 provide hospice services, for a copy of the employee's or volunteer's
 42 ~~limited expanded~~ criminal history ~~from the Indiana central repository~~



1 for criminal history information under ~~IC 10-13-3~~. **check (as defined**
 2 **by IC 20-26-2-1.5).**

3 (b) A hospice program may not employ an individual or allow a
 4 volunteer to provide hospice services for more than three (3) business
 5 days without applying for that individual's or volunteer's ~~limited~~
 6 **expanded** criminal history **check** as required by subsection (a).

7 SECTION 16. IC 16-25-6-3, AS AMENDED BY P.L.214-2013,
 8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (b), a
 10 person who owns or operates a hospice program may not employ an
 11 individual or allow a volunteer to provide hospice services if that
 12 individual's or volunteer's ~~limited~~ **expanded** criminal history **check**
 13 **conducted under section 2 of this chapter** indicates that the
 14 individual or volunteer has:

- 15 (1) been convicted of rape (IC 35-42-4-1);
- 16 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
- 17 (repealed);
- 18 (3) been convicted of exploitation of an endangered adult
- 19 (IC 35-46-1-12);
- 20 (4) had a judgment entered against the individual for failure to
- 21 report battery, neglect, or exploitation of an endangered adult
- 22 (IC 35-46-1-13); or
- 23 (5) been convicted of theft (IC 35-43-4), if the conviction for theft
- 24 occurred less than ten (10) years before the individual's
- 25 employment application date.

26 (b) A hospice program may not employ an individual or allow a
 27 volunteer to provide hospice services for more than twenty-one (21)
 28 calendar days without receipt of that individual's or volunteer's ~~limited~~
 29 **expanded** criminal history **check** required by section 2 of this chapter,
 30 unless the ~~Indiana central repository for criminal history information~~
 31 ~~under IC 10-13-3~~ **entity conducting the expanded criminal history**
 32 **check** is solely responsible for failing to provide the individual's or
 33 volunteer's ~~limited~~ **expanded** criminal history **check** to the hospice
 34 program within the time required under this subsection.

35 SECTION 17. IC 16-27-2-2.1 IS REPEALED [EFFECTIVE JULY
 36 1, 2021]. ~~Sec. 2.1. As used in this chapter, "national criminal history~~
 37 ~~background check" means the determination provided by the state~~
 38 ~~police department under IC 10-13-3-39(i).~~

39 SECTION 18. IC 16-27-2-4, AS AMENDED BY P.L.133-2018,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 4. (a) A person who operates a home health
 42 agency under IC 16-27-1 or a personal services agency under



1 IC 16-27-4 shall apply, not more than three (3) business days after the
 2 date that an employee begins to provide services in a patient's
 3 temporary or permanent residence, for a copy of the employee's
 4 ~~national criminal history background check~~ or expanded criminal
 5 history check.

6 (b) A home health agency or personal services agency may not
 7 employ a person to provide services in a patient's or client's temporary
 8 or permanent residence for more than three (3) business days without
 9 applying for a ~~national criminal history background check~~ or an
 10 expanded criminal history check.

11 (c) A person's expanded criminal history check may not include:

- 12 (1) a person's information when the person was less than eighteen
- 13 (18) years of age; or
- 14 (2) information that is restricted by a state where the person
- 15 previously resided.

16 SECTION 19. IC 16-27-2-5, AS AMENDED BY P.L.142-2020,
 17 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (b), a
 19 person who operates a home health agency under IC 16-27-1 or a
 20 personal services agency under IC 16-27-4 may not employ a person to
 21 provide services in a patient's or client's temporary or permanent
 22 residence if that person's ~~national criminal history background check~~
 23 ~~or~~ expanded criminal history check indicates that the person has been
 24 convicted of any of the following:

- 25 (1) Rape (IC 35-42-4-1).
- 26 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- 27 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 28 (4) Failure to report battery, neglect, or exploitation of an
- 29 endangered adult (IC 35-46-1-13).
- 30 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
- 31 than ten (10) years before the person's employment application
- 32 date.

33 (b) A home health agency or personal services agency may not
 34 employ a person to provide services in a patient's or client's temporary
 35 or permanent residence for more than twenty-one (21) calendar days
 36 without receipt of that person's ~~national criminal history background~~
 37 ~~check~~ or expanded criminal history check required by section 4 of this
 38 chapter, unless the state police department, the Federal Bureau of
 39 Investigation under IC 10-13-3-39, or the private agency providing the
 40 expanded criminal history check is responsible for failing to provide
 41 the person's ~~national criminal history background check~~ or expanded
 42 criminal history check to the home health agency or personal services



1 agency within the time required under this subsection.

2 SECTION 20. IC 16-28-13-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as
4 provided in subsection (b), a person who:

5 (1) operates or administers a health care facility; or

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

9 shall apply within three (3) business days from the date a person is
10 employed as a nurse aide or other unlicensed employee for a copy of
11 the person's state nurse aide registry report from the state department
12 and a ~~limited~~ **an expanded** criminal history ~~from the Indiana central~~
13 ~~repository for criminal history information under IC 10-13-3 or another~~
14 ~~source allowed by law.~~ **check (as defined by IC 20-26-2-1.5).**

15 (b) A health care facility is not required to apply for the state nurse
16 aide registry report and ~~limited~~ **expanded** criminal history **check**
17 required by subsection (a) if the health care facility contracts to use the
18 services of a nurse aide or other unlicensed employee who is employed
19 by an entity in the business of contracting to provide nurse aides or
20 other unlicensed employees to health care facilities.

21 SECTION 21. IC 16-28-13-5 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. A person who:

23 (1) operates or administers a health care facility; or

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

27 may not employ a person as a nurse aide or other unlicensed employee
28 after receipt of the person's state nurse aide registry report if that
29 person's report indicates that the person committed an offense under
30 section (3)(a)(2) of this chapter and has been placed on the state nurse
31 aide registry, or after receipt of the ~~limited~~ **person's expanded** criminal
32 history **check** if ~~that the~~ person's ~~limited~~ **expanded** criminal history
33 **check** indicates that the person has been convicted of any of the
34 offenses described in section 3(a)(1) of this chapter.

35 SECTION 22. IC 16-28-13-6 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A person who:

37 (1) operates or administers a health care facility; or

38 (2) operates an entity in the business of contracting to provide
39 nurse aides or other unlicensed employees for a health care
40 facility;

41 is responsible for the payment of fees under IC 10-13-3-30 and other
42 fees required to process a state nurse aide registry report and a ~~limited~~



1 **an expanded** criminal history **check** under section 4 of this chapter.

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

6 (1) to pay the cost of fees described in subsection (a) to the health
7 care facility or entity at the time the person submits an application
8 for employment; or

9 (2) to reimburse the health care facility or entity for the cost of
10 fees described in subsection (a).

11 SECTION 23. IC 16-28-13-11 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Each:

13 (1) health care facility; and

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

16 shall maintain a personnel record for each nurse aide and other
17 unlicensed employee employed by the health care facility or entity that
18 includes the nurse aide's or other unlicensed employee's state nurse
19 aide registry report and ~~limited~~ **expanded** criminal history **check**
20 required by section 4 of this chapter.

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

24 (c) An entity in the business of contracting to provide nurse aides or
25 other unlicensed employees to health care facilities shall provide a
26 copy of the state nurse aide registry report and ~~limited~~ **expanded**
27 criminal history **check** obtained under section 4 of this chapter to each
28 health care facility to which the entity provides a nurse aide or other
29 unlicensed employee. If the entity fails to provide a copy of the state
30 nurse aide registry report and ~~limited~~ **expanded** criminal history **check**
31 to a health care facility, the health care facility is not in violation of this
32 chapter.

33 SECTION 24. IC 20-47-6-9, AS ADDED BY P.L.143-2019,
34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 9. An agreement entered into under section 7(6)
36 of this chapter by the governor's workforce cabinet and an industry
37 collaboration organization must require the industry collaboration
38 organization to do the following:

39 (1) Collaborate with industry sector partners at the state and
40 regional levels and coordinate periodically with:

41 (A) the governor's workforce cabinet;

42 (B) training providers; and



- 1 (C) other stakeholders;
- 2 in carrying out the activities of the industry collaboration
- 3 organization under this chapter.
- 4 (2) Agree to deposit all contributions in a separate account of the
- 5 industry collaboration organization.
- 6 (3) Agree to provide written substantiation to taxpayers for each
- 7 contribution made to the industry collaboration organization,
- 8 which must include certification that the contribution will be used
- 9 by the industry collaboration organization only for purposes of
- 10 this chapter.
- 11 (4) Beginning not later than the third year following the date the
- 12 industry collaboration organization is certified under section 8 of
- 13 this chapter, distribute annually not less than seventy-five percent
- 14 (75%) of the total amount of contributions for one (1) or more
- 15 purposes set forth in section 10 of this chapter.
- 16 (5) Use not more than ten percent (10%) of the total amount of
- 17 contributions for administrative costs, including costs for:
- 18 (A) financial audits for an industry collaboration organization;
- 19 and
- 20 (B) reimbursements for reasonable costs incurred by members
- 21 of the board of directors of an industry collaboration
- 22 organization in carrying out the activities of the industry
- 23 collaboration organization under this chapter.
- 24 (6) Prohibit a taxpayer from directing a contribution to a
- 25 particular student or a particular training provider.
- 26 (7) Allow a taxpayer to designate:
- 27 (A) a specific purpose for which the taxpayer's contribution
- 28 must be used; and
- 29 (B) a specific school or school district for which the taxpayer's
- 30 contribution must be used;
- 31 under section 10 of this chapter.
- 32 (8) Agree to provide a list of the names and addresses of the board
- 33 members, officers, and employees with managerial authority of
- 34 the industry collaboration organization.
- 35 (9) Conduct **expanded** criminal ~~background~~ **history** checks (**as**
- 36 **defined by IC 20-26-2-1.5**) on all the industry collaboration
- 37 organization board members, officers, and employees, and
- 38 exclude from employment or governance any individual who
- 39 might reasonably pose a risk to the appropriate use of contributed
- 40 funds.
- 41 (10) Make the reports required by this chapter.
- 42 SECTION 25. IC 20-51-3-3, AS AMENDED BY P.L.211-2013,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 3. An agreement entered into under section 1 of
3 this chapter between the department and a scholarship granting
4 organization must require the scholarship granting organization to do
5 the following:

6 (1) Provide a receipt to taxpayers for contributions made to the
7 scholarship granting organization that will be used in a school
8 scholarship program. The department of state revenue shall
9 prescribe a standardized form for the receipt issued under this
10 subdivision. The receipt must indicate the value of the
11 contribution and part of the contribution being designated for use
12 in a school scholarship program.

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

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

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

19 (5) Conduct ~~criminal background checks~~ **expanded criminal**
20 **history checks (as defined by IC 20-26-2-1.5)** on all the
21 scholarship granting organization's employees and board
22 members and exclude from employment or governance any
23 individual who might reasonably pose a risk to the appropriate
24 use of contributed funds.

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

26 SECTION 26. IC 21-18.5-6-11, AS AMENDED BY P.L.273-2013,
27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2021]: Sec. 11. Full authorization under this chapter may not
29 be issued unless and until the board for proprietary education finds that
30 the postsecondary credit bearing proprietary educational institution
31 meets minimum standards that are appropriate to that type or class of
32 postsecondary credit bearing proprietary educational institution,
33 including the following minimum standards:

34 (1) The postsecondary credit bearing proprietary educational
35 institution has a sound financial structure with sufficient
36 resources for continued support.

37 (2) The postsecondary credit bearing proprietary educational
38 institution has satisfactory training or educational facilities with
39 sufficient tools, supplies, or equipment and the necessary number
40 of work stations or classrooms to adequately train, instruct, or
41 educate the number of students enrolled or proposed to be
42 enrolled.



- 1 (3) The postsecondary credit bearing proprietary educational
 2 institution has an adequate number of qualified instructors or
 3 teachers, sufficiently trained by experience or education, to give
 4 the instruction, education, or training contemplated.
 5 (4) The advertising and representations made on behalf of the
 6 postsecondary credit bearing proprietary educational institution
 7 to prospective students are truthful and free from
 8 misrepresentation or fraud.
 9 (5) The charge made for the training, instruction, or education is
 10 clearly stated and based upon the services rendered.
 11 (6) The premises and conditions under which the students work
 12 and study are sanitary, healthful, and safe according to modern
 13 standards.
 14 (7) The postsecondary credit bearing proprietary educational
 15 institution has and follows a refund policy approved by the board
 16 for proprietary education.
 17 (8) The owner or chief administrator of the postsecondary credit
 18 bearing proprietary educational institution is subject to a
 19 ~~background check~~ **an expanded criminal history check (as**
 20 **defined by IC 20-26-2-1.5)** by the board for proprietary
 21 education and has not been convicted of a felony.
 22 (9) The owner or chief administrator of the postsecondary credit
 23 bearing proprietary educational institution has not been the owner
 24 or chief administrator of a postsecondary credit bearing
 25 proprietary educational institution that has had its authorization
 26 revoked or has been closed involuntarily in the five (5) year
 27 period preceding the application for authorization. However, if
 28 the owner or chief administrator of the postsecondary credit
 29 bearing proprietary educational institution has been the owner or
 30 chief administrator of a postsecondary credit bearing proprietary
 31 educational institution that has had its authorization revoked or
 32 has been closed involuntarily more than five (5) years before the
 33 application for authorization, the board for proprietary education
 34 may issue full authorization at the board for proprietary
 35 education's discretion.
 36 SECTION 27. IC 22-1-5-13, AS AMENDED BY P.L.133-2018,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 13. (a) A placement agency:
 39 (1) must provide a consumer with a consumer notice each time a
 40 home care services worker is placed in the home of the consumer;
 41 and
 42 (2) is not required to provide a consumer notice when a new or



1 different home care services worker is substituting for the regular
2 home care services worker placed with the consumer.

3 (b) Before a placement agency places a home care services worker
4 with a consumer, the home care services worker must provide the
5 placement agency with a copy of the individual's

6 ~~(1) limited criminal history from the central repository for~~
7 ~~criminal history information under IC 10-13-3; or~~

8 ~~(2) expanded criminal history check, as defined in IC 20-26-2-1.5,~~
9 ~~subject to the conditions described in IC 16-27-2-4(c).~~

10 The home care services worker is responsible for the ~~fees required~~
11 ~~under IC 10-13-3-30 or the cost of an expanded criminal history check~~
12 and must annually obtain an updated ~~limited criminal history or~~
13 expanded criminal history check. A copy of the home care services
14 worker's ~~limited criminal history or~~ expanded criminal history check
15 must be made available to the consumer.

16 SECTION 28. IC 24-7-8-5, AS ADDED BY P.L.216-2013,
17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 5. Before appointing or hiring any director,
19 executive officer, or Indiana store manager, a lessor must perform a
20 ~~criminal background~~ **an expanded criminal history check (as defined**
21 **by IC 20-26-2-1.5)** on the candidate and retain, until the department's
22 next examination of the lessor is completed, records of the ~~background~~
23 **expanded criminal history** check in the lessor's files.

24 SECTION 29. IC 25-1-1.1-4, AS AMENDED BY P.L.3-2014,
25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 4. (a) This section applies to an individual who is
27 applying for, or will be applying for, an initial license or an initial
28 certificate under one (1) of the occupations or professions described in
29 IC 25-0.5-1.

30 (b) As used in this chapter, ~~"national criminal history background~~
31 **"expanded criminal history check"** ~~means the criminal history record~~
32 ~~system maintained by the Federal Bureau of Investigation based on~~
33 ~~fingerprint identification or any other method of positive identification;~~
34 **has the meaning set forth in IC 20-26-2-1.5.**

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

39 (d) The state police department shall release the results of a ~~national~~
40 **criminal history background an expanded criminal history** check
41 conducted under this section to the Indiana professional licensing
42 agency.



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

6 SECTION 30. IC 25-1-1.1-6, AS AMENDED BY P.L.90-2019,
 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2021]: Sec. 6. (a) This section applies to a license or
 9 certificate under this title that is in effect on July 1, 2018, or created on
 10 or established after that date.

11 (b) As used in this section, "crime" has the meaning set forth in
 12 IC 33-23-1-4.

13 (c) As used in this section, "criminal history information" has the
 14 meaning set forth in IC 5-2-4-1.

15 (d) Not later than November 1, 2018, a board, commission, or
 16 committee shall revise its licensing or certification requirements to the
 17 extent necessary to explicitly list the crimes that may disqualify an
 18 individual from receiving a license or certificate under this title. The
 19 board, commission, or committee may not:

- 20 (1) use nonspecific terms, such as moral turpitude or good
- 21 character, as a licensing or certification requirement; or
- 22 (2) consider an arrest that does not result in a conviction.

23 (e) A board's, commission's, or committee's use of an individual's
 24 conviction of a crime as a conviction of concern is limited to a crime
 25 directly related to the duties and responsibilities of the occupation or
 26 profession for which the individual is applying for or holds a license or
 27 certification.

28 (f) If an individual has a conviction of concern, the period of
 29 disqualification may not exceed five (5) years after the date of the
 30 conviction, unless the individual:

- 31 (1) was convicted of a crime of violence (as defined by
- 32 IC 35-50-1-2(a));
- 33 (2) was convicted of an offense relating to a criminal sexual act
- 34 (as defined by IC 35-31.5-2-216); or
- 35 (3) is convicted of a second or subsequent crime during the
- 36 disqualification period.

37 (g) An individual having a conviction of concern may at any time
 38 petition a board, commission, or committee requiring a license or
 39 certificate for a determination as to whether the individual's conviction
 40 of concern will disqualify the individual from receiving the license or
 41 certification. An individual filing a petition under this subsection shall
 42 submit the following:



1 (1) At no expense to the state, ~~a national~~ **an expanded** criminal
 2 ~~background history~~ check. ~~by the Federal Bureau of~~
 3 ~~Investigation.~~

4 (2) Any additional information requested by the board,
 5 commission, or committee to assist the board, commission, or
 6 committee in its review of the individual's petition.

7 (h) If an individual has a conviction of concern, the board,
 8 commission, or committee shall consider the following in determining
 9 whether to deny a license or certification to the individual based on the
 10 following factors:

11 (1) The nature and seriousness of the crime for which the
 12 individual was convicted.

13 (2) The passage of time since the commission of the crime.

14 (3) The relationship of the crime to the ability, capacity, and
 15 fitness required to perform the duties and discharge the
 16 responsibilities of the occupation.

17 (4) Evidence of rehabilitation or treatment undertaken by the
 18 individual that might mitigate against a direct relation to the
 19 ability, capacity, and fitness required to perform the duties and
 20 discharge the responsibilities of the occupation.

21 (i) If a board, commission, or committee determines an individual's
 22 conviction of concern disqualifies the individual from receiving a
 23 license or certification solely or in part because of the individual's
 24 criminal history, the board, commission, or committee shall notify the
 25 individual in writing of the following:

26 (1) The grounds and reasons for the denial or disqualification.

27 (2) The individual has the right to a hearing to challenge the
 28 licensing authority's decision.

29 (3) The earliest date the individual may reapply for a license or
 30 certification or the earliest date the individual can petition the
 31 board, commission, or committee for a review.

32 (4) Evidence of rehabilitation may be considered upon
 33 reapplication.

34 (5) Findings for each of the factors specified in subdivisions (1)
 35 through (4).

36 Any written determination that an individual's criminal history contains
 37 a conviction of concern that merits the denial of a license must be
 38 documented in written findings under subdivision (1) by clear and
 39 convincing evidence sufficient for review by a court. In an
 40 administrative hearing or a civil action reviewing the denial of a
 41 license, a board, commission, or committee has the burden of proof on
 42 the question of whether the individual's criminal history, based on the



1 standards provided in subsection (h), should lead to the denial of a
2 license.

3 (j) The board, commission, or committee shall inform the individual
4 of its determination concerning the individual's petition not later than
5 sixty (60) days after the petition, criminal history information, and any
6 other information requested under subsection (g) is received by the
7 board, commission, or committee.

8 (k) The board, commission, or committee may charge a fee
9 established under IC 25-1-8 that does not exceed twenty-five dollars
10 (\$25) to pay its costs of reviewing a petition filed under subsection (g).

11 (l) A board, commission, or committee may adopt rules under
12 IC 4-22-2 to implement this section, including emergency rules under
13 IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule
14 adopted by the board, commission, or committee under this section and
15 in the manner provided by IC 4-22-2-37.1 expires on the date on which
16 a rule that supersedes the emergency rule is adopted by the board,
17 commission, or committee under IC 4-22-2-24 through IC 4-22-2-36.

18 SECTION 31. IC 25-1-17-8, AS AMENDED BY P.L.89-2020,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 8. (a) Notwithstanding any other law, an applicant
21 for a license is entitled to a provisional license in the regulated
22 occupation applied for and at the same practice level as determined by
23 the board, without an examination, if all of the following conditions are
24 met:

25 (1) The person submits a signed affidavit affirming, under the
26 penalties for perjury, the following:

27 (A) The person is the spouse of an active duty member of the
28 armed forces assigned to Indiana.

29 (B) The person is in good standing in all states in which the
30 person holds a license for the regulated occupation applied for.

31 (C) The person has not had a license revoked and has not
32 voluntarily surrendered a license in another state or country
33 while under investigation for unprofessional conduct.

34 (D) The person has not had discipline imposed by the
35 regulating entity for the regulated occupation in another state
36 or country.

37 (E) The person does not have an investigation pending before
38 the regulating entity in another state or country that relates to
39 unprofessional conduct.

40 (2) The person submits verification that the person is currently
41 licensed in at least one (1) other state in the regulated occupation
42 applied for.



1 (3) The person submits to a ~~national~~ **an expanded** criminal
 2 history ~~background~~ check (as defined in IC 25-1-1.1-4) and does
 3 not have a disqualifying criminal history as determined by the
 4 board.

5 (4) The person has submitted an application for a license with the
 6 board and has paid any application fee.

7 (b) An applicant who has met the requirements in subsection (a)
 8 shall be issued a provisional license not more than thirty (30) days after
 9 the requirements are met.

10 (c) A provisional license expires three hundred sixty-five (365) days
 11 after it is issued.

12 (d) In addition to any other penalties for perjury, a person who
 13 violates this section commits a Class A infraction.

14 (e) If the board discovers that any of the information submitted
 15 under this section is false, the board may immediately revoke the
 16 person's provisional license.

17 (f) This section does not apply to a license that is established by or
 18 recognized through an interstate compact, a reciprocity agreement, or
 19 a comity agreement that is established by a board or a law.

20 (g) This section does not prohibit an individual from proceeding
 21 under other licensure, certification, registration, or permit requirements
 22 established by a board or a law.

23 SECTION 32. IC 25-21.8-4-2, AS AMENDED BY P.L.10-2019,
 24 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2021]: Sec. 2. An individual who applies for
 26 licensure as a massage therapist must do the following:

27 (1) Complete and submit the licensure application in the form and
 28 manner provided by the board.

29 (2) Furnish evidence satisfactory to the board showing that the
 30 individual:

31 (A) is at least eighteen (18) years of age;

32 (B) has a high school diploma or the equivalent of a high
 33 school diploma;

34 (C) has successfully completed a massage therapy school or
 35 program that:

36 (i) requires at least six hundred twenty-five (625) hours of
 37 supervised classroom and hands on instruction on massage
 38 therapy;

39 (ii) is in good standing with a state, regional, or national
 40 agency of government charged with regulating massage
 41 therapy schools or programs; and

42 (iii) is accredited by the department of workforce



- 1 development under IC 22-4.1-21 or accredited by another
 2 state where the standards for massage therapy education are
 3 substantially the same as the standards in Indiana, or is a
 4 program at an institution of higher learning that is approved
 5 by the board; and
 6 (D) has taken and passed a licensure examination approved by
 7 the board.
- 8 (3) Provide a history of any criminal convictions the individual
 9 has, including any convictions related to the practice of the
 10 profession. The board shall deny an application for licensure if the
 11 applicant:
- 12 (A) has been convicted of:
- 13 (i) prostitution;
 14 (ii) rape; or
 15 (iii) sexual misconduct; or
 16 (B) is a registered sex offender.
- 17 (4) Provide proof that the applicant currently has professional
 18 liability insurance with minimum coverage of two million dollars
 19 (\$2,000,000) per claim and six million dollars (\$6,000,000) in
 20 aggregate.
- 21 (5) Submit to a ~~national~~ **an expanded** criminal history
 22 ~~background~~ check as prescribed by IC 25-0.5-1-9.
- 23 (6) Verify the information submitted on the application form.
- 24 (7) Pay fees established by the board.
- 25 SECTION 33. IC 25-21.8-4-6, AS AMENDED BY P.L.180-2018,
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 6. (a) This subsection applies to an individual who
 28 holds a certification by the board as a massage therapist on the
 29 effective date of the rules adopted by the board for massage therapy
 30 licensure. An individual to whom this subsection applies is considered
 31 to be licensed from the effective date of the rules adopted by the board
 32 for massage therapy licensure, and the board shall thereafter renew the
 33 person's license in accordance with IC 25-21.8-6. If an individual to
 34 whom this subsection applies becomes licensed under this subsection,
 35 the expiration date of the license is the same as the expiration date of
 36 the certification that the individual held on the effective date of the
 37 rules adopted by the board for massage therapy licensure.
- 38 (b) This subsection applies to an individual who is not certified by
 39 the board as a massage therapist and who is practicing massage therapy
 40 for compensation in Indiana on the effective date of the rules adopted
 41 by the board for massage therapy licensure. An individual to whom this
 42 subsection applies may continue practicing massage therapy in Indiana



1 without a massage therapy license until the date occurring one hundred
 2 eighty-three (183) days after the effective date of the rules adopted by
 3 the board for massage therapy licensure. On or after the date occurring
 4 one hundred eighty-three (183) days after the effective date of the rules
 5 adopted by the board for massage therapy licensure, an individual to
 6 whom this subsection applies may not practice massage therapy in
 7 Indiana unless the individual obtains a massage therapy license. A
 8 person to whom this subsection applies may obtain a massage therapy
 9 license by doing the following:

10 (1) Apply for licensure before the date occurring one hundred
 11 eighty-three (183) days after the effective date of the rules
 12 adopted by the board for massage therapy licensure.

13 (2) Provide the board with either:

14 (A) documentation that the applicant has completed and
 15 passed a nationally recognized competency examination in the
 16 practice of massage therapy and an affidavit of at least five (5)
 17 years of work experience in the state; or

18 (B) a certificate and transcript of completion from a massage
 19 therapy program or school with at least five hundred (500)
 20 hours of education.

21 (3) Submit to a ~~national~~ **an expanded** criminal history
 22 ~~background~~ check as prescribed by IC 25-0.5-1-9.

23 (c) Notwithstanding any other law, the board shall continue to issue
 24 massage therapy certifications under this article until the effective date
 25 of the rules adopted by the board for massage therapy licensure.

26 SECTION 34. IC 25-21.8-5-1, AS AMENDED BY P.L.267-2017,
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 1. (a) The board may grant licensure by
 29 endorsement to an individual who:

30 (1) is licensed, certified, or registered in another state having
 31 credentialing standards that are substantially equivalent to or that
 32 exceed the credentialing standards specified under this article;

33 (2) has no pending disciplinary actions in relation to the
 34 performance of massage therapy and is in good standing with the
 35 standards of the other state or country;

36 (3) pays an application fee established by the board;

37 (4) provides a history of the individual's criminal convictions, if
 38 any, including any criminal convictions relating to the practice of
 39 the profession; and

40 (5) submits to a ~~national~~ **an expanded** criminal history
 41 ~~background~~ check as prescribed by IC 25-0.5-1-9.

42 (b) The board shall deny an application for licensure if the



- 1 applicant:
- 2 (1) has been convicted of:
- 3 (A) prostitution;
- 4 (B) rape; or
- 5 (C) sexual misconduct; or
- 6 (2) is a registered sex offender.
- 7 (c) An applicant for licensure by endorsement shall cause each state
- 8 that previously credentialed the applicant to provide the board with the
- 9 applicant's current status in the state.
- 10 SECTION 35. IC 25-26-14-16, AS AMENDED BY P.L.98-2006,
- 11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2021]: Sec. 16. (a) In reviewing, for purposes of licensure or
- 13 renewal of a license under this chapter, the qualifications of persons
- 14 who engage in wholesale distribution of legend drugs in Indiana, the
- 15 board shall consider the following factors:
- 16 (1) A finding by the board that the applicant has:
- 17 (A) violated a law; or
- 18 (B) been disciplined by a regulatory agency for violating a
- 19 law;
- 20 related to drug distribution in any state.
- 21 (2) A criminal conviction of the applicant.
- 22 (3) The applicant's past experience in the manufacture or
- 23 distribution of legend drugs, including controlled substances.
- 24 (4) The furnishing by the applicant of false or fraudulent material
- 25 in any application made in connection with drug manufacturing
- 26 or distribution.
- 27 (5) Suspension or revocation of any license held by the applicant
- 28 or the applicant's owner or the imposition of sanctions against the
- 29 applicant or the applicant's owner by the federal or a state or local
- 30 government for the manufacture or distribution of any drugs,
- 31 including controlled substances.
- 32 (6) Compliance with licensing requirements under previously
- 33 granted licenses.
- 34 (7) Compliance with requirements to maintain and make available
- 35 to the board or to federal, state, or local law enforcement officials
- 36 those records required under this chapter.
- 37 (8) Any other factors or qualifications the board considers
- 38 relevant to the public health and safety, including whether the
- 39 granting of the license would not be in the public interest.
- 40 (b) In reviewing an application for licensure or renewal of a license
- 41 under this chapter, the board shall consider the results of **an expanded**
- 42 criminal history **check (as defined by IC 20-26-2-1.5)** and financial



- 1 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 **expanded** criminal history and financial background checks
- 11 conducted 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 SECTION 36. IC 25-26-14-17.8, AS AMENDED BY P.L.98-2006,
- 26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2021]: Sec. 17.8. (a) A wholesale drug distributor licensed
- 28 under this chapter that purchases legend drugs from a wholesale drug
- 29 distributor that is not licensed under this chapter shall act with due
- 30 diligence as required under this section and rules adopted by the board.
- 31 However, the due diligence requirements of this section do not apply
- 32 to purchases from an unlicensed wholesale drug distributor that has
- 33 obtained accreditation through the National Association of Boards of
- 34 Pharmacy's Verified-Accredited Wholesale Distributors program.
- 35 (b) Before the initial purchase of legend drugs from the unlicensed
- 36 wholesale drug distributor, the licensed wholesale drug distributor shall
- 37 obtain the following information from the unlicensed wholesale drug
- 38 distributor:
- 39 (1) A list of states in which the unlicensed wholesale drug
- 40 distributor is licensed.
- 41 (2) A list of states into which the unlicensed wholesale drug
- 42 distributor ships legend drugs.



- 1 (3) Copies of all state and federal regulatory licenses and
 2 registrations held by the unlicensed wholesale drug distributor.
 3 (4) The unlicensed wholesale drug distributor's most recent
 4 facility inspection reports.
 5 (5) Information regarding general and product liability insurance
 6 maintained by the unlicensed wholesale drug distributor,
 7 including copies of relevant policies.
 8 (6) A list of other names under which the unlicensed wholesale
 9 drug distributor does business or has been previously known.
 10 (7) A list of corporate officers and managerial employees of the
 11 unlicensed wholesale drug distributor.
 12 (8) A list of all owners of the unlicensed wholesale drug
 13 distributor that own more than ten percent (10%) of the
 14 unlicensed wholesale drug distributor, unless the unlicensed
 15 wholesale drug distributor is publicly traded.
 16 (9) A list of all disciplinary actions taken against the unlicensed
 17 wholesale drug distributor by state and federal agencies.
 18 (10) A description, including the address, dimensions, and other
 19 relevant information, of each facility used by the unlicensed
 20 wholesale drug distributor for legend drug storage and
 21 distribution.
 22 (11) A description of legend drug import and export activities of
 23 the unlicensed wholesale drug distributor.
 24 (12) A description of the unlicensed wholesale drug distributor's
 25 procedures to ensure compliance with this chapter.
 26 (13) A statement:
 27 (A) as to whether; and
 28 (B) of the identity of each manufacturer for which;
 29 the unlicensed wholesale drug distributor is an authorized
 30 distributor.
 31 (c) Before the initial purchase of legend drugs from an unlicensed
 32 wholesale drug distributor, the licensed wholesale drug distributor
 33 shall:
 34 (1) request that the board obtain and consider the results of a
 35 **national an expanded** criminal history **background** check (as
 36 ~~defined in IC 10-13-3-12) through the state police department by~~
 37 **IC 20-26-2-1.5**) of all individuals associated with the unlicensed
 38 wholesale drug distributor as specified for licensure of a
 39 wholesale drug distributor under section 16(b) of this chapter; and
 40 (2) verify the unlicensed wholesale drug distributor's status as an
 41 authorized distributor, if applicable.
 42 (d) If an unlicensed wholesale drug distributor's facility has not been



1 inspected by the board or the board's agent within three (3) years after
2 a contemplated purchase described in subsection (a), the licensed
3 wholesale drug distributor shall conduct an inspection of the
4 unlicensed wholesale drug distributor's facility:

5 (1) before the initial purchase of legend drugs from the unlicensed
6 wholesale drug distributor; and

7 (2) at least once every three (3) years unless the unlicensed
8 wholesale drug distributor's facility has been inspected by the
9 board, or the board's agent, during the same period;

10 to ensure compliance with applicable laws and regulations relating to
11 the storage and handling of legend drugs. A third party may be engaged
12 to conduct the site inspection on behalf of the licensed wholesale drug
13 distributor.

14 (e) At least annually, a licensed wholesale drug distributor that
15 purchases legend drugs from an unlicensed wholesale drug distributor
16 shall ensure that the unlicensed wholesale drug distributor maintains
17 a record keeping system that meets the requirements of section 17(3)
18 of this chapter.

19 (f) If a licensed wholesale drug distributor that purchases legend
20 drugs from an unlicensed wholesale drug distributor has reason to
21 believe that a legend drug purchased from the unlicensed wholesale
22 drug distributor is misbranded, adulterated, counterfeit, or suspected
23 counterfeit, the licensed wholesale drug distributor shall conduct a for
24 cause authentication of each distribution of the legend drug back to the
25 manufacturer.

26 (g) An unlicensed wholesale drug distributor that has engaged in the
27 distribution of a legend drug for which a licensed wholesale drug
28 distributor conducts a for cause authentication under subsection (f)
29 shall provide, upon request, detailed information regarding the
30 distribution of the legend drug, including the:

31 (1) date of purchase of the legend drug;

32 (2) lot number of the legend drug;

33 (3) sales invoice number of the legend drug; and

34 (4) contact information, including name, address, telephone
35 number, and any electronic mail address of the unlicensed
36 wholesale drug distributor that sold the legend drug.

37 (h) If a licensed wholesale drug distributor conducts a for cause
38 authentication under subsection (f) and is unable to authenticate each
39 distribution of the legend drug, the licensed wholesale drug distributor
40 shall quarantine the legend drug and report the circumstances to the
41 board and the federal Food and Drug Administration within ten (10)
42 business days after completing the attempted authentication.



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

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

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

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

21 SECTION 37. IC 25-27-1-6.1, AS ADDED BY P.L.160-2019,
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 6.1. An applicant for a license as a physical
 24 therapist must do the following:

- 25 (1) Complete the application process, including payment of fees.
- 26 (2) Submit proof of graduation from a professional physical
 27 therapist education program accredited by a national accreditation
 28 agency approved by the board.
- 29 (3) Pass an examination approved by the board.
- 30 (4) Submit to a ~~national~~ **an expanded** criminal history
 31 ~~background~~ check under IC 25-1-1.1-4.
- 32 (5) Meet any other requirements established by board rule.

33 SECTION 38. IC 25-27-1-6.2, AS ADDED BY P.L.160-2019,
 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 6.2. An applicant for a license as a physical
 36 therapist who has been educated outside the United States must do the
 37 following:

- 38 (1) Complete the application process, including payment of fees.
- 39 (2) Provide satisfactory evidence that the applicant's education is
 40 substantially equivalent to the education of physical therapists
 41 educated in an accredited entry level program as determined by
 42 the board by any of the following:



- 1 (A) Providing evidence of graduation outside the United States
- 2 from a professional education program accredited by the same
- 3 accrediting agency that the board approves for programs
- 4 within the United States.
- 5 (B) Do the following:
- 6 (i) Provide evidence of graduation from a physical therapist
- 7 education program that prepares the applicant to engage in
- 8 physical therapy without restriction.
- 9 (ii) Provide evidence that the applicant's school is
- 10 recognized by its own ministry of education.
- 11 (iii) Undergo a credentials evaluation as directed by the
- 12 board to determine if the candidate meets uniform criteria
- 13 for educational requirements established by rule.
- 14 (3) Complete any additional education required by the board.
- 15 (4) Pass a board approved English proficiency examination if the
- 16 applicant's native language is not English.
- 17 (5) Pass an examination approved by the board.
- 18 (6) Submit to a ~~national~~ **an expanded** criminal history
- 19 ~~background~~ check under IC 25-1-1.1-4.
- 20 (7) Complete supervised clinical practice with a restricted license
- 21 if required by rule.
- 22 (8) Meet any other requirements established by board rule.

23 SECTION 39. IC 25-27-1-6.3, AS ADDED BY P.L.160-2019,
 24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 6.3. An applicant for a certificate as a physical
 26 therapist assistant must do the following:

- 27 (1) Complete the application process, including payment of fees.
- 28 (2) Submit proof of graduation from a professional physical
- 29 therapist assistant education program accredited by a national
- 30 accreditation agency approved by the board.
- 31 (3) Pass an examination approved by the board.
- 32 (4) Submit to a ~~national~~ **an expanded** criminal history
- 33 ~~background~~ check under IC 25-1-1.1-4.
- 34 (5) Meet any other requirements established by rule.

35 SECTION 40. IC 25-27-1-6.4, AS ADDED BY P.L.160-2019,
 36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 6.4. An applicant for a certificate as a physical
 38 therapist assistant who has been educated outside the United States
 39 must do the following:

- 40 (1) Complete the application process, including payment of fees.
- 41 (2) Provide satisfactory evidence that the applicant's education is
- 42 substantially equivalent to the education of a physical therapist



1 assistant educated in an accredited entry level program as
 2 determined by the board by any of the following:

3 (A) Provide evidence of graduation outside the United States
 4 from a professional education program accredited by the same
 5 accrediting agency that the board approves for programs
 6 within the United States.

7 (B) Do the following:

8 (i) Provide evidence of graduation from a physical therapist
 9 assistant education program that prepares the applicant to
 10 engage as a physical therapist assistant without restriction.

11 (ii) Provide evidence that the applicant's school is
 12 recognized by its own ministry of education.

13 (iii) Undergo a credentials evaluation as directed by the
 14 board to determine if the candidate meets uniform criteria
 15 for educational requirements established by rule.

16 (3) Complete any additional education required by the board.

17 (4) Pass a board approved English proficiency examination if the
 18 applicant's native language is not English.

19 (5) Pass an examination approved by the board.

20 (6) Submit to a ~~national~~ **an expanded** criminal history
 21 ~~background~~ check under IC 25-1-1.1-4.

22 (7) Complete supervised clinical practice with a restricted license
 23 if required by rule.

24 (8) Meet any other requirements established by rule.

25 SECTION 41. IC 25-34.1-8-10, AS AMENDED BY P.L.145-2008,
 26 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 10. (a) To be licensed or certified as a real estate
 28 appraiser, an individual must meet the following conditions:

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

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

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

34 (C) Fraud or material deception in the course of professional
 35 services or activities.

36 (D) A crime that indicates the individual has the propensity to
 37 endanger the public.

38 (2) Have satisfied the requirements established under
 39 IC 25-34.1-3-8(f).

40 (b) After December 31, 2008, the board shall require each applicant
 41 for initial licensure or certification under this chapter to submit
 42 fingerprints for a ~~national criminal history background~~ **to an expanded**



1 **criminal history** check (as defined in ~~IC 10-13-3-12~~) **by the Federal**
 2 **Bureau of Investigation, by IC 20-26-2-1.5)** for use by the board in
 3 determining whether the applicant should be denied licensure or
 4 certification under this chapter for any reason set forth in subsection
 5 (a)(1). The applicant shall pay any fees or costs associated with the
 6 ~~fingerprints and background~~ **expanded criminal history** check
 7 required under this subsection. The board may not release the results
 8 of a ~~background~~ **an expanded criminal history** check described in this
 9 subsection to any private entity.

10 (c) The board may request evidence of compliance with this section
 11 in accordance with subsection (d). Evidence of compliance with this
 12 section may include any of the following:

13 (1) Subject to subsections (b) and (d)(2), criminal background
 14 checks, including a ~~national criminal history background~~ **an**
 15 **expanded criminal history** check (as defined in ~~IC 10-13-3-12~~)
 16 **by the Federal Bureau of Investigation, by IC 20-26-2-1.5).**

17 (2) Credit histories.

18 (3) Other background checks considered necessary by the board.

19 (d) The board may request evidence of compliance with this section
 20 at any of the following times:

21 (1) The time of application for an initial license or certificate.

22 (2) The time of renewal of a license or certificate.

23 (3) Any other time considered necessary by the board.

24 (e) The commission, upon recommendation of the board, shall adopt
 25 rules under IC 4-22-2 to implement this section.

26 SECTION 42. IC 25-36.5-1-18 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) The definitions
 28 set forth in IC 10-13-3 apply throughout this section.

29 (b) The department shall under IC 10-13-3-27(b) request and obtain
 30 the release of a ~~limited~~ **an expanded** criminal history ~~from the state~~
 31 ~~police department check (as defined by IC 20-26-2-1.5)~~ on each
 32 person who applies to the department under this chapter for the
 33 issuance of either of the following:

34 (1) A timber buyer registration certificate.

35 (2) A timber buyer agent's license.

36 SECTION 43. IC 28-1-2-23, AS AMENDED BY P.L.27-2012,
 37 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 23. (a) A corporation or an individual acting
 39 directly, indirectly, or through or in concert with one (1) or more other
 40 corporations or individuals may not acquire control of any bank, trust
 41 company, stock savings bank, holding company, corporate fiduciary,
 42 or industrial loan and investment company unless the department has



1 received and approved an application for change in control. The
 2 department has not more than one hundred twenty (120) days following
 3 receipt of an application to issue a notice approving the proposed
 4 change in control. The application shall contain the name and address
 5 of the corporation, individual, or individuals who propose to acquire
 6 control.

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

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

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

12 (A) the director determines that the corporation, individual, or
 13 individuals who propose to acquire control have not submitted
 14 substantial evidence of the qualifications described in
 15 subsection (c);

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

18 (C) the director has been unable to complete the investigation
 19 of the corporation, individual, or individuals who propose to
 20 acquire control because of any delay caused by or the
 21 inadequate cooperation of the corporation, individual, or
 22 individuals.

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

25 (1) The corporation, individual, or individuals who propose to
 26 acquire control are qualified by competence, experience,
 27 character, and financial responsibility to control and operate the
 28 bank, trust company, stock savings bank, bank holding company,
 29 corporate fiduciary, or industrial loan and investment company in
 30 a legal and proper manner.

31 (2) The interests of the stockholders, depositors, and creditors of
 32 the bank, trust company, stock savings bank, bank holding
 33 company, corporate fiduciary, or industrial loan and investment
 34 company and the interests of the public generally will not be
 35 jeopardized by the proposed change in control.

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

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



1 (1) direct or cause the direction of the management or policies of
 2 a bank, a trust company, a holding company, a corporate
 3 fiduciary, or an industrial loan and investment company, whether
 4 through the beneficial ownership of voting securities, by contract,
 5 or otherwise; or

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

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

16 (g) The president or other chief executive officer of a financial
 17 institution or holding company shall report to the director any transfer
 18 or sale of shares of stock of the financial institution or holding
 19 company that results in direct or indirect ownership by a stockholder
 20 or an affiliated group of stockholders of at least ten percent (10%) of
 21 the outstanding stock of the financial institution or holding company.
 22 The report required by this subsection must be made not later than ten
 23 (10) days after the president or other chief executive officer becomes
 24 aware of the transfer of the shares of stock on the books of the financial
 25 institution or holding company.

26 (h) To assist the department in making a determination under
 27 subsection (c), the director may conduct any investigation the director
 28 determines is warranted, including ~~any background check described in~~
 29 ~~IC 28-11-5-4.5.~~ **an expanded criminal history check (as defined by**
 30 **IC 20-26-2-1.5).**

31 (i) This subsection applies to a transaction described in 12 CFR
 32 303.83(b)(1), including the following:

- 33 (1) The acquisition of voting shares through inheritance.
 34 (2) The acquisition of voting shares through a bona fide gift.
 35 (3) The acquisition of voting shares in satisfaction of a debt
 36 previously contracted in good faith, other than the acquisition of
 37 a defaulted loan secured by a controlling amount of the voting
 38 securities of a bank, trust company, stock savings bank, bank
 39 holding company, corporate fiduciary, or industrial loan and
 40 investment company.

41 In a transaction to which this subsection applies, the acquiring person
 42 shall use the person's best effort to comply with the requirements of this



1 section. However, it is not a violation of this section if the acquiring
 2 person is not able to satisfy the requirements of this section and notifies
 3 the department of the acquisition not later than thirty (30) calendar
 4 days after the acquisition and provides any relevant information
 5 requested by the department. This subsection does not limit the
 6 authority of the department to conduct any investigation necessary to
 7 approve or disapprove the transaction under subsection (c).

8 SECTION 44. IC 28-1-29-3, AS AMENDED BY P.L.216-2013,
 9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 3. (a) No person shall operate a debt management
 11 company in Indiana without having obtained a license from the
 12 department. For purposes of this section, a person is operating in
 13 Indiana if:

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

16 (2) the person:

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

18 (B) solicits business from residents of Indiana by
 19 advertisements or other communications sent or delivered
 20 through any of the following means:

21 (i) Mail.

22 (ii) Personal delivery.

23 (iii) Telephone.

24 (iv) Radio.

25 (v) Television.

26 (vi) The Internet or other electronic communications.

27 (vii) Any other means of communication.

28 (b) The director may request evidence of compliance with this
 29 section at:

30 (1) the time of application;

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

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

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

35 (1) ~~criminal background checks, including a national criminal~~
 36 ~~history background check (as defined in IC 10-13-3-12) by the~~
 37 ~~Federal Bureau of Investigation an expanded criminal history~~
 38 ~~check (as defined by IC 20-26-2-1.5) for any individual~~
 39 described in section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter;

40 (2) credit histories; and

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



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

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

19 (e) If a person knowingly acts as a debt management company in
 20 violation of this chapter, any agreement the person has made under this
 21 chapter is void and the debtor under the agreement is not obligated to
 22 pay any fees. If the debtor has paid any amounts to the person, the
 23 debtor, or the department on behalf of the debtor, may recover the
 24 payment from the person that violated this section.

25 (f) A license issued under this section, except in a transaction
 26 approved under section 3.1 of this chapter, is not assignable or
 27 transferable. In order to remain in force, a license issued under this
 28 section must be renewed every year in the manner prescribed by the
 29 director of the department. The director of the department shall
 30 prescribe the form of the renewal application. In order to be accepted
 31 for processing, a renewal application must be accompanied by the
 32 following:

- 33 (1) The license renewal fee imposed under subsection (d).
- 34 (2) The licensee's most recent audited financial statements
 35 covering the licensee's immediately preceding fiscal year, as
 36 prepared by an independent certified public accountant in
 37 compliance with the requirements set forth in section 5(d) of this
 38 chapter. If the licensee's financial statements for the immediately
 39 preceding fiscal year are not available at the time of renewal, the
 40 licensee has one hundred twenty (120) days after the end of the
 41 immediately preceding fiscal year to file the financial statements.



- 1 (3) All other information and documents requested by the director
 2 of the department.
- 3 (g) If the department of state revenue notifies the department that a
 4 person is on the most recent tax warrant list, the department shall not
 5 issue or renew the person's license until:
- 6 (1) the person provides to the department a statement from the
 7 department of state revenue that the person's tax warrant has been
 8 satisfied; or
- 9 (2) the department receives a notice from the commissioner of the
 10 department of state revenue under IC 6-8.1-8-2(k).
- 11 SECTION 45. IC 28-7-5-4, AS AMENDED BY P.L.159-2017,
 12 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 4. (a) Application for a pawnbroker's license shall
 14 be submitted on a form prescribed by the director and must include all
 15 information required by the director. An application submitted under
 16 this section must identify the location or locations at which the
 17 applicant proposes to engage in business as a pawnbroker in Indiana.
- 18 (b) An application submitted under this section must indicate
 19 whether any individual described in section 8(a)(2) or 8(a)(3) of this
 20 chapter at the time of the application:
- 21 (1) is under indictment for a felony under the laws of Indiana or
 22 any other jurisdiction; or
- 23 (2) has been convicted of a felony under the laws of Indiana or
 24 any other jurisdiction.
- 25 (c) The director may request that the applicant provide evidence of
 26 compliance with this section at:
- 27 (1) the time of application;
- 28 (2) the time of renewal of a license; or
- 29 (3) any other time considered necessary by the director.
- 30 (d) For purposes of subsection (c), evidence of compliance with this
 31 section may include:
- 32 (1) ~~criminal background checks, including a national criminal~~
 33 ~~history background check (as defined in IC 10-13-3-12) by the~~
 34 ~~Federal Bureau of Investigation~~ **an expanded criminal history**
 35 **check (as defined by IC 20-26-2-1.5)** for any individual
 36 described in subsection (b);
- 37 (2) credit histories; and
- 38 (3) other background checks considered necessary by the director.
- 39 If the director requests a ~~national~~ **an expanded** criminal history
 40 ~~background~~ check under subdivision (1) for an individual described in
 41 that subdivision, the director shall require the individual to submit
 42 fingerprints to the department or to the state police department, as



1 ~~appropriate, if required,~~ at the time evidence of compliance is
 2 requested under subsection (c). The individual to whom the request is
 3 made shall pay any fees or costs associated with the fingerprints and
 4 the ~~national expanded~~ criminal history ~~background~~ check. The ~~national~~
 5 ~~expanded~~ criminal history ~~background~~ check may be used by the
 6 director to determine the individual's compliance with this section. The
 7 director or the department may not release the results of the ~~national~~
 8 ~~expanded~~ criminal history ~~background~~ check to any private entity.

9 SECTION 46. IC 28-8-4-20, AS AMENDED BY P.L.216-2013,
 10 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 20. (a) A person may not engage in the business
 12 of money transmission:

- 13 (1) from a place of business in Indiana; or
- 14 (2) with a consumer who is a resident of Indiana and who enters
 15 into the transaction in Indiana;

16 without a license required by this chapter.

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

- 18 (1) submitted on a form prescribed by the director and must
 19 include the information required by the director; and
- 20 (2) accompanied by a nonrefundable application fee as fixed by
 21 the department under IC 28-11-3-5.

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

26 (d) The director may request evidence of compliance with this
 27 section at:

- 28 (1) the time of application;
- 29 (2) the time of renewal of a license; or
- 30 (3) any other time considered necessary by the director.

31 (e) For purposes of subsection (d), evidence of compliance may
 32 include:

- 33 (1) ~~criminal background checks, including a national criminal~~
 34 ~~history background check (as defined in IC 10-13-3-12) by the~~
 35 ~~Federal Bureau of Investigation an expanded criminal history~~
 36 ~~check (as defined by IC 20-26-2-1.5) for an individual described~~
 37 ~~in section 35(b)(2) or 35(b)(3) of this chapter;~~
 38 (2) credit histories; and
- 39 (3) other background checks considered necessary by the director.

40 If the director requests a ~~national~~ **an expanded** criminal history
 41 ~~background~~ check under subdivision (1) for an individual described in
 42 that subdivision, the director shall require the individual to submit



1 fingerprints to the department or to the state police department, as
 2 ~~appropriate, if required~~, at the time evidence of compliance is
 3 requested under subsection (d). The individual to whom the request is
 4 made shall pay any fees or costs associated with the fingerprints and
 5 the ~~national expanded~~ criminal history ~~background~~ check. The ~~national~~
 6 ~~expanded~~ criminal history ~~background~~ check may be used by the
 7 director to determine the individual's compliance with this section. The
 8 director or the department may not release the results of the ~~national~~
 9 ~~expanded~~ criminal history ~~background~~ check to any private entity.

10 (f) 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 SECTION 47. IC 28-8-5-12, AS AMENDED BY P.L.35-2010,
 19 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The department shall
 21 determine the financial responsibility, business experience, character,
 22 and general fitness of the applicant before issuing the license.

23 (b) The department may refuse to issue a license for any of the
 24 following reasons:

- 25 (1) Any of the following has been convicted of a felony under the
 26 laws of Indiana or any other jurisdiction:
 - 27 (A) An executive officer, director, or manager of the applicant,
 28 or any other individual having a similar status or performing
 29 a similar function for the applicant.
 - 30 (B) Any person directly or indirectly owning of record or
 31 owning beneficially at least ten percent (10%) of the
 32 outstanding shares of any class of equity security of the
 33 applicant.
- 34 (2) The application was submitted for the benefit of, or on behalf
 35 of, a person who does not qualify for a license.

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

- 38 (1) the time of application;
- 39 (2) the time of renewal of the licensee's license; or
- 40 (3) any other time considered necessary by the director.

41 (d) For purposes of subsection (c), evidence of compliance may
 42 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~~ **an expanded criminal history**
 4 **check (as defined by IC 20-26-2-1.5)** for any individual
 5 described in subsection (b)(1);
 6 (2) credit histories; and
 7 (3) other background checks considered necessary by the director.

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

20 SECTION 48. IC 28-11-5-4.5, AS AMENDED BY P.L.90-2008,
 21 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 4.5. (a) To obtain additional information for the
 23 purposes of section 4 of this chapter, the director may require:

- 24 (1) ~~criminal background checks, including a national criminal~~
 25 ~~history background check (as defined in IC 10-13-3-12) by the~~
 26 ~~Federal Bureau of Investigation;~~ **an expanded criminal history**
 27 **check (as defined by IC 20-26-2-1.5);**
 28 (2) credit histories; and
 29 (3) other background checks considered necessary by the director;

30 for any incorporator, director, principal shareholder, or officer of a
 31 proposed financial institution.

32 (b) If the director requests a ~~national~~ **an expanded** criminal history
 33 ~~background~~ check under subsection (a) for any individual described in
 34 subsection (a), the director shall require the individual to submit
 35 fingerprints to the department or to the state police department, ~~as~~
 36 ~~appropriate, if required.~~ The individual to whom the request is made
 37 shall pay any fees or costs associated with the fingerprints and the
 38 ~~national expanded~~ criminal history ~~background~~ check. ~~A national~~ **An**
 39 **expanded** criminal history ~~background~~ check conducted under
 40 subsection (a) may be used by the department to:

- 41 (1) conduct an investigation under section 4(a)(1) or 4(a)(2) of
 42 this chapter; or



1 (2) disapprove an application under section 4(b)(2) of this
2 chapter.
3 The director or the department may not release the results of the
4 ~~national~~ **expanded** criminal history ~~background~~ check to any private
5 entity.
6 SECTION 49. IC 36-12-1-14, AS ADDED BY P.L.88-2020,
7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 14. A public library shall adopt a policy, not later
9 than December 31, 2020, regarding conducting **expanded** criminal
10 history checks (**as defined by IC 20-26-2-1.5**) for individuals who are
11 more than eighteen (18) years of age and who:
12 (1) apply to the public library for employment or volunteer work;
13 or
14 (2) are employed by the public library or perform volunteer work
15 for the public library.

