



March 12, 2021

ENGROSSED HOUSE BILL No. 1084

DIGEST OF HB 1084 (Updated March 10, 2021 3:45 pm - DI 133)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Technical corrections. Resolves technical conflicts and addresses technical errors in the Indiana Code. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage; July 1, 2021.

Young J

(SENATE SPONSOR — YOUNG M)

January 4, 2021, read first time and referred to Committee on Judiciary.
January 14, 2021, reported — Do Pass.
January 26, 2021, read second time, ordered engrossed. Engrossed.
January 28, 2021, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 2, 2021, read first time and referred to Committee on Judiciary.
March 11, 2021, reported favorably — Do Pass.

EH 1084—LS 6217/DI 112



March 12, 2021

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.

ENGROSSED HOUSE BILL No. 1084

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

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

1 SECTION 1. IC 3-6-4.2-3, AS AMENDED BY P.L.219-2013,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) The governor shall appoint two (2)
4 co-directors for the election division
5 ~~(+)~~ **The co-directors who** shall do the following:
6 ~~(A)~~ **(1)** Carry out the policies, decisions, and recommendations of
7 the commission.
8 ~~(B)~~ **(2)** Maintain an office for the election division.
9 (b) The co-directors may not be members of the same political party.
10 (c) The co-directors have equal authority and responsibilities under
11 this title. However, if the co-directors are unable to resolve a dispute
12 between themselves regarding:
13 (1) the commission's or the election division's budget;
14 (2) the commission's or the election division's expenditures; or
15 (3) contracts to which the commission or the election division is
16 a party;
17 the secretary of state may decide the matter. A decision by the secretary

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1 of state regarding the matter is final.

2 (d) The co-directors must:

- 3 (1) be classified the same under the state's personnel system; and
 4 (2) except for differences due to years of service as co-directors,
 5 receive the same compensation.

6 SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.141-2020,
 7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2021]: Sec. 10. (a) Public questions shall be placed on the
 9 general election ballot in the following order after the statement
 10 described in section 7 of this chapter, and the instructions described in
 11 subsections (d) and (e) and section 8 of this chapter, if instructions are
 12 printed on the ballot:

- 13 (1) Ratification of a state constitutional amendment.
 14 (2) Local public questions.

15 Subject to section 10.1 of this chapter, each public question shall be
 16 placed in a separate column on the ballot.

17 (b) The name or title of the political party or independent ticket
 18 described in section 6 of this chapter shall be placed on the general
 19 election ballot after the public questions described in subsection (a).
 20 The device of the political party or independent ticket shall be placed
 21 immediately under the name of the political party or independent ticket.
 22 Notwithstanding section 8(b) of this chapter, the instructions for voting
 23 a straight party ticket shall be placed to the right of the device on the
 24 ballot.

25 (c) The instructions for voting a straight party ticket must conform
 26 as nearly as possible to the following:

- 27 "(1) You are not required to vote a straight party ticket. If you do
 28 not wish to vote a straight party ticket, do not make a mark in this
 29 section, and proceed to voting the ballot by office.
 30 (2) To vote a straight (insert political party name) ticket for all
 31 (insert political party name) candidates on this ballot, except for
 32 candidates described in ~~(2)~~ (3) below, make a voting mark on or
 33 in this circle and do not make any other marks on this ballot.
 34 (3) To vote for any candidate for an at-large office (insert county
 35 council, city common council, town council, or township board if
 36 those offices appear on this ballot) to which more than one (1)
 37 person may be elected, you must make another voting mark for
 38 each candidate you wish to vote for. Your straight party vote will
 39 not count as a vote for any candidate for that office.
 40 (4) If you wish to vote for a candidate seeking a nonpartisan office
 41 or on a public question, you must make another voting mark on
 42 the appropriate place on this ballot."



1 (d) Except as permitted under section 8(b) of this chapter, if the
 2 ballot contains an independent ticket described in section 6 of this
 3 chapter and at least one (1) other independent candidate, the ballot
 4 must also contain a statement that reads substantially as follows: "A
 5 vote cast for an independent ticket will only be counted for the
 6 candidates for President and Vice President or governor and lieutenant
 7 governor comprising that independent ticket. This vote will NOT be
 8 counted for any OTHER independent candidate appearing on the
 9 ballot."

10 (e) Except as permitted under section 8(b) of this chapter, the ballot
 11 must also contain a statement that reads substantially as follows: "A
 12 write-in vote will NOT be counted unless the vote is for a DECLARED
 13 write-in candidate. To vote for a write-in candidate, you must make a
 14 voting mark on or in the square to the left of the name you have written
 15 in or your vote will not be counted."

16 (f) Subject to section 10.1 of this chapter, the list of candidates of
 17 the political party shall be placed immediately under the instructions
 18 for voting a straight party ticket. The names of the candidates shall be
 19 placed three-fourths (3/4) of an inch apart from center to center of the
 20 name. The name of each candidate must have, immediately on its left,
 21 a square three-eighths (3/8) of an inch on each side.

22 (g) The circuit court clerk may authorize the printing of ballots
 23 containing a ballot variation code to ensure that the proper version of
 24 a ballot is used within a precinct.

25 SECTION 3. IC 4-1-11-4, AS ADDED BY P.L.91-2005, SECTION
 26 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 27 2021]: Sec. 4. As used in this ~~section~~ **chapter**, "state agency" has the
 28 meaning set forth in IC 4-1-10-2.

29 SECTION 4. IC 4-13-1-26 IS REPEALED [EFFECTIVE JULY 1,
 30 2021]. ~~Sec. 26. (a) The following amounts are appropriated to the~~
 31 ~~department for the state fiscal year ending June 30, 2013:~~

32 ~~(1) Seventy million dollars (\$70,000,000) to defease any~~
 33 ~~remaining bonds on the state museum:~~

34 ~~(2) Fifty-eight million dollars (\$58,000,000) to defease any~~
 35 ~~remaining bonds on the forensics and health sciences lab.~~

36 ~~(b) Money appropriated under this section may not be used for any~~
 37 ~~other purpose.~~

38 SECTION 5. IC 4-23-6.5-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this
 40 chapter, "fund" refers to the coroners training and continuing education
 41 fund established by section ~~9~~ **8** of this chapter.

42 SECTION 6. IC 4-24-9 IS REPEALED [EFFECTIVE JULY 1,



1 2021]. (Name Changes for Certain Institutions).

2 SECTION 7. IC 4-31-11-5, AS AMENDED BY P.L.256-2015,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 5. ~~Except as provided in section 5.5 of this~~
5 ~~chapter~~, A member of a development committee serves a term of four
6 (4) years. If a vacancy occurs on a development committee due to the
7 death, resignation, or removal of a member, a new member shall be
8 appointed to serve for the remainder of the unexpired term in the same
9 manner as the original member was appointed under section 4 of this
10 chapter.

11 SECTION 8. IC 5-10-5.5-17, AS AMENDED BY P.L.6-2020,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 17. (a) Any participant whose employment as an
14 officer is terminated before accumulating fifteen (15) years of
15 creditable service ~~and~~ and is not receiving a disability benefit under
16 this chapter shall be entitled to a lump-sum refund of all contributions
17 standing to the participant's credit in the participants' savings fund plus
18 accumulated interest thereon.

19 (b) This subsection applies to participants who die before February
20 1, 2018. If a participant dies before accumulating fifteen (15) years of
21 creditable service, all contributions standing to the participant's credit
22 in the participants' savings fund plus the accumulated interest thereon
23 shall be paid by the board to the person the participant shall nominate
24 by written direction duly acknowledged and filed with the board. The
25 payment may be in the form of a lump sum or a series of payments, at
26 the discretion of the board.

27 (c) If a participant dies before accumulating fifteen (15) years of
28 creditable service and has nominated no beneficiary, or in the event
29 that the participant's nominee predeceases the participant, all
30 contributions standing to the participant's credit in the participants'
31 savings fund, plus accumulated interest thereon shall be paid by the
32 board to the estate of the deceased participant. The payment may be in
33 the form of a lump sum or a series of payments, at the discretion of the
34 board.

35 (d) If a participant terminates the participant's employment after
36 accumulating fifteen (15) years of creditable service, but before
37 becoming eligible for any benefits under this chapter, no refund of
38 contributions and interest shall be allowed. In such case, the
39 participant's contributions shall be retained by the board until the
40 participant becomes eligible for benefits. At that time, benefits shall be
41 paid to, or on behalf of the participant in the same manner and in the
42 same amount as all similar benefits are paid.



1 SECTION 9. IC 5-10.3-5-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The board shall
 3 invest its assets with the care, skill, prudence, and diligence that a
 4 prudent person acting in a like capacity and familiar with such matters
 5 would use in the conduct of an enterprise of a like character with like
 6 aims. The board shall also diversify such investments in accordance
 7 with prudent investment standards. ~~subject to the limitations and~~
 8 ~~restrictions set forth in IC 5-10.2-2-18.~~

9 (b) The board may invest up to five percent (5%) of the excess of its
 10 cash working balance in debentures of the corporation for innovation
 11 development subject to IC 30-4-3-3.

12 (c) The board is not subject to IC 4-13, IC 4-13.6, and IC 5-16 when
 13 managing real property as an investment. Any management agreements
 14 entered into by the board must ensure that the management agent acts
 15 in a prudent manner with regard to the purchase of goods and services.
 16 Contracts for the management of investment property shall be
 17 submitted to the governor, the attorney general, and the budget agency
 18 for approval. A contract for management of real property as an
 19 investment:

20 (1) may not exceed a four (4) year term and must be based upon
 21 guidelines established by the board;

22 (2) may provide that the property manager may collect rent and
 23 make disbursements for routine operating expenses such as
 24 utilities, cleaning, maintenance, and minor tenant finish needs;

25 (3) must establish, consistent with the board's duty under
 26 IC 30-4-3-3(c), guidelines for the prudent management of
 27 expenditures related to routine operation and capital
 28 improvements; and

29 (4) may provide specific guidelines for the board to purchase new
 30 properties, contract for the construction or repair of properties,
 31 and lease or sell properties without individual transactions
 32 requiring the approval of the governor, the attorney general, the
 33 Indiana department of administration, and the budget agency.
 34 However, each individual contract involving the purchase or sale
 35 of real property is subject to review and approval by the attorney
 36 general at the specific request of the attorney general.

37 (d) Whenever the board takes bids in managing or selling real
 38 property, the board shall require a bid submitted by a trust (as defined
 39 in IC 30-4-1-1(a)) to identify all of the following:

40 (1) Each beneficiary of the trust.

41 (2) Each settlor empowered to revoke or modify the trust.

42 SECTION 10. IC 6-1.1-20-1.1, AS AMENDED BY P.L.60-2020,



1 SECTION 1, AND AS AMENDED BY P.L.159-2020, SECTION 40,
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2021]: Sec. 1.1. As used in this chapter,
 4 "controlled project" means any project financed by bonds or a lease,
 5 except for the following:

6 (1) A project for which the political subdivision reasonably
 7 expects to pay:

- 8 (A) debt service; or
 9 (B) lease rentals;

10 from funds other than property taxes that are exempt from the
 11 levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)
 12 IC 20-45-3. A project is not a controlled project even though the
 13 political subdivision has pledged to levy property taxes to pay the
 14 debt service or lease rentals if those other funds are insufficient.

15 (2) A project that will not cost the political subdivision more than
 16 the lesser of the following:

17 (A) An amount equal to the following:

18 (i) In the case of an ordinance or resolution adopted before
 19 January 1, 2018, making a preliminary determination to
 20 issue bonds or enter into a lease for the project, two million
 21 dollars (\$2,000,000).

22 (ii) In the case of an ordinance or resolution adopted after
 23 December 31, 2017, and before January 1, 2019, making a
 24 preliminary determination to issue bonds or enter into a
 25 lease for the project, five million dollars (\$5,000,000).

26 (iii) In the case of an ordinance or resolution adopted in a
 27 calendar year after December 31, 2018, making a
 28 preliminary determination to issue bonds or enter into a
 29 lease for the project, an amount (as determined by the
 30 department of local government finance) equal to the result
 31 of the *assessed value maximum levy* growth quotient
 32 determined under IC 6-1.1-18.5-2 for the year multiplied by
 33 the amount determined under this clause for the preceding
 34 calendar year.

35 The department of local government finance shall publish the
 36 threshold determined under item (iii) in the Indiana Register
 37 under IC 4-22-7-7 not more than sixty (60) days after the date
 38 the budget agency releases the *maximum levy* growth quotient
 39 for the ensuing year under IC 6-1.1-18.5-2.

40 (B) An amount equal to the following:

41 (i) One percent (1%) of the total gross assessed value of
 42 property within the political subdivision on the last



- 1 assessment date, if that total gross assessed value is more
 2 than one hundred million dollars (\$100,000,000).
 3 (ii) One million dollars (\$1,000,000), if the total gross
 4 assessed value of property within the political subdivision
 5 on the last assessment date is not more than one hundred
 6 million dollars (\$100,000,000).
 7 (3) A project that is being refinanced for the purpose of providing
 8 gross or net present value savings to taxpayers.
 9 (4) A project for which bonds were issued or leases were entered
 10 into before January 1, 1996, or where the state board of tax
 11 commissioners has approved the issuance of bonds or the
 12 execution of leases before January 1, 1996.
 13 (5) A project that is required by a court order holding that a
 14 federal law mandates the project.
 15 (6) A project that is in response to:
 16 (A) a natural disaster;
 17 (B) an accident; or
 18 (C) an emergency;
 19 in the political subdivision that makes a building or facility
 20 unavailable for its intended use.
 21 (7) A project that was not a controlled project under this section
 22 as in effect on June 30, 2008, and for which:
 23 (A) the bonds or lease for the project were issued or entered
 24 into before July 1, 2008; or
 25 (B) the issuance of the bonds or the execution of the lease for
 26 the project was approved by the department of local
 27 government finance before July 1, 2008.
 28 (8) A project of the Little Calumet River basin development
 29 commission for which bonds are payable from special
 30 assessments collected under IC 14-13-2-18.6.
 31 (9) *A project for engineering, land and right-of-way acquisition,*
 32 *construction, resurfacing, maintenance, restoration, and*
 33 *rehabilitation exclusively for or of:*
 34 (A) *local road and street systems, including bridges that are*
 35 *designated as being in a local road and street system;*
 36 (B) *arterial road and street systems, including bridges that are*
 37 *designated as being in an arterial road and street system; or*
 38 (C) *any combination of local and arterial road and street*
 39 *systems, including designated bridges.*
 40 SECTION 11. IC 6-3.1-29-13, AS AMENDED BY P.L.15-2020,
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 13. As used in this ~~section~~, **chapter**, "women's



1 business enterprise" has the meaning set forth in IC 4-13-16.5-1.
 2 SECTION 12. IC 6-3.6-3-6, AS AMENDED BY P.L.154-2020,
 3 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2021]: Sec. 6. (a) This section applies to a county in which the
 5 county adopting body is a local income tax council.
 6 (b) In the case of a city or town that lies within more than one (1)
 7 county, the county auditor of each county shall base the allocations
 8 required by ~~subsection (c)~~ **subsections (d) and (e)** on the population
 9 of that part of the city or town that lies within the county for which the
 10 allocations are being made.
 11 (c) Each local income tax council has a total of one hundred (100)
 12 votes.
 13 (d) Each county, city, or town that is a member of a local income tax
 14 council is allocated a percentage of the total one hundred (100) votes
 15 that may be cast. The percentage that a city or town is allocated for a
 16 year equals the same percentage that the population of the city or town
 17 bears to the population of the county. The percentage that the county
 18 is allocated for a year equals the same percentage that the population
 19 of all areas in the county not located in a city or town bears to the
 20 population of the county.
 21 (e) This subsection applies only to a county with a single voting
 22 bloc. Each individual who sits on the fiscal body of a county, city, or
 23 town that is a member of the local income tax council is allocated for
 24 a year the number of votes equal to the total number of votes allocated
 25 to the particular county, city, or town under subsection (d) divided by
 26 the number of members on the fiscal body of the county, city, or town.
 27 This subsection expires May 31, 2021.
 28 (f) On or before January 1 of each year, the county auditor shall
 29 certify to each member of the local income tax council the number of
 30 votes, rounded to the nearest one hundredth (0.01), each member has
 31 for that year.
 32 (g) This subsection applies only to a county with a single voting
 33 bloc. On or before January 1 of each year, in addition to the
 34 certification to each member of the local income tax council under
 35 subsection (f), the county auditor shall certify to each individual who
 36 sits on the fiscal body of each county, city, or town that is a member of
 37 the local income tax council the number of votes, rounded to the
 38 nearest one hundredth (0.01), each individual has under subsection (e)
 39 for that year. This subsection expires May 31, 2021.
 40 SECTION 13. IC 6-3.6-9-5, AS AMENDED BY P.L.257-2019,
 41 SECTION 71, AND AS AMENDED BY P.L.259-2019, SECTION 8,
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Before August 2 of each
 2 calendar year, *before 2018; and before June 1 of each calendar year*
 3 *after 2017*, the budget agency shall provide to the department of local
 4 government finance and the county auditor of each adopting county an
 5 estimate of the amount determined under section 4 of this chapter that
 6 will be distributed to the county, based on known tax rates. *Subject to*
 7 *subsection (c)*, not later than fifteen (15) days after receiving the
 8 estimate of the certified distribution, *for calendar years before 2018;*
 9 *and not later than July 1 of each year; for calendar years after 2017;*
 10 the department of local government finance shall determine for each
 11 taxing unit and notify the county auditor of the estimated amount of
 12 property tax credits, school distributions, public safety revenue,
 13 economic development revenue, certified shares, and special purpose
 14 revenue that will be distributed to the taxing unit under this chapter
 15 during the ensuing calendar year. Not later than thirty (30) days after
 16 receiving the department's estimate, the county auditor shall notify each
 17 taxing unit of the amounts estimated for the taxing unit.

18 (b) Before October 1 of each calendar year, the budget agency shall
 19 certify to the department of local government finance and the county
 20 auditor of each adopting county:

- 21 (1) the amount determined under section 4 of this chapter; and
 22 (2) the amount of interest in the county's account that has accrued
 23 and has not been included in a certification made in a preceding
 24 year.

25 The amount certified is the county's certified distribution for the
 26 immediately succeeding calendar year. The amount certified shall be
 27 adjusted, as necessary, under sections 6, 7, and 8 of this chapter.
 28 *Subject to subsection (d)*, not later than fifteen (15) days after receiving
 29 the amount of the certified distribution, the department of local
 30 government finance shall determine for each taxing unit and notify the
 31 county auditor of the certified amount of property tax credits, school
 32 distributions, public safety revenue, economic development revenue,
 33 certified shares, and special purpose revenue that will be distributed to
 34 the taxing unit under this chapter during the ensuing calendar year. Not
 35 later than thirty (30) days after receiving the department's estimate, the
 36 county auditor shall notify each taxing unit of the certified amounts for
 37 the taxing unit.

38 (c) *This subsection applies to Lake County. When the department of*
 39 *local government finance notifies the county auditor of the estimated*
 40 *amount of property tax credits, school distributions, public safety*
 41 *revenue, economic development revenue, certified shares, and special*
 42 *purpose revenue that will be distributed to the taxing unit under this*



1 chapter during the ensuing calendar year, the department of local
 2 government finance shall also determine the amount of additional
 3 revenue allocated for economic development purposes that will be
 4 distributed to each civil taxing unit, reduced by an amount that is
 5 equal to the following percentages of the tax revenue that would
 6 otherwise be allocated for economic development purposes and
 7 distributed to the civil taxing unit:

8 (1) For Lake County, an amount equal to twenty-five percent
 9 (25%).

10 (2) For Crown Point, an amount equal to ten percent (10%).

11 (3) For Dyer, an amount equal to fifteen percent (15%).

12 (4) For Gary, an amount equal to seven and five-tenths percent
 13 (7.5%).

14 (5) For Hammond, an amount equal to fifteen percent (15%).

15 (6) For Highland, an amount equal to twelve percent (12%).

16 (7) For Hobart, an amount equal to eighteen percent (18%).

17 (8) For Lake Station, an amount equal to twenty percent (20%).

18 (9) For Lowell, an amount equal to fifteen percent (15%).

19 (10) For Merrillville, an amount equal to twenty-two percent
 20 (22%).

21 (11) For Munster, an amount equal to thirty-four percent (34%).

22 (12) For New Chicago, an amount equal to one percent (1%).

23 (13) For Schererville, an amount equal to ten percent (10%).

24 (14) For Schneider, an amount equal to twenty percent (20%).

25 (15) For Whiting, an amount equal to twenty-five percent (25%).

26 (16) For Winfield, an amount equal to fifteen percent (15%).

27 The department of local government finance shall notify the county
 28 auditor of the amounts of the reductions and the remaining amounts to
 29 be distributed.

30 (d) This subsection applies to Lake County. When the department
 31 of local government finance notifies the county auditor of the certified
 32 amount of property tax credits, school distributions, public safety
 33 revenue, economic development revenue, certified shares, and special
 34 purpose revenue that will be distributed to the taxing unit under this
 35 chapter during the ensuing calendar year, the department of local
 36 government finance shall also determine the amount of additional
 37 revenue allocated for economic development purposes that will be
 38 distributed to each civil taxing unit, reduced by an amount that is
 39 equal to the following percentages of the tax revenue that would
 40 otherwise be allocated for economic development purposes and
 41 distributed to the civil taxing unit:

42 (1) For Lake County, an amount equal to twenty-five percent



- 1 (25%).
- 2 (2) For Crown Point, an amount equal to ten percent (10%).
- 3 (3) For Dyer, an amount equal to fifteen percent (15%).
- 4 (4) For Gary, an amount equal to seven and five-tenths percent
- 5 (7.5%).
- 6 (5) For Hammond, an amount equal to fifteen percent (15%).
- 7 (6) For Highland, an amount equal to twelve percent (12%).
- 8 (7) For Hobart, an amount equal to eighteen percent (18%).
- 9 (8) For Lake Station, an amount equal to twenty percent (20%).
- 10 (9) For Lowell, an amount equal to fifteen percent (15%).
- 11 (10) For Merrillville, an amount equal to twenty-two percent
- 12 (22%).
- 13 (11) For Munster, an amount equal to thirty-four percent (34%).
- 14 (12) For New Chicago, an amount equal to one percent (1%).
- 15 (13) For Schererville, an amount equal to ten percent (10%).
- 16 (14) For Schneider, an amount equal to twenty percent (20%).
- 17 (15) For Whiting, an amount equal to twenty-five percent (25%).
- 18 (16) For Winfield, an amount equal to fifteen percent (15%).

19 *The department of local government finance shall notify the county*
 20 *auditor of the remaining amounts to be distributed and the amounts of*
 21 *the reductions that will be withheld under IC 6-3.6-11-5.5.*

22 SECTION 14. IC 7.1-1-3-16.6 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2021]: **Sec. 16.6. The term "farm winery"**
 25 **means a commercial winemaking establishment that produces wine**
 26 **and meets the requirements of IC 7.1-3-12-4.**

27 SECTION 15. IC 7.1-1-3-44 IS REPEALED [EFFECTIVE JULY
 28 1, 2021]. ~~Sec. 44. The term "farm winery" means a commercial~~
 29 ~~winemaking establishment that produces wine and meets the~~
 30 ~~requirements of IC 7.1-3-12-4.~~

31 SECTION 16. IC 7.1-3-20-16.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.5. (a) A permit that
 33 is authorized by this section:

34 (1) is subject to the quota provisions of ~~IC 7-1-3-22~~; **IC 7.1-3-22**;
 35 and

36 (2) is not subject to the proximity provisions of IC 7.1-3-21-11.

37 (b) The commission may issue a retailer's permit to the proprietor
 38 of a restaurant that is located in a facility that is on the National
 39 Register of Historic Places or that is located within the boundaries of
 40 an historic district that is established by ordinance pursuant to
 41 IC 36-7-11-7.

42 SECTION 17. IC 8-1-31.6-6, AS AMENDED BY P.L.137-2020,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2021]: Sec. 6. (a) Before a water utility is authorized to
 3 include customer lead service line improvements as eligible
 4 infrastructure improvements for purposes of IC 8-1-31, for a public
 5 utility, or for purposes of this chapter, for a municipally owned utility,
 6 the commission must first approve the water utility's plan for the
 7 replacement of the customer owned portion of the lead service lines
 8 within or connected to the water utility's system. The water utility's plan
 9 must address the following:

10 (1) The availability of grants or low interest loans and how the
 11 water utility plans to use available grants or low interest loans to
 12 help the water utility finance or reduce the cost of the customer
 13 lead service line improvements for the water utility and the water
 14 utility's customers, including any arrangements for the customer
 15 to receive available grants or financing directly.

16 (2) A description of how the replacement of customer owned lead
 17 service lines will be accomplished in conjunction with
 18 distribution system infrastructure replacement projects.

19 (3) The estimated savings in costs per service line that would be
 20 realized by the water utility replacing the customer owned portion
 21 of the lead service lines versus the anticipated replacement costs
 22 if customers were required to replace the customer owned portion
 23 of the lead service lines.

24 (4) The number of lead mains and lead service lines estimated to
 25 be part of the water utility's system.

26 (5) A range for the number of customer owned lead service lines
 27 estimated to be replaced annually.

28 (6) A range for the total feet of lead mains estimated to be
 29 replaced annually.

30 (7) The water utility's proposal for addressing the costs of unusual
 31 site restoration work necessitated by structures or improvements
 32 located above the customer owned portion of the lead service
 33 lines.

34 (8) The water utility's proposal for:

35 (A) communicating with the customer the availability of the
 36 water utility's plan to replace the customer owned portion of
 37 the lead service line in conjunction with the water utility's
 38 replacement of the utility owned portion of the lead service
 39 line; and

40 (B) documenting the customer's consent or lack of consent to
 41 replace the customer owned portion of the lead service line.

42 (9) The water utility's proposal concerning whether the water



1 utility or the customer will be responsible for future replacement
 2 or repair of the portion of the new service line corresponding to
 3 the previous customer owned lead service line.
 4 (10) The estimated total cost to replace all customer owned
 5 portions of the lead service lines within or connected to the water
 6 utility's system and an estimated range for the annual cost to be
 7 incurred by the water utility under the water utility's plan.
 8 (b) The commission shall approve a water utility's plan if the
 9 commission finds the plan to be reasonable and in the public interest.
 10 Subject to subsection (c), in general rate cases following the approval
 11 of a public utility's plan, the commission shall for ratemaking purposes
 12 add to the value of the public utility's property for purposes of
 13 IC 8-1-2-6 the actual costs incurred by the public utility in replacing
 14 the customer owned portion of the lead service lines and in removing
 15 customer owned lead service lines from service in accordance with the
 16 ~~water~~ **public** utility's plan, notwithstanding the continued ownership of
 17 the service line by the customer.
 18 (c) To the extent a water utility incurs an annual cost under the
 19 water utility's plan in excess of the range set forth in subsection (a)(10)
 20 and approved by the commission under subsection (b), the additional
 21 costs are not eligible for the ratemaking treatment provided for in this
 22 section or in section 7 of this chapter.
 23 SECTION 18. IC 8-1-31.7-2, AS ADDED BY P.L.137-2020,
 24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 2. As used in this chapter, "eligible addition"
 26 means any new utility plant or equipment:
 27 (1) that does not increase revenues by connecting to new
 28 customers, even though the plant or equipment may provide the
 29 eligible utility with greater available capacity; and
 30 (2) that:
 31 (A) for a public utility:
 32 (i) is used and useful;
 33 (ii) is procured, installed, or constructed by ~~an eligible~~ **the**
 34 **public** utility with expenditures that are service
 35 enhancement improvements; and
 36 (iii) was not included in the public utility's rate base in its
 37 most recent general rate case; or
 38 (B) for a municipally owned or not-for-profit utility:
 39 (i) is or will be an extension or replacement, consistent with
 40 section 8 of this chapter; and
 41 (ii) was not included on the utility's balance sheet as plant in
 42 service in the utility's most recent general rate case.



1 SECTION 19. IC 8-15-2-18 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) Each toll road
 3 project as defined in section ~~4(c)~~ 4(4) of this chapter, when constructed
 4 and opened to traffic shall be maintained and kept in good condition
 5 and repair by the authority. Each such project shall also be policed and
 6 operated by such force of police, toll-takers, and other operating
 7 employees as the authority may in its discretion employ.

8 (b) All public or private property damaged or destroyed in carrying
 9 out the powers granted by this chapter shall be restored or repaired and
 10 placed in its original condition as nearly as practicable or adequate
 11 compensation made therefor out of funds provided under the authority
 12 of this chapter.

13 (c) All counties, cities, towns, townships, and other political
 14 subdivisions and all public agencies and commissions of the state,
 15 notwithstanding any contrary provision of law, are authorized and
 16 empowered to lease, lend, grant, or convey to the authority at its
 17 request upon such terms and conditions as the proper authorities of
 18 such counties, cities, towns, townships, other political subdivisions or
 19 public agencies and commissions of the state may deem reasonable and
 20 fair and without the necessity for an advertisement, order of court, or
 21 other action of formality, other than the regular and formal action of the
 22 authorities concerned, any real property owned by any such
 23 municipality or governmental subdivision which may be necessary or
 24 convenient to the effectuation of the authorized purposes of the
 25 authority under this chapter.

26 SECTION 20. IC 9-30-6-8, AS AMENDED BY P.L.29-2020,
 27 SECTION 1, AND AS AMENDED BY P.L.110-2020, SECTION 4, IS
 28 CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) *Except as provided in*
 30 *IC 9-30-16-1(g)*, whenever a judicial officer has determined that there
 31 was probable cause to believe that a person has violated IC 9-30-5,
 32 IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall
 33 forward:

34 (1) a paper copy of the affidavit, or an electronic substitute; or

35 (2) a bureau certificate as described in section 16 of this chapter;
 36 to the bureau *at the conclusion of the initial hearing under subsection*
 37 *(c).*

38 (b) The probable cause affidavit required under section 7(b)(2) of
 39 this chapter must do the following:

40 (1) Set forth the grounds for the arresting officer's belief that there
 41 was probable cause that the arrested person was operating a
 42 vehicle in violation of IC 9-30-5 or a motorboat in violation of



- 1 IC 35-46-9 or IC 14-15-8 (before its repeal).
- 2 (2) State that the person was arrested for a violation of IC 9-30-5
- 3 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8
- 4 (before its repeal).
- 5 (3) State whether the person:
- 6 (A) refused to submit to a chemical test when offered; or
- 7 (B) submitted to a chemical test that resulted in prima facie
- 8 evidence that the person was intoxicated.
- 9 (4) Be sworn to by the arresting officer.
- 10 (c) Except as provided in subsection (d), if it is determined under
- 11 subsection (a) that there was probable cause to believe that a person
- 12 has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at
- 13 the initial hearing of the matter held under IC 35-33-7-1 the court shall
- 14 recommend immediate suspension of the person's driving privileges to
- 15 take effect on the date the order is entered, and forward to the bureau
- 16 a copy of the order recommending immediate suspension of driving
- 17 privileges.
- 18 (d) If it is determined under subsection (a) that there is probable
- 19 cause to believe that a person violated IC 9-30-5, the court may, as an
- 20 alternative to *any* suspension of the person's driving privileges under
- 21 subsection (c), issue an order recommending that the person be
- 22 prohibited from operating a motor vehicle unless the motor vehicle is
- 23 equipped with a functioning certified ignition interlock device under
- 24 IC 9-30-8. *This subsection applies even if the probable cause affidavit*
- 25 *in subsection (b) states that the person:*
- 26 (1) *refused to submit to a chemical test; or*
- 27 (2) *submitted to a chemical test that resulted in prima facie*
- 28 *evidence that the person was intoxicated.*
- 29 *The order remains in effect until the bureau is notified by a court that*
- 30 *the criminal charges against the person have been resolved. When the*
- 31 *court issues an order under this subsection, no administrative*
- 32 *suspension is imposed by the bureau and no suspension is noted on the*
- 33 *person's driving record.*
- 34 (e) A person commits a Class B infraction if the person:
- 35 (1) operates a motor vehicle without a functioning certified
- 36 ignition interlock device; and
- 37 (2) is prohibited from operating a motor vehicle unless the motor
- 38 vehicle is equipped with a functioning certified ignition interlock
- 39 device under subsection (d).
- 40 (f) A person commits a Class B misdemeanor if the person:
- 41 (1) operates a motor vehicle without a functioning certified
- 42 ignition interlock device; and



1 (2) knows the person is prohibited from operating a motor vehicle
 2 unless the motor vehicle is equipped with a functioning certified
 3 ignition interlock device under subsection (d).
 4 SECTION 21. IC 12-7-2-9, AS AMENDED BY P.L.171-2011,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 9. "Agency" means the following:
 7 ~~(1) For purposes of IC 12-10-12, the meaning set forth in~~
 8 ~~IC 12-10-12-1.~~
 9 ~~(2) (1) For purposes of IC 12-12.7-2, the meaning set forth in~~
 10 ~~IC 12-12.7-2-1.~~
 11 ~~(3) (2) For purposes of IC 12-32-1, the meaning set forth in~~
 12 ~~IC 12-32-1-1.~~
 13 SECTION 22. IC 12-7-2-15, AS AMENDED BY P.L.145-2006,
 14 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 15. "Applicant" means the following:
 16 (1) For purposes of the following statutes, a person who has
 17 applied for assistance for the applicant or another person under
 18 any of the following statutes:
 19 (A) IC 12-10-6.
 20 ~~(B) IC 12-10-12.~~
 21 ~~(C) (B) IC 12-13.~~
 22 ~~(D) (C) IC 12-14.~~
 23 ~~(E) (D) IC 12-15.~~
 24 ~~(F) (E) IC 12-19.~~
 25 (2) For purposes of IC 12-17-12, the meaning set forth in
 26 IC 12-17-12-1.
 27 (3) For purposes of IC 12-17-13, the meaning set forth in
 28 IC 12-17-13-1.
 29 (4) For the purposes of IC 12-17.2, a person who seeks a license
 30 to operate a child care center or child care home.
 31 (5) For purposes of IC 31-27, a person who seeks a license to
 32 operate a child caring institution, foster family home, group home,
 33 or child placing agency.
 34 SECTION 23. IC 12-7-2-18, AS AMENDED BY P.L.145-2006,
 35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 18. "Assistance", for purposes of the following
 37 statutes, means money or services regardless of the source, paid or
 38 furnished under any of the following statutes:
 39 (1) IC 12-10-6.
 40 ~~(2) IC 12-10-12.~~
 41 ~~(3) (2) IC 12-13.~~
 42 ~~(4) (3) IC 12-14.~~



1 ~~(5)~~ **(4)** IC 12-15.
 2 ~~(6)~~ **(5)** IC 12-19.
 3 SECTION 24. IC 12-7-2-21, AS AMENDED BY P.L.145-2006,
 4 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 21. "Blind" means the following:
 6 (1) For purposes of the following statutes, the term refers to an
 7 individual who has vision in the better eye with correcting glasses
 8 of 20/200 or less, or a disqualifying visual field defect as
 9 determined upon examination by an ophthalmologist or
 10 optometrist who has been designated to make such examinations
 11 by the county office and approved by the division of family
 12 resources or by the division in the manner provided in any of the
 13 following statutes:
 14 (A) IC 12-10-6.
 15 ~~(B) IC 12-10-12.~~
 16 ~~(C)~~ **(B)** IC 12-13.
 17 ~~(D)~~ **(C)** IC 12-14.
 18 ~~(E)~~ **(D)** IC 12-15.
 19 ~~(F)~~ **(E)** IC 12-19.
 20 (2) For purposes of the following statutes, the term refers to an
 21 individual who has a central visual acuity of 20/200 or less in the
 22 individual's better eye with the best correction or a field of vision
 23 that is not greater than twenty (20) degrees at its widest diameter:
 24 (A) IC 12-12-1.
 25 (B) IC 12-12-3.
 26 (C) IC 12-12-5.
 27 (D) IC 12-12-6.
 28 SECTION 25. IC 12-7-2-103 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 103. "Health facility",
 30 ~~means the following:~~
 31 ~~(1)~~ **(1)** for purposes of IC 12-10-5.5, **has** the meaning set forth in
 32 IC 12-10-5.5-2.
 33 ~~(2)~~ For purposes of ~~IC 12-10-12~~, the meaning set forth in
 34 ~~IC 12-10-12-3~~.
 35 SECTION 26. IC 12-8-10-1, AS AMENDED BY P.L.113-2014,
 36 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 1. This chapter applies only to the indicated
 38 money of the following state agencies to the extent that the money is
 39 used by the agency to obtain services from grantee agencies to carry
 40 out the program functions of the agency:
 41 (1) Money appropriated or allocated to a state agency from money
 42 received by the state under the federal Social Services Block



- 1 Grant Act (42 U.S.C. 1397 et seq.).
- 2 (2) The division of aging, except this chapter does not apply to
- 3 money expended under the following:
- 4 (A) The following statutes, unless application of this chapter
- 5 is required by another subdivision of this section:
- 6 (i) IC 12-10-6.
- 7 (ii) IC 12-10-12 **(before its expiration)**.
- 8 (B) Epilepsy services.
- 9 (3) The division of family resources, for money expended under
- 10 the following programs:
- 11 (A) The child development associate scholarship program.
- 12 (B) The dependent care program.
- 13 (C) Migrant day care.
- 14 (D) The commodities program.
- 15 (E) The migrant nutrition program.
- 16 (F) Any emergency shelter program.
- 17 (G) The energy weatherization program.
- 18 (4) The state department of health, for money expended under the
- 19 following statutes:
- 20 (A) IC 16-19-10.
- 21 (B) IC 16-38-3.
- 22 (5) The group.
- 23 (6) All state agencies, for any other money expended for the
- 24 purchase of services if all the following apply:
- 25 (A) The purchases are made under a contract between the state
- 26 agency and the office of the secretary.
- 27 (B) The contract includes a requirement that the office of the
- 28 secretary perform the duties and exercise the powers described
- 29 in this chapter.
- 30 (C) The contract is approved by the budget agency.
- 31 (7) The division of mental health and addiction.
- 32 SECTION 27. IC 12-10-1-3, AS AMENDED BY P.L.99-2007,
- 33 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2021]: Sec. 3. The bureau shall administer the following
- 35 programs:
- 36 (1) The federal Older Americans Act under IC 12-9.1-4-1.
- 37 (2) Area agencies on aging services under this article.
- 38 (3) Adult protective services under IC 12-10-3.
- 39 (4) Room and board assistance and assistance to residents in
- 40 county homes under IC 12-10-6.
- 41 (5) Adult guardianship program under IC 12-10-7.
- 42 (6) Community and home options for the elderly and individuals



- 1 with a disability under IC 12-10-10.
- 2 ~~(7) Nursing home preadmission screening under IC 12-10-12.~~
- 3 ~~(8) (7) Long term care advocacy under IC 12-10-13.~~
- 4 ~~(9) (8) Nutrition services and home delivered meals.~~
- 5 ~~(10) (9) Title III B supportive services.~~
- 6 ~~(11) (10) Title III D in-home services.~~
- 7 ~~(12) (11) Aging programs under the Social Services Block Grant.~~
- 8 ~~(13) (12) United States Department of Agriculture elderly feeding~~
- 9 ~~program.~~
- 10 ~~(14) (13) Title V senior employment.~~
- 11 ~~(15) (14) PASARR under older adult services.~~
- 12 SECTION 28. IC 12-10-11-2, AS AMENDED BY P.L.210-2015,
- 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2021]: Sec. 2. (a) The board consists of the following fifteen
- 15 (15) members:
- 16 (1) The director of the division of aging or the director's designee.
- 17 (2) The chairman of the Indiana state commission on aging or the
- 18 chairman's designee.
- 19 (3) Three (3) citizens nominated by two (2) or more organizations
- 20 that:
- 21 (A) represent senior citizens; and
- 22 (B) have statewide membership.
- 23 (4) One (1) citizen nominated by one (1) or more organizations
- 24 that:
- 25 (A) represent individuals with disabilities, including
- 26 individuals who are less than eighteen (18) years of age; and
- 27 (B) have statewide membership.
- 28 (5) One (1) citizen nominated by one (1) or more organizations
- 29 that:
- 30 (A) represent individuals with mental illness, including
- 31 dementia; and
- 32 (B) have statewide membership.
- 33 (6) One (1) provider who provides services under IC 12-10-10.
- 34 (7) One (1) licensed physician, physician assistant, or registered
- 35 nurse who specializes either in the field of gerontology or in the
- 36 field of disabilities.
- 37 (8) Two (2) home care services advocates or policy specialists
- 38 nominated by two (2) or more:
- 39 (A) organizations;
- 40 (B) associations; or
- 41 (C) nongovernmental agencies;
- 42 that advocate on behalf of home care consumers, including an



1 organization listed in subdivision (3) that represents senior
2 citizens or persons with disabilities.

3 (9) Two (2) members of the senate, who may not be members of
4 the same political party, appointed by the president pro tempore
5 of the senate with the advice of the minority leader of the senate.

6 (10) Two (2) members of the house of representatives, who may
7 not be members of the same political party, appointed by the
8 speaker of the house of representatives with the advice of the
9 minority leader of the house of representatives.

10 The members of the board listed in subdivisions (9) and (10) are
11 nonvoting members.

12 (b) The members of the board designated by subsection (a)(3)
13 through (a)(8) shall be appointed by the governor for terms of four (4)
14 years. The term of a member of the board expires July 1. However, a
15 member may continue to serve until a successor is appointed. In case
16 of a vacancy, the governor shall appoint an individual to serve for the
17 remainder of the unexpired term.

18 (c) The division shall establish notice and selection procedures to
19 notify the public of the board's nomination process described in this
20 chapter. Information must be distributed through:

21 (1) the area agencies on aging; and

22 (2) all organizations, associations, and nongovernmental agencies
23 that work with the division on home care issues and programs.

24 (d) Notwithstanding subsection (b):

25 (1) the terms of all the board members designated by subsection
26 (a)(3) through (a)(8) expire July 1, 2015;

27 (2) the governor shall reappoint each board member who on June
28 30, 2015; had at least one (1) full year remaining on the member's
29 term as a member of the board; and

30 (3) the initial appointments beginning July 1, 2015; must be
31 staggered as follows:

32 (A) One (1) year for one (1) member appointed under
33 subsection (a)(3) and (a)(5):

34 (B) Two (2) years for one (1) member appointed under
35 subsection (a)(3); (a)(6); and (a)(8):

36 (C) Three (3) years for one (1) member appointed under
37 subsection (a)(3) and (a)(7):

38 (D) Four (4) years for one (1) member appointed under
39 subsection (a)(4) and (a)(8):

40 This subsection expires July 1, 2019:

41 SECTION 29. IC 12-11-2.1-6, AS AMENDED BY P.L.35-2016,
42 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2021]: Sec. 6. The bureau may not approve the initial
 2 placement of a developmentally disabled individual in an intermediate
 3 care facility for individuals with intellectual disabilities serving more
 4 than eight (8) individuals or a nursing facility unless:

- 5 (1) the individual has medical needs; and
- 6 (2) the placement is appropriate to the individual's needs.

7 ~~If the placement is in a nursing facility, that placement must be~~
 8 ~~appropriate to an individual's needs based upon preadmission screening~~
 9 ~~conducted under IC 12-10-12.~~

10 SECTION 30. IC 12-15-3-4 IS REPEALED [EFFECTIVE JULY 1,
 11 2021]. ~~Sec. 4. For purposes of sections 2 and 3 of this chapter, except~~
 12 ~~for an applicant or a recipient who is determined to be eligible for~~
 13 ~~home and community based services under 42 U.S.C. 1396 et seq., the~~
 14 ~~applicant's or recipient's parent or parents are the parent or parents with~~
 15 ~~whom the applicant or recipient resides.~~

16 SECTION 31. IC 12-15-11-9, AS ADDED BY P.L.195-2018,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 9. (a) The office shall implement a centralized
 19 credentials verification organization and credentialing process that:

- 20 (1) uses a common application, as determined by provider type;
- 21 (2) issues a single credentialing decision applicable to all
 22 Medicaid programs, except as determined by the office;
- 23 (3) recredentials and revalidates provider information not less
 24 than once every three (3) years;
- 25 (4) requires attestation of enrollment and credentialing
 26 information every six (6) months; and
- 27 (5) is certificated or accredited by the National Committee for
 28 Quality Assurance or its successor organization.

29 (b) A managed care organization or contractor of the office may not
 30 require additional credentialing requirements in order to participate in
 31 a managed care organization's network. However, a contractor may
 32 collect additional information from the provider in order to complete
 33 a contract or provider agreement.

34 (c) A managed care organization or contractor of the office is not
 35 required to contract with a provider.

36 (d) A managed care organization or contractor of the office shall:

- 37 (1) send representatives to meetings and participate in the
 38 credentialing process as determined by the office; and
- 39 (2) not require additional credentialing information from a
 40 provider if a non-network credentialed provider is used.

41 (e) Except when a provider is no longer enrolled with the office, a
 42 credential acquired under this chapter is valid until recredentialing is



- 1 required.
- 2 (f) An adverse action under this section is subject to IC 4-21.5.
- 3 (g) The office may adopt rules under IC 4-22-2 to implement this
4 section.
- 5 ~~(h) The office may adopt emergency rules to implement this section.~~
6 ~~However, an emergency rule adopted under this section expires the~~
7 ~~earlier of:~~
- 8 ~~(1) one (1) year after the rule was accepted for filing under~~
9 ~~IC 4-22-2-37.1(c); or~~
- 10 ~~(2) June 30, 2019.~~
- 11 ~~This subsection expires July 1, 2019.~~
- 12 ~~(i) The office shall report the timeliness of determinations made~~
13 ~~under this section to the legislative council in an electronic format~~
14 ~~under IC 5-14-6 not later than December 31, 2018. This subsection~~
15 ~~expires January 1, 2019.~~
- 16 SECTION 32. IC 12-23-20-2, AS ADDED BY P.L.213-2019,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 2. (a) This section does not apply to a health care
19 provider providing services in any of the following:
- 20 (1) An adult or juvenile correctional facility operated by the state
21 or a local unit.
- 22 (2) A hospital licensed under IC 16-21-2.
- 23 (3) A facility that is certified by the division.
- 24 (4) An opioid treatment program that has been certified or
25 licensed by the division under IC 12-23-18.
- 26 (5) A state institution.
- 27 (6) A health facility licensed under IC 16-28.
- 28 (7) The Indiana Veterans' Home.
- 29 (b) A physician who is providing office based opioid treatment or
30 who is acting in a supervisory capacity to other health care providers
31 that are providing office based opioid treatment must:
- 32 (1) have both:
- 33 (A) a waiver from the federal Substance Abuse and Mental
34 Health Services Administration (SAMHSA) and meet the
35 qualifying standards required to treat opioid addicted patients
36 in an office based setting; and
- 37 (B) a valid federal Drug Enforcement Administration
38 registration number and identification number that specifically
39 authorizes treatment in an office based setting; and
- 40 (2) abide by all:
- 41 (A) federal; and
- 42 (B) state;



- 1 laws and regulations concerning the prescribing of medications.
- 2 (c) A health care provider that prescribes for a patient in an office
- 3 based opioid treatment setting shall do and document the following:
- 4 (1) Determine the patient's age.
- 5 (2) Perform an initial assessment and a physical examination as
- 6 appropriate for the patient's condition and the health care
- 7 provider's scope of practice and obtain a medical history of the
- 8 patient before treatment begins.
- 9 (3) Obtain substance use history and any substance use disorder
- 10 diagnosis of the patient.
- 11 (4) Perform a mental health assessment.
- 12 (5) Obtain informed consent for treatment and establish a
- 13 treatment agreement with the patient that meets the requirements
- 14 set forth in subsection (d).
- 15 (6) If determined appropriate, prescribe office based opioid
- 16 treatment for the patient and require office visits of the patient in
- 17 person throughout treatment.
- 18 (7) Evaluate the patient's progress and compliance with the
- 19 treatment agreement and document the patient's progress with the
- 20 treatment plan.
- 21 (8) Perform toxicology screening for the following in accordance
- 22 with rules adopted under IC 25-22.5-2-7(a)(14) in order to assess
- 23 medication adherence and to screen for other substances:
- 24 (A) Stimulants.
- 25 (B) Alcohol.
- 26 (C) Opioids, including:
- 27 (i) oxycodone;
- 28 (ii) methadone; and
- 29 (iii) buprenorphine.
- 30 (D) Tetrahydrocannabinol.
- 31 (E) Benzodiazepines.
- 32 (F) Cocaine.
- 33 (9) Review INSPECT (as defined in ~~IC 35-48-7-5.2)~~
- 34 **IC 25-26-24-7**) concerning controlled substance information for
- 35 the patient before induction and at least four (4) times per year
- 36 during treatment.
- 37 (10) If the patient is a female and has child bearing potential:
- 38 (A) perform a pregnancy test at the onset of treatment;
- 39 (B) counsel the patient about the risks of treatment to a fetus,
- 40 including fetal opioid dependency and neonatal abstinence
- 41 syndrome; and
- 42 (C) provide for or refer the patient to prenatal care, if the



- 1 pregnancy test performed under clause (A) is positive.
- 2 (11) Prescribe an overdose intervention drug and education on
- 3 how to fill the prescription when buprenorphine is initiated on the
- 4 patient.
- 5 (12) Provide for an ongoing component of psychosocial
- 6 supportive therapy, with direction from the health care provider
- 7 on the amount of the therapy.
- 8 (d) The treatment agreement required in subsection (c)(5) must
- 9 include at least the following:
- 10 (1) The goals of the treatment.
- 11 (2) The patient's consent to drug monitoring testing.
- 12 (3) The prescriber's prescribing policies that include at least the
- 13 following:
- 14 (A) A requirement that the patient take the medication as
- 15 prescribed.
- 16 (B) A prohibition on sharing or selling the medication.
- 17 (C) A requirement that the patient inform the prescriber about
- 18 any:
- 19 (i) other controlled substances or other medication
- 20 prescribed or taken by the patient; and
- 21 (ii) alcohol consumed by the patient.
- 22 (4) The patient's consent to allow the prescriber to conduct
- 23 random pill counts for prescriptions.
- 24 (5) Reasons that the office based opioid treatment of the patient
- 25 may be changed or discontinued by the prescriber.
- 26 The provider shall maintain a copy of the informed consent for
- 27 treatment in the patient's medical record.
- 28 (e) During the examinations required by subsection (c)(6), the
- 29 prescriber shall do the following:
- 30 (1) Evaluate and document patient progress and compliance with
- 31 the patient's treatment plan.
- 32 (2) Document in the patient's medical record whether the patient
- 33 is meeting treatment goals.
- 34 (3) Discuss with the patient the benefits and risks, if relevant, of
- 35 ongoing buprenorphine treatment.
- 36 (f) If a toxicology screening described in subsection (c)(8) shows an
- 37 absence of a prescribed drug, the provider must discuss and implement
- 38 a plan with the patient to optimize medication adherence and schedule
- 39 an earlier follow up appointment with the patient. The provider shall
- 40 document the discussion in the patient's medical record.
- 41 (g) If a toxicology screening described in subsection (c)(8) shows
- 42 a presence of an illegal or nonprescribed drug, the provider shall assess



1 the risk of the patient to be successfully treated and document the
2 results in the patient's medical record.

3 (h) The provider may perform a subsequent confirmation toxicology
4 screening of the patient if the provider considers it medically necessary
5 or to clarify an inconsistent or unexpected toxicology screening result.

6 SECTION 33. IC 14-37-6-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. Instead of the bond
8 required by ~~sections~~ **section 1 and 6** of this chapter, the department
9 may accept cash or a certificate of deposit.

10 SECTION 34. IC 16-18-2-9.3 IS REPEALED [EFFECTIVE JULY
11 1, 2021]. ~~Sec. 9.3: "Advisory council", for purposes of IC 16-19-17,~~
12 ~~refers to the palliative care and quality of life advisory council~~
13 ~~established by IC 16-19-17-3.~~

14 SECTION 35. IC 16-18-2-52, AS AMENDED BY P.L.45-2020,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 52. (a) "Certificate" or "certification", for
17 purposes of IC 16-31, means authorization in written form issued by
18 the Indiana emergency medical services commission to a person to
19 furnish, operate, conduct, maintain, advertise, or otherwise engage in
20 providing emergency medical services as a part of a regular course of
21 doing business, either paid or voluntary.

22 (b) "Certificate", for purposes of IC 16-42-5.2, has the meaning set
23 forth in ~~IC 16-42-5.2-4.5~~. **IC 16-42-5.2-3.7.**

24 SECTION 36. IC 16-18-2-109.1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 109.1. "Emergency
26 medical dispatch agency", for purposes of IC 16-31-3.5, has the
27 meaning set forth in ~~IC 16-35-3.5-1~~. **IC 16-31-3.5-1.**

28 SECTION 37. IC 16-18-2-109.3 IS REPEALED [EFFECTIVE
29 JULY 1, 2021]. ~~Sec. 109.3: "Emergency medical dispatcher", for~~
30 ~~purposes of IC 16-31-3.5, has the meaning set forth in IC 16-35-3.5-1.~~

31 SECTION 38. IC 16-18-2-109.5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 109.5. "Emergency
33 medical dispatching", for purposes of IC 16-31-3.5, has the meaning set
34 forth in ~~IC 16-35-3.5-1~~. **IC 16-31-3.5-1.**

35 SECTION 39. IC 16-18-2-196.5 IS REPEALED [EFFECTIVE
36 JULY 1, 2021]. ~~Sec. 196.5: "Kit", for purposes of IC 16-21-8-1.8, has~~
37 ~~the meaning set forth in IC 16-21-8-1.8(a).~~

38 SECTION 40. IC 16-18-2-316.5 IS REPEALED [EFFECTIVE
39 JULY 1, 2021]. ~~Sec. 316.5: "Replacement bed", for purposes of~~
40 ~~IC 16-28-16, has the meaning set forth in IC 16-28-16-3.~~

41 SECTION 41. IC 16-18-2-331.8, AS ADDED BY P.L.218-2007,
42 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 331.8. (a) "Small employer", for purposes of
 2 IC 16-46-13, has the meaning set forth in IC 16-3-1-31.2-3. means an
 3 employer that:

- 4 (1) is actively engaged in business; and
 5 (2) on at least fifty percent (50%) of the working days of the
 6 employer during the preceding calendar year, employed at
 7 least two (2) but not more than one hundred (100) eligible
 8 employees, the majority of whom work in Indiana.

9 (b) In determining the number of eligible employees for
 10 purposes of subsection (a), employers that are affiliated employers
 11 or that are eligible to file a combined tax return for purposes of
 12 state taxation are considered one (1) employer.

13 SECTION 42. IC 16-18-2-375.5, AS ADDED BY P.L.93-2020,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 375.5. "Weighted average negotiated charge", for
 16 purposes of IC 16-21-17 and ~~IC 16-21-24.5~~, IC 16-24.5, has the
 17 meaning set forth in IC 16-21-17-0.5.

18 SECTION 43. IC 16-19-5-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The weights and
 20 measures fund is established for the purpose of providing funds for
 21 training and equipment for weights and measures inspectors and the
 22 state metrology laboratory. The state department shall administer the
 23 fund.

24 (b) The fund consists of fees collected under section ~~1(b)(7)~~ 1(b)(6)
 25 of this chapter.

26 (c) Money in the fund at the end of a state fiscal year does not revert
 27 to the state general fund.

28 SECTION 44. IC 16-21-2-14, AS AMENDED BY P.L.117-2019,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 14. A license to operate a hospital, an ambulatory
 31 outpatient surgical center, an abortion clinic, or a birthing center:

- 32 (1) expires:
 33 (A) one (1) year after the date of issuance for:
 34 (i) an ambulatory outpatient surgical center;
 35 (ii) an abortion clinic;
 36 (iii) a birthing center; and
 37 (iv) a hospital until April 30, 2020; and
 38 (B) beginning May 1, 2020, two (2) years after the date of
 39 issuance for a hospital;
 40 (2) is not assignable or transferable;
 41 (3) is issued only for the premises named in the application;
 42 (4) must be posted in a conspicuous place in the facility; and



1 (5) may be renewed each year, **or every two (2) years for a**
 2 **hospital**, upon the payment of a renewal fee at the rate adopted by
 3 the state department under IC 4-22-2.

4 SECTION 45. IC 16-31.5-2-8, AS ADDED BY P.L.3-2020,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 8. As used in this article, "license" means the
 7 authorization by a state for an individual to practice as an EMT, **an**
 8 AEMT, **or a** paramedic, or **at** a level between EMT and paramedic.

9 SECTION 46. IC 16-31.5-4-2, AS ADDED BY P.L.3-2020,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 2. To exercise the privilege to practice under the
 12 terms and provisions of this compact, an individual must:

- 13 (1) be at least eighteen (18) years of age;
- 14 (2) possess a current unrestricted license in a member state as an
 15 EMT, an AEMT, a paramedic, or **at** a state recognized and
 16 licensed level with a scope of practice and authority between
 17 EMT and paramedic; and
- 18 (3) practice under the supervision of a medical director.

19 SECTION 47. IC 16-31.5-7-1, AS ADDED BY P.L.3-2020,
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 1. Member states shall consider:

- 22 (1) a veteran;
- 23 (2) an active military service member;
- 24 (3) a member of the National Guard and reserves separating from
 25 an active duty tour; and
- 26 (4) a spouse of an individual described in subdivisions (1)
 27 through (3);

28 who holds a current valid and unrestricted **National Registry of**
 29 **Emergency Medical Technicians** (NREMT) certification at or above
 30 the level of the state license being sought as satisfying the minimum
 31 training and examination requirements for the licensure.

32 SECTION 48. IC 16-42-19-13, AS AMENDED BY P.L.119-2011,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 13. A person may not possess or use a legend drug
 35 or a precursor unless the person obtains the drug:

- 36 (1) on the prescription or drug order of a practitioner;
- 37 (2) in accordance with section ~~11(2)~~ **11(a)(2)** or 21 of this
 38 chapter; or
- 39 (3) in accordance with rules adopted by the board of pharmacy
 40 under IC 25-26-23.

41 SECTION 49. IC 20-20-40-1, AS ADDED BY P.L.122-2013,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 1. As used in this chapter, "behavioral
 2 intervention plan" means a plan that is agreed upon by the case
 3 conference committee (as defined in ~~IC 20-35-7-2~~ **IC 20-35-9-3**) and
 4 incorporated into a student's individualized education program (as
 5 defined in IC 20-18-2-9) and that describes the following:

- 6 (1) The pattern of behavior that impedes the student's learning or
 7 the learning of others.
- 8 (2) The purpose or function of the behavior as identified in a
 9 functional behavioral assessment.
- 10 (3) The positive interventions and supports, and other strategies,
 11 to:
 - 12 (A) address the behavior; and
 - 13 (B) maximize consistency of implementation across people
 14 and settings in which the student is involved.
 - 15 (4) If applicable, the skills that will be taught and monitored in an
 16 effort to change a specific pattern of behavior of the student.

17 The behavioral intervention plan seeks to maximize consistency of
 18 implementation across people and settings in which the student is
 19 involved.

20 SECTION 50. IC 20-20-42 IS REPEALED [EFFECTIVE JULY 1,
 21 2021]. (Indiana Out of School Time Learning Advisory Board).

22 SECTION 51. IC 20-26-7.1-4, AS ADDED BY P.L.270-2019,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 4. (a) Not later than ten (10) days after passing a
 25 resolution or taking other official action to close, no longer use, or no
 26 longer occupy a school building that was previously used for classroom
 27 instruction, the governing body shall:

- 28 (1) notify the department of the official action and the effective
 29 date that the school building will be closed, no longer used, or no
 30 longer occupied;
- 31 (2) make the school building available for inspection by a charter
 32 school that notifies the department that it is interested in leasing
 33 or purchasing the school building described under section 3 of
 34 this chapter; and
- 35 (3) make the following information available to a charter school
 36 described in subdivision (2):
 - 37 (A) Estimates of the operating expenses for the school
 38 building for the past three (3) years.
 - 39 (B) Written information regarding the condition of the
 40 building, including the age of the roof and the HVAC system,
 41 and any known conditions which, in the governing body's
 42 opinion, require prompt repair or replacement.



- 1 (C) A description of the property as shown on the current tax
2 statement.
- 3 (b) Within five (5) days of receiving notice under subsection (a)(1),
4 the department shall provide written notification to each charter school
5 authorizer (excluding school corporation authorizers as defined in
6 IC 20-24-1-2.5(1)) and statewide organizations representing charter
7 schools in Indiana of the school corporation's resolution or official
8 action described in subsection (a), including the date when the school
9 building will close, no longer be used, or become vacant.
- 10 (c) The school corporation shall lease the school building to a
11 charter school for one dollar (\$1) per year for as long as the charter
12 school uses the school building for classroom instruction for a term at
13 the charter school's discretion, or sell the school building for one dollar
14 (\$1), if the charter school does the following:
- 15 (1) Within thirty (30) days of receiving the department's notice
16 under subsection (b), a charter school must submit a preliminary
17 request to purchase or lease the school building.
- 18 (2) Subject to subsection (d), within ninety (90) days of receiving
19 the department's notice under subsection (b), a charter school
20 must submit to the school corporation the following information:
- 21 (A) The name of the charter school that is interested in leasing
22 or purchasing the vacant or unused school building.
- 23 (B) A time frame, which may not exceed two (2) years from
24 the date that the school building is to be closed, no longer
25 used, or no longer occupied, in which the charter school
26 intends to begin providing classroom instruction in the vacant
27 or unused school building.
- 28 (C) A resolution, adopted by the board of the charter school
29 stating that the board has determined that, after the charter
30 school has made any necessary repairs or modifications, the
31 school building will be sufficient to meet the charter school's
32 needs and can be operated within the charter school's budget.
- 33 (D) This clause applies to a vacant or unused school building
34 with more than two hundred thousand (200,000) gross square
35 feet. In addition to the information provided in clauses (A)
36 through (C), a charter school shall submit the following:
- 37 (i) The charter school's projected enrollment when all of the
38 grade levels are added.
- 39 (ii) A letter from the charter school's authorizer or
40 prospective authorizer that indicates that the charter school's
41 authorizer or prospective authorizer has reviewed the items
42 described in clauses (B) through (C) and that the projected



1 enrollment of the charter school when all of the grade levels
 2 are added or fully implemented will be at least sixty percent
 3 (60%) of the maximum annual student enrollment of the
 4 school building during the past twenty-five (25) years as
 5 validated by records maintained or created by the
 6 department.

7 (d) If the department does not receive any preliminary requests to
 8 purchase or lease a school building within the time frame described in
 9 subsection (c)(1) and except as provided in section 7 of this chapter,
 10 the department shall send notification to the school corporation that the
 11 department has not received any preliminary requests to purchase or
 12 lease the school building. Upon receipt of the notification under this
 13 subsection, the school corporation may sell or otherwise dispose of the
 14 school building in accordance with IC 36-1-11, IC 20-25-4-14,
 15 ~~IC 20-26-5-4(7)~~, **IC 20-26-5-4(a)(7)**, and section 8 of this chapter.

16 (e) In the event that two (2) or more charter schools submit a
 17 preliminary request to purchase or lease a school building within the
 18 time frame described in subsection (c)(1), the department shall send
 19 notification to an authorizer described in IC 20-24-1-2.5(3) and each
 20 statewide charter school authorizer and statewide organization
 21 representing charter schools in Indiana (excluding school corporation
 22 authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation
 23 that the department has received two (2) or more preliminary requests
 24 under this section. An authorizer committee shall be established, with
 25 each statewide authorizer that has authorized one (1) or more charter
 26 schools appointing a representative, and the committee shall establish
 27 the chairperson and procedures for the committee. Within sixty (60)
 28 days of receiving notice under this subsection, the committee shall
 29 select which charter school may proceed under subsection (c)(2) to
 30 purchase or lease the school building or determine if two (2) or more
 31 charter schools should co-locate within the school building. The
 32 committee shall give priority to a charter school located within one (1)
 33 mile of the vacant or unused school building. In the event that the
 34 committee determines that two (2) or more charter schools should
 35 co-locate in the school building and, if applicable, that the combined
 36 enrollment of the charter schools will meet or exceed the requirements
 37 in subsection (c)(2)(D), the charter schools have sixty (60) days to
 38 submit a memorandum of understanding stating that the charter schools
 39 shall be jointly and severally liable for the obligations related to the
 40 sale or lease of the school building, and specifying how the charter
 41 schools will utilize the school building and share responsibility for
 42 operational, maintenance, and renovation expenses. If the charter



1 schools are unable to agree, the charter schools shall be deemed to have
 2 revoked their prior request regarding the lease or sale of the school
 3 building.

4 (f) A school corporation shall lease the school building for one
 5 dollar (\$1) per year for as long as the charter school uses the school
 6 building for classroom instruction for any combination of kindergarten
 7 through grade 12 for a term at the charter school's discretion, or sell the
 8 school building to the charter school for one dollar (\$1), if the charter
 9 school has met the requirements set forth in subsection (c) and uses the
 10 vacant or unused school building to provide classroom instruction to
 11 students in any combination of kindergarten through grade 12. If a
 12 charter school has not met the requirements under subsection (c), the
 13 school corporation may, subject to section 7 of this chapter, sell or
 14 otherwise dispose of the school building in accordance with
 15 IC 36-1-11, IC 20-25-4-14, ~~IC 20-26-5-4(7)~~, **IC 20-26-5-4(a)(7)**, and
 16 section 8 of this chapter.

17 SECTION 52. IC 20-26-11-31, AS AMENDED BY P.L.92-2020,
 18 SECTION 30, AND AS AMENDED BY P.L.155-2020, SECTION 8,
 19 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) This section applies to a
 21 school corporation *and to a charter school* that enrolls a student who
 22 has legal settlement in another school corporation for the purpose of
 23 the student receiving services from ~~an~~ *a state* accredited nonpublic
 24 alternative high school described in ~~IC 20-19-2-10(e)~~.
 25 *IC 20-31-4.1-2(c)*.

26 (b) A school corporation *or a charter school* is entitled to receive
 27 state tuition support for a student described in subsection (a) in an
 28 amount equal to:

- 29 (1) the amount received by the school corporation *or charter*
 30 *school* in which the student is enrolled for ADM purposes; or
 31 (2) the amount received by the school corporation in which the
 32 student has legal settlement;

33 whichever is greater.

34 SECTION 53. IC 20-26-13-10, AS AMENDED BY P.L.86-2020,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 10. (a) Except as provided in section 11 of this
 37 chapter, the four (4) year graduation rate for a cohort in a high school
 38 is the percentage determined under STEP FIVE of the following
 39 formula:

40 STEP ONE: Determine the grade 9 enrollment at the beginning of
 41 the reporting year three (3) years before the reporting year for
 42 which the graduation rate is being determined.



- 1 STEP TWO: Add:
- 2 (A) the number determined under STEP ONE; and
- 3 (B) the number of students who:
- 4 (i) have enrolled in the high school after the date on which
- 5 the number determined under STEP ONE was determined;
- 6 and
- 7 (ii) have the same expected graduation year as the cohort.
- 8 STEP THREE: Subtract from the sum determined under STEP
- 9 TWO the number of students who have left the cohort for any of
- 10 the following reasons:
- 11 (A) Transfer to another public or nonpublic school.
- 12 (B) Except as provided in IC 20-33-2-28.6 and subsection (b),
- 13 removal by the student's parents under IC 20-33-2-28 to
- 14 provide instruction equivalent to that given in the public
- 15 schools.
- 16 (C) Withdrawal because of a long term medical condition or
- 17 death.
- 18 (D) Detention by a law enforcement agency or the department
- 19 of correction.
- 20 (E) Placement by a court order or the department of child
- 21 services.
- 22 (F) Enrollment in a virtual school.
- 23 (G) Leaving school, if the student attended school in Indiana
- 24 for less than one (1) school year and the location of the student
- 25 cannot be determined.
- 26 (H) Leaving school, if the location of the student cannot be
- 27 determined and the student has been reported to the Indiana
- 28 clearinghouse for information on missing children and missing
- 29 endangered adults.
- 30 (I) Withdrawing from school before graduation, if the student
- 31 is a high ability student (as defined in IC 20-36-1-3) who is a
- 32 full-time student at an accredited institution of higher
- 33 education during the semester in which the cohort graduates.
- 34 (J) Withdrawing from school before graduation pursuant to
- 35 providing notice of withdrawal under section 17 of this
- 36 chapter.
- 37 (K) Participating in the high school equivalency pilot program
- 38 under IC 20-30-8.5, unless the student fails to successfully
- 39 complete the high school equivalency pilot program in the two
- 40 (2) year period. **This clause expires June 30, 2024.**
- 41 STEP FOUR: Determine the total number of students determined
- 42 under STEP TWO who have graduated during the current



1 reporting year or a previous reporting year.

2 STEP FIVE: Divide:

3 (A) the number determined under STEP FOUR; by

4 (B) the remainder determined under STEP THREE.

5 (b) This subsection applies to a high school in which:

6 (1) for a:

7 (A) cohort of one hundred (100) students or less, at least ten
8 percent (10%) of the students left a particular cohort for a
9 reason described in subsection (a) STEP THREE clause (B);

10 or

11 (B) cohort of more than one hundred (100) students, at least
12 five percent (5%) of the students left a particular cohort for a
13 reason described in subsection (a) STEP THREE clause (B);

14 and

15 (2) the students described in subdivision (1)(A) or (1)(B) are not
16 on track to graduate with their cohort.

17 A high school must submit a request to the state board in a manner
18 prescribed by the state board requesting that the students described in
19 this subsection be included in the subsection (a) STEP THREE
20 calculation. The state board shall review the request and may grant or
21 deny the request. The state board shall deny the request unless the high
22 school demonstrates good cause to justify that the students described
23 in this subsection should be included in the subsection (a) STEP
24 THREE calculation. If the state board denies the request the high
25 school may not subtract the students described in this subsection under
26 subsection (a) STEP THREE.

27 SECTION 54. IC 20-28-5.5-1, AS ADDED BY P.L.92-2020,
28 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 1. (a) The state board shall determine the timing,
30 frequency, whether training requirements can be combined or merged,
31 and the method of training, including whether the training should be
32 required for purposes of obtaining or renewing a license under
33 IC 20-28-5, or, in consultation with teacher preparation programs (as
34 defined in IC 20-28-3-1(b)), as part of the completion requirements for
35 a teacher preparation program for training required under the following
36 sections:

37 IC 20-26-5-34.2.

38 IC 20-28-3-4.5.

39 IC 20-28-3-6.

40 IC 20-28-3-7.

41 IC 20-34-7-6.

42 IC 20-34-7-7.



1 However, nothing in this subsection shall be construed to authorize the
 2 state board to suspend or otherwise eliminate training requirements
 3 described in this subsection.

4 (b) In addition to the training described in subsection (a), the
 5 department shall, in a manner prescribed by the state board:

6 (1) ensure a teacher has training in:

7 (A) cardiopulmonary resuscitation that includes a test
 8 demonstration on a mannequin;

9 (B) removing a foreign body causing an obstruction in an
 10 airway;

11 (C) the Heimlich maneuver; and

12 (D) the use of an automated external defibrillator;

13 (2) ensure a teacher holds a valid certification in each of the
 14 procedures described in subdivision (1) issued by:

15 (A) the American Red Cross;

16 (B) the American Heart Association; or

17 (C) a comparable organization or institution approved by the
 18 state board; or

19 (3) determine if a teacher has physical limitations that make it
 20 impracticable to complete a course or certification described in
 21 subdivision (1) or (2).

22 The state board shall determine the timing, frequency, whether training
 23 requirements can be combined or merged, and the method of training
 24 or certification, including whether the training or certification should
 25 be required for purposes of obtaining or renewing a license under
 26 IC 20-28-5, or, in consultation with teacher preparation programs (as
 27 defined in IC 20-28-3-1(b)), as part of the completion requirements for
 28 a teacher preparation program. However, the frequency of the training
 29 may not be more frequent and the method of training may not be more
 30 stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as
 31 in effect on January 1, 2020. Nothing in this subsection shall be
 32 construed to authorize the state board to suspend or otherwise eliminate
 33 training requirements described in this subsection.

34 (c) The state board may recommend to the general assembly, in a
 35 report in an electronic format under IC 5-14-6, to eliminate training
 36 requirements described in subsection (a) or (b).

37 (d) In determining the training requirements for a school
 38 corporation, charter school, or **state** accredited nonpublic school for
 39 training required under:

40 (1) IC 20-26-5-34.2;

41 (2) IC 20-28-3-4.5;

42 (3) IC 20-28-3-6; or



1 (4) IC 20-28-3-7;

2 the state board may consider whether a particular teacher received the
3 training described in this subsection as part of the teacher's licensing
4 requirements or at a teacher preparation program when determining
5 whether the particular teacher is required to receive the training by the
6 school corporation, charter school, or **state** accredited nonpublic
7 school.

8 SECTION 55. IC 20-30-5-5.7, AS AMENDED BY P.L.92-2020,
9 SECTION 55, AND AS AMENDED BY P.L.76-2020, SECTION 1, IS
10 CORRECTED AND AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2021]: Sec. 5.7. (a) Not later than December 15,
12 ~~2018~~, 2020, and each December 15 thereafter, each public school,
13 including a charter school, and *state* accredited nonpublic school shall
14 provide age appropriate: ~~and~~

15 (1) research and evidence based; *or*

16 (2) *research or evidence based*;

17 instruction on child abuse and child sexual abuse to students in
18 kindergarten through grade 12.

19 (b) The department, in consultation with school safety specialists,
20 ~~and~~ school counselors, *school social workers, or school psychologists*,
21 shall identify outlines or materials for the instruction described in
22 subsection (a) and incorporate the instruction in kindergarten through
23 grade 12.

24 (c) *Any outlines and materials identified under subsection (b) must*
25 *be demonstrated to be effective and promising.*

26 ~~(c)~~ (d) Instruction on child abuse and child sexual abuse may be
27 delivered by a school safety specialist, school counselor, or any other
28 person with training and expertise in the area of child abuse and child
29 sexual abuse.

30 SECTION 56. IC 20-30-5-7, AS AMENDED BY P.L.92-2020,
31 SECTION 56, AND AS AMENDED BY P.L.86-2020, SECTION 6, IS
32 CORRECTED AND AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Each school corporation shall
34 include in the school corporation's curriculum the following studies:

35 (1) Language arts, including:

36 (A) English;

37 (B) grammar;

38 (C) composition;

39 (D) speech; and

40 (E) second languages.

41 (2) Mathematics.

42 (3) Social studies and citizenship, including the:



- 1 (A) constitutions;
 2 (B) governmental systems; and
 3 (C) histories;
 4 of Indiana and the United States, including an enhanced study of
 5 the Holocaust in each high school United States history course.
 6 As part of the United States government credit awarded for the
 7 general, Core 40, Core 40 with academic honors, and Core 40
 8 with technical honors designation, each high school shall
 9 administer the naturalization examination provided by the United
 10 States Citizenship and Immigration Services.
 11 (4) Sciences, including, after June 30, 2021, computer science.
 12 (5) Fine arts, including music and art.
 13 (6) Health education, physical fitness, safety, and the effects of
 14 alcohol, tobacco, drugs, and other substances on the human body.
 15 (7) Additional studies selected by each governing body, subject
 16 to revision by the state board.
 17 (b) Each:
 18 (1) school corporation;
 19 (2) charter school; and
 20 (3) *state* accredited nonpublic school;
 21 shall offer the study of ethnic and racial groups as a one (1) semester
 22 elective course in its high school curriculum at least once every school
 23 year.
 24 (c) The course described in subsection (b) may be offered by the
 25 school corporation, charter school, or *state* accredited nonpublic school
 26 through a course access program administered by the department.
 27 (d) *Not later than November 1, 2022, and not later than November*
 28 *1 each year thereafter, the department shall report to the general*
 29 *assembly in an electronic format under IC 5-14-6 the following:*
 30 (1) *The number of students who took the naturalization*
 31 *examination described in subsection (a)(3).*
 32 (2) *The number of students who passed the naturalization*
 33 *examination described in subsection (a)(3) by a score of not less*
 34 *than sixty percent (60%) on their first attempt.*
 35 (3) *The pass rate of the naturalization examination regarding the*
 36 *students who passed as described in subdivision (2).*
 37 (e) *Not more than thirty (30) days after the department reports to*
 38 *the general assembly the information under subsection (d), the*
 39 *department shall post the pass rate under subsection (d)(3) on the*
 40 *department's Internet web site.*
 41 SECTION 57. IC 20-30-8.5-4, AS ADDED BY P.L.86-2020,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 4. As used in this chapter, "provider" **is means** a
 2 current grantee receiving WIOA Title II money from the department of
 3 workforce development and that provides academic instruction and
 4 education services at the elementary or high school level that:

- 5 (1) include adult education, literacy activities, workplace
 6 activities, English language acquisition activities, integrated
 7 English literacy and civics education, workforce preparation
 8 activities, or integrated education and training;
 9 (2) transition to postsecondary education and training; and
 10 (3) provide an ability to obtain employment.

11 SECTION 58. IC 20-30-8.5-8, AS ADDED BY P.L.86-2020,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 8. In addition to successfully achieving **their the**
 14 **eligible student's** high school equivalency, an eligible student shall:

- 15 (1) demonstrate employability skills through a:
 16 (A) project based learning experience;
 17 (B) service based learning experience; or
 18 (C) work based learning experience; and
 19 (2) complete one (1) of the following:
 20 (A) A certification class approved by the department of
 21 workforce development.
 22 (B) Indiana specific college ready benchmarks set by the
 23 commission for higher education that meet or exceed college
 24 ready benchmarks set by the college board and ACT.
 25 (C) Completion of the ASVAB and enlistment and service in
 26 one (1) of the branches of the armed forces of the United
 27 States.
 28 (D) Entry into an apprenticeship program recognized by the
 29 state that includes a post secondary credential upon
 30 completion.

31 SECTION 59. IC 20-30-8.5-12, AS ADDED BY P.L.86-2020,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 12. Not later than July 1, 2021, and not later than
 34 July 1 of each year thereafter, participating school corporations shall
 35 submit a report to the general assembly in an electronic format under
 36 IC 5-14-6 concerning the program that includes the following:

- 37 (1) The number of students eligible for the program.
 38 (2) The number of eligible students who participated in the
 39 program.
 40 (3) The number of credits upon entry to the program.
 41 (4) The number of eligible students who successfully achieved
 42 their high school equivalency through the program.



- 1 (5) A list of credentials earned upon completion of the program.
 2 (6) ~~A report~~ **Information** concerning:
 3 (A) ~~eligible students~~: **student**:
 4 (i) job placement outcomes; and
 5 (ii) matriculation into higher education; and
 6 (B) any other information concerning outcomes;
 7 as of one (1) year and two (2) years after ~~an eligible student has~~
 8 ~~successfully completed~~ **successful completion of** the program.
 9 (7) Recommendations on improvements to the program.
 10 (8) An estimated cost to each school corporation for the program.
 11 (9) To the extent possible, the use of the funding received by the
 12 school corporation for an eligible student participating in the
 13 program during the previous school year and metrics of student
 14 achievement and demographics, including:
 15 (A) the amount of funding received that was used for each
 16 course or program of instruction included in the program;
 17 (B) the amount of funding received that was used for
 18 transportation costs for students who participate in the
 19 program;
 20 (C) the amount of funding received that was used for any other
 21 purposes relating to the cost of education for an eligible
 22 student who participated in the program; and
 23 (D) metrics of eligible student achievement and demographic
 24 information for those eligible students who participated in the
 25 program during the previous school year, including a
 26 comparison to the metrics of student achievement and
 27 demographic information for those students who were not
 28 participants in the program.
 29 (10) Any other relevant consideration.
 30 SECTION 60. IC 20-32-4-2, AS AMENDED BY P.L.192-2018,
 31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 2. This ~~subsection~~ **section** expires July 1, 2022.
 33 A student who does not meet the academic standards tested in the
 34 graduation examination shall be given the opportunity to be tested
 35 during each semester of each grade following the grade in which the
 36 student is initially tested until the student achieves a passing score or,
 37 after June 30, 2018, meets a graduation pathway requirement.
 38 SECTION 61. IC 20-32-5.1-18.8, AS ADDED BY P.L.82-2020,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 18.8. (a) As used in this section, "school" means
 41 the following:
 42 (1) A school maintained by a school corporation.



- 1 (2) A charter school.
- 2 (3) ~~At~~ **A state** accredited nonpublic school.
- 3 (b) The department, in consultation with The Arc of Indiana and the
- 4 Indiana Council of Administrators of Special Education (ICASE), shall
- 5 develop a notice for a parent of a student who:
- 6 (1) is enrolled in grade 3, 4, or 5; and
- 7 (2) has an accommodation that:
- 8 (A) is provided as part of the student's:
- 9 (i) individualized education program;
- 10 (ii) service plan developed under 511 IAC 7-34;
- 11 (iii) choice special education plan developed under 511
- 12 IAC 7-49; or
- 13 (iv) plan developed under Section 504 of the federal
- 14 Rehabilitation Act of 1973, 29 U.S.C. 794; and
- 15 (B) the student is not allowed to use on all or part of the
- 16 statewide assessment.
- 17 (c) The notice developed under subsection (b) must inform the
- 18 parent of a student described in subsection (b) that the student is not
- 19 allowed to use the accommodation described in subsection (b)(2) on all
- 20 or part of the statewide assessment.
- 21 (d) The department shall distribute a copy of the notice to each
- 22 school.
- 23 (e) Not later than February 1, 2021, and not later than February 1,
- 24 2022, each school shall do the following:
- 25 (1) Provide the notice developed under subsection (b) to a parent
- 26 of a student described in subsection (b) at the annual review of
- 27 the student's:
- 28 (A) individualized education program;
- 29 (B) service plan developed under 511 IAC 7-34;
- 30 (C) choice special education plan developed under 511
- 31 IAC 7-49; or
- 32 (D) plan developed under Section 504 of the federal
- 33 Rehabilitation Act of 1973, 29 U.S.C. 794.
- 34 If a parent does not attend the annual review, the school shall
- 35 provide a copy of the notice to the parent by certified mail or
- 36 personal delivery.
- 37 (2) Discuss and determine, at the annual review described in
- 38 subdivision (1) in which a parent of the student participates,
- 39 whether the student may be eligible to opt out of any applicable
- 40 section of the statewide assessment.
- 41 (f) This section expires July 1, 2022.
- 42 SECTION 62. IC 20-33-2-10, AS AMENDED BY P.L.92-2020,



1 SECTION 75, AND AS AMENDED BY P.L.155-2020, SECTION 17,
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) Each public school shall and
 4 each private school may require a student who initially enrolls in the
 5 school to provide:

6 (1) the name and address of the school the student last attended;
 7 and

8 (2) a certified copy of the student's birth certificate or other
 9 reliable proof of the student's date of birth.

10 *(b) Each public school, charter school, and nonpublic school with*
 11 *at least one (1) employee shall provide upon request of another school*
 12 *a copy of a particular student's disciplinary records that are relevant*
 13 *to the safety of students, if the particular student currently attends the*
 14 *requesting school and is currently enrolled in the requesting school.*

15 ~~(b)~~ (c) Not more than fourteen (14) days after initial enrollment in
 16 a school, the school shall request the student's records from the school
 17 the student last attended.

18 ~~(c)~~ (d) If the document described in subsection (a)(2):

19 (1) is not provided to the school not more than thirty (30) days
 20 after the student's enrollment; or

21 (2) appears to be inaccurate or fraudulent;

22 the school shall notify the Indiana clearinghouse for information on
 23 missing children and missing endangered adults established under
 24 IC 10-13-5-5 and determine if the student has been reported missing.

25 ~~(d)~~ (e) A school in Indiana receiving a request for records shall send
 26 the records promptly to the requesting school. However, if a request is
 27 received for records to which a notice has been attached under
 28 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

29 (1) shall immediately notify the Indiana clearinghouse for
 30 information on missing children and missing endangered adults;

31 (2) may not send the school records without the authorization of
 32 the clearinghouse; and

33 (3) may not inform the requesting school that a notice under
 34 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached
 35 to the records.

36 ~~(e)~~ (f) Notwithstanding subsection ~~(d)~~, (e), if a parent of a child who
 37 has enrolled in ~~an~~ a state accredited nonpublic school is in breach of
 38 a contract that conditions release of student records on the payment of
 39 outstanding tuition and other fees, the state accredited nonpublic
 40 school shall provide a requesting school sufficient verbal information
 41 to permit the requesting school to make an appropriate placement
 42 decision regarding the child. *However, the state accredited nonpublic*



1 *school must provide the information described in subsection (b) to the*
 2 *requesting school.*

3 SECTION 63. IC 22-3-3-10, AS AMENDED BY P.L.139-2020,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 10. (a) With respect to injuries in the schedule set
 6 forth in subsection (d) occurring on and after July 1, 1979, and before
 7 July 1, 1988, the employee shall receive, in addition to temporary total
 8 disability benefits not to exceed fifty-two (52) weeks on account of the
 9 injury, a weekly compensation of sixty percent (60%) of the employee's
 10 average weekly wages, not to exceed one hundred twenty-five dollars
 11 (\$125) average weekly wages, for the period stated for the injury.

12 (b) With respect to injuries in the schedule set forth in subsection
 13 (d) occurring on and after July 1, 1988, and before July 1, 1989, the
 14 employee shall receive, in addition to temporary total disability benefits
 15 not exceeding seventy-eight (78) weeks on account of the injury, a
 16 weekly compensation of sixty percent (60%) of the employee's average
 17 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
 18 average weekly wages, for the period stated for the injury.

19 (c) With respect to injuries in the schedule set forth in subsection
 20 (d) occurring on and after July 1, 1989, and before July 1, 1990, the
 21 employee shall receive, in addition to temporary total disability benefits
 22 not exceeding seventy-eight (78) weeks on account of the injury, a
 23 weekly compensation of sixty percent (60%) of the employee's average
 24 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
 25 average weekly wages, for the period stated for the injury.

26 (d) With respect to injuries in the following schedule occurring on
 27 and after July 1, 1990, and before July 1, 1991, the employee shall
 28 receive, in addition to temporary total disability benefits not exceeding
 29 seventy-eight (78) weeks on account of the injury, a weekly
 30 compensation of sixty percent (60%) of the employee's average weekly
 31 wages, not to exceed two hundred dollars (\$200) average weekly
 32 wages, for the period stated for the injury.

33 (1) Amputation: For the loss by separation of the thumb, sixty
 34 (60) weeks, of the index finger forty (40) weeks, of the second
 35 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 36 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 37 by separation below the elbow joint two hundred (200) weeks, or
 38 the arm above the elbow two hundred fifty (250) weeks, of the big
 39 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 40 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 41 of the fifth or little toe ten (10) weeks, for loss occurring on and
 42 after April 1, 1959, by separation of the foot below the knee joint,



- 1 one hundred seventy-five (175) weeks and of the leg above the
2 knee joint two hundred twenty-five (225) weeks. The loss of more
3 than one (1) phalange of a thumb or toes shall be considered as
4 the loss of the entire thumb or toe. The loss of more than two (2)
5 phalanges of a finger shall be considered as the loss of the entire
6 finger. The loss of not more than one (1) phalange of a thumb or
7 toe shall be considered as the loss of one-half (1/2) of the thumb
8 or toe and compensation shall be paid for one-half (1/2) of the
9 period for the loss of the entire thumb or toe. The loss of not more
10 than one (1) phalange of a finger shall be considered as the loss
11 of one-third (1/3) of the finger and compensation shall be paid for
12 one-third (1/3) the period for the loss of the entire finger. The loss
13 of more than one (1) phalange of the finger but not more than two
14 (2) phalanges of the finger, shall be considered as the loss of
15 one-half (1/2) of the finger and compensation shall be paid for
16 one-half (1/2) of the period for the loss of the entire finger.
- 17 (2) For the loss by separation of both hands or both feet or the
18 total sight of both eyes, or any two (2) such losses in the same
19 accident, five hundred (500) weeks.
- 20 (3) For the permanent and complete loss of vision by enucleation
21 or its reduction to one-tenth (1/10) of normal vision with glasses,
22 one hundred seventy-five (175) weeks.
- 23 (4) For the permanent and complete loss of hearing in one (1) ear,
24 seventy-five (75) weeks, and in both ears, two hundred (200)
25 weeks.
- 26 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
27 both testicles, one hundred fifty (150) weeks.
- 28 (e) With respect to injuries in the schedule set forth in subsection
29 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
30 employee shall receive, in addition to temporary total disability benefits
31 not exceeding fifty-two (52) weeks on account of the injury, a weekly
32 compensation of sixty percent (60%) of the employee's average weekly
33 wages not to exceed one hundred twenty-five dollars (\$125) average
34 weekly wages for the period stated for the injury.
- 35 (f) With respect to injuries in the schedule set forth in subsection (h)
36 occurring on and after July 1, 1988, and before July 1, 1989, the
37 employee shall receive, in addition to temporary total disability benefits
38 not exceeding seventy-eight (78) weeks on account of the injury, a
39 weekly compensation of sixty percent (60%) of the employee's average
40 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
41 average weekly wages, for the period stated for the injury.
- 42 (g) With respect to injuries in the schedule set forth in subsection



1 (h) occurring on and after July 1, 1989, and before July 1, 1990, the
2 employee shall receive, in addition to temporary total disability benefits
3 not exceeding seventy-eight (78) weeks on account of the injury, a
4 weekly compensation of sixty percent (60%) of the employee's average
5 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
6 average weekly wages, for the period stated for the injury.

7 (h) With respect to injuries in the following schedule occurring on
8 and after July 1, 1990, and before July 1, 1991, the employee shall
9 receive, in addition to temporary total disability benefits not exceeding
10 seventy-eight (78) weeks on account of the injury, a weekly
11 compensation of sixty percent (60%) of the employee's average weekly
12 wages, not to exceed two hundred dollars (\$200) average weekly
13 wages, for the period stated for the injury.

14 (1) Loss of use: The total permanent loss of the use of an arm,
15 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
16 as the equivalent of the loss by separation of the arm, hand,
17 thumb, finger, leg, foot, toe, or phalange, and compensation shall
18 be paid for the same period as for the loss thereof by separation.

19 (2) Partial loss of use: For the permanent partial loss of the use of
20 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
21 compensation shall be paid for the proportionate loss of the use of
22 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

23 (3) For injuries resulting in total permanent disability, five
24 hundred (500) weeks.

25 (4) For any permanent reduction of the sight of an eye less than a
26 total loss as specified in subsection (d)(3), compensation shall be
27 paid for a period proportionate to the degree of such permanent
28 reduction without correction or glasses. However, when such
29 permanent reduction without correction or glasses would result in
30 one hundred percent (100%) loss of vision, but correction or
31 glasses would result in restoration of vision, then in such event
32 compensation shall be paid for fifty percent (50%) of such total
33 loss of vision without glasses, plus an additional amount equal to
34 the proportionate amount of such reduction with glasses, not to
35 exceed an additional fifty percent (50%).

36 (5) For any permanent reduction of the hearing of one (1) or both
37 ears, less than the total loss as specified in subsection (d)(4),
38 compensation shall be paid for a period proportional to the degree
39 of such permanent reduction.

40 (6) In all other cases of permanent partial impairment,
41 compensation proportionate to the degree of such permanent
42 partial impairment, in the discretion of the worker's compensation



1 board, not exceeding five hundred (500) weeks.

2 (7) In all cases of permanent disfigurement which may impair the
3 future usefulness or opportunities of the employee, compensation,
4 in the discretion of the worker's compensation board, not
5 exceeding two hundred (200) weeks, except that no compensation
6 shall be payable under this subdivision where compensation is
7 payable elsewhere in this section.

8 (i) With respect to injuries in the following schedule occurring on
9 and after July 1, 1991, the employee shall receive in addition to
10 temporary total disability benefits, not exceeding one hundred
11 twenty-five (125) weeks on account of the injury, compensation in an
12 amount determined under the following schedule to be paid weekly at
13 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's
14 average weekly wages during the fifty-two (52) weeks immediately
15 preceding the week in which the injury occurred.

16 (1) Amputation: For the loss by separation of the thumb, twelve
17 (12) degrees of permanent impairment; of the index finger, eight
18 (8) degrees of permanent impairment; of the second finger, seven
19 (7) degrees of permanent impairment; of the third or ring finger,
20 six (6) degrees of permanent impairment; of the fourth or little
21 finger, four (4) degrees of permanent impairment; of the hand by
22 separation below the elbow joint, forty (40) degrees of permanent
23 impairment; of the arm above the elbow, fifty (50) degrees of
24 permanent impairment; of the big toe, twelve (12) degrees of
25 permanent impairment; of the second toe, six (6) degrees of
26 permanent impairment; of the third toe, four (4) degrees of
27 permanent impairment; of the fourth toe, three (3) degrees of
28 permanent impairment; of the fifth or little toe, two (2) degrees of
29 permanent impairment; by separation of the foot below the knee
30 joint, thirty-five (35) degrees of permanent impairment; and of the
31 leg above the knee joint, forty-five (45) degrees of permanent
32 impairment.

33 (2) Amputations: For the loss by separation of any of the body
34 parts described in subdivision (1) on or after July 1, 1997, and for
35 the loss by separation of any of the body parts described in
36 subdivision (3), (5), or ~~(8)~~; ~~(7)~~, on or after July 1, 1999, the dollar
37 values per degree applying on the date of the injury as described
38 in subsection (j) shall be multiplied by two (2). However, the
39 doubling provision of this subdivision does not apply to a loss of
40 use that is not a loss by separation.

41 (3) The loss of more than one (1) phalange of a thumb or toe shall
42 be considered as the loss of the entire thumb or toe. The loss of



- 1 more than two (2) phalanges of a finger shall be considered as the
 2 loss of the entire finger. The loss of not more than one (1)
 3 phalange of a thumb or toe shall be considered as the loss of
 4 one-half (1/2) of the degrees of permanent impairment for the loss
 5 of the entire thumb or toe. The loss of not more than one (1)
 6 phalange of a finger shall be considered as the loss of one-third
 7 (1/3) of the finger and compensation shall be paid for one-third
 8 (1/3) of the degrees payable for the loss of the entire finger. The
 9 loss of more than one (1) phalange of the finger but not more than
 10 two (2) phalanges of the finger shall be considered as the loss of
 11 one-half (1/2) of the finger and compensation shall be paid for
 12 one-half (1/2) of the degrees payable for the loss of the entire
 13 finger.
- 14 (4) For the loss by separation of both hands or both feet or the
 15 total sight of both eyes or any two (2) such losses in the same
 16 accident, one hundred (100) degrees of permanent impairment.
- 17 (5) For the permanent and complete loss of vision by enucleation,
 18 thirty-five (35) degrees of permanent impairment.
- 19 (6) For the permanent and complete loss of hearing in one (1) ear,
 20 fifteen (15) degrees of permanent impairment, and in both ears,
 21 forty (40) degrees of permanent impairment.
- 22 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
 23 impairment; for the loss of both testicles, thirty (30) degrees of
 24 permanent impairment.
- 25 (8) Loss of use: The total permanent loss of the use of an arm, a
 26 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 27 considered as the equivalent of the loss by separation of the arm,
 28 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 29 shall be paid in the same amount as for the loss by separation.
 30 However, the doubling provision of subdivision (2) does not
 31 apply to a loss of use that is not a loss by separation.
- 32 (9) Partial loss of use: For the permanent partial loss of the use of
 33 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 34 phalange, compensation shall be paid for the proportionate loss of
 35 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 36 (10) For injuries resulting in total permanent disability, the
 37 amount payable for impairment or five hundred (500) weeks of
 38 compensation, whichever is greater.
- 39 (11) Visual impairments shall be based on the Functional Vision
 40 Score (FVS) assessing the visual acuity and visual field to
 41 evaluate any reduction in ability to perform vision-related
 42 Activities of Daily Living (ADL). Unless such loss is otherwise



- 1 specified in subdivision (5), visual impairments shall be paid as
 2 a whole person rating.
- 3 (12) For any permanent reduction of the hearing of one (1) or both
 4 ears, less than the total loss as specified in subsection (h)(5),
 5 compensation shall be paid in an amount proportionate to the
 6 degree of a permanent reduction.
- 7 (13) In all other cases of permanent partial impairment,
 8 compensation proportionate to the degree of a permanent partial
 9 impairment, in the discretion of the worker's compensation board,
 10 not exceeding one hundred (100) degrees of permanent
 11 impairment.
- 12 (14) In all cases of permanent disfigurement which may impair
 13 the future usefulness or opportunities of the employee,
 14 compensation, in the discretion of the worker's compensation
 15 board, not exceeding forty (40) degrees of permanent impairment
 16 except that no compensation shall be payable under this
 17 subdivision where compensation is payable elsewhere in this
 18 section.
- 19 (j) Compensation for permanent partial impairment shall be paid
 20 according to the degree of permanent impairment for the injury
 21 determined under subsection (i) and the following:
- 22 (1) With respect to injuries occurring on and after July 1, 1991,
 23 and before July 1, 1992, for each degree of permanent impairment
 24 from one (1) to thirty-five (35), five hundred dollars (\$500) per
 25 degree; for each degree of permanent impairment from thirty-six
 26 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
 27 degree of permanent impairment above fifty (50), one thousand
 28 five hundred dollars (\$1,500) per degree.
- 29 (2) With respect to injuries occurring on and after July 1, 1992,
 30 and before July 1, 1993, for each degree of permanent impairment
 31 from one (1) to twenty (20), five hundred dollars (\$500) per
 32 degree; for each degree of permanent impairment from
 33 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 34 per degree; for each degree of permanent impairment from
 35 thirty-six (36) to fifty (50), one thousand three hundred dollars
 36 (\$1,300) per degree; for each degree of permanent impairment
 37 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 38 degree.
- 39 (3) With respect to injuries occurring on and after July 1, 1993,
 40 and before July 1, 1997, for each degree of permanent impairment
 41 from one (1) to ten (10), five hundred dollars (\$500) per degree;
 42 for each degree of permanent impairment from eleven (11) to



1 twenty (20), seven hundred dollars (\$700) per degree; for each
2 degree of permanent impairment from twenty-one (21) to
3 thirty-five (35), one thousand dollars (\$1,000) per degree; for
4 each degree of permanent impairment from thirty-six (36) to fifty
5 (50), one thousand four hundred dollars (\$1,400) per degree; for
6 each degree of permanent impairment above fifty (50), one
7 thousand seven hundred dollars (\$1,700) per degree.
8 (4) With respect to injuries occurring on and after July 1, 1997,
9 and before July 1, 1998, for each degree of permanent impairment
10 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
11 degree; for each degree of permanent impairment from eleven
12 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
13 for each degree of permanent impairment from thirty-six (36) to
14 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
15 for each degree of permanent impairment above fifty (50), one
16 thousand seven hundred dollars (\$1,700) per degree.
17 (5) With respect to injuries occurring on and after July 1, 1998,
18 and before July 1, 1999, for each degree of permanent impairment
19 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
20 degree; for each degree of permanent impairment from eleven
21 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
22 for each degree of permanent impairment from thirty-six (36) to
23 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
24 for each degree of permanent impairment above fifty (50), one
25 thousand seven hundred dollars (\$1,700) per degree.
26 (6) With respect to injuries occurring on and after July 1, 1999,
27 and before July 1, 2000, for each degree of permanent impairment
28 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
29 for each degree of permanent impairment from eleven (11) to
30 thirty-five (35), one thousand one hundred dollars (\$1,100) per
31 degree; for each degree of permanent impairment from thirty-six
32 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
33 degree; for each degree of permanent impairment above fifty (50),
34 two thousand dollars (\$2,000) per degree.
35 (7) With respect to injuries occurring on and after July 1, 2000,
36 and before July 1, 2001, for each degree of permanent impairment
37 from one (1) to ten (10), one thousand one hundred dollars
38 (\$1,100) per degree; for each degree of permanent impairment
39 from eleven (11) to thirty-five (35), one thousand three hundred
40 dollars (\$1,300) per degree; for each degree of permanent
41 impairment from thirty-six (36) to fifty (50), two thousand dollars
42 (\$2,000) per degree; for each degree of permanent impairment



1 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
2 per degree.
3 (8) With respect to injuries occurring on and after July 1, 2001,
4 and before July 1, 2007, for each degree of permanent impairment
5 from one (1) to ten (10), one thousand three hundred dollars
6 (\$1,300) per degree; for each degree of permanent impairment
7 from eleven (11) to thirty-five (35), one thousand five hundred
8 dollars (\$1,500) per degree; for each degree of permanent
9 impairment from thirty-six (36) to fifty (50), two thousand four
10 hundred dollars (\$2,400) per degree; for each degree of
11 permanent impairment above fifty (50), three thousand dollars
12 (\$3,000) per degree.
13 (9) With respect to injuries occurring on and after July 1, 2007,
14 and before July 1, 2008, for each degree of permanent impairment
15 from one (1) to ten (10), one thousand three hundred forty dollars
16 (\$1,340) per degree; for each degree of permanent impairment
17 from eleven (11) to thirty-five (35), one thousand five hundred
18 forty-five dollars (\$1,545) per degree; for each degree of
19 permanent impairment from thirty-six (36) to fifty (50), two
20 thousand four hundred seventy-five dollars (\$2,475) per degree;
21 for each degree of permanent impairment above fifty (50), three
22 thousand one hundred fifty dollars (\$3,150) per degree.
23 (10) With respect to injuries occurring on and after July 1, 2008,
24 and before July 1, 2009, for each degree of permanent impairment
25 from one (1) to ten (10), one thousand three hundred sixty-five
26 dollars (\$1,365) per degree; for each degree of permanent
27 impairment from eleven (11) to thirty-five (35), one thousand five
28 hundred seventy dollars (\$1,570) per degree; for each degree of
29 permanent impairment from thirty-six (36) to fifty (50), two
30 thousand five hundred twenty-five dollars (\$2,525) per degree; for
31 each degree of permanent impairment above fifty (50), three
32 thousand two hundred dollars (\$3,200) per degree.
33 (11) With respect to injuries occurring on and after July 1, 2009,
34 and before July 1, 2010, for each degree of permanent impairment
35 from one (1) to ten (10), one thousand three hundred eighty
36 dollars (\$1,380) per degree; for each degree of permanent
37 impairment from eleven (11) to thirty-five (35), one thousand five
38 hundred eighty-five dollars (\$1,585) per degree; for each degree
39 of permanent impairment from thirty-six (36) to fifty (50), two
40 thousand six hundred dollars (\$2,600) per degree; for each degree
41 of permanent impairment above fifty (50), three thousand three
42 hundred dollars (\$3,300) per degree.



1 (12) With respect to injuries occurring on and after July 1, 2010,
2 and before July 1, 2014, for each degree of permanent impairment
3 from one (1) to ten (10), one thousand four hundred dollars
4 (\$1,400) per degree; for each degree of permanent impairment
5 from eleven (11) to thirty-five (35), one thousand six hundred
6 dollars (\$1,600) per degree; for each degree of permanent
7 impairment from thirty-six (36) to fifty (50), two thousand seven
8 hundred dollars (\$2,700) per degree; for each degree of
9 permanent impairment above fifty (50), three thousand five
10 hundred dollars (\$3,500) per degree.

11 (13) With respect to injuries occurring on and after July 1, 2014,
12 and before July 1, 2015, for each degree of permanent impairment
13 from one (1) to ten (10), one thousand five hundred seventeen
14 dollars (\$1,517) per degree; for each degree of permanent
15 impairment from eleven (11) to thirty-five (35), one thousand
16 seven hundred seventeen dollars (\$1,717) per degree; for each
17 degree of permanent impairment from thirty-six (36) to fifty (50),
18 two thousand eight hundred sixty-two dollars (\$2,862) per degree;
19 for each degree of permanent impairment above fifty (50), three
20 thousand six hundred eighty-seven dollars (\$3,687) per degree.

21 (14) With respect to injuries occurring on and after July 1, 2015,
22 and before July 1, 2016, for each degree of permanent impairment
23 from one (1) to ten (10), one thousand six hundred thirty-three
24 dollars (\$1,633) per degree; for each degree of permanent
25 impairment from eleven (11) to thirty-five (35), one thousand
26 eight hundred thirty-five dollars (\$1,835) per degree; for each
27 degree of permanent impairment from thirty-six (36) to fifty (50),
28 three thousand twenty-four dollars (\$3,024) per degree; for each
29 degree of permanent impairment above fifty (50), three thousand
30 eight hundred seventy-three dollars (\$3,873) per degree.

31 (15) With respect to injuries occurring on and after July 1, 2016,
32 for each degree of permanent impairment from one (1) to ten (10),
33 one thousand seven hundred fifty dollars (\$1,750) per degree; for
34 each degree of permanent impairment from eleven (11) to
35 thirty-five (35), one thousand nine hundred fifty-two dollars
36 (\$1,952) per degree; for each degree of permanent impairment
37 from thirty-six (36) to fifty (50), three thousand one hundred
38 eighty-six dollars (\$3,186) per degree; for each degree of
39 permanent impairment above fifty (50), four thousand sixty
40 dollars (\$4,060) per degree.

41 (k) The average weekly wages used in the determination of
42 compensation for permanent partial impairment under subsections (i)



- 1 and (j) shall not exceed the following:
- 2 (1) With respect to injuries occurring on or after July 1, 1991, and
- 3 before July 1, 1992, four hundred ninety-two dollars (\$492).
- 4 (2) With respect to injuries occurring on or after July 1, 1992, and
- 5 before July 1, 1993, five hundred forty dollars (\$540).
- 6 (3) With respect to injuries occurring on or after July 1, 1993, and
- 7 before July 1, 1994, five hundred ninety-one dollars (\$591).
- 8 (4) With respect to injuries occurring on or after July 1, 1994, and
- 9 before July 1, 1997, six hundred forty-two dollars (\$642).
- 10 (5) With respect to injuries occurring on or after July 1, 1997, and
- 11 before July 1, 1998, six hundred seventy-two dollars (\$672).
- 12 (6) With respect to injuries occurring on or after July 1, 1998, and
- 13 before July 1, 1999, seven hundred two dollars (\$702).
- 14 (7) With respect to injuries occurring on or after July 1, 1999, and
- 15 before July 1, 2000, seven hundred thirty-two dollars (\$732).
- 16 (8) With respect to injuries occurring on or after July 1, 2000, and
- 17 before July 1, 2001, seven hundred sixty-two dollars (\$762).
- 18 (9) With respect to injuries occurring on or after July 1, 2001, and
- 19 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 20 (10) With respect to injuries occurring on or after July 1, 2002,
- 21 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- 22 (11) With respect to injuries occurring on or after July 1, 2006,
- 23 and before July 1, 2007, nine hundred dollars (\$900).
- 24 (12) With respect to injuries occurring on or after July 1, 2007,
- 25 and before July 1, 2008, nine hundred thirty dollars (\$930).
- 26 (13) With respect to injuries occurring on or after July 1, 2008,
- 27 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
- 28 (14) With respect to injuries occurring on or after July 1, 2009,
- 29 and before July 1, 2014, nine hundred seventy-five dollars (\$975).
- 30 (15) With respect to injuries occurring on or after July 1, 2014,
- 31 and before July 1, 2015, one thousand forty dollars (\$1,040).
- 32 (16) With respect to injuries occurring on or after July 1, 2015,
- 33 and before July 1, 2016, one thousand one hundred five dollars
- 34 (\$1,105).
- 35 (17) With respect to injuries occurring on or after July 1, 2016,
- 36 one thousand one hundred seventy dollars (\$1,170).
- 37 SECTION 64. IC 22-3-7-16, AS AMENDED BY P.L.139-2020,
- 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2021]: Sec. 16. (a) Compensation shall be allowed on account
- 40 of disablement from occupational disease resulting in only temporary
- 41 total disability to work or temporary partial disability to work
- 42 beginning with the eighth day of such disability except for the medical



1 benefits provided for in section 17 of this chapter. Compensation shall
2 be allowed for the first seven (7) calendar days only as provided in this
3 section. The first weekly installment of compensation for temporary
4 disability is due fourteen (14) days after the disability begins. Not later
5 than fourteen (14) days from the date that the first installment of
6 compensation is due, the employer or the employer's insurance carrier
7 shall file a report of payment of compensation with the worker's
8 compensation board electronically and tender to the employee or to the
9 employee's dependents, with all compensation due, a properly prepared
10 compensation agreement in a form prescribed by the board. The
11 presentation to the employee or to the employee's dependents of the
12 check, draft, or electronic payment from the employer or the employer's
13 insurance carrier for the proper amount, drawn upon a bank in which
14 money is on deposit to pay the same on demand, shall be sufficient
15 tender of the compensation.

16 (b) Whenever an employer or the employer's insurance carrier
17 denies or is not able to determine liability to pay compensation or
18 benefits, the employer or the employer's insurance carrier shall notify
19 the worker's compensation board and the employee in writing on a form
20 prescribed by the worker's compensation board not later than thirty (30)
21 days after the employer's knowledge of the claimed disablement. If a
22 determination of liability cannot be made within thirty (30) days, the
23 worker's compensation board may approve an additional thirty (30)
24 days upon a written request of the employer or the employer's insurance
25 carrier that sets forth the reasons that the determination could not be
26 made within thirty (30) days and states the facts or circumstances that
27 are necessary to determine liability within the additional thirty (30)
28 days. More than thirty (30) days of additional time may be approved by
29 the worker's compensation board upon the filing of a petition by the
30 employer or the employer's insurance carrier that sets forth:

- 31 (1) the extraordinary circumstances that have precluded a
32 determination of liability within the initial sixty (60) days;
- 33 (2) the status of the investigation on the date the petition is filed;
- 34 (3) the facts or circumstances that are necessary to make a
35 determination; and
- 36 (4) a timetable for the completion of the remaining investigation.

37 An employer who fails to comply with this section is subject to a civil
38 penalty under IC 22-3-4-15.

39 (c) Once begun, temporary total disability benefits may not be
40 terminated by the employer unless:

- 41 (1) the employee has returned to work;
- 42 (2) the employee has died;



1 (3) the employee has refused to undergo a medical examination
2 under section 20 of this chapter;

3 (4) the employee has received five hundred (500) weeks of
4 temporary total disability benefits or has been paid the maximum
5 compensation allowable under section 19 of this chapter; or

6 (5) the employee is unable or unavailable to work for reasons
7 unrelated to the compensable disease.

8 In each instance, the employer must provide written notice to the
9 injured worker on a form approved by the board. In all other cases the
10 employer must notify the employee in writing of the employer's intent
11 to terminate the payment of temporary total disability benefits, and of
12 the availability of employment, if any, on a form approved by the
13 board. In all instances, the employer must file an electronic notice of
14 the termination with the board.

15 (d) If the employee disagrees with the termination or proposed
16 termination, the employee must give written notice of disagreement to
17 the board and the employer within seven (7) days after receipt of the
18 notice of intent to terminate benefits. If the board and employer do not
19 receive a notice of disagreement under this section, the employee's
20 temporary total disability benefits shall be terminated. Upon receipt of
21 the notice of disagreement, the board shall immediately contact the
22 parties, which may be by telephone or other means and attempt to
23 resolve the disagreement. If the board is unable to resolve the
24 disagreement within ten (10) days of receipt of the notice of
25 disagreement, the board shall immediately arrange for an evaluation of
26 the employee by an independent medical examiner. The independent
27 medical examiner shall be selected by mutual agreement of the parties
28 or, if the parties are unable to agree, appointed by the board under
29 IC 22-3-4-11. If the independent medical examiner determines that the
30 employee is no longer temporarily disabled or is still temporarily
31 disabled but can return to employment that the employer has made
32 available to the employee, or if the employee fails or refuses to appear
33 for examination by the independent medical examiner, temporary total
34 disability benefits may be terminated. If either party disagrees with the
35 opinion of the independent medical examiner, the party shall apply to
36 the board for a hearing under section 27 of this chapter.

37 (e) An employer is not required to continue the payment of
38 temporary total disability benefits for more than fourteen (14) days
39 after the employer's proposed termination date unless the independent
40 medical examiner determines that the employee is temporarily disabled
41 and unable to return to any employment that the employer has made
42 available to the employee.



1 (f) If it is determined that as a result of this section temporary total
2 disability benefits were overpaid, the overpayment shall be deducted
3 from any benefits due the employee under this section and, if there are
4 no benefits due the employee or the benefits due the employee do not
5 equal the amount of the overpayment, the employee shall be
6 responsible for paying any overpayment which cannot be deducted
7 from benefits due the employee.

8 (g) For disablements occurring on and after July 1, 1976, from
9 occupational disease resulting in temporary total disability for any work
10 there shall be paid to the disabled employee during the temporary total
11 disability weekly compensation equal to sixty-six and two-thirds
12 percent (66 2/3%) of the employee's average weekly wages, as defined
13 in section 19 of this chapter, for a period not to exceed five hundred
14 (500) weeks. Compensation shall be allowed for the first seven (7)
15 calendar days only if the disability continues for longer than twenty-one
16 (21) days.

17 (h) For disablements occurring on and after July 1, 1974, from
18 occupational disease resulting in temporary partial disability for work
19 there shall be paid to the disabled employee during such disability a
20 weekly compensation equal to sixty-six and two-thirds percent (66
21 2/3%) of the difference between the employee's average weekly wages,
22 as defined in section 19 of this chapter, and the weekly wages at which
23 the employee is actually employed after the disablement, for a period
24 not to exceed three hundred (300) weeks. Compensation shall be
25 allowed for the first seven (7) calendar days only if the disability
26 continues for longer than twenty-one (21) days. In case of partial
27 disability after the period of temporary total disability, the latter period
28 shall be included as a part of the maximum period allowed for partial
29 disability.

30 (i) For disabilities occurring on and after July 1, 1979, and before
31 July 1, 1988, from occupational disease in the schedule set forth in
32 subsection (l), the employee shall receive in addition to disability
33 benefits, not exceeding fifty-two (52) weeks on account of the
34 occupational disease, a weekly compensation of sixty percent (60%) of
35 the employee's average weekly wages, not to exceed one hundred
36 twenty-five dollars (\$125) average weekly wages, for the period stated
37 for the disabilities.

38 (j) For disabilities occurring on and after July 1, 1988, and before
39 July 1, 1989, from occupational disease in the schedule set forth in
40 subsection (l), the employee shall receive in addition to disability
41 benefits, not exceeding seventy-eight (78) weeks on account of the
42 occupational disease, a weekly compensation of sixty percent (60%) of



1 the employee's average weekly wages, not to exceed one hundred
 2 sixty-six dollars (\$166) average weekly wages, for the period stated for
 3 the disabilities.

4 (k) For disabilities occurring on and after July 1, 1989, and before
 5 July 1, 1990, from occupational disease in the schedule set forth in
 6 subsection (l), the employee shall receive in addition to disability
 7 benefits, not exceeding seventy-eight (78) weeks on account of the
 8 occupational disease, a weekly compensation of sixty percent (60%) of
 9 the employee's average weekly wages, not to exceed one hundred
 10 eighty-three dollars (\$183) average weekly wages, for the period stated
 11 for the disabilities.

12 (l) For disabilities occurring on and after July 1, 1990, and before
 13 July 1, 1991, from occupational disease in the following schedule, the
 14 employee shall receive in addition to disability benefits, not exceeding
 15 seventy-eight (78) weeks on account of the occupational disease, a
 16 weekly compensation of sixty percent (60%) of the employee's average
 17 weekly wages, not to exceed two hundred dollars (\$200) average
 18 weekly wages, for the period stated for the disabilities.

19 (1) Amputations: For the loss by separation, of the thumb, sixty
 20 (60) weeks; of the index finger, forty (40) weeks; of the second
 21 finger, thirty-five (35) weeks; of the third or ring finger, thirty
 22 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
 23 hand by separation below the elbow, two hundred (200) weeks; of
 24 the arm above the elbow joint, two hundred fifty (250) weeks; of
 25 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 26 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
 27 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
 28 the knee joint, one hundred fifty (150) weeks; and of the leg
 29 above the knee joint, two hundred (200) weeks. The loss of more
 30 than one (1) phalange of a thumb or toe shall be considered as the
 31 loss of the entire thumb or toe. The loss of more than two (2)
 32 phalanges of a finger shall be considered as the loss of the entire
 33 finger. The loss of not more than one (1) phalange of a thumb or
 34 toe shall be considered as the loss of one-half (1/2) of the thumb
 35 or toe and compensation shall be paid for one-half (1/2) of the
 36 period for the loss of the entire thumb or toe. The loss of not more
 37 than two (2) phalanges of a finger shall be considered as the loss
 38 of one-half (1/2) the finger and compensation shall be paid for
 39 one-half (1/2) of the period for the loss of the entire finger.

40 (2) Loss of Use: The total permanent loss of the use of an arm,
 41 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 42 as the equivalent of the loss by separation of the arm, hand,



- 1 thumb, finger, leg, foot, toe, or phalange and the compensation
 2 shall be paid for the same period as for the loss thereof by
 3 separation.
- 4 (3) Partial Loss of Use: For the permanent partial loss of the use
 5 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 6 compensation shall be paid for the proportionate loss of the use of
 7 such arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 8 (4) For disablements for occupational disease resulting in total
 9 permanent disability, five hundred (500) weeks.
- 10 (5) For the loss of both hands, or both feet, or the total sight of
 11 both eyes, or any two (2) of such losses resulting from the same
 12 disablement by occupational disease, five hundred (500) weeks.
- 13 (6) For the permanent and complete loss of vision by enucleation
 14 of an eye, or its ~~education~~ **reduction** to one-tenth (1/10) of normal
 15 vision with glasses, one hundred fifty (150) weeks, and for any
 16 other permanent reduction of the sight of an eye, compensation
 17 shall be paid for a period proportionate to the degree of such
 18 permanent reduction without correction or glasses. However,
 19 when such permanent reduction without correction or glasses
 20 would result in one hundred percent (100%) loss of vision, but
 21 correction or glasses would result in restoration of vision, then
 22 compensation shall be paid for fifty percent (50%) of such total
 23 loss of vision without glasses plus an additional amount equal to
 24 the proportionate amount of such reduction with glasses, not to
 25 exceed an additional fifty percent (50%).
- 26 (7) For the permanent and complete loss of hearing, two hundred
 27 (200) weeks.
- 28 (8) In all other cases of permanent partial impairment,
 29 compensation proportionate to the degree of such permanent
 30 partial impairment, in the discretion of the worker's compensation
 31 board, not exceeding five hundred (500) weeks.
- 32 (9) In all cases of permanent disfigurement, which may impair the
 33 future usefulness or opportunities of the employee, compensation
 34 in the discretion of the worker's compensation board, not
 35 exceeding two hundred (200) weeks, except that no compensation
 36 shall be payable under this paragraph where compensation shall
 37 be payable under subdivisions (1) through (8). Where
 38 compensation for temporary total disability has been paid, this
 39 amount of compensation shall be deducted from any
 40 compensation due for permanent disfigurement.
- 41 (m) With respect to disablements in the following schedule
 42 occurring on and after July 1, 1991, the employee shall receive in



1 addition to temporary total disability benefits, not exceeding one
2 hundred twenty-five (125) weeks on account of the disablement,
3 compensation in an amount determined under the following schedule
4 to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%)
5 of the employee's average weekly wages during the fifty-two (52)
6 weeks immediately preceding the week in which the disablement
7 occurred:

8 (1) Amputation: For the loss by separation of the thumb, twelve
9 (12) degrees of permanent impairment; of the index finger, eight
10 (8) degrees of permanent impairment; of the second finger, seven
11 (7) degrees of permanent impairment; of the third or ring finger,
12 six (6) degrees of permanent impairment; of the fourth or little
13 finger, four (4) degrees of permanent impairment; of the hand by
14 separation below the elbow joint, forty (40) degrees of permanent
15 impairment; of the arm above the elbow, fifty (50) degrees of
16 permanent impairment; of the big toe, twelve (12) degrees of
17 permanent impairment; of the second toe, six (6) degrees of
18 permanent impairment; of the third toe, four (4) degrees of
19 permanent impairment; of the fourth toe, three (3) degrees of
20 permanent impairment; of the fifth or little toe, two (2) degrees of
21 permanent impairment; of separation of the foot below the knee
22 joint, thirty-five (35) degrees of permanent impairment; and of the
23 leg above the knee joint, forty-five (45) degrees of permanent
24 impairment.

25 (2) Amputations occurring on or after July 1, 1997: For the loss
26 by separation of any of the body parts described in subdivision (1)
27 on or after July 1, 1997, the dollar values per degree applying on
28 the date of the injury as described in subsection (n) shall be
29 multiplied by two (2). However, the doubling provision of this
30 subdivision does not apply to a loss of use that is not a loss by
31 separation.

32 (3) The loss of more than one (1) phalange of a thumb or toe shall
33 be considered as the loss of the entire thumb or toe. The loss of
34 more than two (2) phalanges of a finger shall be considered as the
35 loss of the entire finger. The loss of not more than one (1)
36 phalange of a thumb or toe shall be considered as the loss of
37 one-half (1/2) of the degrees of permanent impairment for the loss
38 of the entire thumb or toe. The loss of not more than one (1)
39 phalange of a finger shall be considered as the loss of one-third
40 (1/3) of the finger and compensation shall be paid for one-third
41 (1/3) of the degrees payable for the loss of the entire finger. The
42 loss of more than one (1) phalange of the finger but not more than



- 1 two (2) phalanges of the finger shall be considered as the loss of
2 one-half (1/2) of the finger and compensation shall be paid for
3 one-half (1/2) of the degrees payable for the loss of the entire
4 finger.
- 5 (4) For the loss by separation of both hands or both feet or the
6 total sight of both eyes or any two (2) such losses in the same
7 accident, one hundred (100) degrees of permanent impairment.
- 8 (5) For the permanent and complete loss of vision by enucleation
9 or its reduction to one-tenth (1/10) of normal vision with glasses,
10 thirty-five (35) degrees of permanent impairment.
- 11 (6) For the permanent and complete loss of hearing in one (1) ear,
12 fifteen (15) degrees of permanent impairment, and in both ears,
13 forty (40) degrees of permanent impairment.
- 14 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
15 impairment; for the loss of both testicles, thirty (30) degrees of
16 permanent impairment.
- 17 (8) Loss of use: The total permanent loss of the use of an arm, a
18 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
19 considered as the equivalent of the loss by separation of the arm,
20 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
21 shall be paid in the same amount as for the loss by separation.
22 However, the doubling provision of subdivision (2) does not
23 apply to a loss of use that is not a loss by separation.
- 24 (9) Partial loss of use: For the permanent partial loss of the use of
25 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
26 phalange, compensation shall be paid for the proportionate loss of
27 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 28 (10) For disablements resulting in total permanent disability, the
29 amount payable for impairment or five hundred (500) weeks of
30 compensation, whichever is greater.
- 31 (11) Visual impairments shall be based on the Functional Vision
32 Score (FVS) assessing the visual acuity and visual field to
33 evaluate any reduction in ability to perform vision-related
34 Activities of Daily Living (ADL). Unless such loss is otherwise
35 specified in subdivision (5), visual impairments shall be paid as
36 a whole person rating.
- 37 (12) For any permanent reduction of the hearing of one (1) or both
38 ears, less than the total loss as specified in subdivision (6),
39 compensation shall be paid in an amount proportionate to the
40 degree of a permanent reduction.
- 41 (13) In all other cases of permanent partial impairment,
42 compensation proportionate to the degree of a permanent partial



- 1 impairment, in the discretion of the worker's compensation board,
2 not exceeding one hundred (100) degrees of permanent
3 impairment.
- 4 (14) In all cases of permanent disfigurement which may impair
5 the future usefulness or opportunities of the employee,
6 compensation, in the discretion of the worker's compensation
7 board, not exceeding forty (40) degrees of permanent impairment
8 except that no compensation shall be payable under this
9 subdivision where compensation is payable elsewhere in this
10 section.
- 11 (n) With respect to disablements occurring on and after July 1,
12 1991, compensation for permanent partial impairment shall be paid
13 according to the degree of permanent impairment for the disablement
14 determined under subsection (m) and the following:
- 15 (1) With respect to disablements occurring on and after July 1,
16 1991, and before July 1, 1992, for each degree of permanent
17 impairment from one (1) to thirty-five (35), five hundred dollars
18 (\$500) per degree; for each degree of permanent impairment from
19 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
20 degree; for each degree of permanent impairment above fifty (50),
21 one thousand five hundred dollars (\$1,500) per degree.
- 22 (2) With respect to disablements occurring on and after July 1,
23 1992, and before July 1, 1993, for each degree of permanent
24 impairment from one (1) to twenty (20), five hundred dollars
25 (\$500) per degree; for each degree of permanent impairment from
26 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
27 per degree; for each degree of permanent impairment from
28 thirty-six (36) to fifty (50), one thousand three hundred dollars
29 (\$1,300) per degree; for each degree of permanent impairment
30 above fifty (50), one thousand seven hundred dollars (\$1,700) per
31 degree.
- 32 (3) With respect to disablements occurring on and after July 1,
33 1993, and before July 1, 1997, for each degree of permanent
34 impairment from one (1) to ten (10), five hundred dollars (\$500)
35 per degree; for each degree of permanent impairment from eleven
36 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
37 each degree of permanent impairment from twenty-one (21) to
38 thirty-five (35), one thousand dollars (\$1,000) per degree; for
39 each degree of permanent impairment from thirty-six (36) to fifty
40 (50), one thousand four hundred dollars (\$1,400) per degree; for
41 each degree of permanent impairment above fifty (50), one
42 thousand seven hundred dollars (\$1,700) per degree.



- 1 (4) With respect to disablements occurring on and after July 1,
2 1997, and before July 1, 1998, for each degree of permanent
3 impairment from one (1) to ten (10), seven hundred fifty dollars
4 (\$750) per degree; for each degree of permanent impairment from
5 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
6 degree; for each degree of permanent impairment from thirty-six
7 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
8 degree; for each degree of permanent impairment above fifty (50),
9 one thousand seven hundred dollars (\$1,700) per degree.
- 10 (5) With respect to disablements occurring on and after July 1,
11 1998, and before July 1, 1999, for each degree of permanent
12 impairment from one (1) to ten (10), seven hundred fifty dollars
13 (\$750) per degree; for each degree of permanent impairment from
14 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
15 degree; for each degree of permanent impairment from thirty-six
16 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
17 degree; for each degree of permanent impairment above fifty (50),
18 one thousand seven hundred dollars (\$1,700) per degree.
- 19 (6) With respect to disablements occurring on and after July 1,
20 1999, and before July 1, 2000, for each degree of permanent
21 impairment from one (1) to ten (10), nine hundred dollars (\$900)
22 per degree; for each degree of permanent impairment from eleven
23 (11) to thirty-five (35), one thousand one hundred dollars
24 (\$1,100) per degree; for each degree of permanent impairment
25 from thirty-six (36) to fifty (50), one thousand six hundred dollars
26 (\$1,600) per degree; for each degree of permanent impairment
27 above fifty (50), two thousand dollars (\$2,000) per degree.
- 28 (7) With respect to disablements occurring on and after July 1,
29 2000, and before July 1, 2001, for each degree of permanent
30 impairment from one (1) to ten (10), one thousand one hundred
31 dollars (\$1,100) per degree; for each degree of permanent
32 impairment from eleven (11) to thirty-five (35), one thousand
33 three hundred dollars (\$1,300) per degree; for each degree of
34 permanent impairment from thirty-six (36) to fifty (50), two
35 thousand dollars (\$2,000) per degree; for each degree of
36 permanent impairment above fifty (50), two thousand five
37 hundred fifty dollars (\$2,500) per degree.
- 38 (8) With respect to disablements occurring on and after July 1,
39 2001, and before July 1, 2007, for each degree of permanent
40 impairment from one (1) to ten (10), one thousand three hundred
41 dollars (\$1,300) per degree; for each degree of permanent
42 impairment from eleven (11) to thirty-five (35), one thousand five



1 hundred dollars (\$1,500) per degree; for each degree of
2 permanent impairment from thirty-six (36) to fifty (50), two
3 thousand four hundred dollars (\$2,400) per degree; for each
4 degree of permanent impairment above fifty (50), three thousand
5 dollars (\$3,000) per degree.

6 (9) With respect to disablements occurring on and after July 1,
7 2007, and before July 1, 2008, for each degree of permanent
8 impairment from one (1) to ten (10), one thousand three hundred
9 forty dollars (\$1,340) per degree; for each degree of permanent
10 impairment from eleven (11) to thirty-five (35), one thousand five
11 hundred forty-five dollars (\$1,545) per degree; for each degree of
12 permanent impairment from thirty-six (36) to fifty (50), two
13 thousand four hundred seventy-five dollars (\$2,475) per degree;
14 for each degree of permanent impairment above fifty (50), three
15 thousand one hundred fifty dollars (\$3,150) per degree.

16 (10) With respect to disablements occurring on and after July 1,
17 2008, and before July 1, 2009, for each degree of permanent
18 impairment from one (1) to ten (10), one thousand three hundred
19 sixty-five dollars (\$1,365) per degree; for each degree of
20 permanent impairment from eleven (11) to thirty-five (35), one
21 thousand five hundred seventy dollars (\$1,570) per degree; for
22 each degree of permanent impairment from thirty-six (36) to fifty
23 (50), two thousand five hundred twenty-five dollars (\$2,525) per
24 degree; for each degree of permanent impairment above fifty (50),
25 three thousand two hundred dollars (\$3,200) per degree.

26 (11) With respect to disablements occurring on and after July 1,
27 2009, and before July 1, 2010, for each degree of permanent
28 impairment from one (1) to ten (10), one thousand three hundred
29 eighty dollars (\$1,380) per degree; for each degree of permanent
30 impairment from eleven (11) to thirty-five (35), one thousand five
31 hundred eighty-five dollars (\$1,585) per degree; for each degree
32 of permanent impairment from thirty-six (36) to fifty (50), two
33 thousand six hundred dollars (\$2,600) per degree; for each degree
34 of permanent impairment above fifty (50), three thousand three
35 hundred dollars (\$3,300) per degree.

36 (12) With respect to disablements occurring on and after July 1,
37 2010, and before July 1, 2014, for each degree of permanent
38 impairment from one (1) to ten (10), one thousand four hundred
39 dollars (\$1,400) per degree; for each degree of permanent
40 impairment from eleven (11) to thirty-five (35), one thousand six
41 hundred dollars (\$1,600) per degree; for each degree of
42 permanent impairment from thirty-six (36) to fifty (50), two



- 1 thousand seven hundred dollars (\$2,700) per degree; for each
 2 degree of permanent impairment above fifty (50), three thousand
 3 five hundred dollars (\$3,500) per degree.
- 4 (13) With respect to disablements occurring on and after July 1,
 5 2014, and before July 1, 2015, for each degree of permanent
 6 impairment from one (1) to ten (10), one thousand five hundred
 7 seventeen dollars (\$1,517) per degree; for each degree of
 8 permanent impairment from eleven (11) to thirty-five (35), one
 9 thousand seven hundred seventeen dollars (\$1,717) per degree;
 10 for each degree of permanent impairment from thirty-six (36) to
 11 fifty (50), two thousand eight hundred sixty-two dollars (\$2,862)
 12 per degree; for each degree of permanent impairment above fifty
 13 (50), three thousand six hundred eighty-seven dollars (\$3,687) per
 14 degree.
- 15 (14) With respect to disablements occurring on and after July 1,
 16 2015, and before July 1, 2016, for each degree of permanent
 17 impairment from one (1) to ten (10), one thousand six hundred
 18 thirty-three dollars (\$1,633) per degree; for each degree of
 19 permanent impairment from eleven (11) to thirty-five (35), one
 20 thousand eight hundred thirty-five dollars (\$1,835) per degree; for
 21 each degree of permanent impairment from thirty-six (36) to fifty
 22 (50), three thousand twenty-four dollars (\$3,024) per degree; for
 23 each degree of permanent impairment above fifty (50), three
 24 thousand eight hundred seventy-three dollars (\$3,873) per degree.
- 25 (15) With respect to disablements occurring on and after July 1,
 26 2016, for each degree of permanent impairment from one (1) to
 27 ten (10), one thousand seven hundred fifty dollars (\$1,750) per
 28 degree; for each degree of permanent impairment from eleven
 29 (11) to thirty-five (35), one thousand nine hundred fifty-two
 30 dollars (\$1,952) per degree; for each degree of permanent
 31 impairment from thirty-six (36) to fifty (50), three thousand one
 32 hundred eighty-six dollars (\$3,186) per degree; for each degree of
 33 permanent impairment above fifty (50), four thousand sixty
 34 dollars (\$4,060) per degree.
- 35 (o) The average weekly wages used in the determination of
 36 compensation for permanent partial impairment under subsections (m)
 37 and (n) shall not exceed the following:
- 38 (1) With respect to disablements occurring on or after July 1,
 39 1991, and before July 1, 1992, four hundred ninety-two dollars
 40 (\$492).
- 41 (2) With respect to disablements occurring on or after July 1,
 42 1992, and before July 1, 1993, five hundred forty dollars (\$540).



- 1 (3) With respect to disablements occurring on or after July 1,
2 1993, and before July 1, 1994, five hundred ninety-one dollars
3 (\$591).
- 4 (4) With respect to disablements occurring on or after July 1,
5 1994, and before July 1, 1997, six hundred forty-two dollars
6 (\$642).
- 7 (5) With respect to disablements occurring on or after July 1,
8 1997, and before July 1, 1998, six hundred seventy-two dollars
9 (\$672).
- 10 (6) With respect to disablements occurring on or after July 1,
11 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 12 (7) With respect to disablements occurring on or after July 1,
13 1999, and before July 1, 2000, seven hundred thirty-two dollars
14 (\$732).
- 15 (8) With respect to disablements occurring on or after July 1,
16 2000, and before July 1, 2001, seven hundred sixty-two dollars
17 (\$762).
- 18 (9) With respect to disablements occurring on or after July 1,
19 2001, and before July 1, 2002, eight hundred twenty-two dollars
20 (\$822).
- 21 (10) With respect to disablements occurring on or after July 1,
22 2002, and before July 1, 2006, eight hundred eighty-two dollars
23 (\$882).
- 24 (11) With respect to disablements occurring on or after July 1,
25 2006, and before July 1, 2007, nine hundred dollars (\$900).
- 26 (12) With respect to disablements occurring on or after July 1,
27 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).
- 28 (13) With respect to disablements occurring on or after July 1,
29 2008, and before July 1, 2009, nine hundred fifty-four dollars
30 (\$954).
- 31 (14) With respect to disablements occurring on or after July 1,
32 2009, and before July 1, 2014, nine hundred seventy-five dollars
33 (\$975).
- 34 (15) With respect to disablements occurring on or after July 1,
35 2014, and before July 1, 2015, one thousand forty dollars
36 (\$1,040).
- 37 (16) With respect to disablements occurring on or after July 1,
38 2015, and before July 1, 2016, one thousand one hundred five
39 dollars (\$1,105).
- 40 (17) With respect to disablements occurring on or after July 1,
41 2016, one thousand one hundred seventy dollars (\$1,170).
- 42 (p) If any employee, only partially disabled, refuses employment



1 suitable to the employee's capacity procured for the employee, the
2 employee shall not be entitled to any compensation at any time during
3 the continuance of such refusal unless, in the opinion of the worker's
4 compensation board, such refusal was justifiable. The employee must
5 be served with a notice setting forth the consequences of the refusal
6 under this subsection. The notice must be in a form prescribed by the
7 worker's compensation board.

8 (q) If an employee has sustained a permanent impairment or
9 disability from an accidental injury other than an occupational disease
10 in another employment than that in which the employee suffered a
11 subsequent disability from an occupational disease, such as herein
12 specified, the employee shall be entitled to compensation for the
13 subsequent disability in the same amount as if the previous impairment
14 or disability had not occurred. However, if the permanent impairment
15 or disability resulting from an occupational disease for which
16 compensation is claimed results only in the aggravation or increase of
17 a previously sustained permanent impairment from an occupational
18 disease or physical condition regardless of the source or cause of such
19 previously sustained impairment from an occupational disease or
20 physical condition, the board shall determine the extent of the
21 previously sustained permanent impairment from an occupational
22 disease or physical condition as well as the extent of the aggravation or
23 increase resulting from the subsequent permanent impairment or
24 disability, and shall award compensation only for that part of said
25 occupational disease or physical condition resulting from the
26 subsequent permanent impairment. An amputation of any part of the
27 body or loss of any or all of the vision of one (1) or both eyes caused by
28 an occupational disease shall be considered as a permanent impairment
29 or physical condition.

30 (r) If an employee suffers a disablement from an occupational
31 disease for which compensation is payable while the employee is still
32 receiving or entitled to compensation for a previous injury by accident
33 or disability by occupational disease in the same employment, the
34 employee shall not at the same time be entitled to compensation for
35 both, unless it be for a permanent injury, such as specified in
36 subsection (m)(1), (m)(4), (m)(5), (m)(8), or (m)(9), but the employee
37 shall be entitled to compensation for that disability and from the time
38 of that disability which will cover the longest period and the largest
39 amount payable under this chapter.

40 (s) If an employee receives a permanent disability from an
41 occupational disease such as specified in subsection (m)(1), (m)(4),
42 (m)(5), (m)(8), or (m)(9) after having sustained another such



1 permanent disability in the same employment the employee shall be
2 entitled to compensation for both such disabilities, but the total
3 compensation shall be paid by extending the period and not by
4 increasing the amount of weekly compensation and, when such
5 previous and subsequent permanent disabilities, in combination result
6 in total permanent disability or permanent total impairment,
7 compensation shall be payable for such permanent total disability or
8 impairment, but payments made for the previous disability or
9 impairment shall be deducted from the total payment of compensation
10 due.

11 (t) When an employee has been awarded or is entitled to an award
12 of compensation for a definite period from an occupational disease
13 wherein disablement occurs on and after April 1, 1963, and such
14 employee dies from other causes than such occupational disease,
15 payment of the unpaid balance of such compensation not exceeding
16 three hundred fifty (350) weeks shall be paid to the employee's
17 dependents of the second and third class as defined in sections 11
18 through 14 of this chapter and compensation, not exceeding five
19 hundred (500) weeks shall be made to the employee's dependents of the
20 first class as defined in sections 11 through 14 of this chapter.

21 (u) Any payment made by the employer to the employee during the
22 period of the employee's disability, or to the employee's dependents,
23 which, by the terms of this chapter, was not due and payable when
24 made, may, subject to the approval of the worker's compensation board,
25 be deducted from the amount to be paid as compensation, but such
26 deduction shall be made from the distal end of the period during which
27 compensation must be paid, except in cases of temporary disability.

28 (v) When so provided in the compensation agreement or in the
29 award of the worker's compensation board, compensation may be paid
30 semimonthly, or monthly, instead of weekly.

31 (w) When the aggregate payments of compensation awarded by
32 agreement or upon hearing to an employee or dependent under eighteen
33 (18) years of age do not exceed one hundred dollars (\$100), the
34 payment thereof may be made directly to such employee or dependent,
35 except when the worker's compensation board shall order otherwise.

36 (x) Whenever the aggregate payments of compensation, due to any
37 person under eighteen (18) years of age, exceed one hundred dollars
38 (\$100), the payment thereof shall be made to a trustee, appointed by the
39 circuit or superior court, or to a duly qualified guardian, or, upon the
40 order of the worker's compensation board, to a parent or to such minor
41 person. The payment of compensation, due to any person eighteen (18)
42 years of age or over, may be made directly to such person.



1 (y) If an employee, or a dependent, is mentally incompetent, or a
 2 minor at the time when any right or privilege accrues to the employee
 3 under this chapter, the employee's guardian or trustee may, in the
 4 employee's behalf, claim and exercise such right and privilege.

5 (z) All compensation payments named and provided for in this
 6 section, shall mean and be defined to be for only such occupational
 7 diseases and disabilities therefrom as are proved by competent
 8 evidence, of which there are or have been objective conditions or
 9 symptoms proven, not within the physical or mental control of the
 10 employee.

11 SECTION 65. IC 24-4.5-2-201, AS AMENDED BY P.L.85-2020,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 201. Credit Service Charge for Consumer Credit
 14 Sales — (1) Except as provided in subsections (8) and (11), with
 15 respect to a consumer credit sale, a seller may contract for and receive
 16 a credit service charge not exceeding that permitted by this section.

17 (2) The credit service charge, calculated according to the actuarial
 18 method, may not exceed the equivalent of the greater of:

19 (a) the total of:

20 (i) thirty-six percent (36%) per year on that part of the unpaid
 21 balances of the amount financed (as defined in section 111 of
 22 this chapter) which is two thousand dollars (\$2,000) or less;

23 (ii) twenty-one percent (21%) per year on that part of the
 24 unpaid balances of the amount financed (as defined in section
 25 111 of this chapter) which is more than two thousand dollars
 26 (\$2,000) but does not exceed four thousand dollars (\$4,000);
 27 and

28 (iii) fifteen percent (15%) per year on that part of the unpaid
 29 balances of the amount financed (as defined in section 111 of
 30 this chapter) which is more than four thousand dollars
 31 (\$4,000); or

32 (b) twenty-five percent (25%) per year on the unpaid balances of
 33 the amount financed (as defined in section 111 of this chapter).

34 (3) In the case of a sale agreement entered into before July 1, 2020,
 35 this section does not limit or restrict the manner of contracting for the
 36 credit service charge, whether by way of add-on, discount, or
 37 otherwise, so long as the rate of the credit service charge does not
 38 exceed that permitted by this section. If the sale is precomputed:

39 (a) the credit service charge may be calculated on the assumption
 40 that all scheduled payments will be made when due; and

41 (b) the effect of prepayment is governed by the provisions on
 42 rebate upon prepayment in section 210 of this chapter.



1 (4) The following apply to a sale agreement for a consumer credit
 2 sale (or for the refinancing or consolidation of a consumer credit sale)
 3 that is entered into after June 30, 2020:

4 (a) The credit service charge authorized by this section must be:

5 (i) contracted for between the seller and the debtor; and

6 (ii) calculated by applying a rate not exceeding the rate set
 7 forth in subsection (2) to unpaid balances of the amount
 8 financed (as defined in section 111 of this chapter).

9 (b) A sale agreement for a precomputed consumer credit sale is
 10 prohibited.

11 (c) Subject to subsection (13), in addition to the credit service
 12 charge authorized by subsection (2) and to any other fees
 13 permitted by this chapter, and not subject to the rate set forth in
 14 subsection (2), the seller may contract for and receive as a
 15 condition for, or an incident to, the extension of credit a
 16 nonrefundable prepaid finance charge under subsection (11),
 17 whether the charge is:

18 (i) paid separately in cash or by check before or at
 19 consummation; or

20 (ii) withheld from the proceeds of the consumer credit sale.

21 (5) For the purposes of this section, the term of a sale agreement
 22 commences with the date the credit is granted or, if goods are delivered
 23 or services performed more than thirty (30) days after that date, with
 24 the date of commencement of delivery or performance except as set
 25 forth below:

26 (a) Delays attributable to the customer. Where the customer
 27 requests delivery after the thirty (30) day period or where delivery
 28 occurs after the thirty (30) day period for a reason attributable to
 29 the customer (including but not limited to failure to close on a
 30 residence or failure to obtain lease approval), the term of the sale
 31 agreement shall commence with the date credit is granted.

32 (b) Partial Deliveries. Where any portion of the order has been
 33 delivered within the thirty (30) day period, the term of the sale
 34 agreement shall commence with the date credit is granted.

35 Differences in the lengths of months are disregarded and a day may be
 36 counted as one-thirtieth (1/30) of a month. Subject to classifications
 37 and differentiations the seller may reasonably establish, a part of a
 38 month in excess of fifteen (15) days may be treated as a full month if
 39 periods of fifteen (15) days or less are disregarded and that procedure
 40 is not consistently used to obtain a greater yield than would otherwise
 41 be permitted.

42 (6) With respect to a consumer credit sale made pursuant to a



1 revolving charge account, the parties to the sale may contract for the
 2 payment by the buyer of a credit service charge not exceeding that
 3 permitted in this section, subject to the following:

4 (a) The credit service charge contracted for and received may not
 5 exceed a charge in each monthly billing cycle which is either two
 6 and eighty-three thousandths percent (2.083%) of an amount not
 7 greater than:

8 (i) the average daily balance of the account;

9 (ii) the unpaid balance of the account on the same day of the
 10 billing cycle; or

11 (iii) subject to subsection (7), the median amount within a
 12 specified range within which the average daily balance of the
 13 account or the unpaid balance of the account, on the same day
 14 of the billing cycle, is included.

15 For purposes of clauses (ii) and (iii), a variation of not more than
 16 four (4) days from month to month is "the same day of the billing
 17 cycle".

18 (b) If the billing cycle is not monthly, the maximum charge is that
 19 percentage which bears the same relation to the applicable
 20 monthly maximum percentage as the number of days in the billing
 21 cycle bears to thirty (30).

22 (c) Notwithstanding subdivision (a), if there is an unpaid balance
 23 on the date as of which the credit service charge is applied, the
 24 seller may contract for and receive a charge not exceeding fifty
 25 cents (\$0.50) if the billing cycle is monthly or longer, or the pro
 26 rata part of fifty cents (\$0.50) which bears the same relation to
 27 fifty cents (\$0.50) as the number of days in the billing cycle bears
 28 to thirty (30) if the billing cycle is shorter than monthly. However,
 29 a seller may not contract for or receive a charge under this
 30 subdivision if the seller has made an annual charge for the same
 31 period as permitted by the provisions on additional charges in
 32 section 202(1)(e) of this chapter.

33 (7) Subject to classifications and differentiations the seller may
 34 reasonably establish, the seller may make the same credit service
 35 charge on all amounts financed within a specified range. A credit
 36 service charge so made does not violate subsection (2) if:

37 (a) when applied to the median amount within each range, it does
 38 not exceed the maximum permitted by subsection (2); and

39 (b) when applied to the lowest amount within each range, it does
 40 not produce a rate of credit service charge exceeding the rate
 41 calculated according to subdivision (a) by more than eight percent
 42 (8%) of the rate calculated according to subdivision (a).



1 (8) Notwithstanding subsection (2), with respect to a consumer sale
 2 other than a sale under a revolving charge account, the seller may
 3 contract for and receive a minimum credit service charge of not more
 4 than thirty dollars (\$30). The minimum credit service charge allowed
 5 under this subsection may be imposed only if the seller does not
 6 contract for or receive a nonrefundable prepaid finance charge under
 7 subsection (11) and:

8 (a) the debtor prepays in full a consumer credit sale, refinancing,
 9 or consolidation, regardless of whether the sale, refinancing, or
 10 consolidation is precomputed;

11 (b) the sale, refinancing, or consolidation prepaid by the debtor is
 12 subject to a credit service charge that:

13 (i) is contracted for by the parties; and

14 (ii) does not exceed the rate prescribed in subsection (2); and

15 (c) the credit service charge earned at the time of prepayment is
 16 less than the minimum credit service charge contracted for under
 17 this subsection.

18 (9) The amounts of two thousand dollars (\$2,000) and four thousand
 19 dollars (\$4,000) in subsection (2) are subject to change pursuant to the
 20 provisions on adjustment of dollar amounts (IC 24-4.5-1-106).
 21 However, notwithstanding IC 24-4.5-1-106(1), the Reference Base
 22 Index to be used under this subsection is the Index for October 2012.

23 (10) The amount of thirty dollars (\$30) in subsection (8) is subject
 24 to change under the provisions on adjustment of dollar amounts (IC
 25 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), the
 26 Reference Base Index to be used under this subsection is the Index for
 27 October 1992.

28 (11) This subsection applies to a sale agreement entered into after
 29 June 30, 2020. Except as provided in subsection (8), and subject to
 30 subsection (13), in addition to the credit service charge authorized by
 31 subsection (2), and to any other fees permitted by this chapter, a seller
 32 may contract for and receive a nonrefundable prepaid finance charge
 33 in an amount which is not more than:

34 (a) seventy-five dollars (\$75) for an amount financed (as defined
 35 in section 111 of this chapter) which is two thousand dollars
 36 (\$2,000) or less;

37 (b) one hundred fifty dollars (\$150) for an amount financed (as
 38 defined in section 111 of this chapter) which is more than two
 39 thousand dollars (\$2,000) but does not exceed four thousand
 40 dollars (\$4,000); and

41 (c) two hundred dollars (\$200) for an amount financed (as defined
 42 in section 111 of this chapter) which is more than four thousand



1 dollars (\$4,000).
 2 The nonrefundable prepaid finance charge is not subject to refund or
 3 rebate. However, any amount charged by the seller, other than by a
 4 seller that is a depository institution (as defined in
 5 IC 24-4.5-1-301.5(12)), under this subsection that exceeds the
 6 applicable amount permitted by this subsection constitutes a violation
 7 of this article under IC 24-4.5-6-107.5(1) and is subject to refund. Any
 8 amount charged by a depository institution (as defined in
 9 IC 24-4.5-1-301.5(12)) under this subsection that exceeds the
 10 applicable amount set forth in this subsection is subject to refund. The
 11 amounts in this subsection are not subject to change under
 12 IC 24-4.5-1-106.

13 (12) If the director determines that a seller's accrual method of
 14 accounting as applied to a consumer credit sale under this section
 15 involves the application of subterfuge for the purpose of circumventing
 16 this chapter, the director may conform the credit service charge and
 17 fees for the transaction to the limitations set forth in this section and
 18 may require a refund of overcharges under IC 24-4.5-6-106(2)(a). A
 19 determination by the director under this subsection:

- 20 (a) must be in writing;
 21 (b) shall be delivered to all parties in the transaction; and
 22 (c) is subject to IC 4-21.5-3.

23 (13) At the time of consummation of a consumer credit sale:
 24 (a) the credit service charge authorized by subsection (2); and
 25 (b) the nonrefundable prepaid finance charge authorized by
 26 subsection (11) (including any amount charged by a depository
 27 institution (as defined in IC 24-4.5-1-301.5(12)) that exceeds the
 28 applicable amount set forth in subsection (11)) in the case of a
 29 sale agreement entered into after June 30, 2020;
 30 are subject to IC 35-45-7 and, when combined, may not exceed the rate
 31 set forth in IC 35-45-7-2.

32 SECTION 66. IC 24-9-4-7, AS AMENDED BY P.L.1-2006,
 33 SECTION 415, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2021]: Sec. 7. A creditor may not make a high
 35 cost home loan without first providing the borrower information to
 36 facilitate contact with a nonprofit counseling agency certified by:

- 37 (1) the United States Department of Housing and Urban
 38 Development; or
 39 (2) the Indiana housing and community development authority
 40 under ~~IC 5-20-1-4(g)~~; **IC 5-20-1-4(d)**;

41 at the same time as the good faith estimates are provided to the
 42 borrower in accordance with the requirements of the federal Real



1 Estate Settlement Procedures Act (12 U.S.C. 2601 et seq. ~~As seq.~~) as
2 amended.

3 SECTION 67. IC 25-1-7-3, AS AMENDED BY P.L.170-2013,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 3. (a) Except as provided in subsections (b) and
6 (c), the division is responsible for the investigation of complaints
7 concerning licensees.

8 (b) The medical licensing board of Indiana shall investigate a
9 complaint concerning a physician licensed under IC 25-22.5 and a
10 violation specified in IC 25-22.5-2-8. The division shall forward a
11 complaint concerning a physician licensed under IC 25-22.5 and a
12 violation specified in IC 25-22.5-2-8 to the medical licensing board of
13 Indiana for investigation by the board. However, if the complaint
14 includes a violation in addition to a violation specified in
15 IC 25-22.5-2-8, the division shall investigate the complaint in its
16 entirety and notify the medical licensing board of Indiana of the
17 investigation.

18 (c) The state board of cosmetology and barber examiners shall
19 investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29,
20 ~~IC 25-8-9-10~~, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall
21 forward a complaint concerning the practice of beauty culture under
22 IC 25-8 to the state board of cosmetology and barber examiners for
23 investigation by the state board of cosmetology and barber examiners.
24 However, if the complaint includes a violation in addition to a violation
25 specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, ~~IC 25-8-9-10~~,
26 IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the
27 complaint in its entirety and notify the state board of cosmetology and
28 barber examiners of the investigation.

29 SECTION 68. IC 25-1-9-23, AS ADDED BY P.L.93-2020,
30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 23. (a) This section does not apply to emergency
32 services.

33 (b) As used in this section, "covered individual" means an
34 individual who is entitled to be provided health care services at a cost
35 established according to a network plan.

36 (c) As used in this section, "emergency services" means services
37 that are:

- 38 (1) furnished by a provider qualified to furnish emergency
39 services; and
- 40 (2) needed to evaluate or stabilize an emergency medical
41 condition.

42 (d) As used in this section, "in network practitioner" means a



1 practitioner who is required under a network plan to provide health
 2 care services to covered individuals at not more than a preestablished
 3 rate or amount of compensation.

4 (e) As used in this section, "network plan" means a plan under
 5 which facilities and practitioners are required by contract to provide
 6 health care services to covered individuals at not more than a
 7 preestablished rate or amount of compensation.

8 (f) As used in this section, "practitioner" means the following:

9 (1) An individual licensed under IC 25 who provides professional
 10 health care services to individuals in a facility.

11 (2) An organization:

12 (A) that consists of practitioners described in subdivision (1);
 13 and

14 (B) through which practitioners described in subdivision (1)
 15 provide health care services.

16 (3) An entity that:

17 (A) is not a facility; and

18 (B) employs practitioners described in subdivision (1) to
 19 provide health care services.

20 (g) An in network practitioner who provides covered health care
 21 services to a covered individual may not charge more for the covered
 22 health care services than allowed according to the rate or amount of
 23 compensation established by the individual's network plan.

24 (h) This subsection is effective beginning July 1, 2021. Except as
 25 provided in subsection ~~(h)~~, **(m)**, a practitioner shall provide to a covered
 26 individual, at least five (5) days before the health care service is
 27 scheduled to be provided to the covered individual, a good faith
 28 estimate of the amount that the practitioner intends to charge the
 29 covered individual for the health care service and in compliance with
 30 IC 25-1-9.8-14(a).

31 (i) An out of network practitioner who provides health care services
 32 at an in network facility to a covered individual may not be reimbursed
 33 more for the health care services than allowed according to the rate or
 34 amount of compensation established by the covered individual's
 35 network plan unless all of the following conditions are met:

36 (1) At least five (5) days before the health care services are
 37 scheduled to be provided to the covered individual, the
 38 practitioner provides to the covered individual, on a form separate
 39 from any other form provided to the covered individual by the
 40 practitioner, a statement in conspicuous type at least as large as
 41 14 point type that meets the following requirements:

42 (A) Includes a notice reading substantially as follows: "[Name



1 of practitioner] intends to charge you more for [name or
2 description of health care services] than allowed according to
3 the rate or amount of compensation established by the network
4 plan applying to your coverage. [Name of practitioner] is not
5 entitled to charge this much for [name or description of health
6 care services] unless you give your written consent to the
7 charge.".

8 (B) Sets forth the practitioner's good faith estimate of the
9 amount that the practitioner intends to charge for the health
10 care services provided to the covered individual.

11 (C) Includes a notice reading substantially as follows
12 concerning the good faith estimate set forth under clause (B):
13 "The estimate of our intended charge for [name or description
14 of health care services] set forth in this statement is provided
15 in good faith and is our best estimate of the amount we will
16 charge. If our actual charge for [name or description of health
17 care services] exceeds our estimate, we will explain to you
18 why the charge exceeds the estimate.".

19 (2) The covered individual signs the statement provided under
20 subdivision (1), signifying the covered individual's consent to the
21 charge for the health care services being greater than allowed
22 according to the rate or amount of compensation established by
23 the network plan.

24 (j) If an out of network practitioner does not meet the requirements
25 of subsection (i), the out of network practitioner shall include on any
26 bill remitted to a covered individual a written statement in 14 point
27 type stating that the covered individual is not responsible for more than
28 the rate or amount of compensation established by the covered
29 individual's network plan plus any required copayment, deductible, or
30 coinsurance.

31 (k) If a covered individual's network plan remits reimbursement to
32 the covered individual for health care services subject to the
33 reimbursement limitation of subsection (i), the network plan shall
34 provide with the reimbursement a written statement in 14 point type
35 that states that the covered individual is not responsible for more than
36 the rate or amount of compensation established by the covered
37 individual's network plan and that is included in the reimbursement
38 plus any required copayment, deductible, or coinsurance.

39 (l) If the charge of a practitioner for health care services provided
40 to a covered individual exceeds the estimate provided to the covered
41 individual under subsection (i)(1)(B), the facility or practitioner shall
42 explain in a writing provided to the covered individual why the charge



1 exceeds the estimate.

2 (m) An in network practitioner is not required to provide a covered
3 individual with the good faith estimate required under subsection (h)
4 if the nonemergency health care service is scheduled to be performed
5 by the practitioner within five (5) business days after the health care
6 service is ordered.

7 (n) The department of insurance shall adopt emergency rules under
8 IC 4-22-2-37.1 to specify the requirements of the notifications set forth
9 in subsections (j) and (k).

10 SECTION 69. IC 25-1-9.8-16, AS ADDED BY P.L.93-2020,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 16. (a) A practitioner that has ordered ~~the~~ **for an**
13 individual ~~for~~ a nonemergency health care service shall provide to the
14 individual an electronic or paper copy of a written notice that states the
15 following, or words to the same effect: "A patient may at any time ask
16 a health care provider for an estimate of the price the health care
17 providers and health facility will charge for providing a nonemergency
18 medical service. The law requires that the estimate be provided within
19 5 business days."

20 (b) The appropriate board (as defined in IC 25-1-9-1) may adopt
21 rules under IC 4-22-2 to establish requirements for practitioners to
22 provide additional charging information under this section.

23 SECTION 70. IC 25-6.1-4 IS REPEALED [EFFECTIVE JULY 1,
24 2021]. (Suspension and Revocation of Licenses of Auctioneers).

25 SECTION 71. IC 25-23.4-3-1, AS AMENDED BY P.L.78-2017,
26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2021]: Sec. 1. (a) This section does not apply to an individual
28 who has a license under IC 25-23-1-13.1 to practice midwifery as a
29 certified nurse midwife and is practicing within the scope of that
30 license.

31 (b) After July 1, 2018, an individual may not engage in the practice
32 of midwifery unless:

- 33 (1) the individual is issued a certificate by a board under
34 IC 25-1-5 and is acting within the scope of the person's license; or
35 (2) the individual has a certified direct entry midwife certificate
36 under this article and has a collaborative agreement with a
37 physician as set forth in this article.

38 (c) To become certified as a certified direct entry midwife, an
39 applicant must satisfy the following requirements:

- 40 (1) Be at least twenty-one (21) years of age.
41 (2) Possess at least:
42 (A) an associate degree in nursing, associate degree in



- 1 midwifery accredited by the Midwifery Education
 2 Accreditation Council (MEAC), or other similar science
 3 related associate degree; or
 4 (B) a bachelor's degree;
 5 from a postsecondary educational institution.
- 6 (3) Satisfactorily complete educational curriculum approved by:
 7 (A) the Midwifery Education Accreditation Council (MEAC)
 8 or a successor organization; or
 9 (B) the educational equivalent of a Midwifery Education
 10 Accreditation Council curriculum approved by the board.
- 11 (4) Acquire and document practical experience as outlined in the
 12 Certified Professional Midwife credentialing process in
 13 accordance with the standards of the North American Registry of
 14 Midwives or a successor organization.
- 15 (5) Obtain certification by an accredited association in adult
 16 cardiopulmonary resuscitation that is approved by the board.
- 17 (6) Complete the program sponsored by the American Academy
 18 of Pediatrics in neonatal resuscitation, excluding endotracheal
 19 intubation and the administration of drugs.
- 20 (7) Comply with the birth requirements of the Certified
 21 Professional Midwife credentialing process, observe an additional
 22 twenty (20) births, attend twenty (20) births conducted by a
 23 physician, assist with an additional twenty (20) births, and act as
 24 the primary attendant for an additional twenty (20) births.
- 25 (8) Provide proof to the board that the applicant has obtained the
 26 Certified Professional Midwife credential as administered by the
 27 North American Registry of Midwives or a successor
 28 organization.
- 29 (9) Present additional documentation or certifications required by
 30 the board. The board may adopt standards that require more
 31 training than required by the North American Registry of
 32 Midwives.
- 33 (10) Maintain sufficient liability insurance.
- 34 (d) The board may exempt an applicant from the following:
- 35 (1) The education requirements in subsection (c)(2) if the
 36 applicant provides proof to the board that the applicant is enrolled
 37 in a program that will satisfy the requirements of subsection
 38 (c)(2). An exemption under this subdivision applies for an
 39 individual for not more than two (2) years. This subdivision
 40 expires June 30, 2018.
- 41 (2) The education requirements in subsection (c)(3) if the
 42 applicant provides:



- 1 (A) proof to the board that the applicant has delivered over one
 2 hundred (100) births as a primary attendant; and
 3 (B) a letter of reference from a licensed physician with whom
 4 the applicant has informally collaborated.

5 This subdivision expires June 30, 2018.

- 6 (3) The requirement that a physician directly supervise twenty
 7 (20) births in subsection (c)(7) if the applicant provides:

- 8 (A) proof to the board that the applicant has delivered over one
 9 hundred (100) births as a primary attendant; and
 10 (B) a letter of reference from a licensed physician with whom
 11 the applicant has informally collaborated.

12 This subdivision expires June 30, 2018.

13 SECTION 72. IC 26-1-2.1-103, AS AMENDED BY P.L.143-2007,
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 103. (1) Unless the context otherwise requires, in
 16 IC 26-1-2.1:

17 (a) "Buyer in ordinary course of business" means a person who in
 18 good faith and without knowledge that the sale to the person is in
 19 violation of the ownership rights or security interest or leasehold
 20 interest of a third party in the goods, buys in ordinary course from
 21 a person in the business of selling goods of that kind but does not
 22 include a pawnbroker. "Buying" may be for cash or by exchange
 23 of other property or on secured or unsecured credit and includes
 24 acquiring goods or documents of title under a pre-existing
 25 contract for sale but does not include a transfer in bulk or as
 26 security for or in total or partial satisfaction of a money debt.

27 (b) "Cancellation" occurs when either party puts an end to the
 28 lease contract for default by the other party.

29 (c) "Commercial unit" means such a unit of goods as by
 30 commercial usage is a single whole for purposes of lease and
 31 division of which materially impairs its character or value on the
 32 market or in use. A commercial unit may be a single article, as a
 33 machine, or a set of articles, as a suite of furniture or a line of
 34 machinery, or a quantity, as a gross or carload, or any other unit
 35 treated in use or in the relevant market as a single whole.

36 (d) "Conforming" goods or performance under a lease contract
 37 means goods or performance that are in accordance with the
 38 obligations under the lease contract.

39 (e) "Consumer lease" means a lease that a lessor regularly
 40 engaged in the business of leasing or selling makes to a lessee
 41 who is an individual and who takes under the lease primarily for
 42 a personal, family, or household purpose if the total payments to



- 1 be made under the lease contract, excluding payments for options
2 to renew or buy, do not exceed twenty-five thousand dollars
3 (\$25,000).
- 4 (f) "Fault" means wrongful act, omission, breach, or default.
- 5 (g) "Finance lease" means a lease with respect to which:
- 6 (i) the lessor does not select, manufacture, or supply the goods;
7 (ii) the lessor acquires the goods or the right to possession and
8 use of the goods in connection with the lease; and
9 (iii) one (1) of the following occurs:
- 10 (A) the lessee receives a copy of the contract by which the
11 lessor acquired the goods or the right to possession and use
12 of the goods before signing the lease contract;
- 13 (B) the lessee's approval of the contract by which the lessor
14 acquired the goods or the right to possession and use of the
15 goods is a condition to effectiveness of the lease contract;
- 16 (C) the lessee, before signing the lease contract, receives an
17 accurate and complete statement designating the promises
18 and warranties, and any disclaimers of warranties,
19 limitations, or modifications of remedies, or liquidated
20 damages, including those of a third party, such as the
21 manufacturer of the goods, provided to the lessor by the
22 person supplying the goods in connection with or as part of
23 the contract by which the lessor acquired the goods or the
24 right to possession and use of the goods; or
- 25 (D) if the lease is not a consumer lease, the lessor, before the
26 lessee signs the lease contract, informs the lessee in writing:
- 27 (a) of the identity of the person supplying the goods to the
28 lessor, unless the lessee has selected that person and
29 directed the lessor to acquire the goods or the right to
30 possession and use of the goods from that person; (b) that
31 the lessee is entitled under IC 26-1-2.1 to the promises and
32 warranties, including those of any third party, provided to
33 the lessor by the person supplying the goods in connection
34 with or as part of the contract by which the lessor acquired
35 the goods or the right to possession and use of the goods;
36 and (c) that the lessee may communicate with the person
37 supplying the goods to the lessor and receive an accurate
38 and complete statement of those promises and warranties,
39 including any disclaimers and limitations of them or of
40 remedies.
- 41 (h) "Goods" means all things that are movable at the time of
42 identification to the lease contract, or are fixtures (IC



- 1 26-1-2.1-309), but the term does not include money, documents,
2 instruments, accounts, chattel paper, general intangibles, or
3 minerals or the like, including oil and gas, before extraction. The
4 term also includes the unborn young of animals.
- 5 (i) "Installment lease contract" means a lease contract that
6 authorizes or requires the delivery of goods in separate lots to be
7 separately accepted, even though the lease contract contains a
8 clause "each delivery is a separate lease" or its equivalent.
- 9 (j) "Lease" means a transfer of the right to possession and use of
10 goods for a term in return for consideration, but a sale, including
11 a sale on approval or a sale or return, or retention or creation of a
12 security interest is not a lease. Unless the context clearly indicates
13 otherwise, the term includes a sublease.
- 14 (k) "Lease agreement" means the bargain, with respect to the
15 lease, of the lessor and the lessee in fact as found in their
16 language or by implication from other circumstances including
17 course of dealing or usage of trade or course of performance as
18 provided in IC 26-1-2.1. Unless the context clearly indicates
19 otherwise, the term includes a sublease agreement.
- 20 (l) "Lease contract" means the total legal obligation that results
21 from the lease agreement as affected by IC 26-1-2.1 and any other
22 applicable rules of law. Unless the context clearly indicates
23 otherwise, the term includes a sublease contract.
- 24 (m) "Leasehold interest" means the interest of the lessor or the
25 lessee under a lease contract.
- 26 (n) "Lessee" means a person who acquires the right to possession
27 and use of goods under a lease. Unless the context clearly
28 indicates otherwise, the term includes a sublessee.
- 29 (o) "Lessee in ordinary course of business" means a person who
30 in good faith and without knowledge that the lease to the person
31 is in violation of the ownership rights or security interest or
32 leasehold interest of a third party in the goods leases in ordinary
33 course from a person in the business of selling or leasing goods of
34 that kind but does not include a pawnbroker. "Leasing" may be for
35 cash or by exchange of other property or on secured or unsecured
36 credit and includes acquiring goods or documents of title under a
37 pre-existing lease contract but does not include a transfer in bulk
38 or as security for or in total or partial satisfaction of a money debt.
- 39 (p) "Lessor" means a person who transfers the right to possession
40 and use of goods under a lease. Unless the context clearly
41 indicates otherwise, the term includes a sublessor.
- 42 (q) "Lessor's residual interest" means the lessor's interest in the



- 1 goods after expiration, termination, or cancellation of the lease
 2 contract.
- 3 (r) "Lien" means a charge against or interest in goods to secure
 4 payment of a debt or performance of an obligation, but the term
 5 does not include a security interest.
- 6 (s) "Lot" means a parcel or a single article that is the subject
 7 matter of a separate lease or delivery, whether or not it is
 8 sufficient to perform the lease contract.
- 9 (t) "Merchant lessee" means a lessee that is a merchant with
 10 respect to goods of the kind subject to the lease.
- 11 (u) "Present value" means the amount as of a date certain of one
 12 (1) or more sums payable in the future, discounted to the date
 13 certain. The discount is determined by the interest rate specified
 14 by the parties if the rate was not manifestly unreasonable at the
 15 time the transaction was entered into; otherwise, the discount is
 16 determined by a commercially reasonable rate that takes into
 17 account the facts and circumstances of each case at the time the
 18 transaction was entered into.
- 19 (v) "Purchase" includes taking by sale, lease, mortgage, security
 20 interest, pledge, gift, or any other voluntary transaction creating
 21 an interest in goods.
- 22 (w) "Sublease" means a lease of goods the right to possession and
 23 use of which was acquired by the lessor as a lessee under an
 24 existing lease.
- 25 (x) "Supplier" means a person from whom a lessor buys or leases
 26 goods to be leased under a finance lease.
- 27 (y) "Supply contract" means a contract under which a lessor buys
 28 or leases goods to be leased.
- 29 (z) "Termination" occurs when either party pursuant to a power
 30 created by agreement or law puts an end to the lease contract
 31 otherwise than for default.
- 32 (2) Other definitions applying to IC 26-1-2.1 and the sections in
 33 which they appear are:
- 34 "Accessions". IC 26-1-2.1-310(1).
 35 "Construction mortgage". IC 26-1-2.1-309(1)(d).
 36 "Encumbrance". IC 26-1-2.1-309(1)(e).
 37 "Fixtures". IC 26-1-2.1-309(1)(a).
 38 "Fixture filing". IC 26-1-2.1-309(1)(b).
 39 "Purchase money lease". IC 26-1-2.1-309(1)(c).
- 40 (3) The following definitions in other chapters apply to IC 26-1-2.1:
 41 "Account". IC 26-1-9.1-102(a)(2).
 42 "Between merchants". IC 26-1-2-104(3).



- 1 "Buyer". IC 26-1-2-103(1)(a).
 2 "Chattel paper". IC 26-1-9.1-102(a)(11).
 3 "Consumer goods". IC 26-1-9.1-102(a)(23).
 4 "Document". IC 26-1-9.1-102(a)(30).
 5 "Entrusting". IC 26-1-2-403(3).
 6 "General intangibles". IC 26-1-9.1-102(a)(42).
 7 "Good faith". IC 26-1-2-103(1)(b).
 8 "Instrument". IC 26-1-9.1-102(a)(47).
 9 "Merchant". IC 26-1-2-104(1).
 10 "Mortgage". IC 26-1-9.1-102(a)(55).
 11 "Pursuant to commitment". ~~IC 26-1-9.1-102(a)(68).~~
 12 **IC 26-1-9.1-102(a)(69).**
 13 "Receipt". IC 26-1-2-103(1)(c).
 14 "Sale". IC 26-1-2-106(1).
 15 "Sale on approval". IC 26-1-2-326.
 16 "Sale or return". IC 26-1-2-326.
 17 "Seller". IC 26-1-2-103(1)(d).

18 (4) In addition, IC 26-1-1 contains general definitions and principles
 19 of construction and interpretation applicable throughout IC 26-1-2.1.

20 SECTION 73. IC 26-4-1-8 IS REPEALED [EFFECTIVE JULY 1,
 21 2021]. Sec. 8: "Deferred pricing" means a purchase by a buyer where
 22 title to the grain passes to the buyer, in which the actual dollar price to
 23 be paid to the seller is not to be determined at the time the grain is
 24 received by the buyer or less than twenty-one (21) days of that receipt.

25 SECTION 74. IC 26-4-1-25 IS REPEALED [EFFECTIVE JULY 1,
 26 2021]. Sec. 25: "Warehouse receipt" means any of the following:

- 27 (1) A warehouse receipt issued under the Public Grain Warehouse
 28 and Warehouse Receipts Act in accordance with the Uniform
 29 Commercial Code.
 30 (2) A warehouse receipt issued under ~~IC 26-3-7.~~
 31 (3) A warehouse receipt issued under the United States
 32 Warehouse Act.

33 SECTION 75. IC 26-4-2 IS REPEALED [EFFECTIVE JULY 1,
 34 2021]. (Grain Buyers Registration).

35 SECTION 76. IC 27-1-24.5-7, AS ADDED BY P.L.68-2020,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 7. As used in this chapter, "maximum allowable
 38 cost" means the maximum amount that a pharmacy benefit manager
 39 will reimburse a pharmacy for the cost of a generic ~~prescription~~ drug.
 40 The term does not include a dispensing fee or professional fee.

41 SECTION 77. IC 27-1-24.5-12, AS ADDED BY P.L.68-2020,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 12. (a) As used in this chapter, "pharmacy benefit
 2 manager" means an entity that, on behalf of a health ~~benefits~~ plan, state
 3 agency, insurer, managed care organization, or other third party payor:

- 4 (1) contracts directly or indirectly with pharmacies to provide
 5 prescription drugs to individuals;
 6 (2) administers a prescription drug benefit;
 7 (3) processes or pays pharmacy claims;
 8 (4) creates or updates prescription drug formularies;
 9 (5) makes or assists in making prior authorization determinations
 10 on prescription drugs;
 11 (6) administers rebates on prescription drugs; or
 12 (7) establishes a pharmacy network.

13 (b) The term does not include the following:

- 14 (1) A person licensed under IC 16.
 15 (2) A health provider who is:
 16 (A) described in IC 25-0.5-1; and
 17 (B) licensed or registered under IC 25.
 18 (3) A consultant who only provides advice concerning the
 19 selection or performance of a pharmacy benefit manager.

20 SECTION 78. IC 27-1-24.5-19, AS ADDED BY P.L.68-2020,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 19. (a) A pharmacy benefit manager shall provide
 23 equal access and incentives to all pharmacies within the pharmacy
 24 benefit **manager's** network.

25 (b) A pharmacy benefit manager may not do any of the following:

- 26 (1) Condition participation in any network on accreditation,
 27 credentialing, or licensing of a pharmacy, ~~provider that~~, other than
 28 a license or permit required by the Indiana board of pharmacy or
 29 other state or federal regulatory authority for the services
 30 provided by the pharmacy. However, nothing in this subdivision
 31 precludes the department from providing credentialing or
 32 accreditation standards for pharmacies.
 33 (2) Discriminate against any pharmacy. ~~provider~~.
 34 (3) Directly or indirectly retroactively deny a claim or aggregate
 35 of claims after the claim or aggregate of claims has been
 36 adjudicated, unless any of the following apply:
 37 (A) The original claim was submitted fraudulently.
 38 (B) The original claim payment was incorrect because the
 39 pharmacy or pharmacist had already been paid for the drug.
 40 (C) The pharmacist services were not properly rendered by the
 41 pharmacy or pharmacist.
 42 (4) Reduce, directly or indirectly, payment to a pharmacy for



1 pharmacist services to an effective rate of reimbursement,
 2 including permitting an insurer or plan sponsor to make such a
 3 reduction.

4 (5) Reimburse a pharmacy that is affiliated with the pharmacy
 5 benefit manager, other than solely being included in the pharmacy
 6 benefit manager's network, at a greater reimbursement rate than
 7 other pharmacies in the same network.

8 A violation of this subsection by a pharmacy benefit manager
 9 constitutes an unfair or deceptive act or practice in the business of
 10 insurance under IC 27-4-1-4.

11 SECTION 79. IC 27-1-24.5-22, AS ADDED BY P.L.68-2020,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 22. (a) A pharmacy benefit manager shall do the
 14 following:

15 (1) Identify to contracted:

16 (A) pharmacy ~~service administration~~ **services administrative**
 17 organizations; or

18 (B) pharmacies if the pharmacy benefit manager contracts
 19 directly with pharmacies;

20 the sources used by the pharmacy benefit manager to calculate the
 21 drug product reimbursement paid for covered drugs available
 22 under the pharmacy health ~~benefit~~ plan administered by the
 23 pharmacy benefit manager.

24 (2) Establish an appeal process for contracted pharmacies,
 25 pharmacy services administrative organizations, or group
 26 purchasing organizations to appeal and resolve disputes
 27 concerning the maximum allowable cost pricing.

28 (3) Update and make available to pharmacies:

29 (A) at least every forty-five (45) days; or

30 (B) in a different time frame if contracted between a pharmacy
 31 benefit manager and a pharmacy;

32 the pharmacy benefit manager's maximum allowable cost list.

33 (b) The appeal process required by subsection (a)(2) must include
 34 the following:

35 (1) The right to appeal a claim not to exceed sixty (60) days
 36 following the initial filing of the claim.

37 (2) The investigation and resolution of a filed appeal by the
 38 pharmacy benefit manager in a time frame determined by the
 39 commissioner.

40 (3) If an appeal is denied, a requirement that the pharmacy benefit
 41 manager provide the reason for the denial.

42 (4) If an appeal is approved, a requirement that the pharmacy



- 1 benefit manager do the following:
- 2 (A) Change the maximum allowable cost of the drug for the
- 3 pharmacy that filed the appeal as of the initial date of service
- 4 that the appealed drug was dispensed.
- 5 (B) Adjust the maximum allowable cost of the drug for the
- 6 appealing pharmacy and for all other contracted pharmacies in
- 7 the same network of the pharmacy benefit manager that filled
- 8 a prescription for patients covered under the same health
- 9 ~~benefit~~ plan beginning on the initial date of service the
- 10 appealed drug was dispensed.
- 11 (C) Adjust the drug product reimbursement for contracted
- 12 pharmacies that resubmit claims to reflect the adjusted
- 13 maximum allowable cost, if applicable.
- 14 (D) Allow the appealing pharmacy and all other contracted
- 15 pharmacies in the network that filled the prescriptions for
- 16 patients covered under the same health ~~benefit~~ plan to reverse
- 17 and resubmit claims and receive payment based on the
- 18 adjusted maximum allowable cost from the initial date of
- 19 service the appealed drug was dispensed.
- 20 (E) Make retroactive price adjustments in the next payment
- 21 cycle unless otherwise agreed to by the pharmacy.
- 22 (5) The establishment of procedures for auditing submitted claims
- 23 by a ~~contract~~ **contracted** pharmacy in a manner established by
- 24 administrative rules under IC 4-22-2 by the department. The
- 25 auditing procedures:
- 26 (A) may not use extrapolation or any similar methodology;
- 27 (B) may not allow for recovery by a pharmacy benefit manager
- 28 of a submitted claim due to clerical or other error where the
- 29 patient has received the drug for which the claim was
- 30 submitted;
- 31 (C) must allow for recovery by a ~~contract~~ **contracted**
- 32 pharmacy for underpayments by the pharmacy benefit
- 33 manager; and
- 34 (D) may only allow for the pharmacy benefit manager to
- 35 recover overpayments on claims that are actually audited and
- 36 discovered to include a recoverable error.
- 37 (c) The department must approve the manner in which a pharmacy
- 38 benefit manager may respond to an appeal filed under this section. The
- 39 department shall establish a process for a pharmacy benefit manager to
- 40 obtain approval from the department under this section.
- 41 SECTION 80. IC 27-1-24.5-23, AS ADDED BY P.L.68-2020,
- 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 23. (a) For every drug for which the pharmacy
 2 benefit manager establishes a maximum allowable cost to determine
 3 the drug product reimbursement, the pharmacy benefit manager shall
 4 make available to a contracted pharmacy services ~~administration~~
 5 **administrative** organization to make available to the pharmacies, or to
 6 a pharmacy if the pharmacy benefit manager contracts directly with a
 7 pharmacy, in a manner established by the department by administrative
 8 rule described in subsection (b) the following:

9 (1) Information identifying the national drug pricing compendia
 10 or sources used to obtain the drug price data.

11 (2) The comprehensive list of drugs subject to maximum
 12 allowable cost and the actual maximum allowable cost for each
 13 drug.

14 (b) The department shall adopt rules under IC 4-22-2 concerning the
 15 manner in which a pharmacy benefit manager shall communicate the
 16 following to contracted pharmacy services ~~administration~~
 17 **administrative** organizations:

18 (1) Drug price data should be used to establish drug
 19 reimbursements by pharmacy benefit managers as described in
 20 subsection (a)(1).

21 (2) The comprehensive list of drugs described in subsection
 22 (a)(2).

23 (c) The department may, concerning a maximum allowable cost list,
 24 consider whether a drug is:

25 (1) obsolete;

26 (2) **temporary temporarily** unavailable;

27 (3) to be included on a drug shortage list; or

28 (4) unable to be lawfully substituted.

29 SECTION 81. IC 27-1-24.5-25, AS ADDED BY P.L.68-2020,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 25. (a) A party that has contracted with a
 32 pharmacy benefit manager to provide services may, at least one (1)
 33 time in a calendar year, request an audit of compliance with the
 34 contract. The audit may include full disclosure of rebate amounts
 35 secured on prescription drugs, whether product specific or general
 36 rebates, that were provided by a pharmaceutical manufacturer and any
 37 other revenue and fees derived by the pharmacy benefit manager from
 38 the contract. A contract may not contain provisions that impose
 39 unreasonable fees or conditions that would severely restrict a party's
 40 right to conduct an audit under this subsection.

41 (b) A pharmacy benefit manager shall disclose, upon request from
 42 a party that has contracted with a pharmacy benefit manager, to the



1 party the actual amounts paid by the pharmacy benefit manager to any
2 pharmacy.

3 (c) A pharmacy benefit manager shall provide notice to a party
4 contracting with the pharmacy benefit manager **of** any consideration
5 that the pharmacy benefit manager receives from a pharmacy
6 manufacturer for any name brand dispensing of a prescription when a
7 generic or biologically similar product is available for the prescription.

8 (d) The commissioner may establish a procedure to release
9 information from an audit performed by the department to a party that
10 has requested an audit under this section in a manner that does not
11 violate confidential or proprietary information laws.

12 (e) Any provision of a contract entered into, issued, or renewed after
13 June 30, 2020, that violates this section is unenforceable.

14 SECTION 82. IC 27-1-24.5-27.5, AS ADDED BY P.L.114-2020,
15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 27.5. A pharmacy ~~benefits~~ **benefit** manager may
17 not require a pharmacy or pharmacist to collect a higher copayment for
18 a prescription drug from a customer than the pharmacy ~~benefits~~ **benefit**
19 manager allows the pharmacy or pharmacist to retain.

20 SECTION 83. IC 27-1-28-19, AS AMENDED BY P.L.130-2020,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2021]: Sec. 19. (a) Except as provided in subsection (b), an
23 individual who holds a license under this chapter shall, every two (2)
24 years, satisfactorily complete a minimum of twenty-four (24) hours of
25 continuing education courses and report the completion of the courses
26 to the commissioner.

27 (b) This section does not apply to the following:

28 (1) An individual who is licensed for less than twelve (12) months
29 before the end of the applicable continuing education biennium.

30 (2) A licensed nonresident independent adjuster who has met the
31 continuing education requirements of the licensed nonresident
32 independent adjuster's designated home state.

33 (3) An individual holding a current claims certification if:

34 (A) the claims certification is issued by a national or state
35 claims association whose certification program is approved by
36 the department for purposes of this section;

37 (B) the number of hours of study required to complete the
38 certification program described in clause (A) is not less than
39 the number of hours of continuing education that an individual
40 is required to complete every two (2) years under subsection

41 (a);

42 (C) the content of the certification program described in clause



- 1 (A):
- 2 (i) includes the content of the prelicensing course of study
- 3 required by section 12(b)(5) of this chapter for the line of
- 4 authority in which the individual has applied for or obtained
- 5 licensing under this chapter; and
- 6 (ii) is made available for review and audit by the
- 7 commissioner through an electronic portal maintained by the
- 8 **claims** association;
- 9 (D) the claims association referred to in clause (A) is approved
- 10 as a continuing education provider in Indiana;
- 11 (E) the claims association referred to in clause (A) reports the
- 12 individual's completion of the certification program described
- 13 in clause (A) to the commissioner through an electronic portal
- 14 maintained by the commissioner; and
- 15 (F) the **claims** association **referred to in clause (A)**, through
- 16 an electronic portal maintained by the **claims** association,
- 17 provides the commissioner access to the individual's transcript
- 18 showing the individual's completion of the certification
- 19 program described in clause (A).

20 SECTION 84. IC 27-1-44.5-2, AS ADDED BY P.L.50-2020,
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 2. As used in this chapter, "health payer" includes
 23 the following:

- 24 (1) Medicare.
- 25 (2) Medicaid or a managed care organization (as defined in
- 26 IC 12-7-2-126.9) that has contracted with Medicaid to provide
- 27 services to a Medicaid recipient.
- 28 (3) An insurer that issues a policy of accident and sickness
- 29 insurance (as defined in IC 27-8-5-1).
- 30 (4) A health maintenance organization (as defined in
- 31 IC 27-13-1-19).
- 32 (5) A pharmacy benefit manager (as defined in ~~IC 27-1-24.8-3~~;
- 33 **IC 27-1-24.5-12**).
- 34 (6) A third party administrator.
- 35 (7) An insurer (as defined in IC 27-1-26-1), excluding insurers of
- 36 life insurance.
- 37 (8) Any other person identified by the commissioner for
- 38 participation in the data base described in this chapter.

39 SECTION 85. IC 28-7-5-10, AS AMENDED BY P.L.129-2020,
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 10. (a) Whenever a licensee:

- 42 (1) closes an existing branch; or



1 (2) intends to open a new branch or relocate an existing branch;
 2 the licensee shall give written notice to the department. A licensee shall
 3 give written notice to the department of the closing of an existing
 4 branch under subdivision (1) not later than thirty (30) days after the
 5 date of the closing of the branch. Not later than thirty (30) days before
 6 the intended relocation or addition of one (1) or more branches under
 7 subdivision (2), the licensee shall provide to the department the written
 8 notice of its intention required by this section and shall request
 9 approval in a form prescribed by the director to add or relocate one (1)
 10 or more branches.

11 (b) A person that is licensed under this chapter, or a person that
 12 seeks a license or a renewal of a license under this chapter, in
 13 accordance with sections 4, 5, and 8 of this chapter, shall notify the
 14 department not later than thirty (30) days after any of the following
 15 occurs:

16 (1) The person has a change in name, address, or principals.

17 (2) The person files for bankruptcy or reorganization.

18 ~~(4)~~ (3) The person is notified by a state or governmental authority
 19 that the person is subject to revocation or suspension proceedings
 20 with respect to the person's activities related to the business of
 21 pawnbroking or the provision of other similar services.

22 ~~(5)~~ (4) An individual described in section 8(a)(2) or 8(a)(3) of this
 23 chapter has been convicted of a felony involving fraud, deceit, or
 24 misrepresentation under the laws of Indiana or any other
 25 jurisdiction.

26 SECTION 86. IC 28-8-4-19.5, AS AMENDED BY P.L.129-2020,
 27 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 19.5. As used in this chapter, "stored value
 29 account" or "stored value card" means any account, card, or device
 30 that:

31 (1) may be used by a holder to:

32 (A) perform financial transactions; or

33 (B) obtain, purchase, or receive money, goods, or services;
 34 in an amount or having a value that does not exceed the dollar
 35 value of the account, card, or device; and

36 (2) either:

37 (A) in the case of a card or similar device, has a magnetic
 38 stripe or computer chip that enables dollar values to be
 39 electronically added to or deducted from the dollar value of the
 40 card; or

41 (B) in the case of an account, uses an account number unique
 42 to the holder for the purposes set forth in ~~subsection~~



1 **subdivision (1).**

2 SECTION 87. IC 30-4-8-16, AS AMENDED BY P.L.56-2020,
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 16. (a) Nothing in this chapter shall be construed
5 to prohibit a lender from enforcing its rights in property identified in
6 section 1(b) of this chapter and, to the extent necessary, naming the
7 legacy trust or trustee of the trust as a defendant to the action or
8 proceeding.

9 (b) If an asset described in section 1(b)(1) of this chapter is
10 transferred to a legacy trust or trustee of a legacy trust, the transferor
11 of that asset must send written notice of the transfer to the pertinent
12 lender within fifteen (15) days after that transfer. The transferor must
13 send the notice by certified mail, return receipt requested, to the
14 registered agent for the lender. If there is no registered agent for the
15 lender, the transferor must send notice to one (1) of the following:

- 16 (1) The last known address of the lender.
17 (2) The last address specified by the lender for mailing payments
18 on the obligations.
19 (3) The address specified by the lender for general inquiries by
20 customers.

21 The notice must include the name of the transferor, a description of the
22 asset transferred, the name of the trustee, and the date that the transfer
23 was completed. Upon request, the transferor or trustee shall provide the
24 lender with a certification of the trust under IC 30-4-4-5, the names and
25 addresses of the qualified beneficiaries of the trust, and copies of the
26 pages from the trust instrument that identify the current trustee and
27 describe the trustee's administrative powers and duties.

28 (c) Nothing in this chapter shall be construed to authorize any
29 disposition that is prohibited by the terms of any agreements, notes,
30 guaranties, mortgages, indentures, instruments, undertakings, or other
31 documents. Any provisions that prohibit such transfer or disposition
32 shall be binding and shall make this chapter inapplicable, so long as
33 any indebtedness remains outstanding in connection with such
34 agreements, notes, guaranties, mortgages, indentures, instruments,
35 ~~undertakes~~, **undertakings**, or other similar documents.

36 (d) In the event of a conflict between this section and any other
37 provision of this chapter, this section shall control.

38 SECTION 88. IC 30-5-5-17 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) If the attorney
40 in fact has the authority to consent to or refuse health care under
41 section ~~16(2)~~ **16(b)(2)** of this chapter, the attorney in fact may be
42 empowered to ask in the name of the principal for health care to be



1 withdrawn or withheld when it is not beneficial or when any benefit is
 2 outweighed by the demands of the treatment and death may result. To
 3 empower the attorney in fact to act under this section, the following
 4 language must be included in an appointment under IC 16-36-1 in
 5 substantially the same form set forth below:

6 I authorize my health care representative to make decisions in my
 7 best interest concerning withdrawal or withholding of health care.
 8 If at any time based on my previously expressed preferences and
 9 the diagnosis and prognosis my health care representative is
 10 satisfied that certain health care is not or would not be beneficial
 11 or that such health care is or would be excessively burdensome,
 12 then my health care representative may express my will that such
 13 health care be withheld or withdrawn and may consent on my
 14 behalf that any or all health care be discontinued or not instituted,
 15 even if death may result.

16 My health care representative must try to discuss this decision
 17 with me. However, if I am unable to communicate, my health care
 18 representative may make such a decision for me, after
 19 consultation with my physician or physicians and other relevant
 20 health care givers. To the extent appropriate, my health care
 21 representative may also discuss this decision with my family and
 22 others to the extent they are available.

23 (b) Nothing in this section may be construed to authorize
 24 euthanasia.

25 SECTION 89. IC 31-9-2-122.5, AS ADDED BY P.L.190-2017,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 122.5. "STEVE system", for purposes of
 28 IC 31-19-20, ~~IC 31-19-22~~, IC 31-19-25, and IC 31-19-25.5, refers to
 29 the State and Territorial Exchange of Vital Events Exchange System,
 30 administered by the National Association for Public Health Statistics
 31 and Information Systems.

32 SECTION 90. IC 33-33-87-21 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. Each superior court
 34 shall appoint a bailiff, a court reporter, and the additional personnel
 35 necessary to carry out the business of the court. The duties, salaries,
 36 and terms of the bailiff and ~~recorder reporter~~ shall be regulated in the
 37 same manner as provided for the circuit court.

38 SECTION 91. IC 33-37-5-2, AS AMENDED BY P.L.149-2016,
 39 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 2. (a) Each clerk shall establish a clerk's record
 41 perpetuation fund. The clerk shall deposit all the following in the fund:

42 (1) Revenue received by the clerk for transmitting documents by



- 1 facsimile machine to a person under IC 5-14-3.
 2 (2) Document storage fees required under section 20 of this
 3 chapter.
 4 (3) The late payment fees imposed under section 22 of this
 5 chapter that are authorized for deposit in the clerk's record
 6 perpetuation fund under IC 33-37-7-2.
 7 (4) The fees required under IC 29-1-7-3.1 for deposit of a will.
 8 (5) Fees for preparing a transcript or copy of any record under
 9 section 1 of this chapter.
 10 (b) The clerk may use any money in the fund for the following
 11 purposes:
 12 (1) The preservation of records.
 13 (2) The improvement of record keeping systems and equipment.
 14 (3) **The operation of a case management system.**
 15 SECTION 92. IC 34-30-2-70.5, AS ADDED BY P.L.3-2020,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 70.5. IC 16-31.5-10-10 (Concerning the interstate
 18 commission for EMS personnel ~~and~~ practice).
 19 SECTION 93. IC 34-30-2-99.9 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2021]: **Sec. 99.9. IC 25-24-1-4.7 (Concerning**
 22 **certain prescribers for damage or injury to an individual resulting**
 23 **from the packaging, manufacturing, or dispensing of contact lenses**
 24 **or prescription eye glasses).**
 25 SECTION 94. IC 35-40.5-1-1, AS ADDED BY P.L.58-2020,
 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 1. The following definitions apply throughout this
 28 article:
 29 (1) "Law enforcement officer" means any of the following:
 30 (A) A law enforcement officer (as defined in
 31 IC 35-31.5-2-185).
 32 (B) A state educational institution police officer appointed
 33 under IC 21-39-4.
 34 (C) A school corporation **police** officer appointed under
 35 IC 20-26-16.
 36 (D) A school resource officer (as defined in IC 20-26-18.2-1).
 37 (E) A police officer of a private postsecondary educational
 38 institution whose governing board has appointed the police
 39 officer under IC 21-17-5-2.
 40 (2) "Provider" has the meaning set forth in IC 16-21-8-0.2.
 41 (3) "Relative" has the meaning set forth in IC 35-42-2-1(b).
 42 (4) "Sexual assault forensic evidence" means the results collected



1 from a forensic medical examination of a victim by a provider.

2 (5) "State sexual assault response team" means the statewide
3 sexual assault response team coordinated by the Indiana
4 prosecuting attorneys council and the Indiana criminal justice
5 institute.

6 (6) "Victim" means an individual:

7 (A) who is a victim of sexual assault (as defined in
8 IC 5-26.5-1-8); or

9 (B) who:

10 (i) is a relative of or a person who has had a close personal
11 relationship with the individual described under clause (A);
12 and

13 (ii) is designated by the individual described under clause
14 (A) as a representative.

15 The term does not include an individual who is accused of
16 committing an act of sexual assault (as defined in
17 IC 5-26.5-1-8) against the individual described under clause
18 (A).

19 (7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.

20 (8) "Victim service provider" has the meaning set forth in
21 IC 35-37-6-5.

22 SECTION 95. IC 35-43-4-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this
24 chapter, "exert control over property" means to obtain, take, carry,
25 drive, lead away, conceal, abandon, sell, convey, encumber, or possess
26 property, or to secure, transfer, or extend a right to property.

27 (b) Under this chapter, a person's control over property of another
28 person is "unauthorized" if it is exerted:

29 (1) without the other person's consent;

30 (2) in a manner or to an extent other than that to which the other
31 person has consented;

32 (3) by transferring or encumbering other property while failing to
33 disclose a lien, adverse claim, or other legal impediment to the
34 enjoyment of that other property;

35 (4) by creating or confirming a false impression in the other
36 person;

37 (5) by failing to correct a false impression that the person knows
38 is influencing the other person, if the person stands in a
39 relationship of special trust to the other person;

40 (6) by promising performance that the person knows will not be
41 performed;

42 (7) by expressing an intention to damage the property or impair



1 the rights of any other person; or
 2 (8) by transferring or reproducing:
 3 (A) recorded sounds; or
 4 (B) a live performance;
 5 ~~without consent of the owner of the master recording or the live~~
 6 ~~performance, with intent to distribute the reproductions for a profit.~~
 7 **without consent of the owner of the master recording or the**
 8 **live performance, with intent to distribute the reproductions**
 9 **for a profit.**
 10 (c) As used in this chapter, "receiving" means acquiring possession
 11 or control of or title to property, or lending on the security of property.
 12 SECTION 96. IC 35-44.1-3-1, AS AMENDED BY P.L.133-2020,
 13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 1. (a) A person who knowingly or intentionally:
 15 (1) forcibly resists, obstructs, or interferes with a law enforcement
 16 officer or a person assisting the officer while the officer is
 17 lawfully engaged in the execution of the officer's duties;
 18 (2) forcibly resists, obstructs, or interferes with the authorized
 19 service or execution of a civil or criminal process or order of a
 20 court; or
 21 (3) flees from a law enforcement officer after the officer has, by
 22 visible or audible means, including operation of the law
 23 enforcement officer's siren or emergency lights, identified himself
 24 or herself and ordered the person to stop;
 25 commits resisting law enforcement, a Class A misdemeanor, except as
 26 provided in subsection (c).
 27 (b) A person who, having been denied entry by an emergency
 28 medical services provider or a law enforcement officer, knowingly or
 29 intentionally enters an area that is marked off with barrier tape or other
 30 physical barriers, commits interfering with public safety, a Class B
 31 misdemeanor, except as provided in subsection (c) or (k).
 32 (c) The offense under subsection (a) or (b) is a:
 33 (1) Level 6 felony if:
 34 (A) the person uses a vehicle to commit the offense; or
 35 (B) while committing the offense, the person draws or uses a
 36 deadly weapon, inflicts bodily injury on or otherwise causes
 37 bodily injury to another person, or operates a vehicle in a
 38 manner that creates a substantial risk of bodily injury to
 39 another person;
 40 (2) Level 5 felony if, while committing the offense, the person
 41 operates a vehicle in a manner that causes serious bodily injury to
 42 another person;



- 1 (3) Level 3 felony if, while committing the offense, the person
 2 operates a vehicle in a manner that causes the death or
 3 catastrophic injury of another person; and
 4 (4) Level 2 felony if, while committing any offense described in
 5 subsection (a), the person operates a vehicle in a manner that
 6 causes the death or catastrophic injury of an emergency medical
 7 services provider or a law enforcement officer while the
 8 emergency medical services provider or law enforcement officer
 9 is engaged in the emergency medical services provider's or
 10 officer's official duties.
- 11 (d) The offense under subsection (a) is a Level 6 felony if, while
 12 committing an offense under:
 13 (1) subsection (a)(1) or (a)(2), the person:
 14 (A) creates a substantial risk of bodily injury to the person or
 15 another person; and
 16 (B) has two (2) or more prior unrelated convictions under
 17 subsection (a); or
 18 (2) subsection (a)(3), the person has two (2) or more prior
 19 unrelated convictions under subsection (a).
- 20 (e) If a person uses a vehicle to commit a felony offense under
 21 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
 22 penalty imposed for the offense, the court shall impose a minimum
 23 executed sentence of at least:
 24 (1) thirty (30) days, if the person does not have a prior unrelated
 25 conviction under this section;
 26 (2) one hundred eighty (180) days, if the person has one (1) prior
 27 unrelated conviction under this section; or
 28 (3) one (1) year, if the person has two (2) or more prior unrelated
 29 convictions under this section.
- 30 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
 31 minimum sentence imposed under subsection (e) may not be
 32 suspended.
- 33 (g) If a person is convicted of an offense involving the use of a
 34 motor vehicle under:
 35 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
 36 at least twenty (20) miles per hour while committing the offense;
 37 (2) subsection (c)(2); or
 38 (3) subsection (c)(3);
 39 the court may notify the bureau of motor vehicles to suspend or revoke
 40 the person's driver's license and all certificates of registration and
 41 license plates issued or registered in the person's name in accordance
 42 with ~~IC 9-30-4-6.1(b)(3)~~ **IC 9-30-4-6.1(b)** for the period described in



1 IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the
 2 bureau whether the person has been sentenced to a term of
 3 incarceration. At the time of conviction, the court may obtain the
 4 person's current driver's license and return the license to the bureau of
 5 motor vehicles.

6 (h) A person may not be charged or convicted of a crime under
 7 subsection (a)(3) if the law enforcement officer is a school resource
 8 officer acting in the officer's capacity as a school resource officer.

9 (i) A person who commits an offense described in subsection (c)
 10 commits a separate offense for each person whose bodily injury,
 11 serious bodily injury, catastrophic injury, or death is caused by a
 12 violation of subsection (c).

13 (j) A court may order terms of imprisonment imposed on a person
 14 convicted of more than one (1) offense described in subsection (c) to
 15 run consecutively. Consecutive terms of imprisonment imposed under
 16 this subsection are not subject to the sentencing restrictions set forth in
 17 IC 35-50-1-2(c) through IC 35-50-1-2(d).

18 (k) As used in this subsection, "family member" means a child,
 19 grandchild, parent, grandparent, or spouse of the person. It is a defense
 20 to a prosecution under subsection (b) that the person reasonably
 21 believed that the person's family member:

22 (1) was in the marked off area; and

23 (2) had suffered bodily injury or was at risk of suffering bodily
 24 injury;

25 if the person is not charged as a defendant in connection with the
 26 offense, if applicable, that caused the area to be secured by barrier tape
 27 or other physical barriers.

28 SECTION 97. IC 35-46-1-10, AS AMENDED BY P.L.49-2020,
 29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 10. (a) A person may not be charged with a
 31 violation under this section and a violation under IC 7.1-7-6-5.

32 (b) A person who knowingly:

33 (1) sells or distributes tobacco, an e-liquid, or an electronic
 34 cigarette to a person less than twenty-one (21) years of age; or

35 (2) purchases tobacco, an e-liquid, or an electronic cigarette for
 36 delivery to another person who is less than twenty-one (21) years
 37 of age;

38 commits a Class C infraction. For a sale to take place under this
 39 section, the buyer must pay the seller for the tobacco, ~~product~~, ~~the~~
 40 e-liquid, or ~~the~~ electronic cigarette.

41 (c) It is not a defense that the person to whom the tobacco, ~~the~~
 42 e-liquid, or electronic cigarette was sold or distributed did not smoke,



1 chew, inhale, or otherwise consume the tobacco, e-liquid, or ~~the~~
2 electronic cigarette.

3 (d) The following defenses are available to a person accused of
4 selling or distributing tobacco, an e-liquid, or an electronic cigarette to
5 a person who is less than twenty-one (21) years of age:

6 (1) The buyer or recipient produced a driver's license bearing the
7 purchaser's or recipient's photograph, showing that the purchaser
8 or recipient was of legal age to make the purchase.

9 (2) The buyer or recipient produced a photographic identification
10 card issued under IC 9-24-16-1, or a similar card issued under the
11 laws of another state or the federal government, showing that the
12 purchaser or recipient was of legal age to make the purchase.

13 (3) The appearance of the purchaser or recipient was such that an
14 ordinary prudent person would believe that the purchaser or
15 recipient was not less than thirty (30) years of age.

16 (e) It is a defense that the accused person sold or delivered the
17 tobacco, e-liquid, or electronic cigarette to a person who acted in the
18 ordinary course of employment or a business concerning tobacco, an
19 e-liquid, or electronic cigarettes including the following activities:

20 (1) Agriculture.

21 (2) Processing.

22 (3) Transporting.

23 (4) Wholesaling.

24 (5) Retailing.

25 (f) As used in this section, "distribute" means to give tobacco, an
26 e-liquid, or an electronic cigarette to another person as a means of
27 promoting, advertising, or marketing the tobacco, e-liquid, or electronic
28 cigarette to the general public.

29 (g) Unless the person buys or receives tobacco, an e-liquid, or an
30 electronic cigarette under the direction of a law enforcement officer as
31 part of an enforcement action, a person who sells or distributes tobacco,
32 an e-liquid, or an electronic cigarette is not liable for a violation of this
33 section unless the person less than twenty-one (21) years of age who
34 bought or received the tobacco, e-liquid, or electronic cigarette is
35 issued a citation or summons under section 10.5 of this chapter.

36 (h) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
37 this section must be deposited in the Richard D. Doyle youth tobacco
38 education and enforcement fund (IC 7.1-6-2-6).

39 SECTION 98. IC 35-46-1-10.2, AS AMENDED BY P.L.49-2020,
40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2021]: Sec. 10.2. (a) A person may not be charged with a
42 violation under this section and a violation under IC 7.1-7-6-5.



1 (b) A retail establishment that sells or distributes tobacco, an
 2 e-liquid, or an electronic cigarette to a person less than twenty-one (21)
 3 years of age commits a Class C infraction. For a sale to take place
 4 under this section, the buyer must pay the retail establishment for the
 5 tobacco, ~~product~~, an e-liquid, or electronic cigarette.

6 (c) Notwithstanding IC 34-28-5-4(c), a civil judgment for an
 7 infraction committed under this section must be imposed as follows:

8 (1) If the retail establishment at that specific business location has
 9 not been issued a citation or summons for a violation of this
 10 section in the previous one (1) year, a civil penalty of up to four
 11 hundred dollars (\$400).

12 (2) If the retail establishment at that specific business location has
 13 had one (1) citation or summons issued for a violation of this
 14 section in the previous one (1) year, a civil penalty of up to eight
 15 hundred dollars (\$800).

16 (3) If the retail establishment at that specific business location has
 17 had two (2) citations or summonses issued for a violation of this
 18 section in the previous one (1) year, a civil penalty of up to one
 19 thousand four hundred dollars (\$1,400).

20 (4) If the retail establishment at that specific business location has
 21 had three (3) or more citations or summonses issued for a
 22 violation of this section in the previous one (1) year, a civil
 23 penalty of up to two thousand dollars (\$2,000).

24 A retail establishment may not be issued a citation or summons for a
 25 violation of this section more than once every twenty-four (24) hours
 26 for each specific business location.

27 (d) It is not a defense that the person to whom the tobacco, ~~an~~
 28 e-liquid, or electronic cigarette was sold or distributed did not smoke,
 29 chew, inhale, or otherwise consume the tobacco, e-liquid, or electronic
 30 cigarette.

31 (e) The following defenses are available to a retail establishment
 32 accused of selling or distributing tobacco, an e-liquid, or an electronic
 33 cigarette to a person who is less than twenty-one (21) years of age:

34 (1) The buyer or recipient produced a driver's license bearing the
 35 purchaser's or recipient's photograph showing that the purchaser
 36 or recipient was of legal age to make the purchase.

37 (2) The buyer or recipient produced a photographic identification
 38 card issued under IC 9-24-16-1 or a similar card issued under the
 39 laws of another state or the federal government showing that the
 40 purchaser or recipient was of legal age to make the purchase.

41 (3) The appearance of the purchaser or recipient was such that an
 42 ordinary prudent person would believe that the purchaser or



- 1 recipient was not less than thirty (30) years of age.
- 2 (f) It is a defense that the accused retail establishment sold or
- 3 delivered the tobacco, e-liquid, or electronic cigarette to a person who
- 4 acted in the ordinary course of employment or a business concerning
- 5 tobacco, an e-liquid, or electronic cigarettes for the following activities:
- 6 (1) Agriculture.
- 7 (2) Processing.
- 8 (3) Transporting.
- 9 (4) Wholesaling.
- 10 (5) Retailing.
- 11 (g) As used in this section, "distribute" means to give tobacco, an
- 12 e-liquid, or an electronic cigarette to another person as a means of
- 13 promoting, advertising, or marketing the tobacco or electronic cigarette
- 14 to the general public.
- 15 (h) Unless a person buys or receives tobacco, an e-liquid, or an
- 16 electronic cigarette under the direction of a law enforcement officer as
- 17 part of an enforcement action, a retail establishment that sells or
- 18 distributes tobacco, an e-liquid, or an electronic cigarette is not liable
- 19 for a violation of this section unless the person less than twenty-one
- 20 (21) years of age who bought or received the tobacco, an e-liquid, or
- 21 electronic cigarette is issued a citation or summons under section 10.5
- 22 of this chapter.
- 23 (i) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
- 24 this section must be deposited in the Richard D. Doyle youth tobacco
- 25 education and enforcement fund (IC 7.1-6-2-6).
- 26 (j) A person who violates subsection (b) at least six (6) times in any
- 27 one (1) year commits habitual illegal sale of tobacco, a Class B
- 28 infraction.
- 29 SECTION 99. IC 35-52-23-20.5 IS REPEALED [EFFECTIVE
- 30 JULY 1, 2021]. ~~Sec. 20.5. IC 23-16-12-7 defines a crime concerning~~
- 31 ~~false documents.~~
- 32 SECTION 100. IC 36-7-14.5-12.3, AS ADDED BY P.L.190-2005,
- 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2021]: Sec. 12.3. (a) This section applies to a redevelopment
- 35 commission in a county having a United States government military
- 36 base that is scheduled for closing or is completely or partially inactive
- 37 or closed.
- 38 (b) The county executive body may adopt an ordinance to elect to
- 39 allow the authority for the county to exercise the powers described in
- 40 section ~~11(5)~~ **11(a)(5)** of this chapter. An ordinance adopted under this
- 41 section may also do any of the following:
- 42 (1) Establish or change the:



- 1 (A) number of members on the board of the authority; or
 2 (B) name of the authority;
 3 that would otherwise apply under this chapter.
 4 (2) Provide for any other matter that is necessary or appropriate
 5 to carry out the powers described in section ~~H(5)~~ **11(a)(5)** or 12.5
 6 of this chapter.
 7 The county executive may amend or rescind an ordinance adopted
 8 under this section if the rights of holders of bonded indebtedness,
 9 leases, or other obligations (as defined under IC 5-1-3-1) of the
 10 authority are not adversely affected.
 11 SECTION 101. IC 36-7-32-22, AS AMENDED BY P.L.158-2019,
 12 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 22. (a) The treasurer of state shall establish an
 14 incremental tax financing fund for each certified technology park
 15 designated under this chapter. The fund shall be administered by the
 16 treasurer of state. Money in the fund does not revert to the state general
 17 fund at the end of a state fiscal year.
 18 (b) Subject to subsection (c), the following amounts shall be
 19 deposited during each state fiscal year in the incremental tax financing
 20 fund established for a certified technology park under subsection (a):
 21 (1) The aggregate amount of state gross retail and use taxes that
 22 are remitted under IC 6-2.5 by businesses operating in the
 23 certified technology park, until the amount of state gross retail
 24 and use taxes deposited equals the gross retail incremental
 25 amount for the certified technology park.
 26 (2) Except as provided in subdivision (3), the aggregate amount
 27 of the following taxes paid by employees employed in the
 28 certified technology park with respect to wages earned for work
 29 in the certified technology park, until the amount deposited equals
 30 the income tax incremental amount as defined in section 8.5(1) of
 31 this chapter:
 32 (A) The adjusted gross income tax.
 33 (B) The local income tax (IC 6-3.6).
 34 (3) In the case of a certified technology park to which subsection
 35 (e) applies, the amount determined under subsection (e), if any.
 36 (c) Except as provided in subsections (d) and (e), not more than a
 37 total of five million dollars (\$5,000,000) may be deposited in a
 38 particular incremental tax financing fund for a certified technology
 39 park over the life of the certified technology park.
 40 (d) Except as provided in subsection (e), in the case of a certified
 41 technology park that is operating under a written agreement entered
 42 into by two (2) or more redevelopment commissions, and subject to



- 1 section 26(b)(4) of this chapter:
 2 (1) not more than a total of five million dollars (\$5,000,000) may
 3 be deposited over the life of the certified technology park in the
 4 incremental tax financing fund of each redevelopment
 5 commission participating in the operation of the certified
 6 technology park; and
 7 (2) the total amount that may be deposited in all incremental tax
 8 financing funds, over the life of the certified technology park, in
 9 aggregate, may not exceed the result of:
 10 (A) five million dollars (\$5,000,000); multiplied by
 11 (B) the number of redevelopment commissions that have
 12 entered into a written agreement for the operation of the
 13 certified technology park.
 14 (e) If a certified technology park maintains its certification under
 15 section 11(c) of this chapter and the limit on deposits under subsection
 16 (c) or (d) has been reached for a period, an additional annual deposit
 17 amount shall, if applicable, be deposited in the incremental tax
 18 financing fund for the certified technology park equal to the following:
 19 (1) For a certified technology park to which subsection (c)
 20 applies, the lesser of:
 21 ~~(1)~~ (A) the income tax incremental amount as defined in
 22 section 8.5(2) of this chapter; or
 23 ~~(2)~~ (B) one hundred thousand dollars (\$100,000).
 24 (2) For a certified technology park to which subsection (d)
 25 applies, the lesser of:
 26 ~~(1)~~ (A) the aggregate income tax incremental amounts as
 27 defined in section 8.5(2) of this chapter attributable to each
 28 redevelopment commission that has entered into a written
 29 agreement for the operation of the certified technology park;
 30 or
 31 ~~(2)~~ (B) one hundred thousand dollars (\$100,000) multiplied by
 32 the number of redevelopment commissions that have entered
 33 into a written agreement for the operation of the certified
 34 technology park.
 35 (f) On or before the twentieth day of each month, all amounts held
 36 in the incremental tax financing fund established for a certified
 37 technology park shall be distributed to the redevelopment commission
 38 for deposit in the certified technology park fund established under
 39 section 23 of this chapter.
 40 SECTION 102. IC 36-8-10.5-11, AS ADDED BY P.L.72-2020,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 11. (a) The education board must establish best



1 practices to improve safety and health outcomes for full-time
2 firefighters and volunteer firefighters not later than July 1, 2021.

3 (b) The best practices must include:

4 (1) a proactive health and safety risk management system
5 consisting of a joint employer and employee governance structure
6 to oversee a continuous process of identification, evaluation,
7 monitoring and controlling, and reporting of safety and health
8 hazards in the workplace;

9 (2) ways to reduce firefighter risk of exposure to carcinogens; and

10 (3) ways to prevent or reduce the risk of injuries and illness with
11 particular focus on causes of compensable worker's compensation
12 or disability claims.

13 (c) The education board shall:

14 (1) review programs established by political subdivisions and
15 volunteer fire departments implementing best practices under this
16 section; and

17 (2) provide a political subdivision or volunteer fire department
18 with a letter for submission to an insurance company for
19 consideration in a premium or rate discount toward the purchase
20 or procurement of worker's compensation insurance under
21 IC 22-3-2-2 or IC 36-8-12-10 that states that the political
22 subdivision or volunteer fire department has implemented best
23 practices under this section.

24 SECTION 103. [EFFECTIVE UPON PASSAGE] (a) **This act may**
25 **be referred to as the "technical corrections bill of the 2021 general**
26 **assembly".**

27 (b) **The phrase "technical corrections bill of the 2021 general**
28 **assembly" may be used in the lead-in line of an act other than this**
29 **act to identify provisions added, amended, or repealed by this act**
30 **that are also amended or repealed in the other act.**

31 (c) **This SECTION expires December 31, 2021.**

32 SECTION 104. [EFFECTIVE UPON PASSAGE] (a) **This**
33 **SECTION applies if a provision of the Indiana Code is:**

34 (1) **added or amended by this act; and**

35 (2) **repealed by another act without recognizing the existence**
36 **of the amendment made by this act by an appropriate**
37 **reference in the lead-in line of the SECTION of the other act**
38 **repealing the same provision of the Indiana Code.**

39 (b) **As used in this SECTION, "other act" refers to an act**
40 **enacted in the 2021 session of the general assembly other than this**
41 **act. "Another act" has a corresponding meaning.**

42 (c) **Except as provided in subsections (d) and (e), a provision**



1 repealed by another act shall be considered repealed, regardless of
2 whether there is a difference in the effective date of the provision
3 added or amended by this act and the provision repealed by the
4 other act. Except as provided in subsection (d), the lawful
5 compilers of the Indiana Code, in publishing the affected Indiana
6 Code provision, shall publish only the version of the Indiana Code
7 provision that is repealed by the other act. The history line for an
8 Indiana Code provision that is repealed by the other act must
9 reference that act.

10 (d) This subsection applies if a provision described in subsection
11 (a) that is added or amended by this act takes effect before the
12 corresponding provision repeal in the other act. The lawful
13 compilers of the Indiana Code, in publishing the provision added
14 or amended in this act, shall publish that version of the provision
15 and note that the provision is effective until the effective date of the
16 corresponding provision repeal in the other act. On and after the
17 effective date of the corresponding provision repeal in the other
18 act, the provision repealed by the other act shall be considered
19 repealed, regardless of whether there is a difference in the effective
20 date of the provision added or amended by this act and the
21 provision repealed by the other act. The lawful compilers of the
22 Indiana Code, in publishing the affected Indiana Code provision,
23 shall publish the version of the Indiana Code provision that is
24 repealed by the other act, and shall note that this version of the
25 provision is effective on the effective date of the repealed provision
26 of the other act.

27 (e) If, during the same year, two (2) or more other acts repeal
28 the same Indiana Code provision as the Indiana Code provision
29 added or amended by this act, the lawful compilers of the Indiana
30 Code, in publishing the Indiana Code provision, shall follow the
31 principles set forth in this SECTION.

32 (f) This SECTION expires December 31, 2021.

33 SECTION 105. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1084, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1084 as introduced.)

TORR

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1084, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1084 as printed January 14, 2021.)

BROWN L, Chairperson

Committee Vote: Yeas 9, Nays 0

