

# HOUSE BILL No. 1179

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-36; IC 21-39-8.5; IC 21-49-2.7.

**Synopsis:** State educational institutions. Requires the board of trustees of a state educational institution to adopt a policy prohibiting the transfer, licensing, or sublicensing of intellectual property developed using the state educational institution's resources to: (1) a business entity organized under the laws of China; (2) a business entity headquartered in China; or (3) a business entity or other entity, including a governmental entity, that is owned or controlled by citizens of, or is directly controlled by the government of, China. Requires the board of trustees of each state educational institution to adopt a policy prohibiting an employee of the state educational institution from making a public statement in the employee's official capacity unless the statement: (1) relates to the operation of the state educational institution, or to a state educational institution sponsored event; or (2) has been approved by the board of trustees. Prohibits a state educational institution from using state funds or resources to: (1) engage or contract with an individual associated with a foreign terrorist organization or a state sponsor of terror; or (2) support the activities of a foreign terrorist organization or a state sponsor of terror.

**Effective:** July 1, 2024.

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January 9, 2024, read first time and referred to Committee on Education.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

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

1 SECTION 1. IC 21-36-1-1.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]: **Sec. 1.5. "Intellectual property" means all original data,**  
4 **findings, or other products of the mind or intellect commonly**  
5 **associated with claims, interests, and rights that are protected**  
6 **under trade secret, patent, trademark, copyright, or unfair**  
7 **competition law.**

8 SECTION 2. IC 21-36-1-2.3 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2024]: **Sec. 2.3. "Prohibited person" means the following:**

- 11 (1) **A business entity organized under the laws of China.**
- 12 (2) **A business entity headquartered in China.**
- 13 (3) **A business entity or other entity, including a governmental**
- 14 **entity, that is owned or controlled by citizens of, or is directly**
- 15 **controlled by the government of, China.**

16 **The term includes an agent, trustee, or fiduciary of a prohibited**  
17 **person.**



1 SECTION 3. IC 21-36-5 IS ADDED TO THE INDIANA CODE AS  
 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2024]:

4 **Chapter 5. Transfer of Intellectual Property**

5 **Sec. 1. This chapter applies to the following state educational**  
 6 **institutions:**

- 7 (1) Indiana University.  
 8 (2) Purdue University.  
 9 (3) Indiana State University.  
 10 (4) Ball State University.  
 11 (5) Ivy Tech Community College.  
 12 (6) University of Southern Indiana.  
 13 (7) Vincennes University.

14 **Sec. 2. The board of trustees of a state educational institution**  
 15 **shall adopt a policy that prohibits the transfer, licensing, or**  
 16 **sublicensing of intellectual property created or developed using the**  
 17 **state educational institution's resources to a prohibited person.**

18 SECTION 4. IC 21-39-8.5 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2024]:

21 **Chapter 8.5. Official Public Statements**

22 **Sec. 1. As used in this chapter, "protected expressive activity"**  
 23 **has the meaning set forth in IC 21-39-8-5.**

24 **Sec. 2. The board of trustees of each state educational institution**  
 25 **shall adopt a policy prohibiting an employee or contractor of the**  
 26 **state educational institution from making a public statement in the**  
 27 **person's official capacity as a state educational institution**  
 28 **employee or contractor unless the statement:**

- 29 (1) relates to the business or operation of the state educational  
 30 institution, or to a state educational institution sponsored  
 31 event; or  
 32 (2) has been approved by the board of trustees of the state  
 33 educational institution.

34 **The policy may not prohibit the exercise of any protected**  
 35 **expressive activity that is not made in the employee's or**  
 36 **contractor's official capacity.**

37 SECTION 5. IC 21-49-2.7 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2024]:

40 **Chapter 2.7. Prohibition on the Use of State Funds and**  
 41 **Resources**

42 **Sec. 1. As used in this chapter, "foreign terrorist organization"**



1 refers to an organization designated by the Secretary of State of  
2 the United States as a foreign terrorist organization under 8 U.S.C.  
3 1189.

4 Sec. 2. As used in this chapter, "state sponsor of terror" means  
5 a country determined by the Secretary of State of the United States  
6 to have repeatedly provided support for acts of international  
7 terrorism.

8 Sec. 3. The board of trustees of each state educational institution  
9 shall adopt a policy that prohibits the use of any state funds or  
10 resources to:

- 11 (1) engage or contract with an individual associated with a  
12 foreign terrorist organization or a state sponsor of terror; or  
13 (2) support the activities of a foreign terrorist organization or  
14 a state sponsor of terror.

