



February 23, 2024

ENGROSSED

HOUSE BILL No. 1179

DIGEST OF HB 1179 (Updated February 22, 2024 10:09 am - DI 110)

Citations Affected: IC 21-36; IC 21-39; IC 21-49.

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 a foreign adversary; (2) a business entity headquartered in a foreign adversary; 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, a foreign adversary. 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.

King, Heaton, Teshka, Goodrich

(SENATE SPONSORS — RAATZ, CRANE)

January 9, 2024, read first time and referred to Committee on Education.
January 25, 2024, amended, reported — Do Pass.
January 29, 2024, read second time, ordered engrossed. Engrossed.
January 30, 2024, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Education and Career Development.
February 22, 2024, amended, reported favorably — Do Pass.

EH 1179—LS 6805/DI 143



February 23, 2024

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.

ENGROSSED 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 21-36-1-1.3 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 1.3. "Foreign adversary" includes the following:**
4 (1) **China.**
5 (2) **Iran.**
6 (3) **North Korea.**
7 (4) **Russia.**
8 (5) **A foreign government listed in 15 CFR 7.4.**
9 (6) **A country designated as a threat to critical infrastructure**
10 **by the governor under IC 1-1-16-8.**
11 SECTION 2. IC 21-36-1-1.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2024]: **Sec. 1.5. "Intellectual property" means all original data,**
14 **findings, or other products of the mind or intellect commonly**
15 **associated with claims, interests, and rights that are protected**
16 **under trade secret, patent, trademark, copyright, or unfair**
17 **competition law.**

EH 1179—LS 6805/DI 143



1 SECTION 3. IC 21-36-1-2.3 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: **Sec. 2.3. "Prohibited person" means the following:**

- 4 (1) A business entity organized under the laws of a foreign
 5 adversary.
 6 (2) A business entity headquartered in a foreign adversary.
 7 (3) A business entity or other entity, including a governmental
 8 entity, that is owned or controlled by citizens of, or is directly
 9 controlled by the government of, a foreign adversary.

10 **The term includes an agent, trustee, or fiduciary of a prohibited
 11 person.**

12 SECTION 4. IC 21-36-5 IS ADDED TO THE INDIANA CODE AS
 13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2024]:

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

16 **Sec. 1. This chapter applies to the following state educational
 17 institutions:**

- 18 (1) Indiana University.
 19 (2) Purdue University.
 20 (3) Indiana State University.
 21 (4) Ball State University.
 22 (5) Ivy Tech Community College.
 23 (6) University of Southern Indiana.
 24 (7) Vincennes University.

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

29 SECTION 5. IC 21-39-8.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]:

32 **Chapter 8.5. Official Public Statements**

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

35 **Sec. 2. The board of trustees of each state educational institution
 36 shall adopt a policy prohibiting an employee of the state
 37 educational institution from making a public statement in the
 38 person's official capacity as a state educational institution
 39 employee unless the statement:**

- 40 (1) relates to the business or operation of the state educational
 41 institution, or to a state educational institution sponsored
 42 event; or



1 **(2) has been approved by the board of trustees of the state**
2 **educational institution.**

3 **The policy may not prohibit the exercise of any protected**
4 **expressive activity that is not made in the employee's official**
5 **capacity.**

6 SECTION 6. IC 21-49-2.7 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]:

9 **Chapter 2.7. Prohibition on the Use of State Funds and**
10 **Resources**

11 **Sec. 1. As used in this chapter, "foreign terrorist organization"**
12 **refers to an organization designated by the Secretary of State of**
13 **the United States as a foreign terrorist organization under 8 U.S.C.**
14 **1189.**

15 **Sec. 2. As used in this chapter, "state sponsor of terror" means**
16 **a country determined by the Secretary of State of the United States**
17 **to have repeatedly provided support for acts of international**
18 **terrorism.**

19 **Sec. 3. The board of trustees of each state educational institution**
20 **shall adopt a policy that prohibits the use of any state funds or**
21 **resources to:**

22 **(1) engage or contract with an individual associated with a**
23 **foreign terrorist organization or a state sponsor of terror; or**
24 **(2) support the activities of a foreign terrorist organization or**
25 **a state sponsor of terror.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-36-1-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.3. "Foreign adversary" includes the following:**

- (1) China.**
- (2) Iran.**
- (3) North Korea.**
- (4) Russia.**
- (5) A foreign government listed in 15 CFR 7.4.**
- (6) A country designated as a threat to critical infrastructure by the governor under IC 1-1-16-8."**

Page 1, line 11, delete "China." and insert "**a foreign adversary.**".

Page 1, line 12, delete "China." and insert "**a foreign adversary.**".

Page 1, line 15, delete "China." and insert "**a foreign adversary.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1179 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

Page 2, line 36, delete "or contractor".

Page 2, line 39, delete "or contractor".

Page 3, line 4, delete "or".

EH 1179—LS 6805/DI 143



Page 3, line 5, delete "contractor's".
and when so amended that said bill do pass.

(Reference is to HB 1179 as printed January 25, 2024.)

RAATZ, Chairperson

Committee Vote: Yeas 13, Nays 0.

