



Reprinted  
January 30, 2024

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## SENATE BILL No. 9

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DIGEST OF SB 9 (Updated January 29, 2024 2:41 pm - DI 104)

**Citations Affected:** IC 25-1.

**Synopsis:** Notice of health care entity mergers. Requires health care entities to provide notice of certain mergers or acquisitions to office of the attorney general. Specifies notice requirements. Requires the office of the attorney general to review the information submitted with the notice. Allows the office of the attorney general to: (1) analyze in writing any antitrust concerns with the merger or acquisition; and (2) issue a civil investigative demand for additional information. Specifies that the information is confidential.

**Effective:** July 1, 2024.

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**Garten, Charbonneau, Brown L,  
Busch, Johnson T, Byrne, Donato,  
Ford J.D.**

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January 8, 2024, read first time and referred to Committee on Health and Provider Services.  
January 25, 2024, amended, reported favorably — Do Pass.  
January 29, 2024, read second time, amended, ordered engrossed.

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SB 9—LS 6811/DI 104





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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.

## SENATE BILL No. 9

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

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

- 1 SECTION 1. IC 25-1-8.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:  
4 **Chapter 8.5. Reporting of Health Care Entity Mergers and**  
5 **Acquisitions**  
6 **Sec. 1. (a) As used in this chapter, "health care entity" means**  
7 **any of the following:**  
8 **(1) Any organization or business that provides diagnostic,**  
9 **medical, surgical, dental treatment, or rehabilitative care.**  
10 **(2) An insurer that issues a policy of accident and sickness**  
11 **insurance (as defined in IC 27-8-5-1), except for the following**  
12 **types of coverage:**  
13 **(A) Accident only, credit, dental, vision, long term care, or**  
14 **disability income insurance.**  
15 **(B) Coverage issued as a supplement to liability insurance.**  
16 **(C) Automobile medical payment insurance.**  
17 **(D) A specified disease policy.**

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- 1 (E) A policy that provides indemnity benefits not based on  
 2 any expense incurred requirements, including a plan that  
 3 provides coverage for:  
 4 (i) hospital confinement, critical illness, or intensive care;  
 5 or  
 6 (ii) gaps for deductibles or copayments.  
 7 (F) Worker's compensation or similar insurance.  
 8 (G) A student health plan.  
 9 (H) A supplemental plan that always pays in addition to  
 10 other coverage.  
 11 (3) A health maintenance organization (as defined in  
 12 IC 27-13-1-19).  
 13 (4) A pharmacy benefit manager (as defined in  
 14 IC 27-1-24.5-12).  
 15 (5) An administrator (as defined in IC 27-1-25-1).  
 16 (6) A private equity partnership seeking to enter into a  
 17 merger or acquisition with an entity described in subdivisions  
 18 (1) through (5).  
 19 (b) The term does not include the Medicaid program or the  
 20 Medicare program.  
 21 Sec. 2. As used in this chapter, "merger" means any change of  
 22 ownership, including:  
 23 (1) an acquisition or transfer of assets; or  
 24 (2) the purchase of stock effectuated by a merger agreement.  
 25 Sec. 3. (a) An Indiana health care entity that is involved in a  
 26 merger or acquisition with another health care entity with a value  
 27 of at least ten million dollars (\$10,000,000) shall, at least ninety (90)  
 28 days prior to the date of the merger or acquisition, provide written  
 29 notice of the merger or acquisition to the office of the attorney  
 30 general in a manner prescribed by the office of the attorney  
 31 general.  
 32 (b) The notice required by subsection (a) must include the  
 33 following information from each health care entity:  
 34 (1) Business address and federal tax number.  
 35 (2) Name and contact information of a representative of the  
 36 health care entity concerning the merger or acquisition.  
 37 (3) Description of the health care entity.  
 38 (4) Description of the merger or acquisition, including the  
 39 anticipated timeline.  
 40 (5) A copy of any materials that have been submitted to a  
 41 federal or state agency concerning the merger or acquisition.  
 42 The notice submitted under this section must be certified before a



1 notary public.  
2 (c) The office of the attorney general shall keep confidential all  
3 nonpublic information, and the confidential information may not  
4 be released to the public.  
5 (d) Not later than forty-five (45) days from the submission of a  
6 notice under subsection (a), the office of the attorney general:  
7 (1) shall review the information submitted with the notice;  
8 and  
9 (2) may analyze in writing any antitrust concerns with the  
10 merger or acquisition.  
11 The office of the attorney general shall provide any written  
12 analysis described in subdivision (2) to the person that submitted  
13 the notice under subsection (a).  
14 (e) The office of the attorney general may issue a civil  
15 investigative demand under IC 4-6-3 to a health care entity that  
16 has submitted a notice under this section for additional  
17 information.  
18 (f) Any information received or produced by the office of the  
19 attorney general under this section is confidential.



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 9, 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 1, delete lines 10 through 14.

Page 1, line 15, delete "(3)" and insert "**(2)**".

Page 2, line 16, delete "(4)" and insert "**(3)**".

Page 2, line 18, delete "(5)" and insert "**(4)**".

Page 2, line 20, delete "(6)" and insert "**(5)**".

Page 2, line 29, delete "six (6)" and insert "**ninety (90) days**".

Page 2, line 30, delete "months".

Page 2, line 31, delete "following:" and insert "**office of the attorney general in a manner prescribed by the office of the attorney general.**".

Page 2, delete lines 32 through 40.

Page 3, line 11, delete "individuals described in subsection (a)" and insert "**office of the attorney general**".

Page 3, after line 14, begin a new paragraph and insert:

**"(d) Not later than forty-five (45) days from the submission of a notice under subsection (a), the office of the attorney general:**

**(1) shall review the information submitted with the notice;  
and**

**(2) may analyze in writing any antitrust concerns with the merger or acquisition.**

**The office of the attorney general shall provide any written analysis described in subdivision (2) to the person that submitted the notice under subsection (a).**

**(e) The office of the attorney general may issue a civil investigative demand under IC 4-6-3 to a health care entity that has submitted a notice under this section for additional information.**

**(f) Any information received or produced by the office of the attorney general under this section is confidential."**

and when so amended that said bill do pass.

(Reference is to SB 9 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 9 be amended to read as follows:

Page 2, between lines 15 and 16, begin a new line block indented and insert:

**"(6) A private equity partnership seeking to enter into a merger or acquisition with an entity described in subdivisions (1) through (5)."**

Page 2, line 42, delete "if requested by the health care entity," and insert ",".

(Reference is to SB 9 as printed January 26, 2024.)

GARTEN

