

# Indiana Coalition Against Domestic Violence

2019 Session of the Indiana General Assembly

Final Legislative Report: April 30, 2019

The Indiana General Assembly adjourned sine die on April 24, 2019, five days ahead of the statutory deadline for the end of session. 1349 bills were filed, with a total of 292 enacted.

ICADV procured an alteration of the general fund appropriation of \$5 million per year, to permit these domestic violence funds to now be used for rehabilitation of shelters. We had also requested a new \$250,000/year matching appropriation under IHEDA for the housing needs of domestic violence survivors. However, in February, IHEDA received a \$2 million federal grant from HUD to support housing stability and safety for survivors of domestic violence, and our state appropriation was not added to the state budget. Hopefully IHEDA will leverage other funds in its existing budget to provide the necessary match for the \$2 million federal housing grant.

An unusually high number of bills impacting protective orders were moving throughout the session, and ICADV worked on all of them. **SB 551** was amended to remove language very broadly authorizing new protective order filings, and now more narrowly targets its objective: allowing a parent, guardian or other representative to file for a protective order against an adult who is sexually grooming a child through repeated or continued contact. **SB 551** also adds strangulation conviction as an offense enhancing the penalty for domestic battery, which was supported by ICADV.

Similarly, **HB 1607** was filed as a bill broadly allowing a new class of protective orders to combat bullying. Over the course of session it was much more narrowly structured to allow orders for repeated and continuing harassment causing emotional distress, without ex parte orders being authorized.

A third protective order bill passed which still contains troubling provisions: **SB 235**. ICADV testified with concerns and worked with both the Senate author and House sponsor. As passed, this bill permits expungements of protective orders which have been dismissed, without any waiting period, without any limit on the number of expungements, and without any discretion afforded to the Judge. This issue is likely to be reviewed over the summer as part of an overall consideration of Indiana's system of protective orders by the Indiana State Bar.

ICADV was also an active member of the broad coalition of faith groups, veterans, social service organizations and community groups opposing **SB 613**, the bill which would have dramatically expanded payday and other high cost lending, allowing rates over double the current felony loan sharking cap. **SB 613** finally died, for the fourth year in a row, this time because the House could not rally enough votes to support the bill on third reading, despite protracted efforts to do so.

Another good result was passage of **HB 1651**, a bill that now prohibits a "dangerous person" from legally acquiring or carrying a firearm, for which ICADV testified. Unfortunately, another bill supported by ICADV, **HB 440**, died in the final weeks after not receiving a hearing in the House Ways and Means committee. **HB 440** would have modestly increased eligibility and benefit levels for TANF recipients for the first time in decades.

Summaries of these bills, and many others of interest to ICADV members, are listed below. For further details relating to any of these pieces of legislation, go to <http://iga.in.gov/legislative/2019/bills/>, and click on the bill number.

## A. Funding

### HB1001 BIENNIAL BUDGET

Relating to domestic violence and sexual assault:

#### DOMESTIC VIOLENCE PREVENTION AND TREATMENT

##### General Fund

Total Operating Expense 5,000,000 5,000,000

Domestic Violence Prevention and Treatment Fund (IC 5-2-6.7-4)

Total Operating Expense 1,135,636 1,135,636 Augmentation allowed.

The above appropriations are for programs and treatment for the prevention of domestic violence. The appropriations may not be used to construct or rehabilitate a shelter.

#### **SEXUAL ASSAULT VICTIMS' ASSISTANCE**

Total Operating Expense 1,501,708

Sexual Assault Victims Assistance Fund (IC 5-2-6-23(j))

Total Operating Expense 25,000

Augmentation allowed.

#### **VICTIMS OF VIOLENT CRIME ADMINISTRATION**

General Fund

Total Operating Expense 636,763

Violent Crime Victims Compensation Fund (IC 5-2-6.1-40) Personal Services 300,417 Other Operating Expense 2,723,737

Augmentation allowed.

**\*Note: The general fund appropriation remains constant, at \$5 million per year, plus the DVPT fund. We had not asked for an increase in this line item. The Senate did accept our request to allow these funds to now be used for rehabilitating a shelter.**

**We had also requested a \$250,000 per year matching appropriation under IHEDA to be used for housing needs for survivors of domestic violence, which ultimately was not included. However, IHEDA did receive a \$2 million domestic violence housing grant in February to support housing stability and safety for survivors of domestic violence, requiring a 25% match from IHEDA.**

#### **B. Protective Order Bills**

**HB1607 HARASSMENT AND ORDERS FOR PROTECTION (HATFIELD R)** Defines "harassment" for purposes of civil orders for protection. Provides that a person who is a victim of harassment may file a petition for an order for protection against a person who commits harassment, and that a court may issue an order for protection against a person who commits harassment only after notice and a hearing. Provides that a court may impose certain terms and conditions upon a respondent when allowing a petitioner and respondent to occupy the same location. Specifies the powers of magistrates. Makes conforming changes. **4/24/2019 - Signed by the President Pro Tempore**

**\*We testified and worked with this bill to cut it back from its original form to allow protective orders to be filed for bullying. Apparently some Judges also intervened in the Senate to narrow the bill's scope further.**

**SB235 EXPUNGEMENTS (FREEMAN A)** Defines "collateral action" as an action that is factually or legally related to an arrest, a criminal charge, a delinquency allegation, a criminal conviction, or a delinquency adjudication. Specifies that certain information relating to: (1) an arrest; and (2) a collateral action is required to be sealed or marked expunged if a petition for expungement is granted. Specifies that an amendment affecting the information required to be expunged, marked as expunged, or otherwise sealed or restricted does not apply to an expungement order granted before the effective date of the amendment. Sets forth a procedure for a person to file a petition for a supplemental order of expungement. Provides that a person convicted of a felony that resulted in death to another person may not seek expungement of that felony. Strikes and relocates a provision relating to certain nonpublic records maintained by a law enforcement agency, and specifies that this provision also applies to records maintained by a public defender agency. Establishes a method for a person to expunge a protection order if the petition for a protection order is dismissed or denied. Requires an IDACS coordinator to remove the name of a respondent from the Indiana protective order registry when the IDACS coordinator receives notice from the county clerk that the protective order against the respondent has been dismissed. **4/23/2019 - Signed by the Speaker**

**\*We testified and worked with the bill author and sponsor to try to change some of its provisions. Problematic provisions remain, on which we will work this summer with a committee of the State Bar Association.**

**SB551 VICTIMS OF CRIMINAL ACTS (MESSMER M)** Provides that a new registration period may be imposed if a sex or violent offender fails to register or improperly registers as a sex or violent offender. Prohibits records held by the department of child services to be disclosed to any person who requests the record if it related to an ongoing police investigation or criminal prosecution. Provides that a parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a person who engages in sexual grooming activity. Amends the definition of "crime of domestic violence". Creates a procedure where a victim of a sex crime and child victim of a sex

crime can have their identity protected from the public. Provides that if a child less than 16 years of age is summoned to testify as a witness to any hearing in any criminal matter, the child shall be allowed to have a comfort item or comfort animal while testifying. Expands the list of offenses that may be prosecuted before a victim reaches 31 years of age to include all offenses of child molesting, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, and incest. Provides that a person commits the offense of domestic battery, as a Level 6 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of strangulation, as a Level 5 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of kidnapping, as a Level 4 felony, if it results in moderate bodily injury to a person other than the removing person. Provides that a person commits the offense of criminal confinement, as a Level 4 felony, if it results in moderate bodily injury to a person other than the confining person. Amends certain age requirements and adds enhanced offenses to the offense of child seduction. Provides that a person at least 18 years of age who knowingly or intentionally: (1) performs or submits to sexual intercourse or other sexual conduct with a child less than 16 years of age; or (2) performs or submits to any fondling or touching with a child less than 16 years of age with the intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. Prohibits a person who has a Class D felony conviction or a Level 6 felony conviction for domestic battery within the previous 15 years from petitioning the court to reduce the felony conviction to a Class A misdemeanor. Urges the legislative council to assign to an interim study committee the issue of depositions of child victims of sex offenses **4/18/2019 - Signed by the Governor**

**\*We testified about the breadth of this bill as filed, and worked with the author to narrow its provisions.**

**SB16 PROTECTIVE ORDERS AND EMPLOYMENT (RANDOLPH L)** Urges the general assembly to assign to an appropriate interim study committee the task of studying the issue of whether an individual can be subject to disqualification from eligibility for unemployment benefits because the individual was discharged from employment due to circumstances directly related to the individual's filing of a petition for a protective order. **Bill was not heard in the House.**

**C. Others:**

**HB1651 JUDICIAL EVALUATION OF DANGEROUS INDIVIDUALS AND FIREARMS (SCHAIBLEY D)** Provides that a judicial finding of dangerousness may be used to initiate temporary commitment proceedings. Provides that a dangerous person is not a proper person for the purpose of: (1) applying for; or (2) receiving; a license to carry a handgun. Provides that a dangerous person who knowingly or intentionally: (1) rents; (2) purchases; (3) receives transfer of; (4) owns; or (5) possesses; a firearm commits dangerous possession of a firearm, a Class A misdemeanor. Provides that a person who knowingly or intentionally: (1) rents; (2) transfers; (3) sells; or (4) offers for sale; a firearm to a person that a court has found to be dangerous or prohibited from owning or possessing a firearm commits dangerous transfer of a firearm, a Level 5 felony. Requires a law enforcement officer (officer) who seizes a firearm from a person believed to be dangerous without a warrant to provide an affidavit to a court with jurisdiction over the person at issue: (1) not later than 48 hours after the seizure or attempted seizure of the firearm; and (2) for each seizure or attempted seizure of a firearm from the person. Requires a court to order the retention of a seized firearm by a law enforcement agency if the court: (1) finds; or (2) has previously found; the person to be dangerous. Requires a court to determine if a person is dangerous by conducting a hearing. Provides that if a court finds that an individual is not dangerous or no longer dangerous, the court shall order the law enforcement agency having custody of the firearm confiscated, recovered, or seized from the individual to return the firearm to the individual as quickly as practicable, but not later than five days after the court's order. Provides that a dangerous person may petition a court for a court order vacating the person's designation as a dangerous individual 180 days after being found dangerous by a circuit or superior court. Defines "responsible third party". Requires a responsible third party to: (1) safely and responsibly care for and store a firearm that is entrusted to the third party; and (2) prevent dangerous persons from accessing any firearm entrusted to the third party. **04/24/2019 - Signed by the Pres Pro Tem**

**\*ICADV testified in support of this bill.**

**HB1400 EDUCATION STUDIES (COOK A)** Urges the legislative council to assign to the interim study committee on education during the 2019 through 2022 interims the following: (1) The study of how to: (A) eliminate, reduce, or streamline the number of education mandates placed on schools; and (B) streamline fiscal and compliance reporting to the general assembly on a sustainable and systematic basis. (2) The review of certain provisions relating to professional development, development of policies, reporting requirements, and curriculum requirements of schools. Urges the

legislative council to assign to the interim study committee on education the task of studying in the 2019 interim the cost and benefits of virtual schools in relation to public school corporations and public school students.

**4/29/2019 - Signed by the President of the Senate**

**SB36 FELONY REGISTRY (HEAD R)** Defines "felony" and requires the office of judicial administration to establish an electronic felony registry (registry) through June 30, 2023, containing information relating to persons convicted of a felony. Specifies that a person does not have a duty or other obligation in providing banking or other financial services to review the registry or deny services to a person on the registry. **Was not heard in the House.**

#### **D. Guns**

**HB1284 SELF-DEFENSE, DEFENSE OF OTHERS, AND FIREARMS MATTERS (LUCAS J)** Designates the following as voter registration offices: (1) Each office affiliated with the Indiana state police. (2) Each office affiliated with the sheriff of a county. (3) Each office affiliated with a municipal law enforcement agency. Provides immunity for a justified use of force in certain instances. Requires a court to award, in certain instances, reasonable attorney's fees and costs to a defendant when the justified use of force immunity is successfully raised. Permits a person who may legally possess a firearm to possess a firearm on school property if the person possesses the firearm: (1) as an employee or volunteer of a house of worship located on the school property; or (2) while attending a worship service or religious ceremony conducted at a house of worship. Increases the duration of a four year handgun license to five years. Provides that an individual may simultaneously hold both a five year license and a lifetime license. Requires a law enforcement officer to whom an application for a handgun license is made to consult available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), when determining whether possession of a firearm by an applicant would be a violation of state or federal law. Modifies the fees for five year licenses beginning July 1, 2020. Makes conforming amendments. **4/26/2019 - SIGNED BY GOVERNOR**

**SB119 MACHINE GUNS (TOMES J)** Defines "machine gun". Provides that a person may not sell, give, or in any other manner transfer ownership or possession of a machine gun to any person under 18 years of age. Provides that a person who knowingly or intentionally sells, provides, or in any other manner transfers ownership or possession of a machine gun to a person under 18 years of age commits a: (1) Level 5 felony; (2) Level 4 felony if the person has a prior conviction for the offense; or (3) Level 3 felony if a person under 18 years of age uses the machine gun to commit murder. Makes conforming amendments and a technical correction. **4/29/2019 - Signed by the Speaker**

#### **Bill that died:**

**HB1253 SPECIALIZED WEAPONS AND OTHER TRAINING (LUCAS J)** Provides that, before an employee or any other staff member of a school corporation, charter school, or nonpublic school may carry a firearm in or on school property as authorized by a school board of the school corporation, charter school, or nonpublic school, the employee or staff member shall do the following: (1) Successfully complete certain specialized weapons training. (2) Provide proof to the school board that the employee or other staff member has successfully completed the specialized weapons training. (3) Complete the Minnesota multiphasic personality inventory 2 (MMPI-II) and provide proof of completion to the school corporation, charter school, or nonpublic school. Requires an employee or any other staff member of a school corporation, charter school, or nonpublic school to successfully complete eight hours of weapons training each year that the employee or staff member intends to carry a firearm in or on school property. Provides that a school corporation, charter school, or accredited nonpublic school may use grant money received from the Indiana safe schools fund to pay for part or all of specialized weapons training for employees of the school corporation, charter school, or accredited nonpublic school who are required to successfully complete or who request to attend the specialized weapons training. Establishes requirements for specialized weapons training. Requires, that for a person or entity to provide specialized weapons training to certain employees and other staff members of a school corporation, charter school, or nonpublic school, the person or entity apply and receive approval from the secured school safety board. Provides that a public school or an accredited nonpublic school may not conduct a training or drill for an employee of the school that includes, as any part of the training or drill, the expelling of any type of projectile at the employee unless: (1) the school informs the employee of the use of projectiles in the training or drill; and (2) the employee consents, in writing, to the use of projectiles during the training or drill. Provides that a public school or an accredited nonpublic school may not conduct or approve a training or a drill for a student of the school that includes, as any part of the training or drill, the expelling of any type of projectile. Allows a

school to barricade or block a door during an active shooter drill or during an active shooter emergency occurring in a school building. Establishes requirements concerning the barricading or blocking of a door during an active shooter drill or during an active shooter emergency.

#### **E. Anti-Poverty**

**HB1087 PAYMENT OF COURT COSTS (PRESSEL J)** Allows a court to reduce some or all of the court costs owed by a person who performs community service or approved uncompensated volunteer work by: (1) determining the number of hours of community service or volunteer work performed by the person; (2) multiplying the number of hours worked by the Indiana minimum wage; and (3) deducting that figure from the amount owed. Excludes from the calculation community service hours required to be performed under a plea agreement. **4/24/2019 - SIGNED BY GOVERNOR**

**HB1141 TRAFFIC AMNESTY PROGRAM (SHACKLEFORD R)** Establishes a temporary traffic amnesty program to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable. Specifies that a person seeking a reduction in fees owed is not required to pay a court filing fee. Provides that as part of the traffic amnesty program a person must: (1) pay the driving privileges reinstatement fee to the bureau of motor vehicles (bureau); (2) provide proof of financial responsibility to the court; and (3) not be ineligible to have the person's driving privileges reinstated. Provides that the court must transmit a copy of its order to the bureau in a manner prescribed by the bureau. Specifies that a petition for traffic amnesty is not an admission of guilt, and requires a court to include in its order granting amnesty that the order is not a conviction, finding of guilt, or finding of liability. Makes a technical correction. **4/24/2019 – Signed by Speaker and President Pro Tem**

**HB1177 TOWNSHIP GOVERNMENT ISSUES (ZIEMKE C)** Requires a township to prepare a capital improvement plan for at least the ensuing three years if the balance in certain capital improvement funds in the preceding year exceeds both of the following: (1) 150% of the township's annual budget estimate. (2) \$200,000. Prohibits the township from collecting property taxes for certain capital improvement funds in the ensuing year unless the township has adopted a capital improvement plan. Allows a township to make a one time transfer of an excess balance or part of an excess balance between township funds. Provides that the transfer may not be completed until after the township adopts a capital improvement plan, if the township is required to adopt a capital improvement plan. Requires the transfers must be completed not later than September 1, 2020. Provides that if an eligible municipality petitions an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township, the legislative body of the adjacent township must accept transfer of the territory of an eligible municipality within two years (instead of one year) after the legislative body receives the petition. Repeals a provision that prohibits the transfer of territory from taking effect in the year before a federal decennial census is conducted. **4/29/2019 - SIGNED BY GOVERNOR**

**HB1216 FIRST STEPS PROGRAM (CLERE E)** Provides that, for purposes of determining a family's income under the first steps program, a family is presumed to have an income that is not more than 250% of the federal income poverty level if the family is receiving benefits under Medicaid, the Supplemental Nutrition Assistance Program (SNAP), or the Temporary Assistance for Needy Families (TANF) program. Requires the division of disability and rehabilitative services to review and revise the division's policy regarding make-up therapy sessions, including defining what constitutes a "make-up" or "missed" session, based on recommendations from the interagency coordinating council.

**4/29/2019 - SIGNED BY GOVERNOR**

**SB216 EDUCATIONAL COSTS EXEMPTIONS (BOOTS P)** Amends the eligibility requirements for educational costs exemptions for children of and certain individuals related to certain veterans. Provides that a spouse or dependent of a qualified veteran is eligible to pay the resident tuition rate of a state educational institution if certain requirements are met. Removes the following: (1) Provisions concerning cumulative grade point average requirements for individuals who qualify for an exemption because of a father or mother (or other relation for certain individuals) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011. (2) A provision requiring the commission for higher education to consider other higher education financial assistance in determining the amount of an exemption. (Another provision in current law requires any other financial assistance specifically designated for educational costs to be subtracted from the amount an applicant is exempt from paying.) Repeals and relocates, with changes to the eligibility requirements, the following categories of individuals exempted from educational costs at state educational institutions:

(1) Children or surviving spouses of public safety officers. (2) Children or spouses of members of the 1977 police officers' and firefighters' pension and disability fund who sustain a catastrophic physical personal injury in the line of duty. (3) Children and spouses of Indiana National Guard members who suffer a service connected death while serving on state active duty (including a provision that a determination as to whether an applicant is eligible for an educational costs exemption is vested exclusively in the military department and a provision concerning appealing a determination by the military department). (4) Purple Heart recipients (and adds individuals who were wounded as a result of enemy action). Repeals provisions that list tuition and fee exemptions and reductions outside of the higher education provisions. Makes conforming changes. **4/29/2019: Signed by President of Senate.**

**Bill died:**

**SB440 TANF ELIGIBILITY (FORD J, Randolph, Kruse, Becker, Melton)** Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at phased in specified percentages of the federal income poverty level beginning January 1, 2020. Requires the division of family resources to amend the state TANF plan or take any other action necessary to implement the income requirements. Increases certain payment amounts under the TANF program beginning January 1, 2020, and requires the payments to be annually adjusted using the Social Security cost of living adjustment rate. Authorizes emergency rulemaking concerning the payments. Repeals language that required the division of family resources to apply a percentage reduction to the total needs of the TANF applicants and recipients in computing TANF benefits. **Unfortunately, although this bill passed the Senate and the House Family and Children Committee unanimously, it died after reassignment to Ways and Means.**

**F. Hate Crimes**

**SB198 SENTENCING (BOHACEK M)** Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance. Makes it an aggravating circumstance that a crime was committed because of certain perceived or actual characteristics of the victim. **4/3/2019 - SIGNED BY GOVERNOR**  
**\*Hate crime language was added in the House as a second-reading amendment with no public hearing. Does not include gender or gender identity.**

**G. Payday – loan sharking, and other consumer credit related bills.**

**SB104 SMALL LOANS (WALKER G, Tomes, Becker, Kruse, Ruckelshaus, Breaux, Stoops, JD Ford, Bohacek, Randolph)** Changes the current incremental finance charge limits that apply to a small loan to a maximum annual rate. Prohibits making, or taking other actions with respect to, a small loan with a greater rate or amount of interest, or other fees and charges, than allowed under the statute governing small loans. Prohibits a credit services organization from providing certain functions with respect to a small loan and makes a violation a deceptive act.  
**2/26/2019 - Third reading defeated: 22-26**

**SB613 CONSUMER CREDIT (MESSMER M)** Makes the following changes to the Uniform Consumer Credit Code (UCCC): (1) Repeals a provision specifying a reference base index for use by the department of financial institutions (department) in adjusting specified dollar amounts designated as subject to change throughout the UCCC. (2) Replaces: (A) the tiered credit service charge authorized for consumer credit sales; and (B) the 25% loan finance charge authorized for consumer loans; with a flat charge of 36% per year on the unpaid balances. (3) Increases the: (A) minimum credit service charge for consumer credit sales; and (B) minimum loan finance charge for consumer loans; from \$30 (subject to indexing) to \$50 (not subject to indexing). (4) Eliminates indexing of the authorized \$5 delinquency charge for consumer credit sales and consumer loans. (5) Provides that a seller in a consumer credit sale may take a security interest in goods sold if the debt secured is at least \$1,500 (not subject to indexing), versus \$300 (subject to indexing) in current law. (6) Changes the authorized nonrefundable prepaid finance charge for consumer loans not secured by an interest in land from \$50 to \$100. (7) Repeals: (A) the definition of "supervised loan"; and (B) the provision establishing the authorized loan finance charge for supervised loans. Makes conforming amendments throughout the UCCC and the Indiana Code. (8) Provides that for a consumer loan: (A) with a loan finance charge greater than 25%; and (B) in which the principal is \$4,000 or less (not subject to indexing); a lender may not contract for an interest in land as security. (Current law prohibits a lender from contracting for an interest in land as security if the loan principal is \$4,000 or less (subject to indexing) without regard to the loan's finance charge.) (9) Provides that consumer loans having a loan finance charge exceeding 25% and in which the principal is \$4,000 or less are payable over a period of not more than: (A) 37 months if the principal is more than \$1,100 (versus

\$300, subject to indexing, in current law) but not more than \$4,000; or (B) 25 months if the principal is \$1,100 (versus \$300, subject to indexing, in current law) or less. (Current law specifies these maximum loan terms for loans with a principal amount of \$4,000 or less (subject to indexing) without regard to the loan's finance charge.) (10) Provides that a creditor in a consumer loan transaction may not contract for or receive a separate charge for property casualty insurance unless the amount financed exclusive of charges for the insurance is at least \$1,000 (versus \$300, subject to indexing, in current law), and the value of the property is at least \$1,000 (versus \$300, subject to indexing, in current law). Authorizes a lender that is licensed by the department to make small loans under the UCCC to make unsecured consumer installment loans under the same license. Defines an "unsecured consumer installment loan" as a loan: (1) with a principal amount that is: (A) more than \$605 and not more than \$1,500; and (B) payable in three or more substantially equal periodic payments; and (2) in which the lender holds one or more checks of the borrower for a specific period, or is authorized to debit the borrower's account on one or more occasions for a specific period, before the lender deposits the check or debits the account. Requires that the loan term for an unsecured consumer installment loan be at least six months but not more than nine months. Provides for the following with respect to unsecured consumer installment loans: (1) An authorized finance charge and monthly maintenance fee. (2) An annual fee assessed on lenders of \$1,000 per license and \$1,000 per Indiana branch location (after the first location), for financial education programs. Prohibits: (1) the renewal of an unsecured consumer installment loan; and (2) a borrower from having: (A) a small loan and an unsecured consumer installment loan; or (B) more than one unsecured consumer installment loan; outstanding at the same time. Establishes requirements for the licensure and conduct of persons issuing small dollar loans. Defines "small dollar loan" as a loan with a maximum loan amount of \$3,000 and a term of: (1) at least 180 days; and (2) not more than 36 months. Provides that with respect to a small dollar loan, a lender may contract for a loan finance charge of not more than 72%. Provides for an annual fee assessed on lenders of \$1,000 per license and \$1,000 per Indiana branch location (after the first location), for financial education programs. Establishes the consumer financial education fund (fund) for the purpose of paying expenses incurred by the department relating to consumer financial education. Provides that the annual fees required to be paid by: (1) lenders licensed to make small dollar loans and unsecured consumer installment loans; and (2) lenders licensed to make small dollar loans; shall be deposited in the fund. Specifies that a "rate", for purposes of the loansharking statute, includes a nonrefundable prepaid finance charge. Replaces language conforming the loan rate for the criminal loansharking statute to the maximum loan finance charge for consumer loans under the UCCC, with language specifying that a loan is considered loansharking if it is made at a rate greater than 72% per year on the unpaid balance of the principal. **Passed Senate 26-23. Not called down on third reading in the House because of insufficient support.**

#### **H. Sexual Assault**

**HB1075 CHILDREN'S COMMISSION REPORT AND DCS HUMAN TRAFFICKING COORDINATOR** (ENGLEMAN K) Changes, from July 1 to September 1, the date by which the commission on improving the status of children in Indiana (commission) must submit its annual report. Requires the commission to study the topic of the department of child services employing a human trafficking coordinator. **4/25/2019 - SIGNED BY GOVERNOR**

**HB1208 PROHIBITED NAME CHANGE** (CLERE E) Defines "lifetime sex or violent offender" and prohibits, with certain exceptions, a lifetime sex or violent offender from changing the offender's name. Requires the local law enforcement authority in the county of conviction to take reasonable steps to notify the victim if a lifetime sex or violent offender changes the offender's name, and authorizes a prosecuting attorney to assist with the notification.

**04/24/2019 Signed by the President Pro Tempore**

**SB192 NONCONSENSUAL PORNOGRAPHY** (BOHACEK M) Defines "intimate image" and creates a civil cause of action against a person who discloses an intimate image without the consent of the individual depicted in the intimate image. Provides that a prevailing plaintiff may recover the greater of: (1) economic and noneconomic damages; or (2) statutory damages not to exceed \$10,000; plus attorney's fees, court costs, and other relief, including injunctive relief. Establishes criteria to be used by the trier of fact in determining damages. Provides that an interactive computer service may not be liable for disclosing nonconsensual pornography. **4/18/2019 - Signed by the Governor**

**SB238 INDIANA CRIMINAL JUSTICE INSTITUTE** (FREEMAN A) Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government. Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human

sexual trafficking to administering funds to support those programs and services. Requires the state police department to establish, maintain, and operate an Internet web site containing a list of properties that have been used in the illegal manufacture of a controlled substance. Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning reporting of methamphetamine abuse; (3) gang crime witness protection program; (4) gang crime witness protection fund; and (5) sexual assault victim advocate standards and certification board. Requires the institute to distribute certain funds to the statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention. Makes conforming amendments **4/18/2019 - Signed by the Governor**

**SB243 NONCONSENSUAL PORNOGRAPHY (FREEMAN A)** Defines "intimate image" and provides that a person who: (1) knows that an individual does not consent to the distribution of an intimate image of the individual; and (2) distributes the intimate image on the Internet; commits internet distribution of an intimate image, a Class A misdemeanor. Increases the penalty to a Level 6 felony for a second or subsequent offense. **4/29/2019 - Signed by the Speaker**

**SB258 SEX OFFENDER EMPLOYMENT AND RESIDENCE (MRVAN F)** Allows a court to prohibit, as a condition of probation, a sexually violent predator or an offender against children from having: (1) unsupervised contact; or (2) contact; with a child less than 16 years of age. Requires that as a condition of probation, a court shall inform an offender against children of the restrictions on an offender against children residing near: (1) school property; (2) a youth program center; (3) a public park; or (4) the residence of the victim of the offender's sex offense. Prohibits a sexually violent predator or an offender against children from working: (1) as or for a child care provider; (2) as a provider of respite care services and other support services for primary or family caregivers; or (3) as a provider of adult day care services. Prohibits an offender against children from residing in a residence where a person provides child care services, or within 1,000 feet of a licensed day care center. **4/29/2019 - Signed by the Speaker**

**SB424 PRIVACY AND TRACKING OF RAPE KITS (CRIDER M)** Provides that a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim (provider) is entitled to reimbursement from the victim services division of the Indiana criminal justice institute (division) if the provider initiates a claim for reimbursement through the sexual assault web based claims reimbursement and tracking system. Provides that personal information: (1) concerning a sexual assault victim; and (2) entered into the division's web based claims reimbursement and sexual assault examination kit tracking system; is confidential in certain instances. Provides that notification of a forensic sample's destruction may be provided by the division through the sexual assault web based claims reimbursement and tracking system. Requires law enforcement agencies and prosecuting attorneys to cooperate with the division by providing storage updates to the division via the sexual assault web based claims reimbursement and tracking system. Allows a victim to register for notifications concerning a sexual assault examination kit through the sexual assault web based claims reimbursement and tracking system. Defines certain terms. Makes conforming amendments. Makes technical corrections. **4/18/2019 - Signed by the Governor**

#### **I. Pregnancy, child birth, and infant care**

**SB416 MEDICAID COVERAGE FOR DOULA SERVICES (BREAUX J)** Provides that Medicaid pregnancy services may include reimbursement for doula services. **4/18/2019 - Signed by the Governor**

**HB1007 PERINATAL CARE (KIRCHHOFER C)** Requires the state department of health (department) to establish a perinatal navigator program. Requires a health care provider to: (1) use a validated and evidence based verbal screening tool to assess a substance use disorder in pregnancy for all pregnant women who are seen by the health care provider; and (2) if the health care provider identifies a pregnant woman who has a substance use disorder and is not currently receiving treatment, provide treatment or refer the patient to treatment. Requires the department to establish guidelines for health care providers treating substance use disorder in pregnancy. Adds the department of child services to the list of agencies to which a health care provider may not release the results of certain tests given to a pregnant woman. **4/18/2019 - Signed by the Speaker and President Pro Tem**

**HB1545 PUBLIC HEALTH MATTERS (KIRCHHOFER C)** Amends the definition of "food instrument" to state that a participant under the federal Women, Infants, and Children program uses an electronic benefit transfer card to obtain food. Requires the state department of health (department) to provide to the local vital records offices guidelines concerning the

interpretation of the laws and the department's rules concerning vital statistics to assure uniform application of the state laws and rules. Removes expired language. Provides that if the Indiana birth registration system (IBRS) or the Indiana death registration system (IDRS) is unavailable for more than 48 hours, the state registrar may issue a notice that allows the filing of a paper record of a live birth, a death, or both. Provides that certain birth, stillborn, and death permanent records may be maintained by the IBRS and IDRS. Requires that a paper copy of the permanent record of a birth, stillborn, or death certificate be provided upon request by an individual. Allows the department to disclose identifiable vital statistics information to a legitimate researcher, if the researcher complies with certain requirements.

**4/29/2019 - Signed by the Governor**

**HB1547 CONSENT TO PREGNANCY SERVICES OF A MINOR (KIRCHHOFER C)** Allows a minor who is at least 16 years of age and: (1) pregnant; (2) in labor; or (3) postpartum; to consent to health care concerning the pregnancy, delivery, and postpartum care. Requires a health care provider to make a reasonable effort to contact a minor's parent or guardian before or at the initial appointment before providing treatment and document in writing each attempt to contact the parent or guardian. Requires the health care provider to act in the manner that is in the best interests of the minor and the fetus. Requires the health care provider to make an additional attempt to contact the parent or guardian of a minor for consent during specified times in the provision of care. **4/29/2019 - Signed by the Governor**

**SB41 NEWBORN SCREENINGS FOR HEALTH DISORDERS (YOUNG M)** Requires, beginning July 1, 2020, newborns to be examined for the detection of: (1) Krabbe disease; (2) Pompe disease; and (3) Hurler syndrome.

**3/25/2019 - SIGNED BY GOVERNOR**

**SB174 FERTILITY FRAUD AND DECEPTION (SANDLIN J)** Establishes a cause of action for civil fertility fraud and provides that a prevailing plaintiff may be awarded: (1) compensatory and punitive damages; or (2) liquidated damages of \$10,000. Specifies the statute of limitations for civil fertility fraud. Increases the penalty for deception involving the identity of a person or the identity or quantity of property to a Level 6 felony if the offense involves a misrepresentation relating to: (1) a medical procedure, device, or drug; and (2) human reproductive material. Urges the legislative council to assign the topic of fertility laws, including gestational surrogacy, to study. **4/23/2019 - Signed by the Speaker**

**SB228 DEPARTMENT OF HEALTH MATTERS (CHARBONNEAU E)** Allows the state health commissioner to issue standing orders (current law allows for statewide standing orders) and sets forth requirements of a standing order. Removes the requirement that the state department of health (state department) adopt rules defining a birth problem. Requires the state department to publish a list annually of birth problems required to be reported and allows for the state department to update the list. Adds considerations by the state department in compiling the birth problem list. Allows the state department to release information in the immunization data registry to the Centers for Disease Control and Prevention. Requires the state department to publish a list of reportable communicable diseases and other diseases and conditions that are a danger to health and to publish the list of control measures for the diseases and conditions on the state department's Internet web site. Sets forth considerations in updating the list of communicable diseases and conditions.

**4/29/2019 - Signed by the Speaker**

**SB278 LOCAL FETAL-INFANT MORTALITY REVIEW TEAMS (LEISING J)** Allows certain persons to establish a local fetal-infant mortality review team (review team) to review fetal deaths and infant deaths to gather information to improve community resources and systems of care. Sets forth duties of a review team. Specifies records related to a death that may be reviewed by the review team, access to the records, and confidentiality of the records. Requires the employment of a statewide fetal-infant mortality review coordinator and specifies duties of the coordinator. Requires a review team to submit a report before July 1 of each year to the state department of health concerning the reviews conducted by the review team. Provides certain civil and criminal immunity for review team members and certain individuals who attend meetings at the invitation of the chairperson of a review team. **4/18/2019 - Signed by the Governor**

#### **J. Family Law**

**HB1014 UNAUTHORIZED ADOPTION ADVERTISING (TORR J)** Provides that the unauthorized adoption advertising statute does not apply to an Indiana resident seeking to adopt a child on the resident's own behalf. Removes a provision that

requires an attorney licensed to practice in Indiana and a child placing agency licensed under the laws of Indiana to include certain information in an advertisement regarding adoption. **04/29/2019 - Signed by the President of the Senate**

**HB1520 CHILD SUPPORT (GIAQUINTA P)** Provides that the duty to support a child ceases when the child becomes 19 years of age unless the child is a full-time student in a secondary school. Provides that in order for child support to continue for a child who is: (1) 19 years of age or older; and (2) a full-time student in a secondary school; a parent or guardian of the child must file notice advising the court that the child continues or will continue to be enrolled in secondary school. Specifies requirements for the content and filing of the notice. Provides that if a party to the child support proceeding does not file an objection or request for a hearing within thirty (30) days after the party receives the notice, the court may, without holding a hearing, issue an order continuing child support through the date on which the child is expected to graduate. Provides that senior prosecuting attorneys include persons employed for at least eight years as a part-time deputy prosecuting attorney. Provides that senior prosecuting attorneys may prosecute criminal nonsupport cases.

**04/24/2019 - Signed by the President Pro Tempore**

**SB197 COPIES OF IDENTIFYING ADOPTION INFORMATION (HEAD R)** Provides that a person releasing identifying adoption information must, upon request by the individual requesting the identifying information, provide copies of the identifying information to the individual. Makes a correction regarding exceptions to the release of identifying information. **04/29/2019- Signed by the Speaker**

**SB206 CHILD SUPPORT MODIFICATION (YOUNG M)** Defines, for purposes of child support modification, an order with respect to child support. **4/25/2019 - Signed by the Governor**

**SB292 NOTICE AND HEARINGS ON CHILD RELOCATION (HEAD R)** Changes certain procedures governing the relocation of a child in cases in which custody orders are issued following a determination of paternity and in cases heard under statutes governing custody and visitation. Requires parties to share certain contact information unless a court finds that disclosure of the information creates a significant risk of substantial harm to an individual otherwise required to disclose the information or to the child. Requires a relocating individual to serve a notice of intent to move on interested parties under the Indiana Rules of Trial Procedure. Specifies circumstances in which a relocating individual is not required to file a notice of intent to move. Specifies information that must be included in the notice of intent to move. Requires a nonrelocating individual served with a notice of intent to move to file a response unless the parties have executed and filed with the court a written agreement resolving all issues related to custody, parenting time, grandparent visitation, and child support resulting from the relocation of the child. Specifies the information that must be included in the response. Allows a response to be filed without objecting to the relocation of a child. Specifies the motions that may be filed with the response in objection to the relocation of a child. **04/29/2019 - Signed by the President of the Senate**

**SB323 PARENTING TIME (CRIDER M)** Authorizes a court to require a parent to submit to drug testing as a condition of exercising parenting time rights if the court finds that: (1) the parent has a history of unlawful drug use within the previous five years; or (2) there is a reasonable likelihood that the parent is currently using unlawful drugs. Specifies that the parent shall pay the costs of the drug testing. Provides that, if a court grants parenting time to a person who has been convicted of: (1) child molesting; or (2) child exploitation; within the previous five years, the court shall order that the parenting time must be supervised. **4/16/2019 - Signed by the Speaker**

**K. Department of Child Services , Child Safety Issues, and Early Learning**

**HB1004 SCHOOL SAFETY (MCNAMARA W)** Provides that the Indiana safe schools fund may not be used to provide grants to employ a school resource officer or a law enforcement officer. Provides that an Indiana secured school fund matching grant may be used to employ a law enforcement officer. Provides that an accredited nonpublic school may receive a grant from the Indiana secured school fund (fund). Makes changes to the maximum grant amounts that a school corporation, charter school, accredited nonpublic school, or coalition of schools may receive from the fund. Provides that a virtual charter school or a virtual accredited nonpublic school may not receive a grant from the fund. Establishes minimum grant match percentages necessary to be eligible to receive a grant from the fund. Provides that, before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has

conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a fund matching grant. Requires that at least one of the manmade disaster drills that is required to be conducted by each school in a school corporation during each semester must be an active shooter drill and must be conducted within 90 days after the beginning of the school year. Provides that each: (1) accredited nonpublic school; and (2) charter school; must conduct at least one active shooter drill during each school year.

**4/24/2019 – Signed by Speaker and President Pro Tem**

**HB1005 STATE SUPERINTENDENT OF PUBLIC INSTRUCTION (BOSMA B)** Amends the date on which the office of the state superintendent of public instruction is abolished. Provides for the appointment of the secretary of education by the governor beginning January 11, 2021. (Current law provides that the governor does not appoint the secretary of education until January 11, 2025.) **4/3/2019 - SIGNED BY GOVERNOR**

**HB 1006 DEPARTMENT OF CHILD SERVICES (STEUERWALD G)** Provides that an older youth who received foster care is eligible to receive collaborative care services until the individual becomes 21 years of age. Provides that the caseload of a family case manager may not be more than: (1) 12 active cases relating to initial assessments; (2) 12 families in active cases relating to ongoing in-home services; or (3) 13 children in active cases relating to ongoing services who are in out-of-home placements. Requires the department of child services (department) to initiate an assessment immediately, but not later than two hours (rather than one hour, under current law), after receiving a report of child abuse or neglect if the department believes the child is in immediate danger of serious bodily harm. Requires the department to provide a report concerning an assessment or investigation of a report of suspected child abuse or neglect not later than 45 days after the department initiates the assessment if the report of suspected child abuse or neglect was received from certain entities. Provides that a child is a child in need of services if the child's parent, guardian, or custodian has failed to supply the child with necessary food, clothing, shelter, medical care, education, or supervision: (1) when the parent, guardian, or custodian is financially able to do so; or (2) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so. (Current code does not consider financial ability.)

**4/18/2019 - Signed by the Speaker and President Pro Tem**

**HB1063 SCHOOL SAFETY EQUIPMENT (FRYE R)** Adds definition of a "bleeding control kit". Provides that, subject to an appropriation by the general assembly or a donation, each school corporation and charter school shall develop and implement a Stop the Bleed program (program). Provides that the department of education, in collaboration with the department of homeland security, shall develop and provide training for the use of bleeding control kits. Provides that, in all matters relating to the program, school corporation or charter school personnel are immune from civil liability for any act done or omitted in the use of a bleeding control kit unless the action constitutes gross negligence or willful or wanton misconduct. Requires a school's safety plan to include the location of bleeding control kits.

**4/18/2019 - SIGNED BY GOVERNOR**

**HB1075 CHILDREN'S COMMISSION REPORT AND DCS HUMAN TRAFFICKING COORDINATOR (ENGLEMAN K)** Changes, from July 1 to September 1, the date by which the commission on improving the status of children in Indiana (commission) must submit its annual report. Requires the commission to study the topic of the department of child services employing a human trafficking coordinator. **4/25/2019 - SIGNED BY GOVERNOR**

**HB1198 DEPARTMENT OF CHILD SERVICES MATTERS (FRIZZELL D)** Defines "child", for purposes of provisions regarding the filing of a petition to terminate a parent-child relationship involving a delinquent child or a child in need of services, as an individual who is: (1) less than 18 years of age; and (2) a delinquent child or a child in need of services. Provides that a criminal history check for certain family law and juvenile law provisions includes a check of local criminal records (rather than local law enforcement records under current law). Amends the list of offenses that disqualify an individual from acting as an adoptive parent or accepting placement of a child ("nonwaivable offenses") to: (1) add additional nonwaivable offenses; and (2) provide for additional offenses that are nonwaivable only if the conviction for the offense occurred within the past five years. Changes the threshold amount of child support payments that must be collected by a Title IV-D agency to require that the agency collect a fee. Requires a criminal history check to be conducted for an employee, volunteer, or contractor of an applicant for various licenses, regardless of whether the individual has direct contact with children. Provides for denial or revocation of various licenses for employees, volunteers, or contractors,

regardless of whether the individual has direct contact with children. Requires that a child in need of services or a delinquent child be provided with a foster care verification form when the child leaves foster care or has been in foster care for at least six months. Adds department of child services employees to the list of individuals who may request that a county, municipality, or township restrict access to the individual's home address on a public property data base operated by the county, municipality, or township. **4/29/2019 Signed by Speaker and President Pro Tem**

**HB1225 SAFE SCHOOLS (STEUERWALD G)** Provides that school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located, may apply for a grant from the Indiana secured school fund to provide for the initial set up costs for an active event warning system. Requires guidelines published by the department of homeland security to include information about implementing: (1) universal electronic access to school property for law enforcement in all schools within each county; and (2) access to closed circuit cameras from a central location to be used in an emergency situation.

**4/18/2019 - SIGNED BY GOVERNOR**

**HB1432 PARENTAL INCARCERATION (MACER K)** Provides that a child in need of services (CHINS) case plan must include a description and discussion of: (1) the services and treatment available to an incarcerated parent at the facility at which the parent is incarcerated; and (2) how the parent and child may be afforded visitation opportunities, unless visitation with the parent is not in the best interests of the child. Requires a CHINS dispositional decree to provide a reasonable opportunity for a parent of the child who: (1) is incarcerated; and (2) has maintained a meaningful role in the child's life; to maintain a relationship with the child, subject to the safety of the community and best interests of the child. Provides that a motion to dismiss a petition to terminate a parent-child relationship (TPR) may be filed if: (1) the parent is incarcerated or the parent's prior incarceration is a significant factor in the child having been under the supervision of the department of child services (DCS) or a county probation department for at least 15 of the most recent 22 months; (2) the parent maintains a meaningful role in the child's life; (3) DCS has not documented a reason to conclude that it would otherwise be in the child's best interests to terminate the parent-child relationship; and (4) the parent is not incarcerated due to conviction for certain crimes. Provides that in determining whether to grant the motion to dismiss the TPR, the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant. **4/24/2019 – Signed by Speaker and President Pro Tem**

**HB1500 KINSHIP CARE NAVIGATOR REPORT (SUMMERS V)** Requires the department of child services to annually issue a report to the general assembly concerning the kinship care navigator program. **4/25/2019 - SIGNED BY GOVERNOR**

**HB1628 PREKINDERGARTEN PILOT PROGRAM (BEHNING R)** Provides that, after June 30, 2019, in addition to the counties currently participating in the prekindergarten pilot program (program), the program includes eligible providers in any county in Indiana. Amends the definition of an "eligible child". Adds definitions of: (1) "extended enrollment period"; (2) "priority enrollment period"; and (3) "limited eligibility child". Provides that up to 20% of the grants provided may be used to provide grants to limited eligibility children. Provides that, during the priority enrollment period, the office of the secretary of family and social services (office) shall provide grants to eligible children in the program on a first-come, first-served basis. Provides that, during the extended enrollment period, the office shall provide grants to eligible children and limited eligibility children in the program on a first-come, first-served basis to the extent of available funding. Requires the office to post monthly on the office's Internet web site the total enrollment of and number of grants awarded to: (1) all eligible children (before January 1, 2020); and (2) all eligible children and all limited eligibility children (after December 31, 2019); for each county that participates in the program. Provides that a limited eligibility child may qualify for the grant if the child resides with a parent or guardian who receives Social Security Disability Insurance or Supplemental Security Income benefits. Provides that the office may use money in the prekindergarten pilot program fund that is allocated for expansion plans to meet any state match amounts required for certain federal grants. Requires the office to include certain information in the office's annual report regarding the prekindergarten pilot program. Repeals a provision relating to income eligibility requirements to participate in the program. **4/24/2019 – Signed by Speaker and President Pro Tem**

**SB1 DEPARTMENT OF CHILD SERVICES (HOUCHIN E)** Specifies that all decisions made by the department of child services (department) in specified statutes shall be made in consideration of the best interests of the child. Provides that

a petition for adoption of an adult is not required to include a report regarding the health status and medical history of the adoptee. States that a court shall determine that consent to adoption is not required from a parent if the parent is convicted of crimes in another state that are substantially similar to specified crimes. Requires the department to implement and make available telephone contacts for family case managers to provide access to assistance in finding suitable placement for a child. Allows the department to waive the limits on the number of children who may be placed in a single foster home under certain circumstances. Provides for a right to intervene in a: (1) child in need of services proceeding; or (2) termination of parent-child relationship proceeding; by a foster parent, long term foster parent, or person who has been a foster parent of the child, and sets forth hearing requirements on the petition to intervene. Allows a court to find that a child is not a child in need of services based on credible evidence presented by the child's parent, guardian, or custodian that the parent, guardian, or custodian: (1) is financially unable to supply the child with necessary food, clothing, or shelter; and (2) has not failed, refused, or demonstrated an inability to seek financial or other reasonable means to do so. Requires the department and the office of judicial administration (office) to prepare a form that may be used to provide written testimony by certain individuals and allows foster parents to provide written testimony in a format other than the form. Provides that a dispositional decree must require the department to continue exercising due diligence to identify all adult relatives and adult siblings of the child who may be considered as out-of-home placements for the child. Requires the department to include in a progress report prepared for a case review hearing or permanency hearing information concerning the department's continued effort to identify all adult relatives and adult siblings of the child who may be considered as out-of-home placements for the child. Provides that before a child who was: (1) placed in an out-of-home placement; and (2) moved from the out-of-home placement to an in-home placement; may be returned to an out-of-home placement, the court and the department shall make a reasonable attempt to place the child in the previous out-of-home placement. Provides that if: (1) a child has been removed from a parent and has been under the supervision of the department for 15 months of the most recent 22 months; and (2) a petition to terminate the child's parent-child relationship has not been filed; a foster parent, relative of the child, or de facto custodian with whom the child has been placed for at least six months may file a notice with the court. Provides that if the notice is filed with the court, the court shall schedule a hearing within 30 days. Requires the department and the office to jointly provide a report to the general assembly before July 1, 2020, that includes information concerning: (1) the office's progress in providing training and technical assistance to judicial officers regarding foster parents' statutory right to be heard by the court; and (2) the department's progress in improving opportunities for foster parents to provide oral and written testimony to a court. **4/24: Signed by P. Pro Tem**

**SB29 SCHOOL MATERIALS FOR JUVENILE DETAINEES (BOHACEK M)** Provides that, if a child is or will be detained in a juvenile detention facility (facility) for more than seven calendar days, the school corporation must, upon the child's parent or facility's request, provide to the facility the school materials for the grade level or courses that the child is or would be enrolled in if the child were not detained. Requires the school corporation, upon the child's parent or facility's request, to deliver the school materials at least once every seven calendar days, excluding any days that are not student instructional days. Provides that the school corporation may provide the school materials in an electronic format. Provides that, except for the assessment of rental fees for curricular materials, the school corporation is responsible for the costs associated with preparing and delivering the school materials. Provides that the school corporation is not required to provide the school materials if the: (1) child is released from the facility; or (2) facility requests that the school corporation no longer provide the school materials. Provides that if a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. Provides that the principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event the student has questions regarding the assignments or school work. Provides that a school is required to provide a student who is expelled with a list of available alternative education programs or virtual charter schools which the student may attend during the student's expulsion. Provides that if a student is expelled from school or from any educational function, the student's absence from school because of the expulsion provisions requiring compulsory school attendance if the student may enroll in: (1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or (2) a virtual charter school if the student does not enroll in a program or virtual charter school during the student's expulsion. **4/25/2019 - SIGNED BY GOVERNOR**

**SB170 CHILD FATALITY REPORT INFORMATION (LEISING J)** Specifies that the report concerning child fatalities in Indiana must be completed before December 31 of each year for the preceding calendar year and include information concerning whether the death occurred: (1) while the child was placed in foster care; or (2) after the child, who was once placed in foster care, was returned to a natural parent. **4/25/2019 - SIGNED BY GOVERNOR**

**SB325 STUDENT MENTAL HEALTH (CRIDER M)** Adds additional purposes for which matching grants made under the Indiana secured school fund (fund) may be used. Amends the uses relating to school security for which the fund may be used. Establishes the student and parent support services grant program. Urges the legislative council to assign to an appropriate interim study committee the task of studying school districts, within and outside of Indiana, that have: (1) implemented trauma informed approaches in the school districts; and (2) worked with community partners to provide systems of care for students. **4/24/2019 Signed by President Pro Tem**

**SB365 FUNDING FOR CHILD WELFARE PROGRAMMING (ZAY A)** Provides that the department of child services (department) may collaborate with other entities to implement or participate in programs designed to connect the department and local offices with supportive local community organizations that may provide assistance in meeting the needs of children and families in crisis. Requires the department to report, before September 30 of each year until June 30, 2024, to the legislative council information concerning the implementation and participation in the programs. **4/18/2019 – Signed by President Pro Tem**

**SB596 VOLUNTARY PREVENTATIVE PROGRAMS FOR JUVENILES (SPARTZ V)** Provides that the Indiana supreme court may establish a two-year pilot program to assist juvenile court judges in five Indiana counties in providing voluntary preventative programs for at-risk children. Requires nonjudicial state agencies to assist the Indiana supreme court in the implementation of the pilot program. Requires the supreme court office of judicial administration to report to the legislative council specified information regarding the pilot program. **4/18/2019 - Signed by the Governor**

#### **L. Medicaid**

**HB1296 MEDICAID WAIVER PRIORITY STATUS FOR MILITARY CHILD (ZENT D)** Requires the office of the secretary of family and social services to apply, before July 1, 2019, to the United States Department of Health and Human Services for an amendment to the family and support services Medicaid waiver to create priority status on the waiver for a child of an active member or veteran of the armed forces or the national guard. **4/18/2019 - SIGNED BY GOVERNOR**

**HB 1308 MEDICAID RECOVERY AUDITS (BACON R)** Sets forth requirements for Medicaid recovery audits of Medicaid providers. **4/29/2019 - SIGNED BY GOVERNOR**

**SB480 MEDICAID NONEMERGENCY MEDICAL TRANSPORT (BECKER V)** Sets forth requirements for brokers of nonemergency medical transportation under the Medicaid fee-for-service program. Establishes the nonemergency medical transportation commission (commission) and sets forth duties of the commission. Requires the office of the secretary of family and social services to prepare before October 1, 2019, a report concerning nonemergency medical transportation Medicaid claims and submit the report to the commission. **4/29/19, Signed by President of Senate.**

**HB1546 PRIOR AUTHORIZATION AND MEDICAID (KIRCHHOFER C)** Specifies that after December 31, 2020 the prior authorization for health care services statute applies to the risk based managed care Medicaid program. Requires, after December 31, 2020, that a Medicaid managed care organization use a standardized prior authorization form prescribed by the office of the secretary of family and social services. **4/23/2019 - Signed by the Speaker**

**HB1548 MEDICAID ADVISORY COMMITTEE (KIRCHHOFER C)** Adds appointments by the Indiana Association of Health Plans and the Indiana Primary Care Association to the Medicaid advisory committee (committee). Increases the membership of the committee by providing for the president pro tempore of the senate and the speaker of the house of representatives to each appoint six members (instead of one member). Provides that three of the members appointed by the president pro tempore and three of the members appointed by the speaker shall serve on a standing fiscal subcommittee of the committee. Requires that three of the members appointed by the speaker of the house of representatives and three of the members appointed by the president pro tempore be members of the minority party.

Requires the committee to create a standing fiscal subcommittee. Provides that subcommittees of the committee may convene as often as needed. Requires the committee to review, study, and make advisory recommendations concerning certain subjects before July 1, 2021. **4/29/2019 - SIGNED BY GOVERNOR**

**SB392 MEDICARE SUPPLEMENT AND MEDICAID STUDY (HOUCHIN E)** Requires an insurer that makes a Medicare supplement policy available to an individual eligible for Medicare based on age to make at least one "Plan A" Medicare supplement policy available to an individual eligible for Medicare based on disability. Specifies enrollment and insurance producer compensation requirements that apply to the "Plan A" policy. Requires the Medicaid advisory committee to study and make recommendations before November 1, 2019, concerning Medicaid reimbursement and school based health centers. **4/24/2019 Signed by President Pro-Tem; 4/29: Signed by Speaker**

**SB 416 MEDICAID COVERAGE FOR DOULA SERVICES (BREAUX J)** Provides that Medicaid pregnancy services may include reimbursement for doula services. **4/18/2019 - Signed by the Governor**

**M. Prescriptions/ drugs/addiction**

**HB1029 PRESCRIPTION DRUG PRICING STUDY COMMITTEE (SHACKLEFORD R)** Urges the legislative council to assign to the interim study committee on public health, behavioral health, and human services the task of studying issues consumers face related to prescription drug pricing, access, and costs. **4/10/2019 - SIGNED BY GOVERNOR**

**HB1186 CRIMES INVOLVING SYNTHETIC DRUGS (NEGELE S)** Makes possessing or dealing in a substance that is a controlled substance analog an offense of the same level as possession of or dealing in the controlled substance of which the substance is an analog. Defines "substance represented to be a controlled substance" and establishes certain factors the trier of fact may consider to determine if a substance meets the definition. Repeals crimes concerning synthetic drug lookalike substances. Provides that convictions for synthetic drug offenses will, in certain cases, no longer be treated the same as marijuana offenses. Makes conforming amendments. **4/24/2019 - SIGNED BY GOVERNOR**

**HB1246 HEALTH MATTERS (DAVISSON S)** Establishes distribution parameters for certain money appropriated to the first steps program. Permits the office of the secretary of family and social services to apply for a state plan amendment requiring Medicaid reimbursement for rehabilitation option services in a school setting. Requires implementation within one year of approval. Amends the definition of "employee" to remove exclusion of employees who are covered by an employee assistance program. Specifies that all the requirements for the employee assistance program must be met to be compliant. Requires the executive board of the state department of health to amend rules to reflect current private publications used in hospital licensure rules. Requires a home health agency to randomly test: (1) at least 50% of certain home health agency's employees; and (2) employees suspected of illegal use of a controlled substance. (Current law does not require testing of both groups of employees.) Allows the board of pharmacy to approve a remote or mobile location for a nonresident pharmacy that is registered with the board. Allows a pharmacy that holds a retail permit to offer drugs and devices to a long term care facility, a health facility, and a housing with services establishment. Requires a pharmacy to transfer, upon the request of a patient, certain prescriptions for the patient that the pharmacy has received but not filled to another pharmacy. Provides that, beginning January 1, 2020, a pharmacy may not dispense injectable epinephrine or glucagon that has an expiration date of less than 12 months from the date that the pharmacy dispenses the injectable epinephrine or glucagon to a person unless the person consents to the expiration date being less than 12 months. Provides that an automated dispensing system that meets certain requirements may be operated in a location other than through a registered remote dispensing facility. Allows a qualifying pharmacist who is absent to have a designee in the pharmacist's place at a remote dispensing facility. Allows the board of pharmacy to establish continuing education rules for pharmacy technicians who are at a remote dispensing facility that is not staffed by a pharmacist. Provides that auditory communication must be available, as needed, with the remote dispensing facility and the qualifying pharmacist. Requires the board to adopt emergency rules concerning automated dispensing systems. Provides that the term "wholesale distribution", for purposes of the wholesale legend drug distributor laws, does not include the sale or transfer of a drug by a charitable organization to: (1) a nonprofit affiliate of the organization; or (2) a nonprofit entity that is not affiliated with the organization; to the extent permitted by law. Provides that a program to accept unused medication by a business or other entity is not subject to regulation by a city, town, or county. Prohibits a city, town, or county from requiring a business or other entity to pay for or establish a program to accept unused

medication. Adds gabapentin to the definition of "controlled substance" for purposes of the Indiana scheduled prescription electronic collection and tracking (INSPECT) program. Provides that the rules of INSPECT that were adopted before its repeal are considered to be adopted under the new INSPECT law. Requires a health plan that denies prior authorization for certain prescription drugs to provide an alternative list of prescription drugs or alternative treatments covered by the health plan. Requires the board of veterinary medical examiners to study the regulation of veterinary technicians. **4/29/2019 – Signed by Speaker and President Pro Tem**

**HB1248 PHARMACISTS; PHYSICIAN ASSISTANTS (DAVISSON S)** Sets out the conditions for emergency pharmaceutical refills and prescription adaptations. Permits a pharmacist to prescribe certain devices or supplies approved by the federal Food and Drug Administration. Provides that if a pharmacist prescribes certain devices or supplies, the pharmacist must provide the patient with a written advance beneficiary notice that is signed by the patient and that states that the patient may not be eligible for reimbursement for the device or supply. Requires that the pharmacy must keep a copy of the patient's advance beneficiary notice. Changes the role of a supervising physician for a physician assistant to that of a collaborating physician. Removes prescribing requirement language of at least 30 contact hours in pharmacology by a program approved by the committee and requires the physician assistant to have graduated from an accredited physician assistant program and have received the required pharmacology training from the program. Removes the following requirements concerning prescribing by a physician assistant: (1) A physician assistant prescribing a controlled substance to have practiced as a physician assistant for at least 1,800 hours. (2) Prescribing authority being delegated to a physician assistant to be expressly delegated in writing by the physician. (3) Limiting the amount prescribed to an amount not to exceed a 30 day supply. Removes a requirement that a physician review at least 25% of the patient's records in a physician assistant's first year of practice. Requires the review of at least 10% of the patient records concerning the prescribing or administering of a drug (instead of only certain scheduled drugs) for the first year in which a physician assistant obtains authority to prescribe a drug. Removes certain chart review requirements and a statement to the board by the physician. **4/15/2019 - Signed by the President Pro Tempore**

**HB1294 INSPECT PROGRAM (ZENT D)** Moves existing language concerning the central repository for controlled substances data from Title 35 to Title 25 and makes conforming changes. Specifies that a practitioner may obtain information about a patient directly through the Indiana scheduled prescription electronic collection and tracking program data base (INSPECT data base) or through the patient's integrated health record. Decreases the instances in which a Class A misdemeanor is a violation to when a practitioner discloses confidential information without authorization. (Current law provides for a Class A misdemeanor for any violation of the chapter.) Provides for instances in which a practitioner is not required to obtain information from the INSPECT data base.

**4/18/2019 - SIGNED BY GOVERNOR**

**HB1542 HUMAN SERVICES MATTERS (KIRCHHOFER C)** Requires that the office of the secretary of family and social services prepare and submit a report that: (1) identifies certain administrative and reporting requirements that are unnecessary or overly burdensome; and (2) makes recommendations. Establishes distribution parameters for certain money appropriated to the first steps program. Provides that a managed care organization may not require a licensed psychiatrist to be certified by the American Board of Psychiatry and Neurology for purposes of credentialing or contracting with the psychiatrist while the psychiatrist is practicing at a community mental health center. Requires the executive board of the state department of health to amend rules to reflect current private publications used in hospital licensure rules. Requires a home health agency to randomly test: (1) at least 50% of certain home health agency's employees; and (2) employees suspected of illegal use of a controlled substance. (Current law does not require testing of both groups of employees.) Requires the behavioral health and human services licensing board to meet monthly. Allows the board of pharmacy to approve a remote or mobile location for a nonresident pharmacy that is registered with the board. Allows a pharmacy that holds a retail permit to offer drugs and devices to a long term care facility, a health facility, and a housing with services establishment. Provides that the term "wholesale distribution", for purposes of the wholesale legend drug distributor laws, does not include the sale or transfer of a drug by a charitable organization to: (1) a nonprofit affiliate of the organization; or (2) a nonprofit entity that is not affiliated with the organization; to the extent permitted by law. Provides that a program to accept unused medication by a business or other entity is not subject to regulation by a city, town, or county. Prohibits a city, town, or county from requiring a business or other entity to pay for or establish a program to accept unused medication. Adds gabapentin to the definition of "controlled

substance" for purposes of the Indiana scheduled prescription electronic collection and tracking (INSPECT) program. Provides that the rules of the INSPECT program that were adopted before its repeal are considered to be adopted under the new INSPECT law. Requires a health plan that denies prior authorization for certain prescription drugs to provide an alternative list of prescription drugs or alternative treatments covered by the health plan. Requires the board of veterinary medical examiners to study the regulation of veterinary technicians. **4/29/2019 –President Pro Tem**

**HB1543 INPATIENT ADDICTION TREATMENT (KIRCHHOFER C)** Provides that when determined by the treatment plan to be medically necessary, the office of Medicaid policy and planning shall provide coverage for inpatient detoxification using the American Society of Addiction Medicine Patient Placement Criteria. **4/18/2019 - Signed by the Speaker**

**HB1588 INSURANCE MATTERS (CARBAUGH M)** Requires a pharmacy benefit manager doing business in Indiana to, at least every seven days, update and make available to pharmacies maximum allowable cost list information. Repeals the law providing for availability of high risk property coverage under the federal Urban Property Protection and Reinsurance Act of 1968. Exempts flood insurance policies from the kinds of policies under which mine subsidence coverage must be made available. Repeals the law concerning the small employer voluntary reinsurance program. Urges the legislative council to assign to an interim study committee the topic of regulation and practice of pharmacy benefit managers for study and recommendations during the 2019 interim of the general assembly. Makes conforming amendments. **4/29/2019 – Signed by Speaker and President Pro Tem**

**SB33 COMPREHENSIVE ADDICTION RECOVERY CENTERS (MERRITT J)** Establishes certification and a grant program for comprehensive addiction recovery centers to be administered by the division of mental health and addiction (division). Sets forth requirements for certification and a grant. Requires entities that are awarded a grant to report specified data to the division. Establishes the comprehensive addiction recovery center fund. **4/24/2019 – Signed by President Pro Tem**

**SB110 DRUG DEALING (KOCH E)** Adds an item to the existing list of enhancing circumstances for offenses relating to controlled substances. Provides that an enhancing circumstance means that the person knowingly committed the offense in, on, or within 100 feet of a drug treatment facility. **4/24/2019 – Signed by President Pro Tem and Speaker**

**SB111 SUBSTANCE ABUSE PREVENTION GRANT PROGRAMS (KOCH E)** Provides that the division of mental health and addiction may establish and administer the: (1) community and faith based substance abuse programs grant; and (2) community and faith based substance abuse transportation assistance grant program. Sets forth requirements for the grants. **4/25/2019 - SIGNED BY GOVERNOR**

**SB133 PRESCRIPTION DRUG LABEL (LEISING J)** Provides that if a pharmacist dispenses a prescription drug that contains or is derived from opium, the prescription label must bear a statement that the drug is an opioid. **4/24/2019 – Signed by President Pro Tem and Speaker**

**SB141 OFFICE BASED OPIOID TREATMENT PROVIDERS (HOUCHIN E)** Specifies requirements that a health care provider that prescribes for a patient in an office based opioid treatment setting must meet in the treatment of the patient. Requires the medical licensing board of Indiana, in consultation with the state department of health and the office of the secretary of family and social services, to adopt rules or protocols concerning office based opioid treatment providers and: (1) treatment agreements; (2) periodic scheduled patient visits; (3) urine toxicology screenings; (4) HIV, hepatitis B, and hepatitis C testing; and (5) the medical record documentation required for the prescribing of buprenorphine over a specified dosage. **4/9/2019 - Signed by the Speaker; 4/4/2019 - Signed by the President Pro Tempore**

**SB162 CHRONIC PAIN MANAGEMENT (MESSMER M)** Requires state employee health plans, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts to provide coverage for chronic pain management. Requires the office of Medicaid policy and planning to apply for any Medicaid state plan amendment necessary to provide the coverage. **4/29/2019 – Signed by President of Senate**

**SB176 PRESCRIPTIONS (GROOMS R)** Allows certain prescriptions to be transmitted electronically. Requires dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists to issue a

prescription for a controlled substance in an electronic format and by electronic transmission after December 31, 2020. Provides exceptions to issuing an electronically transmitted prescription for a controlled substance. Requires the Indiana board of pharmacy to adopt rules concerning electronically transmitted prescriptions for controlled substances. Provides that dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists are subject to disciplinary action for violating these provisions. Requires a pharmacy to transfer, upon the request of a patient, a prescription for the patient that the pharmacy has received but not filled to another pharmacy. Sets forth exceptions. Urges the legislative council to assign to an appropriate interim study committee the task of studying: (1) the advantages, disadvantages, and feasibility of requiring health care providers to issue prescriptions in an electronic format and by electronic transmission; and (2) any exceptions that would be needed to a requirement for health care providers to issue prescriptions in an electronic format and by electronic transmission. **4/18/2019 - Signed by Governor**

**SB271 E-LIQUID CONTAINER LABELING** (HEAD R) Eliminates a state requirement that an e-liquid manufacturer or a closed system vapor product manufacturer include certain information on an e-liquid container. Removes a duplicative provision that requires the label of an e-liquid container to indicate if the product contains nicotine.

**4/10/2019 - SIGNED BY GOVERNOR**

**SB276 OPIOID TREATMENT PILOT PROGRAM** (RAATZ J) Extends the opioid treatment pilot program until 2022. (Under current law the pilot program will expire in 2020.) **4/16/2019 - Signed by the Speaker**

**SB293 ALLEN COUNTY SUBSTANCE ABUSE PILOT PROGRAM** (MERRITT J) Changes the date by which the administrator of the Allen County substance abuse pilot program must raise local funds in order to be allowed to expend state funds.

**4/29/2019 - SIGNED BY GOVERNOR**

**SB516 REGULATION OF HEMP** (HEAD R) Establishes the Indiana hemp advisory committee (committee) to provide advice to the office of the state seed commissioner (commissioner) regarding Indiana's hemp laws. Sunsets the committee on July 1, 2021. Prohibits the commissioner from regulating a hemp product. Changes references from "industrial hemp" to "hemp" and amends the definition of hemp. Adds a definition of "hemp product". Allows for aerial inspection of hemp crops. Removes the limitation on the number of inspections that the state police department may conduct on a licensed hemp operation. Allows the commissioner to perform a criminal background check of an applicant for a hemp license or agricultural hemp seed production license. Establishes a uniform expiration date for hemp licenses and agricultural hemp seed production licenses. Requires a person who sells agricultural hemp to have a seed distribution permit. Provides that: (1) the commissioner may revoke the hemp license of a licensee who fails to cooperate with the commissioner, the state police, a federal law enforcement agency, or a local law enforcement agency in an inspection of the licensee's crop; and (2) the failure to cooperate constitutes probable cause for the commissioner, state police, federal law enforcement agency, or local law enforcement agency to search the premises of the licensee's hemp operation. Provides that, if the state police department, a federal law enforcement agency, or a local law enforcement agency cooperates with the commissioner in the detention, seizure, or embargo of a hemp crop, the state police department, federal law enforcement agency, or local law enforcement agency is immune from civil liability for the detention, seizure, or embargo. Provides that a hemp grower shall reimburse the commissioner for the cost of testing conducted on the grower's crop. Allows the commissioner to order a hemp crop that is detained, seized, or embargoed for noncompliance to be destroyed by the owner. Subject to federal law, allows the commissioner to divert for processing a hemp crop that is detained, seized, or embargoed. Establishes requirements for a licensed handler to distribute clones and other nonseed propagative material. Provides that the commissioner may enter into agreements with laboratories selected by the Indiana state police department to perform testing of hemp samples. Requires any civil penalties collected under the hemp law to be transferred to the Indiana state department of agriculture and used for hemp marketing and research purposes. Provides that, in addition to payment of any civil penalty imposed by the commissioner, a person who violates certain requirements shall reimburse the commissioner for any costs incurred by the commissioner for laboratory testing of material pertaining to the violation. Allows negligent violations of the hemp law to be corrected without a penalty. Allows the commissioner to adopt emergency rules to comply with federal requirements. Establishes procedures by which the commissioner shall apply to the United States Department of Agriculture for approval of Indiana's hemp regulation. Requires a person who sells hemp to: (1) be licensed in Indiana and in the jurisdiction in which the hemp is grown; and (2) provide certain information to the buyer.

Provides that hemp bud and hemp flower may be sold only to a licensed hemp processor and that the commissioner may assess a civil penalty of not more than \$2,500 for a violation. Provides that a person who knowingly or intentionally violates: (1) a term, condition, or requirement of a hemp license; or (2) a rule adopted under the hemp law; is subject to a civil penalty and possible license revocation. Provides that growing or handling hemp or selling hemp seed without a license is a Class A misdemeanor. Prohibits a local government unit from adopting or enforcing an ordinance that restricts or regulates the growth, production, or processing of hemp. Provides that the cannabidiol percent present in low THC hemp extract be certified. Provides a criminal penalty for dealing, manufacturing, financing, or possessing smokable hemp. Specifies that financial institutions, agencies, and instrumentalities of the state or the United States are not subject to certain crimes concerning financing the manufacture or distribution of smokable hemp. Provides that civil penalties collected under the controlled substance laws shall be first used to reimburse the commissioner for any expenses incurred by the commissioner for laboratory testing of material pertaining to the violation, with the remainder deposited in the state general fund. Allows the court to defer judgment on a crime concerning smokable hemp and dismiss charges if certain conditions are met. Makes conforming changes. Removes expired provisions.

**4/24/2019 – Signed by Pro Tem, 4/29/2019 – Signed by Speaker**

**SB631 DRUG CLASSIFICATIONS AND DRUG SCHEDULES (YOUNG M)** Adds numerous substances to the definition of "synthetic drug". Adds epidiolex and brivaracetam to schedule V. Specifies that dronabinol is a schedule II controlled substance only in oral solution. Defines "fentanyl related substance" and adds it to schedule I. Moves certain fentanyl related substances from the definition of "synthetic drugs" in schedule II to schedule I. Adds Thiafentanil to schedule II.

**4/29/2019 - SIGNED BY GOVERNOR**

#### **N. Mental Health/Health/Disability**

**HB1175 BEHAVIORAL HEALTH PROFESSIONALS (ZIEMKE C)** Requires that the office of Medicaid policy and planning include a licensed clinical social worker, a licensed mental health counselor, a licensed clinical addiction counselor, and a licensed marriage and family therapist who meet certain qualifications as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services. Requires Medicaid reimbursement, upon approval from the United States Department of Health and Human Services, for: (1) clinical social workers; (2) marriage and family therapists; (3) mental health counselors; and (4) clinical addiction counselors; who work in federally-qualified health centers and rural health clinics. **4/29/2019 - Signed by the President of Senate**

**HB1200 TELEPSYCHOLOGY (FRIZZELL D)** Allows a psychologist to use telepsychology. Requires the psychologist who uses telepsychology to ensure that confidential communications stored electronically cannot be recovered or accessed by unauthorized persons when the psychologist disposes of electronic equipment and data.

**4/29/2019 - Signed by the President of Senate**

**HB1342 TELEPHONE CPR INSTRUCTION TRAINING (BACON R)** After July 1, 2020, requires an individual to complete a telephone cardiopulmonary resuscitation (T-CPR) training program (program) approved by the division of fire and building safety (division) if the individual: (1) answers 911 emergency medical telephone calls for a state or local law enforcement agency or fire protection agency, including a volunteer fire department (agency); and (2) is authorized by the agency's protocols to provide T-CPR instructions to a caller. Provides that the division may provide programs or third parties may provide programs that are approved by the division. Requires the division to: (1) adopt minimum standards for programs that meet or exceed evidence based nationally recognized emergency cardiovascular care guidelines; and (2) establish continuing education requirements. Allows the division to collect reasonable fees for providing programs and certifications that are deposited in the fire and building services fund. Sets forth certain requirements for a public safety answering point if a public safety answering point transfers a telephone caller to a public safety telecommunicator. Provides that a public safety telecommunicator who has completed a certified training program in emergency medical dispatch call handling is exempt from completing a T-CPR training program. Provides civil immunity for damages relating to the provision of T-CPR instruction. **4/18/2019 - SIGNED BY GOVERNOR**

**HB1354 SICKLE CELL DISEASE GRANT PROGRAM (PORTER G)** Requires the state department of health (state department) to do the following concerning the sickle cell disease program (program): (1) Develop standards for determining eligibility for individuals requesting care and treatment for sickle cell disease. (2) Assist in the development and expansion of care

for the treatment of individuals with sickle cell disease. (3) Provide financial assistance to individuals with sickle cell disease for specified treatments. Specifies that in awarding grants under the program, the state department shall give priority to establishing sickle cell disease centers in underserved areas with a higher population of individuals with sickle cell disease. Specifies program requirements. Establishes the sickle cell chronic disease fund for purposes of funding the program. Requires the state department, with the assistance of specified groups, to prepare a biennial study of information concerning sickle cell disease in Indiana. **4/18/2019 - SIGNED BY GOVERNOR**

**HB1443 TASK FORCE TO STUDY SCHOOLS FOR THE DEAF AND BLIND** (BROWN T) Establishes the Indiana Schools for the Deaf and the Blind or Visually Impaired task force (task force) to evaluate and make recommendations to the budget committee relating to the operation of the physical plants of the Indiana School for the Deaf and the Indiana School for the Blind or Visually Impaired. Provides that the task force shall make its final recommendations to the budget committee on or before December 1, 2020. Establishes the task force advisory committee (advisory committee) to advise the task force on matters necessary for the task force to carry out its responsibilities. Provides that the department of administration shall provide staffing and administrative support for the task force and the advisory committee.

**4/29/2019 - SIGNED BY GOVERNOR**

**HB1484 LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF OR HARD OF HEARING** (CLERE E) Provides that the director of the center for deaf and hard of hearing education (center) shall appoint an advisory committee. Requires the center to do the following: (1) Select language developmental milestones to include in a parent resource. (2) Approve tools and assessments for the assessment of children who are deaf or hard of hearing. (3) Develop and prepare a parent resource. (4) Prepare a report using data collected from the results of the assessments. Provides that the center may provide training and technical assistance concerning the use and administration of approved tools and assessments. Provides that the advisory committee shall do the following: (1) Collaborate with experts in: (A) selecting, for recommendation to the center, the language developmental milestones for inclusion in the parent resource; and (B) approving, for recommendation to the center, tools and assessments for children who are deaf or hard of hearing that are equivalent to tools and assessments for children who are not deaf or hard of hearing. (2) Provide to the center, not later than June 1, 2020, a list of the language developmental milestones that the advisory committee recommends that the center include in the parent resource and a list of tools and assessments that the advisory committee recommends the center approve for the assessment of children who are deaf or hard of hearing. (3) Conduct, at least once every five years, a review of the language developmental milestones selected and tools and assessments approved by the center. Provides that the office of the secretary of family and social services (office) may administer annually to a child who is: (1) less than three years of age; and (2) deaf or hard of hearing; at least one of the assessments approved by the center. Provides that each school corporation may administer annually to a child who: (1) is at least three years of age and less than 11 years of age; (2) is deaf or hard of hearing; and (3) has legal settlement in the school corporation; at least one of the assessments approved by the center. Allows a parent to opt out of the annual assessment if the parent provides, in writing, to the office or school corporation the parent's intent to opt out. Requires the office and each school corporation to provide to the center the results of any tools and assessments administered to a child. **4/29/2019 – Signed by President Pro Tem**

**HB1488 REHABILITATION AND COMMUNITY BASED SERVICES** (CLERE E) Requires the division of disability and rehabilitative services (division) to develop a plan to establish a statewide crisis assistance system program for individuals with developmental disabilities and sets forth requirements of the program. Establishes a task force until December 31, 2025, for assessment of services and supports for people with intellectual and other developmental disabilities (task force). Provides that the task force shall meet twice a year to receive a report from the office of the secretary of family and social services (office) on the implementation of the comprehensive plan of implementation of community based services provided to people with intellectual and other developmental disabilities (implementation plan). Provides that: (1) at the first annual meeting, the office shall report on the progress made in implementing each recommendation of the implementation plan; and (2) at the second annual meeting, the office shall report any legislative changes needed to implement any recommendation of the implementation plan. Requires the division to determine and assess certain components of the vocational rehabilitation services program and serve specified individuals upon determining sufficient staffing and financial resources. Requires the division of disability and rehabilitative services, in coordination with the task force, to establish new priority categories for individuals served by a waiver. **4/24/2019 - Signed by President Pro Tem**

**HB1631 SHORT TERM INSURANCE PLANS** (CARBAUGH M) Specifies certain coverage and disclosures that must be provided with respect to a short term insurance plan, including renewal, without underwriting, for the greater of 36 months or the maximum period permitted under federal law, a term of not more than 364 days, and an annual limit of at least \$2,000,000. Specifies requirements for preferred provider organizations used with short term insurance plans. Makes conforming amendments. **4/29/2019 – Signed by President Pro Tem.**

**HB1652 INSULIN ADMINISTERED BY MEDICATION AIDES** (LINDAUER S) Provides that the education and optional training programs approved by the state department of health (state department) for qualified medication aides must include a competency test and an optional training module for qualified medication aides in administering insulin. Provides that a qualified medication aide certified by the state department may administer insulin to a specific patient of a licensed health facility if certain requirements are met. Requires the state department, not later than December 31, 2019, to approve at least one optional training module in administering insulin. **4/29/2019 – Signed by President of Senate**

**SB112 ANATOMICAL GIFTS AND INDIVIDUALS WITH DISABILITIES** (KOCH E) Prohibits certain health care entities from discriminating against potential transplant recipients solely on the basis of disability, and authorizes an individual to seek injunctive relief against an entity believed to be in violation of the law. Defines "covered entity". Defines "qualified recipient". Prohibits a state employee health plan, insurer, or health maintenance program from denying coverage for anatomical gifts, transplantation, or related treatment and services solely on the basis of disability.

**4/3/2019 - SIGNED BY GOVERNOR**

**SB162 CHRONIC PAIN MANAGEMENT** (MESSMER M) Requires state employee health plans, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts to provide coverage for chronic pain management. Requires the office of Medicaid policy and planning to apply for any Medicaid state plan amendment necessary to provide the coverage. **4/18/2019 – Signed by President Pro Tem, 4/29/2019 – Signed by President of Senate**

**SB172 SURVIVOR HEALTH COVERAGE** (CRIDER M) Provides that, if the employer of a public safety officer who dies in the line of duty after June 30, 2019, offers health coverage for active employees, the employer shall offer to provide and pay for health coverage under the plan covering active employees for the surviving spouse and each natural child, stepchild, and adopted child of the public safety officer. Provides that health coverage for a surviving child continues: (1) until the child becomes 18 years of age; (2) until the child becomes 23 years of age, under certain circumstances; or (3) during the entire period of the child's physical or mental disability; whichever period is longest. Changes the application date from a death occurring after June 30, 2019, to a death occurring after December 31, 2017. Requires the department of local government finance to establish a state address confidentiality form to be used to restrict access to the home address of certain persons. Adds to the definition of "covered person" the surviving spouse of a covered person if the person is killed in the line of duty. Provides that the state address confidentiality form may be used when applying for address confidentiality. **4/29/2019 - SIGNED BY GOVERNOR**

**SB201 HEALTH PROVIDER ETHICAL EXEMPTION** (BROWN L) Includes: (1) nurses; (2) physician assistants; and (3) pharmacists; in the prohibition from being required to perform an abortion or assist or participate in procedures intended to result in an abortion if the health care provider objects to the procedures on ethical, moral, or religious grounds. (Current law applies only to physicians and employees.) Adds a prohibition on requiring certain providers to prescribe, administer, or dispense an abortion inducing drug. **4/24/2019 - SIGNED BY GOVERNOR**

**SB228 DEPARTMENT OF HEALTH MATTERS** (CHARBONNEAU E) Allows the state health commissioner to issue standing orders (current law allows for statewide standing orders) and sets forth requirements of a standing order. Removes the requirement that the state department of health (state department) adopt rules defining a birth problem. Requires the state department to publish a list annually of birth problems required to be reported and allows for the state department to update the list. Adds considerations by the state department in compiling the birth problem list. Allows the state department to release information in the immunization data registry to the Centers for Disease Control and Prevention. Requires the state department to publish a list of reportable communicable diseases and other diseases and conditions that are a danger to health and to publish the list of control measures for the diseases and conditions on the state department's Internet web site. Sets forth considerations in updating the list of communicable diseases and conditions.

**SB325 STUDENT MENTAL HEALTH (CRIDER M)** Adds additional purposes for which matching grants made under the Indiana secured school fund (fund) may be used. Amends the uses relating to school security for which the fund may be used. Establishes the student and parent support services grant program. Urges the legislative council to assign to an appropriate interim study committee the task of studying school districts, within and outside of Indiana, that have: (1) implemented trauma informed approaches in the school districts; and (2) worked with community partners to provide systems of care for students. **4/24/2019 – Signed by President Pro Tem, 4/129/2109 – Signed by Speaker**

**SB359 INDIVIDUALIZED MENTAL HEALTH SAFETY PLANS (CRIDER M)** Requires the division of mental health and addiction to establish a standard format for individualized mental health safety plans. Requires psychiatric crisis centers, psychiatric inpatient units, and psychiatric residential treatment providers to: (1) collaboratively develop a mental health safety plan with each patient; (2) explain the benefits of coordinating care and sharing mental health safety plans with mental health providers in the community that can help with the patient's safe transition back into the community; and (3) make a good faith effort before a patient leaves a facility at which the patient is receiving care to obtain the patient's consent to disclose the patient's individualized mental health safety plan with mental health providers, integrated school based mental health providers, and mental health community paramedicine programs that will be supporting the patient's safe transition back into the community and, if applicable, school. Provides that if a licensed mental health professional or paramedic determines that a patient may be a harm to himself or herself or others, the mental health professional or paramedic may request a patient's individualized safety plan. Provides that each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental safety to a mental health professional or paramedic who demonstrate proof of licensure and commit to protecting the information in compliance with privacy laws. Provides that a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider that discloses an individualized mental health safety plan to certain licensed providers in good faith, is immune from civil/criminal liability.

**4/18/2019 - Signed by President Pro Tem**

**SB498 MOBILE INTEGRATION HEALTHCARE (TALLIAN K)** Provides that the office of the secretary of family and social services may reimburse certain emergency medical services provider agencies for covered services provided to a Medicaid recipient as part of a mobile integration healthcare program. Amends the definition of "emergency medical services" to include transportation services, acute care, chronic condition services, or disease management services as part of a mobile integration healthcare program. Provides that the emergency medical services commission (commission), in consultation with the state department of health, may develop a mobile integration healthcare program and approve mobile integration healthcare program applications. Sets forth requirements of the commission concerning the mobile integration healthcare program. Provides that the commission may establish and administer a mobile integration healthcare grant and establishes the mobile integration healthcare grant fund. **4/25/2019 - SIGNED BY GOVERNOR**

#### **O. Homelessness and Housing**

**SB464 HOMELESS CHILDREN AND YOUTHS ((MERRITT J, Head, JD Ford, Randolph, Melton, DeVon, Cook, Pryor, Wright)** Allows certain representatives of a homeless youth to: (1) access, on behalf of the youth, the youth's birth certificate, photo identification, and driver's license without charge or consent of a parent, guardian, or custodian; and (2) enroll the youth in adult basic education services and register the youth for the Indiana high school equivalency examination, after the youth completes an exit interview with the youth's school corporation; if the youth meets certain guidelines and the representative possesses a fee and consent waiver affidavit. Updates the law regarding the education of homeless children and youth to align with federal law.

**4/24/2019: Signed by President Pro Tem; 4/29/19: Signed by Speaker**

**SB191 HISTORIC PRESERVATION AND REHABILITATION GRANTS (FORD J)** Provides that for purposes of the historic preservation and rehabilitation grant program, the term "person" includes a nonprofit organization or nonprofit corporation. Provides that the office of community and rural affairs may award a grant under the program to a nonprofit organization or nonprofit corporation if the historic property will be used by the nonprofit organization or nonprofit corporation for the organization's or corporation's purposes and functions. Increases the maximum amount of a preservation or rehabilitation grant (grant) from 35% to 50% of qualified expenditures, not to exceed the grant ceiling in

current law of \$100,000. Provides that a person is eligible for a grant if the qualified expenditures for preserving or rehabilitating the historic property exceed \$5,000 (instead of \$10,000). **4/10/2019 - SIGNED BY GOVERNOR**

**SB497 TAXATION OF SHORT TERM RENTALS (TALLIAN K) (Not passed, but this provision in budget):**

**SECTION 245. IC 36-1-24-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:** Sec. 20. This section is intended as notice to an owner as defined in section 2 of this chapter. An owner of short term rental property who makes a short term rental in which payments for the room, lodging, or other accommodation are not made through a marketplace facilitator (as defined by IC 6-2.5-1-21.9) may be liable for collecting and remitting the following taxes on consideration received by the owner for the short term rental:

(1) State gross retail tax imposed under IC 6-2.5-4-4.

(2) Innkeeper's tax imposed under IC 6-9.

**Other bills that died:**

**HB1495 PRINCIPAL DWELLING LAND CONTRACTS (SUMMERS V)** Defines "principal dwelling land contract" (contract) as a land contract for the sale of real property: (1) designed for the occupancy of one to two families; and (2) that is or will be occupied by the buyer as the buyer's principal dwelling. Provides that the seller under a contract must provide the buyer with certain disclosures at least 10 days before the contract is executed. Sets forth disclosures that must be included in a contract. Requires all preexisting liens on the property to be satisfied by the seller by the end of the contract term. Provides that a contract must permit a buyer to pay the balance owed and receive the deed at any time. Prohibits prepayment penalties or additional charges for an early payoff. Provides a three-day cancellation period for both the buyer and seller. Allows the seller and the buyer to transfer their respective interests in the contract to other parties, subject to certain conditions. Requires the seller to provide the buyer with an annual statement of account. Sets forth certain rights and responsibilities of the parties upon default by either the buyer or the seller. Sets forth acts and omissions constituting violations and establishes remedies for these violations. Provides that a violation of these provisions constitutes an incurable deceptive act that is actionable by the attorney general under the deceptive consumer sales act. Authorizes the attorney general, in consultation with the department of financial institutions, to adopt rules to implement these provisions. Provides that a buyer who has completed the buyer's obligations under the contract is entitled to the homestead deduction regardless of whether the seller has conveyed title. Requires that a title search be conducted, and that a statement regarding title insurance be provided by the seller to the buyer. Requires that the executed principal dwelling land contract or a memorandum of land contract be notarized. Provides that, if the buyer defaults, then the seller and buyer may execute a notarized release of land contract quitclaim deed, and both shall be recorded by the seller within 30 days of execution. **Bill died in conference committee.**

**SB476 HOMELESSNESS STUDY (SANDLIN J)** Urges the legislative council to assign the topic of homelessness to an appropriate interim study committee in 2019. **- Not heard in House Public Health Committee.**

**P. Criminal Justice**

**HB1051 STUDY OF RECKLESS HOMICIDE (THOMPSON J)** Urges the legislative council to assign the task of studying the topic of reckless homicide to an appropriate study committee. **4/10/2019 - SIGNED BY GOVERNOR**

**HB1078 COMMITMENT OF LEVEL 6 OFFENDERS TO DOC (STEUERWALD G)** Provides that a court may commit a person convicted of a Level 6 felony to the department of correction (DOC) if: (1) the person is a violent offender; or (2) the person has two prior unrelated felony convictions. **4/24/2019 – Signed by President Pro Tem**

**HB108 COMMUNITY CORRECTIONS AND CREDIT TIME (STEUERWALD G)** Provides that the department of correction may adopt emergency rules concerning the deprivation of earned good time credit for a person who is placed in a community corrections program. Makes a technical correction. **4/10/2019 - SIGNED BY GOVERNOR**

**HB1114 CRIMINAL MATTERS (MILLER D)** Provides that a person commits interfering with law enforcement, a Class B misdemeanor, if, after being denied entry by a law enforcement officer, the person enters an area that is marked off with barrier tape or other physical barriers. Provides a defense if the person enters the prohibited area due to a reasonable belief that certain family members were injured or were at risk of injury. Increases the penalty if the person uses a vehicle, draws or uses a deadly weapon, or causes injury or death to another person. Provides that resisting or interfering with law enforcement is enhanced to a Level 6 felony if the person uses a vehicle to commit the offense. (Under current law,

the felony enhancement to resisting law enforcement applies only if the person flees from law enforcement using a vehicle.) **4/24/2019 – Signed by President Pro Tem.**

**HB1150 MONETARY AWARDS FOR EXONERATED PRISONERS** (STEUERWALD G) Defines "actually innocent" and specifies that a person whose conviction has been vacated and is actually innocent is entitled to compensation in the amount of \$50,000 for each year that the person was wrongfully incarcerated in the department of correction or a county jail, subject to certain conditions. Establishes the exoneration fund (fund). Specifies that the criminal justice institute shall administer the fund and receive and process claims for compensation from the fund. Establishes a statute of limitations. Specifies fund eligibility requirements. Provides that a person's: (1) eligibility for; or (2) receipt of; proceeds from the exoneration fund does not prevent the person from applying for, enrolling in, or receiving the benefit of certain treatments, programs, or services if the person is otherwise eligible to receive the desired treatment or participate in the desired program or service. Provides that a person is not entitled to compensation in connection with the wrongful conviction: (1) if the person has previously received an award of damages in connection with the conviction; (2) while the person has a pending case; or (3) if the person does not execute a waiver. Specifies that the criminal justice institute may pay compensation only to the wrongfully incarcerated individual or to a guardian on behalf of the individual, and not to: (1) an estate; (2) a fiduciary; (3) a trust; or (4) an assignee; of the individual. Specifies that compensation from the fund is paid in equal sums over a five year period. Allows a person to appeal an adverse fund eligibility determination. **4/24/2019 - Signed by the Speaker**

**SB110 DRUG DEALING** (KOCH E) Adds an item to the existing list of enhancing circumstances for offenses relating to controlled substances. Provides that an enhancing circumstance means that the person knowingly committed the offense in, on, or within 100 feet of a drug treatment facility. **4/29/2019 Signed by the Speaker**

**SB198 SENTENCING** (BOHACEK M) Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance. Makes it an aggravating circumstance that a crime was committed because of certain perceived or actual characteristics of the victim. **4/3/2019-Signed by Governor**

**SB336 MISDEMEANOR PENALTIES** (YOUNG M) Makes numerous misdemeanors civil infractions for the first offense. Repeals the crimes of vending machine vandalism and refusing to yield a party line. Increases the penalty for obstructing a medical person from a Class B misdemeanor to a Class A misdemeanor. Makes conforming provisions and repeals obsolete provisions. **4/18/2019 - Signed by the Governor**

**SB488 PUBLIC DEFENDERS** (YOUNG M) Authorizes the Indiana public defender commission to create guidelines and requirements pertaining to a multicounty public defender's office. Authorizes a county executive to adopt an ordinance that allows the county to enter into an interlocal agreement with one or more counties for the purpose of: (1) creating a multicounty public defender's office; and (2) providing legal services to indigent persons located in the areas subject to the interlocal agreement. Requires interlocal agreements concerning indigent criminal defense to be administered by a joint board. Prohibits certain persons from acting as a member of a joint board. Specifies: (1) term limits; and (2) meeting requirements; for joint boards. Requires the auditor of one county belonging to an interlocal agreement to: (1) receive; (2) disburse; and (3) account for; all monies distributed to a multicounty public defender's office. Amends certain definitions. Makes conforming amendments. **4/24/2019 - SIGNED BY GOVERNOR**