

Indiana Coalition Against Domestic Violence

2021 Indiana General Assembly

Final report: April 27, 2021

The 2021 legislative session of the Indiana General Assembly recessed, or temporarily adjourned, last Thursday, April 22. Normally this would have been “sine die,” or the end to the 2021 session, but this year the legislature is technically staying in session through November 15, 2021, under the terms of **HEA 1372**. The precipitating reason is that the census information was not going to be ready in time for the legislature to accomplish its required redistricting before the statutory end of session on April 29, 2021, so they decided to extend the ending date for session for 2021 only. Regardless, the Indiana House and Senate had to conclude work on its budget and all legislation filed in 2021 before they left, and the surviving bills must be presented to the Governor by May 1, 2021. (The legislature will return to redistrict later this year.)

This session, ICADV asked the state to hold its general fund appropriation at \$5 million per year, and the enacted budget, **HEA 1001**, reflects that initial funding request. (ICADV is likely to get temporary further funding from the federal American Rescue Plan signed into law on March 12, 2021.)

There were a number of additional bills with which ICADV took an active role. In **HEA 1468**, Rep. Ed Clere added language from **SB 19** (filed by Sen. Jon Ford) requiring public school students in grades 6-12 to have student IDs containing information for suicide prevention and human trafficking hotlines, and Rep. Clere worked with ICADV and Sen. Shelli Yoder to also add hotlines for dating violence and sexual assault. **HEA 1468** further contains language enabling creation of a 9-8-8 crisis response hotline and team, and a report will be required to legislative council before December 1, 2021, regarding the progress and scope of 9-8-8, along with recommended contact numbers on the student IDs for both texting and calling.

ICADV additionally actively supported and testified in favor of **SEA 79**, filed by Sen. Michael Crider, and **HEA 1441**, filed by Rep. Ed Delaney. **SEA 79** enhances domestic batteries committed in violation of an existing protective or no contact order to a Level 6 felony, and to a Level 5 felony when the offender has a prior conviction for strangulation against the same family or household member. **HEA 1441** requires Indiana to give full faith and credit to many tribal court judgments of the Pokagon Band of the Potawatomi Indians.

Another issue was raised before the session commenced by a new Senator soliciting input about her proposal to impose penalties and filing bans against parties filing “bad faith domestic relations actions” - which was later filed as **SB 340**. Both ICADV and the Indiana State Bar Association raised serious concerns about the unintended ramifications of the bill as filed, and **SB 340** was not heard. The State Bar Association has pledged to study this issue over the interim.

ICADV was also an active participant in three ongoing coalitions advocating for legislative action. One was pursuing a meaningful pregnancy accommodation law, another was seeking greater tenant protections and access to healthy and affordable housing, and the third was again supporting a cap on short-term loans and was once more ready to oppose legislation expanding high interest and predatory loans.

The legislation requiring reasonable pregnancy accommodations by employers supported by the coalition and by the Governor was not heard. Instead, the General Assembly enacted **HEA 1309** stating that an employee has the right to request accommodations without retaliation, but the employer has no obligation to accommodate. Some see this as a small step forward, but at this juncture, it is likely that more meaningful legislation will have to occur at the federal level.

Regarding housing, a trailer bill, **HEA 1541**, was passed to “fix” the bill passed last session gutting local ordinances enacted to improve rental housing conditions and provide some renter education and protections. The “fixes” were exceedingly minor and insufficient, but did specify that not all local ordinances related to rental housing would be pre-empted, and that the retaliatory protections could not be waived by contract. **SEA 218** also contains language expanding Trustee assistance for the homeless, and creating a “low-barrier homeless shelter task force.”

In the lending space, no good or bad bills were heard.

HEA 1009 was also enacted, increasing Indiana's Earned Income Tax Credit from 9% to 10% of the federal credit.

Lastly, **HB 1369**, a bill repealing the requirement to obtain a license to carry a handgun, was surprisingly stopped in the Senate. In its place, language was inserted into the budget repealing the fees for handgun carry licenses (except for replacement licenses), and a resolution was passed on the Senate floor recognizing the constitutional right to keep and bear arms.

Below are summarized the bills discussed above, and other legislation of interest. To see details about the content or actions for any of these bills, go to: <http://iga.in.gov/legislative/2021/bills/>, and click on the bill number.

I. Domestic Violence

HB1001 STATE BUDGET (BROWN T) The Senate Appropriations Committee released its version of the budget yesterday, on April 8. The new revenue forecast will be released on April 16 and is expected to be very optimistic, especially given increased sales tax revenues from stimulus checks, COVID relief to the state and local governments, and overall improvement of the economy, so there may be some increases in the budget after it passes the Senate and goes through conference committee.

In the Senate committee-passed budget, the General Fund appropriation to the DVPT fund has remained at \$5 million per year. Below is pasted in that portion of the budget:

SEXUAL ASSAULT VICTIMS' ASSISTANCE

Total Operating Expense 2,000,000 2,000,000

VICTIMS OF VIOLENT CRIME ADMINISTRATION Total Operating Expense 3,636,841

Violent Crime Victims Compensation Fund (IC 5-2-6.1-40) Total Operating Expense 2,550,844

Augmentation allowed from the violent crime victims compensation fund.

If appropriations are insufficient to pay eligible claims, the budget agency may augment from the general fund.

DOMESTIC VIOLENCE PREVENTION AND TREATMENT

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

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

Total Operating Expense 1,226,800 1,226,800

Augmentation allowed from domestic violence prevention and treatment fund.

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

HB1441 FULL FAITH AND CREDIT FOR TRIBAL COURT ORDERS (DELANEY E) Requires that, under certain circumstances, a court of record in Indiana shall give full faith and credit to judgments and orders of a tribal court affiliated with the Pokagon Band of Potawatomi Indians. **4/23/2021 - Signed by the President Pro Tempore.**

HB1468 VARIOUS HEALTH MATTERS (DAVISSON S) Provisions include: Specifies that the division of mental health and addiction (division) has primary oversight over suicide prevention and crisis services activities and coordination and designation of the 9-8-8 crisis hotline centers. Sets forth requirements to be designated as a 9-8-8 crisis hotline center. Establishes the statewide 9-8-8 trust fund..... **Requires a public school that issues, after June 30, 2022, a student identification card to a student in grade 6, 7, 8, 9, 10, 11, or 12 to include on the student identification card the 9-8-8 crisis hotline and other crisis hotline phone numbers (including suicide prevention, dating violence, sexual assault and human trafficking.) Also requires ICJI to report to Legislative Council before December 1, 2021 with recommendations for best telephone numbers to list for each, along with texting options, including scope and status of 9-8-8 number.**
04/23/2021 Signed by the President Pro Tempore

SB79 PROTECTION ORDERS AND DOMESTIC BATTERY (CRIDER M) Provides that if a petition for an order for protection is filed by a person or on behalf of an unemancipated minor, the court shall determine, after reviewing the petition or making an inquiry, whether issuing the order for protection may impact a school corporation's ability to provide in-

person instruction for the person or the unemancipated minor. Creates a procedure that requires a school corporation to receive notice if the court determines that issuing the order for protection may impact the school corporation's ability to provide in-person instruction for the person or the unemancipated minor. Enhances the penalty for domestic battery to a Level 6 felony if the offense is committed against a family or household member: (1) who has been issued a protection order that protects the family or household member from the person and the protection order was in effect at the time the person committed the offense; or (2) while a no contact order issued by the court directing the person to refrain from having any direct or indirect contact with the family or household member was in effect at the time the person committed the offense. Enhances the penalty for domestic battery to a Level 5 felony when the offender has a prior conviction for strangulation against the same family or household member. **4/19/2021 - SIGNED BY GOVERNOR**

Died in conference committee when tangled up with HB 1202 re early release allowances for low level non-violent offenders: **HB1200 HUMAN TRAFFICKING (MCNAMARA W)** Modifies the definition of "protected person" for purposes of the admission of a statement or videotape of an individual who is less than 14 years of age at the time of the offense but less than 18 years of age at the time of trial. Removes the requirement that money paid for a human trafficking victim or for an act performed by a human trafficking victim be paid to a third party, and specifies that a person commits the offense if the person knows or reasonably should know that the victim is a human trafficking victim. Increases the penalty if the person knows or reasonably should know that the human trafficking victim is less than 18 years of age. Specifies that consent by the human trafficking victim is not a defense to a prosecution. Requires law enforcement agencies to report human trafficking investigations to the attorney general within 30 days after an investigation begins.

II. Sexual Assault

SB7 FORENSIC NURSES (CRIDER M) Specifies requirements that a registered nurse must meet in order to practice as a forensic nurse. Requires biennial continuing education for a forensic nurse. Provides that a forensic nurse who is practicing as a forensic nurse on June 30, 2021, is not required to meet the biennial forensic nursing education requirements until June 30, 2023. **4/22/2021 - SIGNED BY GOVERNOR**

SB81 TRAINING FOR INVESTIGATORS OF SEXUAL ASSAULT CASES (CRIDER M) Requires certain training for sexual assault investigators. Mandates that the law enforcement training board set specialized standards for training and investigating sexual assault cases involving adult victims. **4/1/2021 - SIGNED BY GOVERNOR**

SB240 FEMALE GENITAL MUTILATION (BROWN L) Requires the office of women's health to perform certain actions relating to female genital mutilation. Provides that a child is a child in need of services if before the child becomes 18 years of age the child is a victim of female genital mutilation. Provides that a person who: (1) knowingly or intentionally performs the act of female genital mutilation on a child who is less than 18 years of age; (2) is a parent, guardian, or custodian of a child and consents to, permits, or facilitates the act of female genital mutilation to be performed on the child; or (3) knowingly transports or facilitates the transportation of a child for the purpose of having the act of female genital mutilation performed on the child; commits the offense of female genital mutilation, a Level 3 felony. Provides a defense to prosecution of female genital mutilation. Provides certain circumstances where a defense to prosecution of female genital mutilation does not apply. Defines "female genital mutilation". Provides that the license of a physician or a licensed health care professional shall be permanently revoked if the physician or licensed health care professional commits the offense of female genital mutilation. Provides that a person who has reason to believe that a child may be a victim of female genital mutilation has a duty to report the child abuse or neglect. Provides that an action for civil female genital mutilation must be commenced not later than 10 years after the eighteenth birthday of the child. Provides that a victim may seek certain remedies in an action against the defendant for civil female genital mutilation.

4/16/2021 - SIGNED BY GOVERNOR

HB1176 ELEMENTS OF RAPE (NEGELE S, Errington, Schaibley) Provides that a person commits rape if: (1) the person engages in sexual activity with another person and the other person submits to the sexual activity under the belief that the person committing the act is someone the victim knows, other than the person committing the act, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the person; or (2) the person engages in sexual activity with another person and the other person has expressed a lack of consent, through words or conduct, to

sexual intercourse or other sexual conduct. **Bill passed the House and was assigned to Senate Corrections and Criminal Law. Sen Young refused to accept an amendment and let the bill out of his committee.**

III. Guns

This bill died in the Senate:

HB1369 FIREARMS MATTERS (SMALTZ B, Lehman, Wesco, Lucas) Effective March 30, 2022: (1) Repeals the law that requires a person to obtain a license to carry a handgun in Indiana; (2) Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana; (3) Prohibits certain individuals from knowingly or intentionally carrying a handgun; (4) Creates the crime of "unlawful carrying of a handgun"; (5) Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor; (6) Specifies that the unlawful carrying of a handgun is a Level 5 felony if a person: (A) is less than 23 years of age; and (B) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon); (7) Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license; (8) Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses; (9) Specifies the following fees for reciprocity licenses: (A) \$0 for five year reciprocity licenses, and (B) \$75 for lifetime reciprocity licenses; (10) Provides that a person who knowingly or intentionally exerts unauthorized control over a firearm of another person with the intent to deprive the person of any part of its value or use commits theft, a Level 5 felony; and (11) Allows for the imposition of an additional fixed term of imprisonment when a person knowingly or intentionally: (A) points; or (B) discharges; a firearm at someone the person knew, or reasonably should have known, was a first responder. Effective July 1, 2021: (1) Provides that the following must develop a process that allows law enforcement officers the ability to quickly access information about whether a person is a prohibited person who may not knowingly or intentionally carry a handgun: (A) The state police department; (B) The bureau of motor vehicles; (C) Local law enforcement agencies; and (D) Any other state entity with access to information related to persons who may not knowingly or intentionally carry a handgun; (2) Provides that the information made available to law enforcement officers must meet all state and federal statutory, constitutional, and regulatory requirements; and (3) Allows state entities to enter into a memorandum of understanding to ensure that all legal requirements are met.

Instead of HB 1369 passing, the following 2 actions occurred:

Budget language:

(d) This subsection applies after June 30, 2021. There is no fee for a qualified or unlimited license. The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. This fee shall be deposited in accordance with subsection (h).

SR39 DECLARING THAT THE POLICY OF THE STATE IS TO PROTECT THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS (TOMES J) A SENATE RESOLUTION declaring that the policy of the state is to protect the constitutional right to keep and bear arms. **Passed 40-10**

This bill died in the House:

SB311 USE OF FORCE AND SELF DEFENSE (BALDWIN S) Prohibits a state or local law enforcement officer (officer) from firing warning shots. Allows a guard, official, or officer in a state or local penal facility to fire warning shots to prevent the escape of a person. Prohibits a law enforcement agency or merit board from taking an adverse employment action against a law enforcement officer who lawfully exercises the officer's right of self defense, and requires a law enforcement agency to indemnify a law enforcement officer for reasonable expenses incurred by the officer in successfully contesting an adverse employment action. **Not heard in House committee.**

IV. Criminal Justice

HB1006 LAW ENFORCEMENT OFFICERS (STUEBER G) Requires the Indiana law enforcement training board to establish mandatory training in de-escalation as part of the use-of-force curriculum, and requires de-escalation training to be provided as a part of: (1) pre-basic training; (2) mandatory inservice training; and (3) the executive training

program. Establishes a procedure to allow the Indiana law enforcement training board to decertify an officer who has committed misconduct. Defines "chokehold" and prohibits the use of a chokehold under certain circumstances. Specifies that a law enforcement officer who turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor. Requires an agency hiring a law enforcement officer to request the officer's employment record and certain other information from previous employing agencies, requires the previous employing agency to provide certain employment information upon request, and provides immunity for disclosure of the employment records. Makes an appropriation to the Indiana law enforcement training academy for making capital improvements.

4/1/2021 - SIGNED BY GOVERNOR

HB1068 LOCAL OR REGIONAL JUSTICE REINVESTMENT ADVISORY COUNCILS (FRYE R) Establishes a local or regional justice reinvestment advisory council (local or regional advisory council) in each county in Indiana. Provides that the purpose of a local or regional advisory council is to review local or regional criminal justice systems, policies, and procedures. Provides that the justice reinvestment advisory council shall assist local or regional advisory councils with promoting: (1) the use of evidence based practices; and (2) certain best practices of community based alternatives and recidivism reduction programs. Sets forth duties of local or regional advisory councils. **4/8/2021 - SIGNED BY GOVERNOR**

HB1097 CRIMINAL PENALTIES (ABBOTT D) Provides that a person who uses a vehicle to commit the offense of resisting law enforcement or interfering with public safety, and has a prior conviction for either offense that involved the use of a vehicle, commits a Level 5 felony. **4/26/2021 - SIGNED BY GOVERNOR**

HB1558 INDIANA CRIME GUNS TASK FORCE (STUEBER G) Establishes the Indiana crime guns task force (task force) to address violent crime in Boone, Hamilton, Hancock, Hendricks, Marion, Morgan, Johnson, and Shelby counties by delivering, in cooperation with state and federal officials, a uniform strategy to trace firearms used to commit crimes. Establishes an executive board to direct and oversee the task force. Requires the Indiana criminal justice institute to establish and administer the task force fund. Makes conforming amendments. **4/13/2021 - Signed by the Speaker**

SB177 VICTIM'S RIGHTS AND INVESTIGATIONS (MESSMER M) Establishes a procedure permitting an immediate family member of a deceased individual to request the superintendent of the state police department to conduct a new investigation into the death of the individual if: (1) a local law enforcement agency has determined that the death was not the result of a criminal act by a third party; (2) the individual was not under the care of a physician or the victim of medical malpractice; and (3) the family member has a reasonable suspicion that the death was the result of a criminal act by a third party. **4/19/2021 - SIGNED BY GOVERNOR**

SB187 PROTECTION OF MONUMENTS, MEMORIALS, AND STATUES (KOCH E) Requires the state police department to prioritize the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Requires the state police department to assist political subdivisions in the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Provides that discretionary funding for a political subdivision may not be withheld from a political subdivision in certain circumstances. Provides that a state agency may provide discretionary funding to a political subdivision for a respective grant program after considering whether the political subdivision has taken all appropriate enforcement actions to protect public monuments, memorials, and statues from destruction or vandalism. Defines "discretionary funding". Adds enhanced penalties to the crime of rioting. **4/22/2021 - SIGNED BY GOVERNOR**

SB255 EXPUNGEMENT (FREEMAN A) Specifies that a "criminal history provider" includes certain persons who regularly publish criminal history information on the Internet, for purposes of the law requiring criminal history providers to periodically review their criminal history records for expunged convictions. **4/15/2021 - SIGNED BY GOVERNOR**

Bills that died after first half:

HB1202 SENTENCING (MCNAMARA W) Establishes a procedure to allow certain inmates in the department of correction (department) an additional opportunity to request sentence modification from the sentencing court if the department has recommended sentence modification. (Original bill was to allow petition to parole board for low-level

non-violent offenders who were sentenced before criminal justice reform bill in 2012 would have limited their sentences.) **Died in conference committee.**

SB198 RIOTING (YOUNG M) Grants, until January 1, 2025, the attorney general concurrent jurisdiction with the prosecuting attorney to prosecute an action in which a person is accused of committing a criminal offense while a member of an unlawful assembly. Permits the chief executive officer of a political subdivision to establish a curfew under certain circumstances. Makes refusing to leave a location in violation of a curfew, after having been informed of the curfew and ordered to leave by a law enforcement officer, a Class B misdemeanor. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person who is a member of an unlawful assembly. Prohibits a person from being released on bail without a hearing in open court, establishes a rebuttable presumption that money bail shall be required, and requires a court to consider whether bail conditions more stringent than the local guidelines should be imposed. Adds enhanced penalties to the crimes of: (1) rioting; and (2) obstruction of traffic. Allows a conspiracy charge for a misdemeanor committed while a member of an unlawful assembly. Provides that a person may recover actual damages in a civil action against a county, city, or town (unit) for loss of property proximately caused by an unlawful assembly, if the unit recklessly fails to exercise reasonable diligence to prevent or suppress the unlawful assembly. **Not heard in House.**

SB200 NONCOMPLIANT PROSECUTING ATTORNEY (YOUNG M) Permits the attorney general to request the appointment of a special prosecuting attorney if a prosecuting attorney is categorically refusing to prosecute certain crimes, and establishes a procedure for the appointment of a person to serve as a special prosecuting attorney to prosecute cases that the county prosecuting attorney is refusing to prosecute. **Not heard in House.**

SB252 DEATH PENALTY (BOOTS P) Urges the legislative council to assign to the appropriate interim study committee the topics of: (1) death sentences; (2) life imprisonment without the possibility of parole; and (3) circumstances justifying the imposition of: (A) a death sentence; or (B) life imprisonment without the possibility of parole. **Not heard in House.**

V. Housing and Homelessness

HB1541 LANDLORD-TENANT RELATIONS (MANNING E) Eliminates the general restriction on the authority of a county, city, town, or township concerning regulation of landlord-tenant relationship matters not specifically described by state statute. Prohibits the waiver of laws regarding retaliatory acts by a landlord. **4/23/2021 - Signed by the President Pro Tempore**

SB214 LOW INCOME HOUSING (HOLDMAN T) Reinstates provisions that were repealed in the 2016 session in Senate Bill 309 regarding eligibility for the property tax exemption for improvements on real property that are constructed, rehabilitated, or acquired for the purpose of providing low income housing. Provides that payments in lieu of taxes (PILOTS) may be required from a property owner claiming such an exemption. **4/19/2021 - SIGNED BY GOVERNOR**

SB218 TOWNSHIP HOMELESS ASSISTANCE (SANDLIN J) Establishes the low barrier homeless shelter task force. Beginning July 1, 2022: (1) allows a township trustee to place a homeless individual temporarily in a county home or provide temporary township assistance; and (2) requires the township trustees within a county to collaborate and prepare a list of public and private resources available to the homeless population that is distributed and published on the county's Internet web site, if the county has a web site, not later than March 1 of each year. Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition. Provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. Defines "harasses". Repeals the chapter concerning panhandling. **4/19/2021 - SIGNED BY GOVERNOR**

Budget language:

SECTION 225. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the following issues regarding housing in Indiana during the 2021 legislative interim:

(1) Affordable housing.

(2) Workforce housing.

(3) "Missing middle" housing, which consists of multi-unit or clustered housing types that are compatible in scale with single family homes.

(b) This SECTION expires January 1, 2022.

(h) "Workforce housing" means housing that is affordable for households with earned income that is sufficient to secure quality housing in reasonable proximity to employment.

Bills that died in second half:

SB158 ORDINANCES (BOHACEK M) Requires the health and hospital corporation of Marion County to post notice of an ordinance pending final action on the corporation's official Internet web site. **Not called on third reading.**

SB236 LAND BANKS (LANANE T) Provides that a county fiscal body may adopt an ordinance requiring that, for the five years after a tract is purchased from a land bank, 50% of the amount of property taxes paid on the tract must be transferred to the land bank. Requires a county executive to provide a land bank in the county with a list of tracts located in the territory of the land bank that: (1) are delinquent on property taxes; and (2) have been offered for public sale at least two times and remain unsold; on an annual basis, and permits the county executive to transfer its interest in a tract on the list to a land bank if requested by the land bank not later than 30 days after it receives the list.

Not heard in House Ways and Means.

VI. Anti-Poverty

HB1009 TANF PROGRAM (GOODRICH C) TANF PROGRAM (GOODRICH C) Increases the state earned income tax credit to an amount equal to 10% (instead of 9%) of the federal earned income tax credit that an individual claimed for a taxable year. Provides that for purposes of the Temporary Assistance for Needy Families program, income earned by a certain individual in the household who is participating in or pursuing a postsecondary degree, a workforce certificate, a pre-apprenticeship, or an apprenticeship may not disqualify an eligible household from receiving benefits, and may not be considered in determining the amount of assistance. **4/23/2021 - Signed by the President Pro Tempore**

SB409 TOWNSHIP MATTERS AND EMINENT DOMAIN (NIEMEYER R) Makes changes to the information required in the township's annual report. Requires the township trustee to annually certify and note on the township budget submitted to the department of local government finance's computer gateway that the township's uniform written standards for township assistance have been filed with the board of county commissioners. Allows a township trustee to be appointed as a director of a county building authority. Provides that a township is not required to publish the portion of its annual abstract of receipts and expenditures that provides statements of: (1) receipts, showing their source; and (2) expenditures, showing the combined gross payment, according to classification of expense, to each person. Provides that the abstract must state that a complete abstract containing the statements described in (1) and (2) is filed with and available for public inspection in the county auditor's office. Aligns the township trustee's maintenance duties regarding township cemeteries with the township trustee's maintenance duties as to other cemeteries maintained by the township. **4/23/2021 - Signed by the President Pro Tempore**

Bill that died in second half:

SB233 TANF ELIGIBILITY (FORD J) 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. 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. Requires the payments to be annually adjusted using the Social Security cost of living adjustment rate, but provides that the total adjustment in a year must be reduced to the extent the adjustment would result in the transfer to the Child Care and Development Fund grant program being less than the maximum allowable transfer under federal law. Authorizes emergency rulemaking

concerning the payments. Repeals language requiring the division of family resources to apply a percentage reduction to the total needs of TANF applicants and recipients in computing TANF benefits.

VII. Pregnancy Accommodation/Infant Mortality

HB1032 NEWBORN SAFETY DEVICES (FRYE R) Provides for placement of a newborn safety device at any facility that is staffed by an emergency medical services provider on a 24 hour per day, seven day per week basis, provided the newborn safety device: (1) is located in an area that is conspicuous and visible to staff; and (2) includes a dual alarm system that is connected to the facility and is tested at least one time per month to ensure the alarm system is in working order. Provides for placement of a newborn safety device at any fire department, including a volunteer fire department that: (1) meets the minimum response time established by the county, not to exceed four minutes; (2) is located within one mile of a hospital, police station, or emergency medical services station that meets certain requirements; (3) is equipped with an alert system that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider to the location of the newborn safety device and is tested at least one time per month to ensure the alert system is in working order; and (4) is equipped with an independent video surveillance system that allows at least two members of a fire department to monitor inside the newborn safety device at all times. Provides that a person who in good faith voluntarily leaves a child in a newborn safety device located at such a facility or fire station is not obligated to disclose the parent's name or the person's name. **4/22/2021 – Signed by President Pro Tem**

HB1230 SAFE HAVEN 911 (LAUER R) Provides that due to extenuating circumstances, if a child's parent or a person is unable to give up custody of a child under the procedure set forth in Indiana's safe haven law, the child's parent or the person may request that an emergency medical services provider (provider) take custody of the child by: (1) dialing the 911 emergency call number; and (2) staying with the child until a provider arrives to take custody of the child. Provides that the emergency medical dispatch agency or the provider shall inform the child's parent or the person giving up custody of the child of the ability to remain anonymous. Provides that a provider, shall, without a court order, take custody of a child who is, or who appears to be, not more than 30 days of age if the child is voluntarily left: (1) in a newborn safety device that is located at an emergency medical services station; or (2) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child. Allows a child's parent to remain anonymous if the child is voluntarily relinquished in a hospital or other medical facility after delivery of the child. Provides that an emergency medical services station is immune from civil liability for an act or omission relating to the operation of the newborn safety device.

4/22/2021 - SIGNED BY GOVERNOR

HB1309 PREGNANCY ACCOMMODATION (ENGLEMAN K) Allows an employee to request an accommodation for the employee's pregnancy. Requires an employer to respond to an employee's request for an accommodation within a reasonable time frame. Provides that a request for accommodation does not require an employer to provide an accommodation for an employee's pregnancy, or impose a duty or obligation upon the employer to provide an accommodation or an exception to the employer's policies unless existing federal or state laws require that an accommodation must be made. Prohibits an employer from disciplining, terminating, or retaliating against an employee because the employee has requested or used an accommodation for the employee's pregnancy.

4/20/2021 - SIGNED BY GOVERNOR

SB10 STATEWIDE MATERNAL MORTALITY REVIEW COMMITTEE (LEISING J) Includes reporting to the statewide maternal mortality review committee (committee) for the release of mental health records without the consent of the patient. Requires the committee to review cases of maternal mortality involving the death of a woman occurring during pregnancy, through one year after the pregnancy. Requires a health care provider and a health facility to report deaths during pregnancy, through one year after a pregnancy to the committee for review. Requires the committee to review all cases of maternal death. Specifies that a health care provider includes a mental health professional for purposes of the review of records by the committee. Requires the committee to: (1) determine whether an abortion was performed on the individual and whether the abortion contributed to the maternal mortality; (2) determine whether a miscarriage occurred and whether the miscarriage contributed to the maternal mortality; and (3) include the findings in the committee's annual report. Requires the statewide maternal mortality review coordinator to establish a process to

report cases to the committee. Changes the expiration date of the statewide maternal mortality review committee to June 30, 2025. **4/19/2021 - SIGNED BY GOVERNOR**

VIII. **Early Education/Child Care**

(Note: Funding for Pre-K was not increased in the budget.)

HB1101 DAYCARE LICENSURE EXEMPTION IN DECLARED EMERGENCY (DAVISSON S) Exempts from day care licensure requirements a child care program that: (1) is operated by a public or private organization under a contract with a public or private school; (2) serves children who are enrolled in a public or private school in grades kindergarten through 12, or in a preschool program offered by the public or private school; and (3) serves children who are: (A) attending school through remote or e-learning due to a disaster emergency; or (B) participating in a learning recovery program that administers an assessment to measure student learning loss and provides Indiana academic standards aligned instruction. **4/23/2021 - Signed by the President Pro Tempore**

HB1247 CHILD CARE PROVIDER NOTICE (VERMILION A) Allows the division of family resources (division) to send certain notices to: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry; by electronic mail instead of by certified mail. Requires: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry to provide a current and valid electronic mail address to the division in the application; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry to maintain the provided electronic mail address for the duration of the licensure or registration.

4/23/2021 - Signed by the President Pro Tempore

HB1549 EDUCATION MATTERS (BEHNING R) EDUCATION MATTERS (BEHNING R) Allows the priority enrollment period for the prekindergarten pilot program to begin later than April 1, 2021, in calendar year 2021. Provides that a school corporation may not enter into or renew a contract with an outside vendor to operate or manage a dedicated virtual education school of the school corporation unless the school corporation submits the most recent contract or proposed contract with the vendor to the department of education (department). Amends limits on the percentage of appropriated funds that may be used for grants to limited eligibility children under the prekindergarten pilot program. Provides that the department of education (department) shall make informational material that is evidenced based available on the department's Internet web site that may help teachers and other school employees identify a student who may have been impacted by trauma. Requires the department to provide a notice to each school corporation and charter school on how to access the informational material. Provides that a charter school may give enrollment preference to children who attend another charter school that is closed because of action by the state board of education (state board). Establishes the Cambridge International program (program). Requires the department to: (1) administer the program; and (2) submit a report regarding the program to the state board each year. Establishes the Indiana postsecondary prior learning assessment clearinghouse (clearinghouse). Requires the governor to direct the commission, department, and governor's workforce cabinet (cabinet), in collaboration with state educational institutions, to: (1) develop and regularly update the clearinghouse; and (2) collect information concerning prior learning assessments used by state educational institutions to award advanced standing or postsecondary credit. Requires each state educational institution to report prior learning assessment information. Requires the commission, department, and the cabinet to publish the clearinghouse information on its respective Internet web site. Requires the governor to direct the commission, department, and cabinet, in consultation with state educational institutions, to prepare model guidance and informational resources concerning postsecondary enrollment opportunities that incorporate work based learning experiences. Requires the governor to direct the commission, department, and cabinet to publish model guidance and information resources on its respective Internet web site. Prohibits a charter school organizer from entering into contracts under which an officer or employee of the organizer or a relative of an officer or employee of the organizer will receive compensation or proceeds. Provides an exception for de minimis contracts valued at \$1,000 or less. Repeals a provision regarding high school credit for Cambridge International courses.

S04/23/2021 Signed by the President Pro Tempore

SB239 REMOTE PROVISION OF CHILD AND FAMILY SERVICES (BROWN L) Requires the department of child services (department) to establish before October 1, 2021, policies and procedures to allow for child and family services to be provided remotely. Specifies factors that a child and family services provider and the department may consider in making a determination as to whether remote provision of services is appropriate for a child. Provides that a child and family services provider's first meeting with a family, or with a child who lives with the child's family, must be conducted in person unless a declared health emergency makes an in person meeting unsafe. Provides that after a child and family services provider's first meeting with a family or with a child who lives with the child's family, or for purposes of providing services to a child who does not live with the child's family, the provider has the discretion to provide services to the family or child remotely for up to 14 days after the initial request for consultation if providing services remotely is in the best interest of the child and family, unless: (1) a decision is reached on the use of remote services at a child and family team meeting less than 14 days after the request for consultation; or (2) the department communicates to the provider a preliminary determination as to the role of remote services pending the child and family team meeting.

4/23/2021 - Signed by the President Pro Tempore

IX. Juveniles/Youth/DCS

HB1531DCS AND THE EDUCATION COMMUNITY (DEVON D) Defines "exigent circumstances" for purposes of action taken by the department of child services (DCS) with respect to a child. Allows DCS to interview a child at the child's school, except for at a nonaccredited nonpublic school with less than one employee, without parental consent if: (1) the DCS employee presents their credentials upon arrival at the school; and (2) DCS presents a written statement that DCS has parental consent, a court order, or exigent circumstances. Requires that the written statement shall not be maintained in the child's file and must protect the child's and child's family's confidentiality. Mandates that DCS provide assurances that the child's school, or its representative, has been invited to participate in the case plan process.

4/23/2021 - Signed by the President Pro Tempore

HB1532DEPARTMENT OF CHILD SERVICES REPORTING (DEVON D) Requires the department of child services (department) to annually submit to the general assembly a report providing specified information regarding cost reports submitted to the department by child caring institutions, group homes, child placing agencies, and private secure facilities. Requires the first such report submitted by the department to provide the specified information for the preceding four years. **4/15/2021 - SIGNED BY GOVERNOR**

HB1536DEPARTMENT OF CHILD SERVICES (DEVON D) Provides that if the governor declares a state of disaster emergency, the department of child services (department) may: (1) allow older youth who are receiving collaborative care services at the time of the declaration to continue to receive collaborative care services for the duration of the state of disaster emergency; and (2) modify or suspend enforcement of a statute or rule specifying a time within which a foster parent must provide for a child to be examined by a physician, physician assistant, or advanced practice registered nurse after the child's placement in the foster parent's home. **4/23/2021 - Signed by the President Pro Tempore**

HB1537COMMISSION ON IMPROVING THE STATUS OF CHILDREN (DEVON D) Changes the membership of the commission on improving the status of children in Indiana (commission). Provides that the affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure. **4/15/2021 - SIGNED BY GOVERNOR**

SB301 CHILD SERVICES OVERSIGHT (HOUCHIN E) Establishes the interim study committee on child services (committee). Provides that the committee: (1) shall review the annual reports submitted by local child fatality review teams and by the statewide child fatality review committee; (2) may review, at the discretion of the committee's chairperson, a complaint or concern regarding the department of child services (department) submitted by a member of the committee; (3) shall recommend statutory changes to improve child safety; and (4) shall study issues relevant to the department's activities and to improving child safety, as well as any topic assigned to the committee by the legislative council. Provides that the department shall provide department records requested by the committee for purposes of the committee's: (1) required review of the annual reports of local child fatality review teams and the statewide child fatality review committee; and (2) discretionary review of complaints or concerns regarding the department; but requires the department or a local office of the department to redact any identifying information from any record provided to the

committee. Authorizes the committee to meet at any time at the call of the chairperson. Provides that meetings of the committee are public meetings, subject to specified confidentiality requirements. Provides that records reviewed by the committee are confidential and may not be disclosed. Provides that a local child fatality committee may meet at the call of members of the local child fatality committee other than the county prosecutor for purposes of the first meeting of the local child fatality committee. Requires a local child fatality review team to investigate the death of a child who was the subject of an investigation, assessment, or intervention by the department at any time during the child's life. Requires a local child fatality review team, in reviewing the death of a child, to review any investigation, assessment, or intervention performed by the department with regard to the child at any time during the child's life. Requires the department to include the following information in the department's annual report regarding child fatalities that are the result of abuse or neglect: (1) The number of children who: (A) died during the preceding calendar year as the result of child abuse or neglect; and (B) were the subject of an investigation, assessment, or intervention by the department at any time during the child's life. (2) The number of children who died while a ward of the department. Allows the department to: (1) post a preliminary version of the report if information needed to finalize the report is not available to the department before the statutory deadline for the report; and (2) timely post the final version of the report once the unavailable information becomes available to the department. Requires a local child fatality review committee that has not held its first meeting as of the effective date of the bill to hold its first meeting not later than December 31, 2021.

4/26/2021 - Received by the Governor

SB368 JUVENILE JUSTICE (TALLIAN K) Provides for the automatic expungement of certain juvenile offenses. Prohibits a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial, with certain exceptions. Establishes a procedure for determining juvenile competency. Provides that after a juvenile court has determined that a child is a dual status child, the juvenile court may refer the child to be assessed by a dual status assessment team under certain circumstances. **4/22/2021 - Signed by the Speaker**

Did not pass:

HB1256 JUVENILE COURT JURISDICTION (MCNAMARA W) Provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court. **Died in conference committee.**

X. Medicaid

HB1305 MEDICAID REIMBURSEMENT FOR CHILDREN'S HOSPITALS (SLAGER H) Specifies the reimbursement rate for inpatient and outpatient Medicaid services that are provided by an out-of-state children's hospital located in a state bordering Indiana in state fiscal years 2022 and 2023. Requires budget committee review of the reimbursements provided to those out-of-state children's hospital. Requires the children's hospitals to provide information required in the review to the family and social services administration not later than August 1.

4/26/2021 - SIGNED BY GOVERNOR

HB1468 VARIOUS HEALTH MATTERS (DAVISSON S) Includes Requires the office of the secretary of family and social services (office) to apply for a Medicaid state plan amendment or Medicaid waiver for the following: (1) Reimbursement of Medicaid rehabilitation option services for a Medicaid eligible recipient who is undertaking an initial assessment, intake, or counseling in a community mental health center. (2) Reimbursement for Medicaid rehabilitation option services concurrently with reimbursement under the residential addiction treatment program. Requires a community mental health center to commence a plan of treatment within two weeks for a Medicaid recipient who receives services after the office has amended the state plan.

4/22/2021 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; yeas 49, nays 0

4/22/2021 Conference Committee Report Adopted (S) Report 1: adopted by the House: yeas 49, nays 0

XI. Mental Health and Disabilities

HB1127 MENTAL HEALTH AND ADDICTION FORENSIC TREATMENTS (STEUERWALD G) Removes a provision that allows a: (1) delinquent child's; or (2) person's; Medicaid participation to be terminated following a two year suspension due to certain adjudications or incarceration. Adds competency restoration services to the list of treatment and wraparound recovery services made available to certain persons in the criminal justice system. Adds competency restoration services

to the list of services that qualify a person for mental health and addiction forensic treatment services. Adds: (1) recovery community organizations; and (2) recovery residences; certified by the division of mental health and addiction (division) or its designee to the list of organizations eligible for certain funds and grants from the division. Requires demographic data concerning race and ethnicity to be included in certain demographic research performed by the division. **4/15/2021 - SIGNED BY GOVERNOR**

HB1177 STRATEGIC PLAN ON DEMENTIA (PORTER G) Requires the division of aging (division) to develop a strategic plan concerning dementia in Indiana. Requires the division to submit an annual report to the general assembly concerning the dementia strategic plan and the outcomes of implementing the dementia strategic plan. **4/8/2021 - SIGNED BY GOVERNOR**

HB1313 STUDENTS WITH DISABILITIES (CLERE E) Requires the Indiana management performance hub to: (1) use its data resources and technology to cross-reference with data bases of certain state agencies to identify certain former students with disabilities (eligible individuals); (2) coordinate with the state department of health to determine whether identified eligible individuals are deceased; and (3) provide the information concerning eligible individuals to the department of workforce development (DWD). Requires the state department of health to, not later than November 1, 2021, coordinate with the Indiana management performance hub. Requires the DWD to: (1) communicate with identified eligible individuals; and (2) provide to the eligible individuals a copy of a resource list concerning training and education opportunities and employment services resources. Requires the state advisory council on the education of children with disabilities (council) to annually update and submit the resource list to the department of education and the DWD. Requires the department of education and DWD to post a copy of the most recently updated resource list on the department's and DWD's Internet web sites. Requires the DWD, in consultation with the department of education, to prepare and submit an annual report to the general assembly and the council. Requires the state board of education to, not later than December 1, 2021, adopt rules to create an alternate diploma for students with significant cognitive disabilities. **4/23/2021 - SIGNED BY GOVERNOR**

SB63 MENTAL HEALTH TREATMENT FOR INMATES (GLICK S) Permits, under certain circumstances, an offender committed to the department of correction to be held within a treatment facility operated by the department for not more than 14 days beyond the offender's mandatory release date if: (1) the offender consents; or (2) a court has ordered the offender to be committed to a treatment setting outside the department. **4/1/2021 - SIGNED BY GOVERNOR**

SB82 MENTAL HEALTH DIAGNOSIS (CRIDER M) MENTAL HEALTH DIAGNOSIS (CRIDER M) Defines "mental health diagnosis" and sets forth requirements that must be met in order for certain licensed professionals to provide a mental health diagnosis. Requires certain mental health professionals who are making a mental health diagnosis and who determine that the patient may have a physical condition that requires medical attention or has not been examined by a physician, an advanced practice registered nurse, or a physician assistant in the preceding 12 months to: (1) advise the patient to schedule, and offer to assist the patient with scheduling, a physical examination for the patient; (2) provide the patient with a list of practitioners and certain information concerning the practitioners; and (3) coordinate patient care with the practitioner as appropriate. Requires documentation of the actions of the licensed professional in the patient's medical record. **4/23/2021 - Signed by the President Pro Tempore**

SB259 PARENTS WITH DISABILITIES (NIEZGODSKI D) PARENTS WITH DISABILITIES (NIEZGODSKI D) Specifies that it is the policy of the state to recognize the parenting rights of a parent regardless of whether the parent has a disability. Provides that the right of a person with a disability to parent the person's child may not be denied or restricted solely because the person has a disability. Provides that: (1) a court, in: (A) considering the appointment of a person as a guardian; (B) hearing an action to modify custody or an action to determine or modify parenting time; or (C) determining whether to grant a petition for adoption; and (2) the department of child services, in determining whether to grant a person a license to operate a foster family home; may not discriminate against, and shall take into consideration the provision of reasonable accommodations to, a person with a disability. **4/23/2021 - Signed by the President Pro Tempore**

XII. Other Health

HB1007 STATE HEALTH IMPROVEMENT PLAN AND GRANT PROGRAM (VERMILION A) Requires the state department of health (department), in consultation with the office of the secretary of family and social services, to study and prepare a plan (plan) to improve the health and behavioral health of Indiana residents based on specified criteria. Requires the department to submit and present the plan to the interim study committee on public health, behavioral health, and human services (interim study committee). Requires the department to prepare and present an annual report to the interim study committee regarding the progress made in meeting the metrics and goals of the plan. Requires that the department establish and maintain on the department's Internet web site a web page that indicates the performance and progress of the metrics and goals of the most significant areas identified in the plan. Establishes the prevention and addressing of health issues and challenges grant program (grant program). Establishes the prevention and addressing of health issues and challenges grant fund. Requires the department to administer the grant program. Provides requirements for grant proposals and specifies the types of proposals for which the grants must be awarded. Requires the management performance hub to develop and publish on an Internet web site a web page that tracks Indiana's metrics on the most significant areas of health and behavioral health impacting Indiana residents and demonstrate any progress made in these metrics. Provides that the web page must include specific progress reported by organizations awarded a grant under the grant program. **4/23/2021 - SIGNED BY GOVERNOR**

HB1079 PRACTICE OF DENTISTRY; VIRTUAL CLAIM PAYMENTS (ZENT D) Amends the definition of dentistry. Provides that a dentist may order and administer an immunization that is recommended by the federal Centers for Disease Control and Prevention Advisory Committee on Immunization Practices for individuals who are not less than eleven years of age, if the dentist: (1) is certified in cardiopulmonary resuscitation; (2) has successfully completed a course of training in immunization that meets specified requirements; and (3) administers the immunization in accordance with a protocol that includes specified requirements and procedures. Prescribes reporting requirements for a dentist who administers an immunization. Provides that a dentist: (1) is not required to administer immunizations; and (2) is not required to complete immunization training if the dentist chooses not to administer immunizations. Provides that a health insurance plan, including a health management organization contract, may not require a dental provider to accept payment under the health insurance plan by virtual claim payment. Requires a health insurer, including a health maintenance organization, to do the following before providing payment to a dental provider by electronic funds transfer, including by virtual claim payment: (1) Notify the dental provider of fees associated with the electronic funds transfer. (2) Advise, concerning virtual claim payments, the dental provider of the methods of payment available under the health insurance plan and provide clear instructions to the dental provider as to how to select an alternate payment method. **4/8/2021 - SIGNED BY GOVERNOR**

HB1203 VARIOUS DEPARTMENT OF HEALTH MATTERS (MCNAMARA W) Provides that the state department of health (department) may officially be known as the Indiana department of health. Removes by July 1, 2022, appeals panels from the appeals process of department orders. Provides that the executive board or the department's designee may act as the ultimate authority for department matters under the administrative and procedures laws. Provides that the state health commissioner (commissioner) is the appointing authority and director of the department. Provides that any physicians employed by the department are governed by the state ethics commission's conflict of interest requirements. Allows the commissioner to designate in writing employees in the department who are licensed as a physician and may engage in the practice of medicine outside of their official duties. Provides that the state is not liable for any act performed by a physician employed by the department for any medical care provided to a patient by the physician that is provided in an individual capacity as a licensed physician. Removes the executive board of the department from determining the commissioner's salary. Provides that the commissioner's salary is determined by the governor and the state budget agency. Removes the executive board's approval for the commissioner to organize the personnel and functions of the department into divisions and subdivisions. Specifies that the state department of health may release certain information to an Indiana nonprofit entity that performs health data services for health care providers if specified conditions are met. Extends the expiration of the syringe exchange program until July 1, 2026. **4/26/2021 - SIGNED BY GOVERNOR**

HB1340 HUMAN IMMUNODEFICIENCY VIRUS (CLERE E) Replaces statutory references to "dangerous communicable disease" with "serious communicable disease". Replaces statutory references to "carrier" with "individual with a communicable disease". Makes conforming amendments. **4/23/2021 - Signed by the President Pro Tempore**

HB1421 VARIOUS HEALTH CARE MATTERS (SCHAIBLEY D) Provides that the state employee health plan statute does not prohibit the state personnel department from directly contracting with health care providers for health care services for state employees. Provides that if a woman who is in premature labor presents to a hospital, the hospital must inform the woman of the hospital's capabilities of treating the born alive infant and managing a high risk pregnancy. Sets forth requirements that a hospital must meet concerning: (1) a woman who is in premature labor; and (2) a born alive infant. Changes the date that ambulatory outpatient surgical centers are required to begin posting certain pricing information from March 31, 2021, to December 31, 2021. Specifies that the pricing information posted is the standard charge rather than the weighted average negotiated charge and sets forth what is included in the standard charge. Specifies that if an ambulatory outpatient surgical center offers less than 30 additional services, the center is required to post all of the services the center provides. Requires a hospital to post pricing information in compliance with the federal Hospital Price Transparency Rule of the Centers for Medicare and Medicaid Services as in effect on January 1, 2021, if: (1) the federal Hospital Price Transparency Rule is repealed; or (2) federal enforcement of the federal Hospital Price Transparency Rule is stopped. Defines "health carrier" for purposes of the law on health provider contracts. Prohibits the inclusion in a health provider contract of any provision that would: (1) prohibit the disclosure of health care service claims data, including for use in the all payer claims data base; (2) limit the ability of a health carrier or health provider facility to disclose the allowed amount and fees of services to any insured or enrollee, or to the treating health provider facility or physician of the insured or enrollee; or (3) limit the ability of a health carrier or health provider facility to disclose out-of-pocket costs to an insured or an enrollee. Requires the department of insurance to issue a report to: (1) the legislative council; and (2) the interim study committees on financial institutions and insurance and public health, behavioral health, and human services; setting forth its suggestions for revising the department's administrative rules to reduce the regulatory costs incurred by employers seeking to provide health coverage for their employees through multiple employer welfare arrangements. **4/23/2021 - Signed by the President Pro Tempore**

HB1577 ABORTION MATTERS (MAYFIELD P) Adds mental health providers to the list of persons who may not be required to participate in specified procedures and practices concerning abortion or aborted remains if the mental health provider objects to such procedures and practices on the basis of ethical, moral, or religious belief. Provides that an abortion inducing drug may not be dispensed, prescribed, or given to a woman after eight weeks of postfertilization age. Requires a physician to dispense the abortion inducing drug in person and have the pregnant woman consume the drug in the presence of the physician. Removes FDA guidelines from a provision concerning manufacturer instruction sheets and patient agreement forms pertaining to abortion inducing drugs. Requires an ultrasound image of a pregnant woman's fetus to be provided: (1) to a pregnant woman for her to keep; and (2) at no cost or charge to the pregnant woman; in the event of fetal ultrasound imaging. Requires certain information concerning the reversal of specified abortion inducing drugs to be provided to a pregnant woman in certain instances. Requires a specified report to identify the: (1) facility; and (2) city or town; where required information concerning an abortion was provided. Requires specified individuals to include, or to ensure the inclusion of, a copy of a pregnant woman's ultrasound report in the applicable patient file. Prohibits an abortion clinic from receiving an annual license renewal if ultrasound reports are not included in a pregnant woman's patient file. Provides that the written parental consent for purposes of abortion laws concerning an unemancipated pregnant woman less than 18 years of age must be notarized. Prohibits the state department of health from renewing an abortion clinic's license if noncompliance discovered during an annual inspection is not remedied. Prohibits the use of telemedicine to provide any abortion, including the writing or filling of a prescription for any purpose that is intended to result in an abortion. Defines certain terms. Makes conforming amendments. **4/23/2021 - Signed by the President Pro Tempore**

SB3 TELEHEALTH MATTERS (CHARBONNEAU E) Prohibits the Medicaid program from specifying originating sites and distant sites for purposes of Medicaid reimbursement. Prohibits the use of telehealth to provide any abortion, including the writing or filling of a prescription for any purpose that is intended to result in an abortion. Changes the use of the term "telemedicine" to "telehealth". Specifies certain activities that are considered to be health care services for purposes of the telehealth laws. Expands the application of the telehealth statute to additional licensed practitioners

instead of applying only to prescribers. Amends the definition of "prescriber" and "telehealth". Provides that a practitioner who directs an employee to perform a specified health service is held to the same standards of appropriate practice as those standards for health care services provided at an in-person setting. Requires that the telehealth medical records be created and maintained under the same standards of appropriate practice for medical records for patients in an in-person setting. Specifies that a patient waives confidentiality of medical information concerning individuals in the vicinity when the patient is using telehealth. Prohibits an employer from requiring a practitioner to provide a health care service through telehealth if the practitioner believes: (1) that health quality may be negatively impacted; or (2) the practitioner would be unable to provide the same standards of appropriate practice as those provided in an in-person setting. Provides that an applicable contract, employment agreement, or policy to provide telehealth services must explicitly provide that a practitioner may refuse at any time to provide health care services if in the practitioner's sole discretion the practitioner believes: (1) that health quality may be negatively impacted; or (2) the practitioner would be unable to provide the same standards of appropriate practice as those provided in an in-person setting. Amends requirements for a prescriber issuing a prescription to a patient via telehealth services. Requires that if a veterinarian is required to establish a veterinarian-client-patient relationship to perform a health care service, the veterinarian shall ensure that a veterinarian-client-patient relationship is established. Repeals the law concerning telepsychology. Prohibits certain insurance policies and individual and group contracts from mandating the use of certain technology applications in the provision of telehealth services. **4/20/2021 - SIGNED BY GOVERNOR**

SB5 LOCAL HEALTH DEPARTMENTS; PUBLIC HEALTH EMERGENCIES (GARTEN C) Provides that if a local order addresses an aspect of a declared emergency addressed by an executive order, the local order may be less stringent than the executive order to the extent permitted by the executive order. Provides that if a local order addresses an aspect of a declared emergency that is not addressed by an executive order or if a local order addresses an aspect of a declared emergency more stringently than an executive order, the local order may not take effect, or remain in effect, unless the local order is approved by the county legislative body (in the case of a county health department) or by an ordinance adopted by the city legislative body and approved by the mayor (in the case of a city health department). Provides that the appointment of a county health officer is subject to the approval of the county legislative body. Adds other good cause to the reasons for which a local health officer may be removed in counties other than Marion County. Specifies that a local health officer serves until a successor is appointed and qualified. Establishes an appeals process before legislative bodies of enforcement actions taken by local boards of health and local health officers in response to declared state and local public health emergencies. **4/23/2021 - Signed by the President Pro Tempore**

SB292 PUBLICATION OF HEALTH FACILITY REPORTING (BREAUX J) Requires the state department of health to compile case and death data related to COVID-19 reported by health facilities and residential care facilities in a specified manner and publish the information on the state department's Internet web site. Requires the state department to update the data at least every seven days. Provides that the reporting and publishing requirements expire April 1, 2022. **4/22/2021 - Signed by the Speaker**

XIII. Predatory Lending/Collection

All three of these bills did not pass out in the first half of session:

HB1411 CONSUMER LOAN FINANCE CHARGES (ELLINGTON J) Would have allowed interest rates on long-term high amount subprime loans to rise from 25% blended APR to 36% APR, plus additional fees and ancillary products (such as insurance products) Would likely also have been a vehicle to authorize other higher interest rate products. **Not heard.**

SB380 COURT MATTERS (Koch)As drafted, this bill deleted the current proceedings supplemental statute and created an entirely new, problematic and punitive system for collecting judgments, in violation of the Indiana Trial Rules (TR69(E)). This system included provisions effectively denying debtors the right to assert exemptions of property or wages from attachment, or to reduce a garnishment. The bill also required employers to answer interrogatories about all property, money or credits of the debtor in excess of \$400 as were in the employer's "hands or control ", requiring employers to hold that property, and maybe later have to deliver that property to the court. And if the employer failed to satisfactorily execute any of these actions, employer could be liable for the amount of the judgment and possibly all costs of the creditor's actions. Faced with wide opposition from both consumer and employer groups, the author

deleted this section of the bill from SB 380 at the commencement of the committee hearing. **The bill is moving only as a bill to create new courts, and the new section about collecting judgments is dead.**

SB184 SMALL LOAN FINANCE CHARGES (WALKER G) Created a 36% cap for small loans, which would have capped payday loans at 36% APR. **Sadly did not move out of committee this year.**

XIV. Family Law

***Note: SB 340, Bad Faith Domestic Relations Actions (Donato), was not heard,** and will likely be studied instead this summer by the Indiana State Bar Association. This bill would have **required** courts to bar plaintiffs determined to have brought a domestic relations action in bad faith from filing another domestic relations action (including for a divorce, custody, child support, protective order, etc). against that defendant for 4 to 6 years, and for a second “offense” to bar that plaintiff for “any period established by the court.”

HB1252 PROBATE AND GUARDIANSHIP MATTERS (YOUNG J) Removes conflicts between probate and guardianship statutes regarding classification of claims. Requires, for purposes of the power of attorney act, that a principal may not be a minor. Creates a tenant's representative for a deceased tenant or a tenant who is under a guardianship and specifies who may accept an appointment as a tenant's representative. Protects the proceeds from the sale of real property where no estate administration has been opened within five months of the decedent's date of death from claims of all creditors. Lists the claims having priority and preference in certain circumstances. Makes a technical correction between SEA 276 and HB 1252. **4/13/2021 - Signed by the Speaker**

HB1255 PROBATE AND PROPERTY MATTERS (YOUNG J) Provides that a testator may execute a will in two or more counterparts. Specifies certain requirements for a will executed in two or more counterparts. Provides that a self-proving clause may be incorporated into or affixed to a will. Specifies certain requirements for self-proving clauses and wills. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of a will. Exempts a will from the need for a recertification or a reexecution in certain instances. Specifies certain requirements concerning the execution of an electronic will. Allows an attorney or paralegal to supervise the execution of an electronic will. Exempts electronic wills from the need for recertification or reexecution in certain instances. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of an electronic will. Specifies certain requirements concerning the execution of a power of attorney. Allows a power of attorney to be executed in two or more counterparts. Specifies certain requirements for the execution of a power of attorney in two or more counterparts. Allows a self-proving clause to be incorporated into or affixed to a power of attorney. Specifies certain requirements for self-proving clauses incorporated into or affixed to a power of attorney. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of a power of attorney. Provides that an electronically signed and notarized electronic power of attorney is valid if the electronic power of attorney complies with certain specified requirements. Specifies certain requirements for attesting witnesses involved in the execution of a power of attorney or an electronic power of attorney. Allows a self-proving clause to be incorporated into or affixed to a power of attorney. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of an electronic power of attorney. Provides that certain persons are ineligible to sign certain trust instruments. Requires certain transfer on death conveyances to occur in the presence of a disinterested witness. Repeals certain provisions concerning mortgages, conveyances, and other written instruments that are executed in a foreign country. Repeals certain provisions concerning the affixing of a private seal or ink scroll on certain conveyances involving land or interests in land. Specifies certain requirements concerning land conveyances performed by attorneys in fact. Requires certain notarial acts to accompany the recording of certain conveyances. Requires an English translation for certain instruments, acknowledgments, and proofs when the original document is not in English. Repeals a provision concerning the recording of a conveyance, mortgage, or other instrument in a county other than the county where the conveyance, mortgage, or other instrument is required to be recorded. Repeals a provision concerning the recording of a conveyance that is acknowledged outside Indiana but within the United States. Specifies: (1) certain prerequisites; and (2) a certain form; for the recording of certain instruments. Repeals a provision concerning the receipt of an acknowledgment by a public officer. Specifies that an instrument's acknowledgment or proof is incomplete when an instrument does not include an accompanying certificate. Provides that the transcript of an instrument that is recorded without a certificate cannot be read into or received as evidence.

Specifies requirements concerning electronic recording of certain instruments concerning real property. Requires county recorders to implement specified functions concerning the: (1) acceptance; (2) receipt; (3) indexing; (4) storage; (5) archiving; and (6) transmittal; of electronically recorded instruments. Specifies certain requirements concerning the recording of a paper or tangible copy of an electronic instrument. Repeals a provision concerning the acknowledgment of certain instruments and the performance of certain notarial acts for a person serving in the armed forces, merchant marine, or outside the United States in connection with a wartime activity. Repeals provisions concerning: (1) certain notarial acts; and (2) acknowledgments; and their respective uses as prima facie evidence. Repeals a provision concerning certain executed instruments and a failure to state the location of the instrument's execution or any accompanying acknowledgment, if applicable. Provides that certain notarial acts are considered to have been performed in Indiana when certain specified criteria are met. Requires a county recorder's office to provide notice of office closures that last three or more days. Defines certain terms. Makes conforming amendments. Removes sections that conflict with HEA 1056. Makes a technical correction. **4/8/2021 - Signed by the President Pro Tempore**

HB1448 ADOPTION (TORR J) Permits an individual who seeks to adopt a child less than 18 years of age to file a petition for adoption in any county in Indiana if either of the following is filed with the petition: (1) A written consent to the adoption from each individual whose consent to the adoption is required under Indiana law; (2) A certified copy of a court order terminating the parental rights of each parent whose consent to the adoption is required under Indiana law. Requires notice of an adoption petition to be delivered to imprisoned or detained individuals. Specifies certain requirements when delivering notice of a petition for adoption to an individual whose address is unknown. Provides that certain notice requirements concerning petitions for adoption are met even when the recipient of the notice refuses to accept the offer or tender of the notice. Requires that the notice of an adoption must be given to the local office of the department of child services, if the child is the subject of an open or pending child in need of services proceeding. Mandates that the notice of an adoption must be given to the entity, facility, or individual of which the child is a ward if the child is a subject of an open or pending juvenile delinquency proceeding. Specifies certain other requirements concerning notice for petitions for adoption. Requires the setting aside of an adoption decree if notice is not properly effectuated and the adoption decree is challenged within 45 days of when it was entered. Allows the court to set aside a dismissal of a motion to contest under certain circumstances. Allows the court to consider, in the context of a motion to contest, (1) the parent's substance abuse; (2) the parent's voluntary unemployment; or (3) instability in the parent's household, if the parent has made substantial and continuing progress and it appears reasonably likely that progress will continue. **4/23/2021 - Signed by the President Pro Tempore**

XV. COVID

HB1002 CIVIL IMMUNITY RELATED TO COVID-19 (TORR J) Protects health care providers from professional discipline for certain acts or omissions arising from a disaster emergency unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides that a health care provider is not protected from professional discipline for actions that are outside the skills, education, and training of the health care provider, unless certain circumstances apply. Specifies that orders and recommendations issued by local, state, and federal government agencies and officials during a state disaster emergency do not create new causes of action or new legal duties. Specifies that the orders and recommendations are presumed irrelevant to the issue of the existence of a duty or breach of a duty. Prohibits filing a class action lawsuit against a defendant in a civil action allowed by the statute. Specifies that a governmental entity or employee is not liable if a loss results from an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides that a person is not liable to a claimant for loss, damage, injury, or death arising from COVID-19 unless the claimant proves that the person caused the loss, damage, injury, or death by an act or omission constituting gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides immunity from civil liability to certain persons, entities, and facilities providing health care and other services for certain acts or omissions related to the provision of health care services and other services during a state disaster emergency. Extends COVID-19 health care immunity during periods of disaster emergency after February 29, 2020, and before April 1, 2022. Resolves conflicts between SEA 1 and HB 1002. **4/20/2021 - Signed by the President Pro Tempore**

SB1 CIVIL IMMUNITY RELATED TO COVID-19 (MESSMER M) Provides civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or

agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Defines "COVID-19 protective product" and provides civil tort immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Prohibits class action suits. **2/18/2021 - SIGNED BY GOVERNOR**

SB232 EXPOSURE RISK DISEASES (FORD J) Adds any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), to the list of diseases considered an exposure risk disease for purposes of emergency and public safety employee death and disability presumed in the line of duty. Provides, for any employee who is diagnosed after June 30, 2021, with a health condition caused by any variant of SARS, including COVID-19, that if the health condition results in disability or death and the employee wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have any variant of SARS, including COVID-19. Makes technical corrections.
4/23/2021 - Signed by the President Pro Tempore

SB292 PUBLICATION OF HEALTH FACILITY REPORTING (BREAUX J) Requires the state department of health to compile case and death data related to COVID-19 reported by health facilities and residential care facilities in a specified manner and publish the information on the state department's Internet web site. Requires the state department to update the data at least every seven days. Provides that the reporting and publishing requirements expire April 1, 2022.
4/22/2021 - Signed by the Speaker

XVI. Governor's Powers

HB 1123 LEGISLATIVE OVERSIGHT OF CERTAIN FISCAL AND EMERGENCY MATTERS (Lehman, M) - Specifies that the bill is severable. Provides that the general assembly may convene in an emergency session if the legislative council adopts a resolution making certain findings concerning a state of emergency declared by the governor. Specifies the maximum length of an emergency session. Provides that in an emergency session the general assembly may enact only bills relating to the agenda stated in the legislative council's resolution. Provides that the general assembly may adopt concurrent resolutions and each house may adopt simple resolutions during an emergency session. Establishes the legislative state of emergency advisory group. Creates the economic stimulus fund (ESF) for the deposit of all discretionary funds received by the state. Defines "discretionary funds" to mean federal economic stimulus funds received under federal legislation granting the state authority to determine the amounts and manner in which the federal economic stimulus funds may be expended. Provides that discretionary funds deposited into the ESF during a period in which the general assembly is convened in a regular session, an emergency session, or a special session may not be allotted or expended unless appropriated by the general assembly or reviewed by the budget committee. Provides that before discretionary funds deposited into the ESF during a period in which the general assembly is not convened in a regular session, an emergency session, or a special session may be allotted to or expended by a state agency or instrumentality, the allotment or expenditure must be reviewed by the budget committee. Provides that discretionary funds deposited into the ESF may not be expended, transferred, assigned, or otherwise removed from the ESF by the state board of finance, the budget agency, or any other state agency except as permitted under the provisions of the statute. Exempts federal economic stimulus funds obligated or expended before April 29, 2021, from the application of the statute. Provides that a violation of the disaster statute (IC 10-14-3) or an order authorized by that statute is a Class B infraction instead of a Class B misdemeanor.

04/27/21 Holcomb files lawsuit challenging the constitutionality of HB 1123

04/15/2021 Veto overridden by the Senate; Roll Call 443: yeas 36, nays 8

04/15/2021 Veto overridden by the House; Roll Call 449: yeas 59, nays 26

04/09/2021 VETOED BY GOVERNOR

HB 1372 2021 REGULAR SESSION OF THE GENERAL ASSEMBLY (Barrett, B) - Specifies that the deadline for adjourning sine die for the 2021 session of the general assembly is **November 15, 2021**, and that the current deadline of April 29 remains in place for future long sessions. Provides that the regular technical session statute does not apply in calendar

year 2021. Specifies the deadlines for signing enrolled acts and presenting them to the governor for bills passed after April 19, 2021, and before May 1, 2021. Specifies the following: **(1) That the 2021 interim is the period beginning May 1, 2021, and ending November 15, 2021.** (2) That for 2021, the prohibited period concerning fundraising activities is through April 29, 2021, rather than the date on which the general assembly adjourns sine die. **(3) That the budget committee is required to meet at least once between April 30, 2021, and July 1, 2021.** (Current law requires the budget committee to meet at least once in the two months following the general assembly adjournment sine die.) (4) The certification and distribution process for enrolled acts and the time frame for the process in 2021 will take place as usual. **Provides that a redistricting commission is established to determine congressional districts if the general assembly adjourns sine die before November 15, 2021, without having enacted a law establishing congressional districts.** (Current law refers to the adjournment of the general assembly without specifying an adjournment sine die or a particular date.) **04/26/2021 SIGNED BY GOVERNOR**