



Journal of the House

State of Indiana

122nd General Assembly

Second Regular Session

Ninth Day

Thursday Morning

January 20, 2022

The invocation was offered by Retired Reverend Aubrey Bessenger of Lancaster Baptist Church in North Vernon, a guest of Representative Frye.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Fleming.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird <input type="checkbox"/>	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer, M	Lindauer
Behning	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara <input type="checkbox"/>
Cherry	Miller
Clere	Moed
Cook <input type="checkbox"/>	Morris
Davis	Morrison
Davisson <input type="checkbox"/>	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	O'Brien
Eberhart	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff
Fleming	Pierce
Frye	Porter
GiaQuinta	Prescott
Goodrich	Pressel
Gore <input type="checkbox"/>	Pryor
Gutwein	Rowray
Hamilton	Saunders
Harris	Schaibley
Hatcher	Shackleford
Hatfield	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow
Jackson	Soliday
Jacob	Speedy
Jeter	Steuerwald
Johnson	Summers
Jordan	Teshka
Judy <input type="checkbox"/>	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 37: 91 present; 9 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 24, 2022, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1013 as introduced.)

Committee Vote: Yeas 10, Nays 0.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1035, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 11, delete "police officer employed by the state police".

Page 5, line 12, delete "department" and insert "**work zone speed control system operator**".

Page 5, line 15, delete "police officer employed by the".

Page 5, line 16, delete "state police department" and insert "**work zone speed control system operator**".

Page 6, line 29, delete "Subject to subsection (c), that the owner of the motor" and insert "**That the owner of a motor vehicle is not liable for the fine imposed by this chapter if the owner does the following:**

(A) Responds to the notice of violation not more than thirty (30) days after receiving the notice of violation.

(B) Submits to the court an affidavit stating that a person other than the owner of the motor vehicle had custody and control of the motor vehicle at the time of the alleged violation.

(C) Provides the name and address of the individual who had custody and control of the motor vehicle at the time of the alleged violation."

Page 6, delete lines 30 through 32.

Page 6, line 34, delete "To establish a defense described in subsection (b)(2), the" and insert "**Subject to the requirements of subsection (b)(2), if the court finds by a preponderance of the evidence that a person other than the owner of the motor vehicle was operating the motor vehicle at the time that the violation of a work zone speed limit occurred, the court shall issue a traffic information and summons to the person alleged to have operated the motor vehicle at the time of the alleged violation.**".

Page 6, delete lines 35 through 42.

Page 7, delete line 1.

Page 7, line 2, delete "(e)" and insert "(d)".

Page 7, line 11, delete "(f)" and insert "(e)".

Page 8, line 5, delete "(g)" and insert "(f)".

Page 8, line 5, after "subsection" delete "(f)" and insert "(e)".

Page 8, line 7, delete "(d)" and insert "(b)(2)".

Page 8, line 9, delete "(h)" and insert "(g)".

Page 8, line 16, delete "(i)" and insert "(h)".

Page 8, line 17, delete "(f)" and insert "(e)".

Page 8, line 22, delete "(j)" and insert "(i)".

Page 8, line 26, delete "(k)" and insert "(j)".

Page 8, line 27, delete "(j)" and insert "(i)".

(Reference is to HB 1035 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1048 as introduced.)

Committee Vote: Yeas 10, Nays 1.

MAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE JANUARY 1, 2023]".

Page 1, line 6, delete "April 1," and insert "**December 31,**".

Page 5, line 6, delete "April 1," and insert "**December 31,**".

Page 7, line 21, delete "April 1," and insert "**December 31,**".

Page 10, delete line 8.

(Reference is to HB 1106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1110 as introduced.)

Committee Vote: Yeas 11, Nays 0.

MAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1112 as introduced.)

Committee Vote: Yeas 19, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 42, delete "However, an establishment is not an adult arcade solely".

Page 3, delete lines 1 through 2.

Page 3, delete lines 13 through 15.

Page 3, line 24, delete "However, an".

Page 3, delete lines 25 through 27.

Page 7, line 7, after "pool," insert "**public park,**".

Page 8, line 25, after "licensing," insert "**zoning,**".

Page 8, line 30, after "time." insert "**This chapter does not preempt any ordinance, resolution, or regulation of any local government unit.**".

(Reference is to HB 1122 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1123 as introduced.)

Committee Vote: Yeas 10, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, reset in roman "Except as provided in section 6.1 of this".

Page 1, line 4, reset in roman "chapter,".

Page 1, line 4, delete "All" and insert "all".

Page 1, line 4, delete "agencies," and insert "agencies".

Page 1, delete line 5.

Page 1, line 7, delete ":".

Page 1, line 8, delete "(1)".

Page 1, line 8, delete "; and" and insert ".".

Page 1, run in lines 7 through 8.

Page 1, delete line 9.

Page 1, line 15, after "(d)" insert "**This subsection applies only to the governing body of a school corporation.**".

Page 2, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 5-14-1.5-3.7, AS ADDED BY P.L.88-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.7. (a) ~~This~~

section applies only if: As used in this section, "disaster emergency" means:

- (1) the governor declares a disaster emergency declared by the governor under IC 10-14-3-12; or
- (2) the executive (as defined in IC 36-1-2-5) of a political subdivision declares a local disaster emergency declared by the executive (as defined in IC 36-1-2-5) of a political subdivision under IC 10-14-3-29.

(b) Notwithstanding section 3.5 or 3.6 of this chapter, the members of a governing body are not required to be physically present at a meeting until if:

- (1) ~~the a disaster emergency or local disaster emergency is terminated: is in effect for all or part of the area within the governing body's jurisdiction; and~~
- (2) ~~because of the particular danger, threat, or emergency conditions that are the basis for the declaration of the disaster emergency, meeting in person:~~

- (A) would be impractical; or
- (B) would present an imminent risk to the health or safety of the members of the public and the governing body who attend the meeting.

(c) The members of a governing body may meet by any means of electronic communication, if the following are satisfied:

- (1) At least a quorum of the members of the governing body participate in the meeting by means of electronic communication or in person.
- (2) The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

(d) The memoranda for a meeting prepared under section 4 of this chapter for a meeting held under this section must:

- (1) state the name of each member of the governing body who:
 - (A) participated in the meeting by using any electronic means of communication; and
 - (B) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members of the governing body participated in the meeting; and
 - (B) the public attended and observed the meeting, if the meeting was not held in executive session.

(e) All votes taken during a meeting under this section must be taken by roll call vote."

(Reference is to HB 1130 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 11, nays 0.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 42.
Delete pages 3 through 4.

(Reference is to HB 1141 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 10, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1149, has had

the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 27, delete "Vendor" and insert "Home Based".
Page 5, line 37, delete "poultry, rabbits permitted for sale by the board of" and insert "poultry that is exempt under IC 15-17-5-11, rabbits,".

Page 5, line 38, delete "animal health,".
Page 6, line 30, delete "and" and insert "or".
Page 8, delete lines 26 through 27.
Page 8, delete lines 33 through 42.
Delete page 9.

(Reference is to HB 1149 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1169 as printed January 13, 2022.)

Committee Vote: Yeas 22, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-15-1-16, AS AMENDED BY P.L.196-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) Each:

- (1) school corporation; or
- (2) school corporation's employed, licensed, or qualified provider;

must enroll in a program to use federal funds under the Medicaid program (IC 12-15-1 et seq.) with the intent to share the costs of services that are reimbursable under the Medicaid program and that are provided to eligible children by the school corporation. However, a school corporation or a school corporation's employed, licensed, or qualified provider is not required to file any claims or participate in the program developed under this section.

(b) The secretary and the department of education may develop policies and adopt rules to administer the program developed under this section.

(c) The federal reimbursement for services provided under this section must be distributed to the school corporation. The state shall retain the nonfederal share of the reimbursement for Medicaid services provided under this section.

(d) The office of Medicaid policy and planning, with the approval of the budget agency and after consultation with the department of education, shall establish procedures for the timely distribution of federal reimbursement due to the school corporations. The distribution procedures may provide for offsetting reductions to distributions of state tuition support or other state funds to school corporations in the amount of the nonfederal reimbursements required to be retained by the state under subsection (c).

(e) The office may apply to the United States Department of

Health and Human Services for a state plan amendment to allow school corporations to seek Medicaid reimbursement for medically necessary, school based Medicaid covered services that are provided under federal or state mandates. If the state plan amendment is approved and implemented, services may be provided by a qualified ~~practitioner~~ **provider** in a school setting to Medicaid enrolled students. **Subject to subsection (f), the services may be pursuant to any of the following: the services may include the following:**

~~(1)~~ **Subject to subsection (f); services pursuant to any of the following:**

~~(A)~~ **(1)** An individualized education program (as defined in IC 20-18-2-9).

~~(B)~~ **(2)** A plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794.

~~(C)~~ **(3)** A behavioral intervention plan (as defined in IC 20-20-40-1).

~~(D)~~ **(4)** A service plan developed under 511 IAC 7-34.

~~(E)~~ **(5)** An individualized health care plan.

~~(2)~~ **Medically necessary; Medicaid covered nursing services provided by a licensed and qualified practitioner under IC 25-23-1.**

The office may, in consultation with the department of education, develop any necessary state plan amendment under this subsection. The office may apply for any state plan amendment necessary to implement this subsection.

(f) Services under subsection (e) may not include the following:

- (1) An abortion.
- (2) Counseling for abortion procedures.
- (3) Referrals for abortion services.
- (4) Abortifacients.
- (5) Contraceptives.

(g) If the state plan amendment described in subsection (e) is approved and implemented, the medically necessary, school based Medicaid covered services described in subsection (e):

- (1) may only be performed by a qualified provider;**
- (2) must be within the qualified provider's scope of practice; and**
- (3) must be provided in accordance with this article and administrative rules concerning the Medicaid program."**

Delete page 3.

(Reference is to HB 1192 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 4.

Page 2, line 8, delete "16-34-6-5." and insert "**16-34-6-2**."

Page 2, line 24, delete "16-34-6-6." and insert "**16-34-6-3**."

Page 2, delete lines 25 through 39.

Page 3, line 2, delete "16-34-6-8." and insert "**16-34-6-4**."

Page 3, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 9. IC 16-34-2-1.1, AS AMENDED BY P.L.218-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the

abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the private, not group, presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has informed the pregnant woman orally and in writing of the following:

(A) The name of the physician performing the abortion, the physician's medical license number, and an emergency telephone number where the physician or the physician's designee may be contacted on a twenty-four (24) hour a day, seven (7) day a week basis.

(B) That follow-up care by the physician or the physician's designee (if the designee is licensed under IC 25-22.5) is available on an appropriate and timely basis when clinically necessary.

(C) The nature of the proposed procedure or information concerning the abortion inducing drug that includes the following statement: "Some evidence suggests that effects of Mifepristone may be avoided, ceased, or reversed if the second pill, Misoprostol, has not been taken. Immediately contact the following for more information at (insert applicable abortion inducing drug reversal Internet web site and corresponding hotline number)."

(D) Objective scientific information of the risks of and alternatives to the procedure or the use of an abortion inducing drug, including:

- (i) the risk of infection and hemorrhage;
- (ii) the potential danger to a subsequent pregnancy; and
- (iii) the potential danger of infertility.

(E) That human physical life begins when a human ovum is fertilized by a human sperm.

(F) The probable gestational age of the fetus at the time the abortion is to be performed, including:

- (i) a picture of a fetus;
- (ii) the dimensions of a fetus; and
- (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(G) That objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization age.

(H) The medical risks associated with carrying the fetus to term.

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(K) That Indiana does not allow a fetus to be aborted solely because of the fetus's race, color, national origin, ancestry, sex, or diagnosis or potential diagnosis of the fetus having Down syndrome or any other disability.

(L) That no one has the right to coerce the pregnant woman to have an abortion.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

(i) Internet web site address of the state department of health's web site; and

(ii) description of the information that will be provided on the web site and that ~~are~~ **is**;

described in section 1.5 of this chapter.

(G) For the facility in which the abortion is to be performed, an emergency telephone number that is available and answered on a twenty-four (24) hour a day, seven (7) day a week basis.

(H) On a form developed by the state department and as described in IC 16-34-3, that the pregnant woman has a right to determine the final disposition of the remains of the aborted fetus.

(I) On a form developed by the state department, that the pregnant woman has a right, after a surgical abortion, to:

(i) dispose of the remains of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31; or

(ii) have the health care facility or abortion clinic dispose of the remains of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31, and ask which method of disposition will be used by the health care facility or abortion clinic.

(J) On a form developed by the state department:

(i) that a pregnant woman, after an abortion induced by an abortion inducing drug, will expel an aborted fetus; and

(ii) the disposition policy of the health care facility or the abortion clinic concerning the disposition of the aborted fetus. The disposition policy must allow the pregnant woman to return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

(K) On a form developed by the state department, information concerning any counseling that is available to a pregnant woman after having an abortion.

The state department shall develop and distribute the forms required by clauses (H) through (K).

(3) The pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has been provided to the pregnant woman;

(B) the pregnant woman has been offered by the

provider the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

(4) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has provided the pregnant woman with a color copy of the informed consent brochure described in section 1.5 of this chapter by printing the informed consent brochure from the state department's Internet web site and including the following information on the back cover of the brochure:

(A) The name of the physician performing the abortion and the physician's medical license number.

(B) An emergency telephone number where the physician or the physician's designee may be contacted twenty-four (24) hours a day, seven (7) days a week.

(C) A statement that follow-up care by the physician or the physician's designee who is licensed under IC 25-22.5 is available on an appropriate and timely basis when clinically necessary.

(5) At least eighteen (18) hours before an abortion is performed and at the same time that the pregnant woman receives the information required by subdivision (1), the provider shall perform, and the pregnant woman shall view, the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible unless the pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that the pregnant woman:

(A) does not want to view the fetal ultrasound imaging; and

(B) does not want to listen to the auscultation of the fetal heart tone if the fetal heart tone is audible.

A pregnant woman must be advised, prior to the pregnant woman's decision concerning fetal ultrasound imaging, that an ultrasound image of the fetus will be provided to the pregnant woman to keep at no charge to the pregnant woman if the fetal ultrasound is performed.

(6) At least eighteen (18) hours before the abortion, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician shall, in the private, not group, presence of the pregnant woman, verbally ask the pregnant woman if she is being coerced to have an abortion.

(b) This subsection applies to a pregnant woman whose unborn child has been diagnosed with a lethal fetal anomaly. The requirements of this subsection are in addition to the other requirements of this section. At least eighteen (18) hours before an abortion is performed on the pregnant woman, the physician who will perform the abortion shall:

(1) orally and in person, inform the pregnant woman of the

availability of perinatal hospice services; and

(2) provide the pregnant woman copies of the perinatal hospice brochure developed by the state department under IC 16-25-4.5-4 and the list of perinatal hospice providers and programs developed under IC 16-25-4.5-5, by printing the perinatal hospice brochure and list of perinatal hospice providers from the state department's Internet web site.

(c) If a pregnant woman described in subsection (b) chooses to have an abortion rather than continuing the pregnancy in perinatal hospice care, the pregnant woman shall certify in writing, on a form developed by the state department under IC 16-25-4.5-6, at least eighteen (18) hours before the abortion is performed, that the pregnant woman has been provided the information described in subsection (b) in the manner required by subsection (b).

(d) For any abortion performed under this article, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician shall include, or ensure the inclusion of, a copy of a pregnant woman's ultrasound report in the pregnant woman's patient file.

(e) If the physician who is to perform the abortion, the referring physician, a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) suspects a pregnant woman is being coerced to have an abortion after making the inquiry required under subsection (a)(6), the physician, physician assistant, advanced practice registered nurse, or certified nurse midwife shall:

- (1) inform the pregnant woman that coercing a pregnant woman to have an abortion is illegal;
- (2) inform the pregnant woman that a demand by the father to have an abortion does not relieve him of financial support responsibilities; and
- (3) provide the pregnant woman with:
 - (A) information about:
 - (i) assistance;
 - (ii) counseling; and
 - (iii) protective services offered by social programs and local or state law enforcement agencies;
 - (B) access to a telephone if she needs to make a private telephone call; and
 - (C) access to an alternate exit from the health care facility.

(f) Except as provided in subsection (g), if a physician, physician assistant (as defined in IC 25-27.5-2-10), advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or certified nurse midwife (as defined in IC 34-18-2-6.5) has specific and credible information that a pregnant woman is being coerced into having an abortion, then an abortion may not be provided to the pregnant woman during the twenty-four (24) hour mandatory reporting period during which law enforcement is required to be notified under IC 16-34-6.

(g) The twenty-four (24) hour period described in subsection (f) may be waived if a physician, in the physician's best medical judgment, determines that an abortion is necessary to prevent the death of the pregnant woman or to prevent substantial and irreversible injury to a major bodily function of the pregnant woman.

SECTION 10. IC 16-34-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 6. Coerced Abortions

Sec. 1. As used in this chapter, "abortion" has the

meaning set forth in IC 16-18-2-1.

Sec. 2. As used in this chapter, "mandatory reporter" means any person providing health care services, including:

- (1) a physician;
- (2) a surgeon;
- (3) a physical therapist;
- (4) a psychiatrist;
- (5) a psychologist;
- (6) a medical resident;
- (7) a medical intern;
- (8) hospital staff;
- (9) a licensed nurse;
- (10) a nurse's aide;
- (11) any emergency medical technician;
- (12) a paramedic; and
- (13) any:
 - (A) employee;
 - (B) staff member; or
 - (C) volunteer;

at a reproductive health care facility.

Sec. 3. As used in this chapter, "physician" means any person licensed to practice medicine in Indiana. The term includes a medical doctor and a doctor of osteopathy.

Sec. 4. As used in this chapter, "reproductive health care facility" means any office, clinic, or other physical location licensed by the state to provide surgical or medical abortions, abortion counseling, abortion referrals, contraceptives, contraceptive counseling, sex education, or gynecological services.

Sec. 5. A person who knowingly or intentionally coerces a pregnant woman to have an abortion commits a Level 6 felony.

Sec. 6. (a) A mandatory reporter must report to law enforcement every instance of alleged or suspected coerced abortion. A mandatory reporter may not use discretion in deciding whether a case should or should not be reported to law enforcement.

(b) A mandatory reporter must make a report described in subsection (a) as soon as practicable to law enforcement within twenty-four (24) hours of the coercion or attempted coercion being brought to the mandatory reporter's attention.

(c) A mandatory reporter may not delegate the responsibility to report coercion or attempted coercion under subsection (a) to another individual.

(d) The mandatory reporter making a report under subsection (a) shall provide the following information:

- (1) The name and address of the pregnant woman.
- (2) The name and address of the person who is responsible for the care or custody of the pregnant woman if she is less than eighteen (18) years of age.
- (3) Any pertinent information relating to the alleged or suspected coercion or attempted coercion of the pregnant woman to undergo an abortion.

(e) A law enforcement agency must immediately initiate an investigation of the report, not later than two (2) hours from receiving the report. The law enforcement agency shall conduct an investigation under this chapter in the same manner that the law enforcement agency would conduct any other criminal investigation.

(f) A reproductive health care facility that knowingly employs a mandatory reporter after a mandatory reporter violates this section commits a Class C infraction."

Delete pages 4 through 12.

Page 13, delete lines 1 through 11.

Page 13, between lines 35 and 36, begin a new paragraph and insert:

"(e) An action may not be brought against the mother of the fetus under this section."

Page 13, line 36, delete "(e)" and insert "(f)".

Page 13, line 39, delete "(f)" and insert "(g)".

Page 13, line 41, delete "(g)" and insert "(h)".
 Page 14, line 14, delete "(h)" and insert "(i)".
 Page 14, line 24, delete "(i)" and insert "(j)".
 Page 14, line 24, delete "(g)(2)" and insert "(h)(2)".
 Page 14, line 27, delete "(j)" and insert "(k)".
 Page 14, line 28, delete "(g)(1), (g)(2), (g)(3)(C)," and insert "(h)(1), (h)(2), (h)(3)(C),".
 Page 14, line 28, delete "(g)(3)(D)" and insert "(h)(3)(D)".
 Page 14, line 39, delete "(k)" and insert "(l)".
 Page 14, delete lines 41 through 42.
 Delete pages 15 through 16.
 Page 17, delete lines 1 through 33.
 Page 17, line 36, delete "16-34-6-12" and insert "16-34-6-5".
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1217 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 8, nays 3.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
 (Reference is to HB 1255 as introduced.)
 Committee Vote: Yeas 10, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
 (Reference is to HB 1283 as introduced.)
 Committee Vote: Yeas 9, Nays 0.

SCHAIBLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
 (Reference is to HB 1286 as introduced.)
 Committee Vote: Yeas 9, Nays 1.

MAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
 Page 1, delete lines 16 through 17, begin a new paragraph and insert:
 "SECTION 4. IC 11-10-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 3.5. Pregnant Inmates

Sec. 1. The following definitions apply throughout this chapter:

(1) "Correctional facility" has the meaning set forth in

IC 5-1.2-2-11.

(2) "Pregnant inmate" means a confined person who is pregnant.

(3) "Restraints" means any mechanical device used to control the movement of a pregnant inmate's body or limbs, including handcuffs, leg shackles, and belly chains.

Sec. 2. Necessary prenatal and postnatal care and treatment shall be provided consistent with acceptable medical practice and standards. When possible, arrangements shall be made for children to be born in a hospital outside the correctional facility. If a child is born in a correctional facility, this fact may not be mentioned on the birth certificate.

Sec. 3. (a) A correctional facility may restrain an inmate known to be pregnant if an individualized determination is made by the correctional facility that restraints are reasonably necessary for the legitimate safety and security needs of the pregnant inmate, staff, other inmates, or the public.

(b) If restraints are determined to be necessary, the restraints must be the least restrictive available and the most reasonable under the circumstances. A correctional facility may do the following:

(1) Use the least restrictive restraints necessary on a pregnant inmate when the pregnant inmate is in the second or third trimester of pregnancy.

(2) Use no restraints on a pregnant inmate:

- (A) who is in labor;**
- (B) delivering a baby;**
- (C) during the immediate postdelivery period; or**
- (D) dealing with a medical emergency related to the pregnancy.**

(c) A correctional facility may use the least restrictive restraints necessary on a pregnant inmate described in subsection (b)(1) if the correctional facility has actual or constructive knowledge that the pregnant inmate is in the second or third trimester of pregnancy.

(d) A correctional facility may only use the least restrictive restraints necessary on a pregnant inmate described in subsection (b)(2) if:

- (1) the pregnant inmate presents an immediate danger to the pregnant inmate or to others; or**
- (2) the pregnant inmate is a substantial flight risk and cannot be contained by any other reasonable means.**

(e) A correctional facility may restrain a pregnant inmate while the inmate is being transported if the restraints are applied in such a way that the pregnant inmate may be able to protect the inmate and the inmate's fetus in the event of a forward fall.

Sec. 4. The warden of each correctional facility housing a pregnant inmate shall ensure that staff members of the facility who come into contact with pregnant inmates incarcerated at the facility are provided training concerning the requirements under this chapter."

Delete pages 2 through 4.

Page 5, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1294 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1295 as introduced.)
Committee Vote: Yeas 11, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1313 as introduced.)
Committee Vote: Yeas 12, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 25, after "physician" insert "**or the physician's designee**".

Page 2, line 28, after "physician" insert "**or the physician's designee**".

Page 2, line 39, after "physician" insert "**or the physician's designee**".

Page 9, line 41, delete "canceled." and insert "**canceled or did not result in a transport.**".

Page 10, between lines 16 and 17, begin a new line block indented and insert:

"(9) The average transport cost data reported to the office of the secretary of family and social services by governmental ambulance service providers located within the counties, and contiguous counties, that the nonparticipating ambulance service provider serves.

(10) Final arbitration decisions made under section 14 of this chapter."

Page 14, line 21, after "for" insert "**basic and**".

Page 17, line 9, after "for" insert "**basic and**".

(Reference is to HB 1373 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BARRETT, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 5

Representative Steuerwald introduced House Resolution 5:

A HOUSE RESOLUTION honoring Representative Douglas Gutwein.

Whereas, State Representative Douglas Gutwein, who was first elected to represent the citizens of House District 16 in 2008, will be leaving the House Chamber for the last time at the end of the 2022 legislative session;

Whereas, During his time in the Indiana General Assembly, Representative Gutwein has served as Chairman of the Environmental Affairs Committee, the Employment, Labor and Pensions Committee, and the Select Committee on Government Reduction;

Whereas, Representative Gutwein has also served as a member of the Agriculture and Rural Development Committee and the Veterans Affairs and Public Safety Committee;

Whereas, Representative Gutwein passionately serves his constituents and genuinely cares for all Hoosiers;

Whereas, Representative Gutwein proudly authored the bill creating the Kankakee River Basin and Yellow River Basin Development Commission;

Whereas, Representative Gutwein authored many bills to ensure newborn babies receive the care they need through updated screening processes;

Whereas, Representative Gutwein was born and raised in Francesville, Indiana, and after high school he served in the United States Army for three years in both Frankfurt, Germany, and Vietnam;

Whereas, After his service, he was a city mail carrier in both Valparaiso, Indiana, and southern California, and later returned to Francesville in 1979 to run his brother's company, which he then bought several years later;

Whereas, In addition to his work at the Statehouse, Representative Gutwein was asked to sit on the Francesville town board in 1991 and was voted president of the town board in 1992;

Whereas, During his time on the Francesville town board, Representative Gutwein was able to reform zoning laws, install a sewer system, and secure a grant that doubled the size of their public library;

Whereas, Representative Gutwein is a member of the American Legion; and

Whereas, He has been married to his wife, Mary Lew, for 39 years and they have three children and seven grandchildren: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Gutwein.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Douglas Gutwein and his family.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representative Carbaugh:

A CONCURRENT RESOLUTION urging Governor Holcomb to proclaim the week of May 1, 2022, as Tardive Dyskinesia Awareness Week.

Whereas, Many people with serious, chronic mental illness, such as schizophrenia, or gastrointestinal disorders, including gastroparesis, require treatment with medications that work as dopamine receptor blocking agents (DRBAs);

Whereas, While DRBAs have important, even lifesaving, therapeutic value for many patients, the same drugs can also lead to tardive dyskinesia;

Whereas, Tardive dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, trunk, and extremities;

Whereas, In some people, tardive dyskinesia can develop months, years, or decades after prolonged use of DRBAs and can continue even after the person stops taking the drug;

Whereas, It is estimated that over 600,000 Americans suffer from tardive dyskinesia;

Whereas, Years of difficult and challenging research have resulted in recent scientific breakthroughs, with two new treatments for tardive dyskinesia being approved by the United States Food and Drug Administration;

Whereas, Because tardive dyskinesia is often unrecognized or improperly diagnosed, regular screening for tardive dyskinesia in patients taking DRBA medications is recommended by the American Psychiatric Association; and

Whereas, The General Assembly and Governor Holcomb can help raise awareness of tardive dyskinesia in the public and medical community: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly urges Governor Holcomb to proclaim the week of May 1, 2022, as Tardive Dyskinesia Awareness Week.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Governor Holcomb

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 10

The Speaker handed down Senate Concurrent Resolution 10, sponsored by Representative Lucas:

A CONCURRENT RESOLUTION congratulating Deputy Elementary School for being selected as a 2021 National Blue Ribbon School.

Whereas, Deputy Elementary School serves pre-kindergarten to fourth grade students from the rural communities of Graham and Lancaster Townships in Jefferson County, Indiana;

Whereas, The National Blue Ribbon Schools Program was established in 1982 by the United States Department of Education to recognize primary and secondary schools for overall academic excellence or for progress in closing achievement gaps among student subgroups;

Whereas, The Indiana Department of Education nominated Deputy Elementary School for consideration in the "Exemplary Achievement Gap Closing" category;

Whereas, Schools in this category are among the top fifteen percent in closing subgroup achievement gaps in English and mathematics over the past three to five years; and

Whereas, In recognition of its consistent increase in student achievement over the last several years, Deputy Elementary was selected as a 2021 National Blue Ribbon School: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Deputy Elementary for being honored as a 2021 National Blue Ribbon School.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Deputy Elementary School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:24 p.m. with the Speaker in the Chair.

Upon request of Representative Pierce, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 38: 72 present. The Speaker declared a quorum present.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 2

The Speaker handed down Senate Concurrent Resolution 2, sponsored by Representative Torr:

A CONCURRENT RESOLUTION directing the Congress of the United States to propose to the several states an amendment to the United States Constitution concerning the membership of the United States Supreme Court.

Whereas, Several Joint Resolutions have been proposed in the 117th Congress to amend the United States Constitution to provide that the United States Supreme Court consist of not more than nine (9) members;

Whereas, The Indiana General Assembly agrees with the intent of these Joint Resolutions; and

Whereas, The Indiana General Assembly supports the adoption and submission of such an amendment to the several states for ratification: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Congress of the United States is directed to propose to the states the following amendment to the United States Constitution:

"The Supreme Court of the United States shall be composed of nine Justices."

SECTION 2. That certified copies of this resolution be sent to each of the following:

- (1) The presiding officers of the Congress of the United States.
- (2) The Secretary of the Senate.
- (3) The Clerk of the United States House of Representatives.
- (4) The presiding officer of each chamber of each state legislature in the United States.
- (5) The members of the Congress of the United States from the State of Indiana.

The resolution was read a first time and referred to the Committee on Judiciary.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Joint Resolution 3, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HJ 3 as introduced.)

Committee Vote: Yeas 10, Nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1043, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1043 as introduced.)
Committee Vote: Yeas 10, Nays 2.

MORRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 6 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 15 through 32.

Page 2, line 39, delete "must" and insert "may".

Page 3, delete lines 8 through 11, begin a new paragraph and insert:

"(b) Each public school shall provide to the department, in a manner prescribed by the department, information concerning an employee of the public school who was physically injured while on the job by a student of the public school if the injury:

(1) is required to be reported to the public school's worker's compensation carrier;

(2) causes the employee to miss all or part of one (1) or more work days; or

(3) is required to be reported to the public school pursuant to the public school's reporting policy."

Page 3, line 24, delete "school, after June 30, 2022," and insert "school".

Page 4, line 32, delete "must" and insert "may".

Page 5, line 4, delete "plan or" and insert "program or".

Page 5, line 10, delete "7-32-27)." and insert "7-32-27) and expedited due process hearing (as defined in 511 IAC 7-32-37)."

Page 5, delete lines 11 through 17, begin a new paragraph and insert:

"(b) In the event a parent agrees to participate in a:

(1) mediation (as defined in 511 IAC 7-45-2); or

(2) facilitated individualized education program (IEP) meeting through the department;

and subsequently initiates a due process hearing (as defined in 511 IAC 7-32-27), a public agency (as defined in 511 IAC 7-32-77) shall have the burden of proof at the subsequent due process hearing (as defined in 511 IAC 7-32-27), including the burden of persuasion and production. The burden must be met by a preponderance of the evidence.

(c) A public agency (as defined in 511 IAC 7-32-77) shall have the burden of proof, including the burden of persuasion and production, for all expedited due process hearings (as defined in 511 IAC 7-32-37), regardless of whether a mediation (as defined in 511 IAC 7-45-2) or facilitated individualized education program (IEP) meeting was initiated before filing for the expedited due process hearing (as defined in 511 IAC 7-32-37). The burden must be met by a preponderance of the evidence.

(d) The notice of procedural safeguards required under 511 IAC 7-37-1 shall include a description of the requirements established by this section.

SECTION 11. IC 20-35-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 5.5. (a) Subject to subsection (b), a school corporation or charter school shall submit settlement agreements to the department. The department shall establish and maintain a data base that includes the following:**

(1) The type of issues that are identified by the parent at the time the parent initiates due process proceedings.

(2) The types of issues addressed, either explicitly or implicitly, in a manner prescribed by the department, as part of a settlement resulting from a due process proceeding initiated or participated in by a parent.

(3) The types of issues that are addressed in a due process hearing described in section 5 of this chapter.

(b) Nothing in this section shall be construed as to require the disclosure of a student's personal identifiable information.

(c) On or before August 1, 2023, and each August 1 thereafter, the department shall submit a report to the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1, that summarizes the information reported under subsection (a) for the most recent school year."

Page 5, delete lines 36 through 42.

Page 6, delete lines 1 through 36.

Page 7, delete lines 21 through 42.

Delete pages 8 through 10.

Page 11, delete lines 1 through 10.

Page 11, line 29, delete "and".

Page 11, line 31, after "faculty;" insert "and".

Page 11, between lines 31 and 32, begin a new line triple block indented and insert:

"(iv) the resources needed to meet the needs of all children, including children with disabilities or special medical needs;"

Page 12, after line 28, begin a new paragraph and insert: "SECTION 17. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1107 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1109 as introduced.)

Committee Vote: Yeas 8, Nays 4.

MORRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 27, delete lines 23 through 28.

Page 34, delete lines 20 through 25.

Page 60, delete lines 2 through 7.

(Reference is to HB 1153 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 30, after "physician" insert ", a **physician assistant**,".

Page 2, delete lines 34 through 38.

Page 6, delete lines 32 through 42.

Page 7, delete lines 1 through 31.

Page 8, delete lines 39 through 42.

Delete pages 9 through 10.

Page 11, delete lines 1 through 16.

Page 18, delete lines 31 through 42.

Page 19, delete lines 1 through 5.

Page 19, line 17, after "physician" insert ", a **physician assistant**,".

Page 19, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 28. IC 25-1-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

(b) The term includes all license statuses, including "active", "expired", "retired", "inactive", and any other status that a license may be held in."

Delete pages 20 through 21.

Page 22, delete lines 1 through 36.

Page 23, delete lines 1 through 9.

Page 28, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 30. IC 25-26-13-3, AS AMENDED BY P.L.249-2019, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The Indiana board of pharmacy is created. The board consists of seven (7) members appointed by the governor for terms under IC 25-1-6.5.

(b) Subject to IC 25-1-6.5-3, the board consists of the following:

- (1) One (1) member of the board, to represent the general public, who is a resident of this state who has never been associated with pharmacy in any way other than as a consumer.
- (2) ~~Six (6)~~ **Five (5)** members who are pharmacists in good standing of recognized experience and ability from varied practice settings who hold a current license to practice pharmacy in Indiana, including one (1) member of the board who must be a practicing hospital pharmacist.
- (3) **One (1) member who is a pharmacy technician in good standing, engaged in active practice as a pharmacy technician, and holds a current certification from the Pharmacy Technician Certification Board.**

(c) A member may be removed under IC 25-1-6.5-4.

(d) Not later than ten (10) days after a member's appointment, the member must subscribe by oath or affirmation

to faithfully uphold the duties of the member's office. If a member fails to qualify as provided, a new member shall be appointed in the member's place.

(e) At the first meeting of each year the board shall elect from among its members a president and vice president who shall perform duties and have powers as the board prescribes.

(f) The board shall meet at least eight (8) times per year at such times and places as the board selects. At each meeting the board shall continue in session from day to day, for not more than five (5) days, until the business of the meeting is complete. Four (4) members of the board shall constitute a quorum.

(g) Each member of the board is entitled to compensation as determined by the rules of the budget agency for each day the member is actually engaged in business of the board, together with necessary travel and other expenses incurred in the performance of the member's duties.

(h) Approval by a majority of the quorum is required for any action to be taken by the board."

Delete pages 29 through 30.

Page 31, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 31. IC 25-26-13-10, AS AMENDED BY P.L.101-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) An applicant for registration as a pharmacist intern must furnish proof satisfactory to the board that the applicant:

- (1) is actively enrolled in a school of pharmacy accredited by the American Council of ~~Pharmaceutical~~ **for Pharmacy** Education;
- (2) has obtained the Foreign Pharmacy Graduate Examination Committee Certificate; or
- (3) is a qualified applicant awaiting the examination for licensure as a pharmacist.

(b) A registration issued under subsection (a) is valid for one (1) year and may be renewed by the board in accordance with subsection (c) until the expiration date established by the Indiana professional licensing agency under IC 25-1-5-4.

(c) An application for registration or renewal must be accompanied by the appropriate fee and one (1) of the following:

- (1) Proof of having obtained the Foreign Pharmacy Graduate Examination Committee Certificate.
- (2) Proof of active enrollment in a school of pharmacy accredited by the American Council of ~~Pharmaceutical~~ **for Pharmacy** Education.

SECTION 32. IC 25-26-13-11, AS AMENDED BY P.L.98-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. (a) To be eligible for licensure as a pharmacist, an individual must file such evidence as is required by the board that:

- (1) the individual is at least eighteen (18) years of age;
- (2) the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;
- (3) the individual:
 - (A) has graduated with a professional degree from a school of pharmacy accredited by the American Council of ~~Pharmaceutical~~ **for Pharmacy** Education or the Canadian Council ~~on Pharmacy Accreditation~~ **for Accreditation of Pharmacy Programs** and approved by the board; or
 - (B) has:
 - (i) graduated with a professional degree from a school of pharmacy located outside the United States and Canada; and
 - (ii) met the requirements under

subsection (c); and

(4) the individual has satisfactorily completed a pharmacist intern program approved by the board.

(b) An applicant who has graduated with a professional degree from a school of pharmacy accredited by the Canadian Council on Pharmacy Accreditation for Accreditation of Pharmacy Programs and approved by the board must obtain the Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy before taking the examination required under subsection (d).

(c) An applicant who has graduated with a professional degree from a school of pharmacy located outside the United States and Canada must do the following:

(1) Provide the board with verification of the applicant's academic record and graduation.

(2) Obtain the Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy.

(d) After filing an application on a form provided by the board, submitting the information required in subsection (a), and successfully completing the examination administered by the board, the applicant may be licensed as a pharmacist.

SECTION 33. IC 25-26-13-12, AS AMENDED BY P.L.98-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) An individual who is licensed as a pharmacist in another state where the requirements for licensure were not less than those required in this state at the time of original licensure may be issued a license in this state if:

(1) the individual has registered with and been approved by the National Association of Boards of Pharmacy;

(2) the individual has graduated with a professional degree in pharmacy from a school of pharmacy accredited by the American Council of Pharmaceutical Education or the Canadian Council on Pharmacy Accreditation for Accreditation of Pharmacy Programs and approved by the board; and

(3) the individual has successfully completed an examination administered by the board concerning the federal statutes and regulations and the Indiana statutes and rules governing the practice of pharmacy.

(b) An individual who has a professional pharmacy degree from a school of pharmacy located outside the United States and Canada and who is licensed in another state where the requirements for licensure are substantially the same as those in this state may be issued a license under this chapter if:

(1) the individual has registered with and been approved by the National Association of Boards of Pharmacy;

(2) the individual has provided the board with proof of the applicant's:

(A) academic record and graduation with a professional degree from a school of pharmacy; and

(B) completion of the requirements for obtaining a Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy; and

(3) the individual has successfully completed an examination administered by the board concerning the federal statutes and regulations and the Indiana statutes and rules governing the

practice of pharmacy.

SECTION 34. IC 25-26-13-20, AS AMENDED BY P.L.207-2021, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) A person desiring to open, establish, operate, or maintain a pharmacy shall apply to the board for a pharmacy permit on a form provided by the board. The applicant shall set forth:

(1) the name and occupation of the persons desiring the permit;

(2) the location, including street address and city, of the pharmacy; and

~~(3) the name of the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operation of the pharmacy under the permit; and~~

~~(4) (3) such other information as the board may require.~~

(b) If the applicant desires to open, establish, operate, or maintain more than one (1) pharmacy, the applicant must file a separate application for each. ~~Each pharmacy must be qualified by a different pharmacist.~~

(c) The board shall permit a pharmacist to serve as a qualifying pharmacist for more than one (1) pharmacy holding a Category II pharmacy permit upon the holder of the Category II permit showing circumstances establishing that:

(1) the permit holder has made a reasonable effort, without success, to obtain a qualifying pharmacist who is not serving as a qualifying pharmacist at another Category II pharmacy; and

(2) the single pharmacist could effectively fulfill all duties and responsibilities of the qualifying pharmacist at both locations.

However, the board shall hold the permit holder responsible and may not discipline or otherwise hold ~~the qualifying pharmacist an individual licensed under this chapter~~ responsible for staffing deficiencies of the pharmacy if the ~~qualifying pharmacist individual~~ does not have authority for staffing determinations of the pharmacy.

(d) The board shall grant or deny an application for a permit not later than one hundred twenty (120) days after the application and any additional information required by the board are submitted.

(e) The board may not issue a pharmacy permit to a person who desires to operate the pharmacy out of a residence.

SECTION 35. IC 25-26-13-24.8, AS AMENDED BY P.L.207-2021, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24.8. (a) Upon request of a patient, a pharmacy shall transfer to another pharmacy a prescription for the patient, including a prescription for a schedule II controlled substance, that the pharmacy has received but not filled unless:

(1) prohibited in writing on the prescription by the prescriber; or

(2) otherwise prohibited by federal law.

(b) Unless prohibited by federal law, a prescription for a patient may be transferred electronically or by facsimile by a pharmacy to another pharmacy if the pharmacies do not share a common data base.

(c) A licensed pharmacy technician may transfer a prescription, ~~under subsection (b) including making a verbal transfer, as delegated by a pharmacist.~~

Page 33, delete lines 15 through 42.

Page 34, delete lines 1 through 10.

Page 35, line 33, delete "supervising".

Page 35, delete line 42, begin a new paragraph and insert:

SECTION 40. IC 25-26-13.5-8 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 8: (a) ~~The qualifying pharmacist and a pharmacist on duty are responsible for ensuring that the supervising pharmacy and remote dispensing facility are sufficiently staffed to avoid the risk of harm to~~

public health and safety.

(b) In order to serve as a qualifying pharmacist, the pharmacist must be in good standing with the board.

(c) A qualifying pharmacist may have this designation for only one (1) supervising pharmacy and for one (1) remote dispensing facility at a time.

(d) A qualifying pharmacist must be able to be physically at the remote dispensing facility within a certain time set by the board to address emergencies and safety issues that arise. However, in the qualifying pharmacist's absence the qualifying pharmacist may designate another pharmacist to fulfill the qualifying pharmacist's duties at the remote dispensing facility.

(e) A qualifying pharmacist shall visit a remote dispensing facility at least as often as required by the board to inspect the facility and address personnel matters. The qualifying pharmacist shall complete any forms required by the board concerning the required inspection and maintain the records in a manner specified by the board.

(f) If the remote dispensing facility is located at a hospital or physician clinic and uses an automated dispensing machine, the qualifying pharmacist shall maintain an up to date inventory of any schedule H controlled substances. The qualifying pharmacist shall at least monthly inventory all controlled substances.

(g) The qualifying pharmacist shall develop and implement a continuous quality improvement program. The program must include a reporting mechanism for errors that occur concerning the remote dispensing facility. Information concerning the program must be available to the board upon request.

SECTION 41. IC 25-26-13.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 8.5. A pharmacy operating a remote dispensing facility is responsible for ensuring the following:**

(1) The remote dispensing facility is sufficiently staffed to avoid the risk of harm to public health and safety.

(2) The pharmacist servicing the remote dispensing facility is in good standing with the board.

(3) A pharmacy may not operate more than one (1) remote dispensing facility at a time, unless otherwise approved by the board.

(4) A pharmacist must be able to be physically present at the remote dispensing facility within a certain time set by the board to address emergencies and safety issues that arise.

(5) A pharmacist shall visit the remote dispensing facility at least as often as required by the board to inspect the facility, address personnel matters, complete any forms required by the board concerning the required inspection, and maintain records in the manner specified by the board.

(6) If the remote dispensing facility is located at a hospital or physician clinic and uses an automated dispensing machine, a pharmacist must maintain an up to date inventory of any schedule II controlled substances. An inventory of all controlled substances must be completed at least once a month.

(7) The pharmacy must develop a continuous quality improvement program, which must include a reporting mechanism for errors that occur concerning the remote dispensing facility. Information concerning the remote dispensing facility must be made available to the board upon request.

SECTION 42. IC 25-26-13.5-9, AS AMENDED BY

P.L.246-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) There must be at least one (1) pharmacist working at a remote dispensing facility for every six (6) pharmacist interns, licensed pharmacy technicians, and pharmacy technicians in training at the supervising pharmacy and remote dispensing facility. However, an individual whose only duty is to act as the cashier is not included in the number of employees that may work for one (1) pharmacist under this subsection.

(b) A remote dispensing facility that is not staffed by a pharmacist must be staffed by at least one (1) pharmacy technician who meets the following requirements:

(1) Is licensed under IC 25-26-19.

(2) Has at least two thousand (2,000) hours of experience working as a pharmacy technician in a pharmacy licensed under this article and under the direct supervision of a pharmacist.

(3) Has successfully passed a certification examination offered by the Pharmacy Technician Certification Board or another nationally recognized certification body approved by the board.

(4) If the remote dispensing facility is located in a hospital or physician clinic setting, either:

(A) has graduated from a pharmacy technician training program accredited by the American Council of Pharmaceutical Education or the American Society of Health System Pharmacists; or
(B) obtained the hours described in subdivision (2) before July 1, 2017.

(5) Is supervised by a pharmacist at the supervising pharmacy at all times that the remote dispensing facility is operational. As used in this subdivision, supervision does not require that the pharmacist be physically present at the remote dispensing facility as long as the pharmacist is supervising telepharmacy operations electronically through a computer link, video link, and audio link.

(6) Is currently in good standing with the board.

(c) A pharmacy technician in training may not work at a remote dispensing facility unless a pharmacist is on site.

(d) The board shall adopt rules that require pharmacy technicians working at a remote dispensing facility that is not staffed by a pharmacist to complete continuing education requirements established by the board."

Page 36, delete lines 1 through 34.

Page 37, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 44. IC 25-26-13.5-14, AS ADDED BY P.L.202-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) A remote dispensing facility shall have adequate security. The security must do the following:

(1) Record the entrance and exit of individuals to the facility.

(2) Use alarms or other comparable monitoring systems that protect the equipment, records, drug supply, devices, and other items from unauthorized access, acquisition, or use.

(3) Use at least two (2) factoring credentials for employee entry to the remote dispensing facility, using two (2) of the following:

(A) A knowledge factor, including a password.

(B) Biometrics.

(C) An inanimate object.

(b) The qualifying pharmacist shall periodically review the record of entries into the remote dispensing facility.

(c) The prescription storage area may remain open while a pharmacist or pharmacy technician is on duty.

SECTION 45. IC 25-26-13.5-15, AS ADDED BY P.L.202-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) A controlled substance may not be dispensed at the remote dispensing facility unless:

- (1) the facility maintains a perpetual inventory of controlled substances; and
- (2) the supervising pharmacist checks the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4 or as directed by the board before:
 - (A) verification of the finished controlled substance prescription; and
 - (B) counseling the patient.

(b) Drugs may be transported to a remote dispensing facility that uses an automated dispensing machine only in a sealed container with a list identifying each drug, drug strength, and quantity included in the container.

(c) A delivery of drugs may be accepted at the remote dispensing facility only if a pharmacist or a licensed pharmacy technician is present to accept delivery and verify and sign for the receipt of the drugs, unless the drugs are placed in a secured delivery area that complies with federal and state law.

(d) If the delivery is received by a pharmacy technician, a pharmacist at the supervising pharmacy shall ensure through the use of the electronic audio and video communication system or bar code technology that the pharmacy technician has accurately restocked the drugs.

(e) A remote dispensing facility must store drugs in a manner that:

- (1) complies with federal and state law;
- (2) protects the identity, safety, security, and integrity of the drug; and
- (3) limits access to:
 - (A) a pharmacist employed by the supervising pharmacy; and
 - (B) a pharmacy technician who has written authorization of the qualifying a pharmacist to access the facility.

SECTION 46. IC 25-26-14-11, AS AMENDED BY P.L.264-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. As used in this chapter, "wholesale distribution" means to distribute legend drugs to persons other than a consumer or patient. The term does not include:

- (1) a sale or transfer between a division, a subsidiary, a parent, an affiliated, or a related company under the common ownership and control of a corporate entity;
- (2) the purchase or acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a drug for the hospital's or health care entity's own use from the group purchasing organization or from other hospitals or health care entities that are members of the organization;
- (3) the sale or transfer of a drug by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code, to:
 - (A) a nonprofit affiliate of the organization; or
 - (B) a nonprofit entity described in Section 501(c)(3) of the Internal Revenue Code that is not affiliated with the organization;
 to the extent otherwise permitted by law;
- (4) the sale of a drug among hospitals or other health care entities that are under common control;
- (5) the sale of a drug for emergency medical

reasons, including transfers of legend drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, if the gross dollar value of the transfers does not exceed five percent (5%) of the total legend drug sales revenue of either the transferor or transferee pharmacy during any twelve (12) consecutive month period;

- (6) the sale of a drug or the dispensing of a drug pursuant to a prescription;
- (7) the distribution of drug samples by manufacturers' representatives or distributors' representatives;
- (8) the sale of blood and blood components intended for transfusion;
- (9) the sale of a drug by a retail pharmacy to a practitioner (as defined in IC 25-26-13-2) for office use, if the gross dollar value of the transfers does not exceed five percent (5%) of the retail pharmacy's total legend drug sales during any twelve (12) consecutive months;
- (10) the sale of a drug by a retail pharmacy that is ending its business and liquidating its inventory to another retail pharmacy;
- (11) drug returns by a hospital, health care entity, or charitable institution conducted under 21 CFR 203.23;
- (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use;
- (13) the distribution of prescription drugs by the original manufacturer of the finished form of the prescription drug or the distribution of the co-licensed products by a partner of the original manufacturer of the finished form of the prescription drug; ~~or~~
- (14) drug returns that meet criteria established by rules adopted by the board; ~~or~~
- (15) the sale of a drug for research or clinical trial purposes, provided the seller is authorized by the federal Food and Drug Administration to sell the drug for research or clinical trial purposes."**

Delete pages 38 through 39.

Page 40, delete lines 1 through 23.

Page 40, line 35, after "physician" insert ", a **physician assistant**,".

Page 40, delete lines 39 through 42.

Delete pages 41 through 43.

Page 44, delete lines 1 through 27.

Page 44, delete lines 37 through 42.

Delete page 45.

Page 46, delete lines 1 through 17.

Page 46, delete lines 21 through 27.

Page 46, delete lines 39 through 42.

Page 47, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1158 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1174 as printed January 11, 2022.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 11-8-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The department may contract with any city, county, state, or federal authority, or with other public or private organizations, for:

- (1) the custody, care, confinement, or treatment of committed persons; or
- (2) **subject to subsection (e)**, the provision of other correctional or related services to committed persons.

(b) Before transferring a committed person to the custody, care, or control of an agency or organization under such a contract, the department must approve the receiving facility or program as suitable for the supervision and care of the person.

(c) The department may contract with individuals for the provision of services to the department.

(d) To fund contracts under this section the department may use:

- (1) its regular budgeted monies; and
- (2) if applicable, monies deducted from the person's earnings under IC 11-10-7-5 or IC 11-10-8-6.

(e) After June 30, 2022, the department may not enter into or renew a contract with a provider of inmate calling services for the provision of inmate calling services at a correctional facility unless the terms of the contract comply with IC 24-5-27. Any term, condition, or provision that:

- (1) is included in a contract that is entered into or renewed after June 30, 2022, for the provision of inmate calling services at a correctional facility; and**
- (2) violates IC 24-5-27;**

is void.

(f) After June 30, 2022, a county owning or operating a correctional facility may not enter into or renew a contract with a provider of inmate calling services for the provision of inmate calling services at the correctional facility unless the terms of the contract comply with IC 24-5-27. Any term, condition, or provision that:

- (1) is included in a contract that is entered into or renewed after June 30, 2022, for the provision of inmate calling services at the correctional facility; and**
- (2) violates IC 24-5-27;**

is void."

Page 2, after line 12, begin a new paragraph and insert:

"SECTION 7. IC 24-5-0.5-3, AS AMENDED BY P.L.156-2020, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes

both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

- (A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

- (B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);
- (C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and
- (D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).
- (13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:
- (A) the customer has been notified that the work has been completed; and
- (B) the part repaired or replaced has been made available for examination upon the request of the customer.
- (14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.
- (15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:
- (A) the name misrepresents the supplier's geographic location;
- (B) the listing fails to identify the locality and state of the supplier's business;
- (C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and
- (D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.
- (16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:
- (A) the name misrepresents the supplier's geographic location;
- (B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and
- (C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.
- (17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.
- (18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.
- (19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.
- (20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).
- (21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.
- (22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.
- (23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.
- (24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.
- (25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.
- (26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
- (27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
- (28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
- (29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
- (30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
- (31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
- (32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
- (33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
- (34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
- (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
- (36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
- (37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
- (38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- (39) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.
- (40) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.
- (41) A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.**
- (c) Any representations on or within a product or its

packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 8. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 27. Intrastate Inmate Calling Services

Sec. 1. (a) Except as provided in subsections (b) and (c), sections 19 through 25 of this chapter apply to the following:

- (1) An inmate calling services call that is initiated after June 30, 2022.
- (2) A contract described in section 26 of this chapter that is entered into or renewed after June 30, 2022, for the provision of inmate calling services at a correctional facility.

(b) Sections 19 through 25 of this chapter do not apply to an inmate calling services call that is:

- (1) initiated after June 30, 2022; and
- (2) made in connection with a contract described in section 26 of this chapter that is:
 - (A) entered into or renewed before July 1, 2022; and
 - (B) in effect at the time the inmate calling services call is initiated.

(c) Sections 19 through 25 of this chapter do not apply with respect to a contract described in section 26 of this chapter that is:

- (1) entered into or renewed before July 1, 2022; and
- (2) for the provision of inmate calling services at a correctional facility.

The exemption from sections 19 through 25 of this chapter provided by this subsection terminates when the contract or the renewal of the contract either expires by its terms or is terminated by any party to the contract.

Sec. 2. As used in this chapter, "ancillary service charge" means any charge that:

- (1) consumers may be assessed for, or in connection with, the intrastate use of inmate calling services (including any intrastate inmate calling services call that includes jurisdictionally mixed charges); and
- (2) is not included in the per minute charges assessed for individual calls.

Sec. 3. As used in this chapter, "authorized fee" means a government authorized, but discretionary, fee:

- (1) that a provider must remit to a federal, state, or local government; and
- (2) with respect to which a provider is permitted, but not required, to pass through to consumers; for, or in connection with, intrastate inmate calling services.

Sec. 4. As used in this chapter, "collect calling" means an arrangement in which the called party takes affirmative action clearly indicating that the party will pay the charges associated with a call originating from an inmate telephone.

Sec. 5. (a) As used in this chapter, "consumer" means an individual who pays, or is responsible for paying, a provider for intrastate inmate calling services.

(b) The term includes an inmate who pays, or is responsible for paying, a provider for intrastate inmate calling services.

Sec. 6. As used in this chapter, "correctional facility" means:

- (1) a state penal institution;
- (2) a county jail; or
- (3) a secure juvenile facility;

in Indiana.

Sec. 7. As used in this chapter, "debit calling" means a presubscription or comparable service that allows an inmate, or someone acting on an inmate's behalf, to fund an account that:

- (1) is set up through a provider; and
- (2) can be used to pay for inmate calling services calls originated by the inmate.

Sec. 8. As used in this chapter, "flat rate calling" means a calling plan under which a provider charges a single fee for an inmate calling services call, regardless of the duration of the call.

Sec. 9. As used in this chapter, "inmate" means an individual detained at a correctional facility, regardless of the duration of the detention.

Sec. 10. As used in this chapter, "inmate calling service" means a service that allows inmates to make calls to individuals outside the correctional facility where the inmate is being held, regardless of the technology used to deliver the service.

Sec. 11. As used in this chapter, "inmate telephone" means a telephone instrument, or other device capable of initiating calls, set aside by authorities of a correctional facility for use by inmates.

Sec. 12. As used in this chapter, "intrastate call" means a call that originates and terminates in Indiana.

Sec. 13. As used in this chapter, "jurisdictionally mixed charge" means any charge that:

- (1) consumers may be assessed for use of inmate calling services;
- (2) is not included in the per minute charges assessed for individual calls; and
- (3) is assessed for, or in connection with, the use of inmate calling services to make calls that have:

- (A) interstate or international components; and
- (B) intrastate components;

that are not able to be segregated at the time the charge is incurred.

Sec. 14. As used in this chapter, "mandatory tax or fee" means a tax or fee that a provider is required to:

- (1) collect directly from consumers; and
- (2) remit to federal, state, or local governments;

for, or in connection with, intrastate inmate calling services.

Sec. 15. As used in this chapter, "per call or per connection charge" means a one (1) time fee charged to a consumer at call initiation.

Sec. 16. As used in this chapter, "prepaid calling" means a presubscription or comparable service in which:

- (1) a consumer, other than an inmate, funds an account set up through a provider; and
- (2) funds from the account can then be used to pay for inmate calling services, including calls that originate with an inmate.

Sec. 17. As used in this chapter, "prepaid collect calling" means a calling arrangement that:

- (1) allows an inmate to initiate an inmate calling services call without having a preestablished billing arrangement; and
- (2) provides a means, within that call, for the called party to establish an arrangement with a provider for the party to be billed directly by the provider for future calls from the same inmate.

Sec. 18. As used in this chapter, "provider of inmate calling services", or "provider", means any communications service provider that provides inmate calling services, regardless of the technology used to provide the services.

Sec. 19. (a) As used in this section, "site commission" means any form of monetary payment, in kind payment, gift, exchange of services or goods, fee, technology allowance, or product that a provider of inmate calling services pays, gives, donates, or otherwise provides to:

- (1) an entity that operates a correctional facility;
- (2) an entity with which the provider of inmate calling services enters into an agreement to provide inmate calling services;
- (3) a governmental agency that oversees a correctional facility;
- (4) the city, county, or state in which a correctional facility is located; or
- (5) an agent of a correctional facility.

(b) Subject to subsections (c) and (d), the rate for intrastate:

- (1) collect calling;
- (2) debit calling;
- (3) prepaid calling; or
- (4) prepaid collect calling;

in connection with inmate calling services may not exceed the rate cap for the comparable interstate service in connection with inmate calling services, as set by the Federal Communications Commission and in effect at the time the call is initiated, including any interim rate cap that is set by the Federal Communications Commission and in effect at the time the call is initiated.

(c) An intrastate rate cap under subsection (b) is subject to any distinctions in the comparable interstate rate cap set by the Federal Communications Commission that are based on:

- (1) the type or size of the correctional facility from which the inmate calling services call is placed, including:
 - (A) whether the correctional facility is a jail or a prison, as those terms may be defined by the Federal Communications Commission at the time the call is initiated; and
 - (B) the average daily population of

the correctional facility, as that term may be defined by the Federal Communications Commission at the time the call is initiated; and

- (2) whether any site commission is sought to be recovered through the intrastate rate for a service, including any distinctions in the facility-related rate component, as that term may be defined by the Federal Communications Commission at the time the call is initiated, that are based on whether the site commission is legally mandated or contractually prescribed.

(d) A provider that has been granted a waiver by the Federal Communications Commission from the interstate rate caps for the inmate calling services described in subsection (b) with respect to a particular:

- (1) correctional facility; or
- (2) contract for the provision of inmate calling services;

is not subject to the intrastate rate caps under subsection (b) for the comparable intrastate services provided to the same correctional facility or under the same contract. The exemption from the intrastate rate caps provided under this subsection runs concurrently with the term of the exemption from the corresponding interstate rate caps, as determined by the Federal Communications Commission.

Sec. 20. (a) The following definitions apply throughout this section:

- (1) "Automated payment fee" means:
 - (A) a credit card payment fee;
 - (B) a debit card payment fee; or
 - (C) a bill processing fee.

The term includes fees for payments made by interactive voice response, the Internet, or kiosk.

(2) "Fee for single call and related services" means a billing arrangement in which:

- (A) an inmate's collect calls are billed through a third party on a per call basis; and
- (B) the called party:

- (i) does not have an account with the provider of inmate calling services; or
- (ii) does not want to establish an account with the provider of inmate calling services.

(3) "Live agent fee" means a fee associated with the optional use of a live operator to complete inmate calling services transactions.

(4) "Paper bill or statement fee" means a fee associated with providing a customer of inmate calling services an optional paper billing statement.

(5) "Third party financial transaction fee" means the exact fee, with no markup, that a provider of inmate calling services is charged by a third party to transfer money or process financial transactions to facilitate a consumer's ability to make account payments through the third party.

(b) A provider may not charge an ancillary service charge for, or in connection with, an intrastate inmate calling services call, other than those ancillary service charges permitted by the Federal Communications Commission for, or in connection with, interstate or international inmate calling services calls at the time the call is initiated.

(c) Subject to subsection (d), a rate for an ancillary service charge permitted under subsection (b) for, or in connection with, an intrastate inmate calling services call shall not exceed the rate for the comparable ancillary service charge permitted by the Federal Communications

Commission for, or in connection with, interstate or international inmate calling services calls at the time the call is initiated. Subject to subsection (b), ancillary service charges subject to the rate cap set forth in this subsection include the following:

- (1) Automated payment fees.
- (2) Fees for single call and related services.
- (3) Live agent fees.
- (4) Paper bill or statement fees.
- (5) Third party financial transaction fees.

(d) A provider that has been granted a waiver by the Federal Communications Commission from the ancillary service charge caps for interstate or international inmate calling services calls with respect to a particular:

- (1) correctional facility; or
- (2) contract for the provision of inmate calling services;

is not subject to the intrastate caps under subsection (c) for the comparable intrastate ancillary services provided to the same correctional facility or under the same contract. The exemption from the intrastate ancillary service charge caps provided under this subsection runs concurrently with the term of the exemption from the corresponding interstate or international ancillary service charge caps, as determined by the Federal Communications Commission.

Sec. 21. (a) Except as provided in subsection (b), a provider shall not:

- (1) prohibit or prevent completion of an intrastate collect calling call made in connection with an inmate calling service; or
- (2) decline to establish or otherwise degrade intrastate collect calling made in connection with inmate calling services;

solely for the reason that the provider lacks a billing relationship with the called party's communications service provider.

(b) The prohibitions set forth in subsection (a) do not apply if a provider offers debit calling, prepaid calling, or prepaid collect calling for intrastate inmate calling services calls.

Sec. 22. (a) A provider may not charge any taxes or fees to users of inmate calling services for, or in connection with, intrastate calls, except for the following:

- (1) Authorized fees.
- (2) Mandatory taxes and fees.

(b) Any:

- (1) authorized fee; or
- (2) mandatory tax or fee;

passed through to consumers for, or in connection with, intrastate inmate calling services may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.

Sec. 23. A provider may not impose a per call or per connection charge on a consumer for any intrastate inmate calling services call.

Sec. 24. A provider may not offer flat rate calling for intrastate inmate calling services.

Sec. 25. (a) A provider may not institute a minimum balance requirement for a consumer to use:

- (1) debit calling; or
- (2) prepaid calling;

for intrastate inmate calling services calls.

(b) A provider may not prohibit a consumer from depositing at least fifty dollars (\$50) per transaction to fund a:

- (1) debit calling; or
- (2) prepaid calling;

account that can be used for intrastate inmate calling services calls.

Sec. 26. (a) After June 30, 2022, a provider shall not enter into or renew a contract with:

- (1) the department of correction; or
- (2) any:

- (A) county;
- (B) city; or
- (C) public or private agency or organization;

that operates a correctional facility in Indiana; for the provision of inmate calling services at a correctional facility unless the terms of the contract comply with this chapter.

(b) Any term, condition, or provision that:

- (1) is included in a contract that is entered into or renewed after June 30, 2022, for the provision of inmate calling services at a correctional facility; and
- (2) violates this chapter;

is void.

Sec. 27. A provider that violates this chapter:

- (1) commits a deceptive act that is actionable by the attorney general or by a consumer under IC 24-5-0.5-4; and
- (2) is subject to the remedies and penalties under IC 24-5-0.5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1181 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SCHAIBLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-6-15-2, AS ADDED BY P.L.165-2021, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b), all political subdivisions shall be considered a party to any settlement, including a settlement in lieu of litigation, in opioid litigation by the attorney general with an opioid party that is finalized with court approval after March 1, 2021. Except as provided in subsection (b), political subdivisions shall be bound by the terms of any opioid litigation settlement imposed by a bankruptcy court or any other court of competent jurisdiction as accepted by the attorney general.

(b) A political subdivision that has filed opioid litigation on or before January 1, 2021, may opt out of the settlement described in this section and choose to pursue its own claims by submitting written documentation as prescribed in subsection (c) to the attorney general by June 30, 2021. Except as provided in subsection (d), any political subdivision that opts out and chooses to maintain its own lawsuit under this section shall have no claim to any state or political subdivision funds paid according to the settlement authorized or approved by the attorney general.

(c) A document submitted by a political subdivision under subsection (b) to opt out of the settlement shall include:

- (1) the name of the political subdivision electing to opt out;
- (2) contact information for an individual at the political subdivision who can provide information regarding the decision to opt out; and
- (3) a certified copy of the resolution adopted by the political subdivision to opt out;

of the settlement.

(d) Notwithstanding subsection (b), a political subdivision may opt back in to a settlement by submission of:

- (1) the name of the political subdivision opting back in;
- (2) contact information for an individual at the political subdivision who can provide information regarding the decision to opt back in; and
- (3) a certified copy of the resolution adopted by the political subdivision to opt back in;

to the settlement to the attorney general by ~~the earlier of sixty (60) days after the political subdivision adopted a resolution to opt out of the settlement or September 30, 2021, whichever occurs first.~~ **July 15, 2022.**

(e) A political subdivision that has not made a choice to opt out or that has opted back in to the settlement is bound by full release, waiver, and dismissal of all claims against the opioid party.

~~(f) No political subdivision has any claim to any settlement proceeds for litigation against any opioid party not yet filed by the state as of the effective date of this chapter, as added by HEA 1001-2021.~~

SECTION 2. IC 4-6-15-4, AS ADDED BY P.L.165-2021, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Funds received from opioid litigation settlements that resolve existing state and political subdivision litigation lawsuits as of January 1, 2021, shall be distributed in the following manner:

- (1) Fifteen percent (15%) to the agency settlement fund established by IC 4-12-16-2 for the benefit of the state.
- (2) Fifteen percent (15%) to the agency settlement fund established by IC 4-12-16-2 for distribution to cities, counties, and towns on a per capita basis. For purposes of this subdivision, the population, as determined under IC 1-1-3.5-3(a), of a county is the aggregate population for all unincorporated areas of the county.
- (3) Seventy percent (70%) to the agency settlement fund established by IC 4-12-16-2 to be used for statewide treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues as defined or required by the settlement documents or court order.

(b) The amount distributed to the agency settlement fund under subsection (a)(2) is annually appropriated to the office of the attorney general to make the distributions described under subsection (a)(2).

(c) The amount distributed to the agency settlement fund under subsection (a)(3) is annually appropriated to the office of the secretary of family and social services for treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues as defined or required by the settlement documents or court order. The office of the secretary of family and social services shall allocate fifty percent (50%) of the funds received annually under this subsection to eligible ~~community-based treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues.~~ **The office of the secretary of family and social services shall divide the state into regions based on population and ensure that funds are awarded to participating entities in each region of the state. Data from calendar years beginning after December 31, 2017, and ending before January 1, 2021, related to opioid use disorder during those calendar years, including overdoses and deaths, may be considered in the process of determining regional funding allocations under this subsection. The office of the secretary of family and social services may adopt rules under IC 4-22-2 to define the regions within the state and for**

determining a process for the application and awarding of funds: regional programs of treatment, prevention, and care that are best practices after review by the office of the secretary of family and social services. Before the remaining fifty percent (50%) of the funds received under this subsection may be distributed, the office of the secretary of family and social services shall submit a distribution plan to the budget committee for review.

(d) All entities receiving settlement funds to be used for treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues shall monitor the use of those funds and provide an annual report to the office of the secretary of family and social services not later than a date determined by the office of the secretary of family and social services.

(e) The office of the secretary of family and social services shall compile and submit an annual comprehensive report of the information received under subsection (d) to the general assembly in an electronic format under IC 5-14-6 not later than October 1 of each year identifying all funds committed and used as specified by any settlement documents or court order.

SECTION 3. **An emergency is declared for this act.**

(Reference is to HB 1193 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 6. (a) This section applies to:

- (1) the Indiana housing and community development authority in its role in distributing rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic; and**
- (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic.**

(b) Not later than August 31, 2022:

- (1) the Indiana housing and community development authority; and**
- (2) any political subdivision to which this section applies;**

shall create a designated landlord application process.

(c) This section expires September 1, 2023."

Page 7, line 11, after "court;" insert "or".

Page 7, line 14, delete "or".

Page 7, delete lines 15 through 18.

Page 7, line 19, delete "filed" and insert **"filed, upon motion by the tenant,"**.

(Reference is to HB 1214 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 1 through 4.

Page 2, delete lines 23 through 41.

(Reference is to HB 1223 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-1-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.3. (a) As used in this section, "diversity business" refers to any of the following:**

- (1) A minority business enterprise, as defined in IC 4-13-16.5-1(h).
- (2) A qualified agency, as defined in IC 5-22-13-1.
- (3) A veteran owned small business, as defined in IC 4-13-16.5-1(p).
- (4) A women's business enterprise, as defined in IC 4-13-16.5-1(q).

(b) The department shall determine any upgrades to computer hardware and software systems, and any additional personnel, resources, and expenditures required to enable the department to collect and compile the following information regarding purchases made by state agencies from diversity businesses during a state fiscal year:

(1) For each diversity business from which a purchase was made, the following information:

- (A) The classification of the diversity business as described in subsection (a).
- (B) The Internal Revenue Service principal business code for the diversity business.
- (C) A description of each kind of supply item or service purchased from the diversity business.
- (D) For each supply item purchased from the diversity business, the following information:
 - (i) The frequency of purchases.
 - (ii) The number or volume of items purchased.
 - (iii) The name of each state agency that has made purchases of the particular supply item.
 - (iv) For each state agency that has made purchases of that supply item, the total expenditures for that particular supply item.
 - (v) Whether the particular supply item is a newly added supply item from the previous year's report.
- (E) For each kind of service purchased from a diversity business, the following information:

- (i) The nature of the service.
- (ii) The name of each state agency that has made purchases of that particular service.
- (iii) For each state agency that has made purchases of that particular service, the total expenditures for that particular service.
- (iv) Whether the particular service is a newly added service from the previous year's report.

(2) Totals of all amounts reported under subdivision (1).

(3) Specific information and examples relating to the reasons state agencies have not purchased supplies and services from diversity businesses, such as any of the following:

- (A) Supplies or services needed by state agencies are not provided by diversity businesses.
- (B) Supplies or services do not meet specifications.
- (C) Supplies or services cannot be provided at a fair market price.

SECTION 2. IC 5-22-13-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) This section applies to a qualified agency that:**

- (1) participates in a pilot project; and
- (2) before the qualified agency's participation in the pilot project, had a QPA awarded by the department to sell products or services directly to governmental bodies that the qualified agency currently sells through the third party contractor under the pilot project.

(b) As used in this section, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(c) As used in this section, "pilot project" refers to a project established by the department through which a qualified agency sells products or services covered by this chapter to governmental bodies through a third party contractor that has been awarded a contract by the department under this article.

(d) As used in this section, "QPA" refers to a quantity purchase agreement.

(e) After a qualified agency withdraws from the pilot project, at the request of the qualified agency, the department shall award to the qualified agency a QPA for the same supplies or services that the qualified agency provided through the third party contractor. The department shall award a QPA to the qualified agency not later than thirty (30) days after the date of the qualified agency's request.

(f) The department shall award a QPA to the qualified party:

- (1) without requiring a new procurement under this article; and
- (2) under the same terms and conditions under which the qualified agency previously had a QPA with the department.

(g) This section does not release a qualified agency from any contractual obligations that it might otherwise owe to the third party contractor.

SECTION 3. An emergency is declared for this act.

(Reference is to HB 1242 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1252, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 23, delete lines 23 through 33, begin a new paragraph and insert:

"Sec. 3. "Enrichment student" refers to an individual who:

**(1) has legal settlement in Indiana; and
(2) meets the criteria established by the department under IC 20-52-3-3(a)."**

Page 23, line 34, delete "5." and insert "4."

Page 23, line 37, delete "6." and insert "5."

Page 23, line 39, delete "7." and insert "6."

Page 24, line 4, delete "June 30," and insert "**August 31,**"

Page 24, line 8, delete "IC 20-52-4-1" and insert "**IC 20-52-4-1.**"

Page 24, line 9, delete "after issuing a request for proposal under IC 5-22-9."

Page 24, line 17, after "3." insert "**(a) The department shall establish criteria for determining who is considered an enrichment student.**

(b).

Page 24, line 24, delete "Grant Fund and Enrichment".

Page 24, line 37, delete "and any interest that may".

Page 24, line 38, delete "accrue in the account".

Page 24, delete lines 40 through 41.

Page 24, line 42, delete "(3)" and insert "**(2)**".

Page 25, line 2, delete "math." and insert "**math;**

(3) the parent will share the enrichment student's ILEARN assessment results with the participating entity; and

(4) services relating to qualified services will not be provided to the enrichment student during normal school hours."

Page 25, line 11, delete "If an account for an enrichment student".

Page 25, delete lines 12 through 14.

Page 25, line 27, delete "The enrichment".

Page 25, line 28, delete "grant amount shall be paid from the enrichment grant fund."

Page 25, line 36, delete "the later of:" and insert "**October 1, 2024.**"

Page 25, delete lines 37 through 42.

Page 26, delete lines 1 through 17.

Page 26, line 18, delete "4." and insert "**3.**"

Page 26, line 18, delete "8" and insert "**7**".

Page 26, line 28, delete "5." and insert "**4.**"

Page 26, line 34, delete "6." and insert "**5.**"

Page 26, line 37, delete "7." and insert "**6.**"

Page 26, line 42, delete "8." and insert "**7.**"

Page 27, line 33, delete "9." and insert "**8.**"

Page 27, line 39, delete "individuals" and insert "**individuals, organizations,**"

Page 27, line 42, delete "individual who" and insert "**organization**".

Page 28, line 2, delete "individual who" and insert "**organization**".

Page 28, line 8, delete "individual who" and insert "**organization**".

Page 28, line 10, delete "individual" and insert "**organization**".

Page 28, between lines 11 and 12, begin a new line block indented and insert:

"(5) Community based organizations.

(6) Philanthropic organizations.

(7) Institutions of higher education.

(8) Prospective, current, and retired teachers.

(b) Upon completion of services by a participating entity, the participating entity must provide the enrichment student's school with a summary of services performed by the participating entity for the enrichment student."

Page 28, line 12, delete "(b)" and insert "**(c)**".

Page 28, line 13, delete "individual" and insert "**individual, organization,**".

Page 28, line 15, delete "(c)" and insert "**(d)**".

(Reference is to HB 1252 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1254, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, before "The state" insert "**Beginning July 1, 2022, a perinatal genetics and genomics advisory committee with expertise in newborn screening, and through protocols established by the state department, may recommend the addition of a disorder to, or deletion of a disorder from, the required examination under this subsection. The state department shall adopt rules under IC 4-22-2 to add disorders to, or delete disorders from, the required examination under this subsection.**"

Page 2, line 15, after "added to" insert "**or deleted from**".

Page 2, line 16, delete "by subdivision (17)".

Page 2, line 18, after "addition of" insert "**, or deletion of,**".

Page 2, line 19, delete "under subdivision (17)".

Page 2, delete lines 31 through 42.

Delete page 3.

(Reference is to HB 1254 as printed January 13, 2022.) and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, after "taking" insert "**of a real property interest, including the sign structure,**".

(Reference is to HB 1262 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MORRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 33 through 36.

Page 3, between lines 30 and 31, begin a new paragraph and

insert:

"SECTION 3. IC 5-30-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 10. The following apply to a design-builder and any member of a team on a public project:**

- (1) IC 22-5-1.7.
- (2) A design-builder and any member of a team may not pay cash to any individual employed for any work done by the individual on a public project.
- (3) A design-builder and any member of a team must be in compliance with the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209) and IC 22-2-2-1 through IC 22-2-2-8.
- (4) A design-builder and any member of a team must be in compliance with IC 22-3-5-1 and IC 22-3-7-34.
- (5) A design-builder and any member of a team must be in compliance with IC 22-4-1 through IC 22-4-39.5.
- (6) A design-builder and any member of a team must be in compliance with IC 4-13-18-1 through IC 4-13-18-7."

Renumber all SECTIONS consecutively.
(Reference is to HB 1269 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "2024." and insert "**2023**".
(Reference is to HB 1306 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1321, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "and Rebates".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 1. This chapter does not apply to a sports or entertainment venue if cash is accepted in exchange for a debit card or other cash equivalent point of sale.

Sec. 2. (a) As used in this chapter, "at retail" means a retail transaction conducted in person.

(b) The term does not include a transaction conducted by telephone, through the mail, or over the Internet."

- Page 1, line 6, delete "1." and insert "3".
- Page 1, line 12, delete "2." and insert "4".
- Page 1, line 13, delete ":" and insert "**at retail**".
- Page 2, line 18, delete "3." and insert "5".
- Page 2, delete lines 21 through 31.
- Page 2, line 32, delete "5." and insert "6".
- Page 2, line 37, delete "6." and insert "7".

- Page 2, line 37, after "transaction" insert "**at retail**".
- Page 3, line 29, delete "2(a)(1)" and insert "**4(a)(1)**".
- Page 3, line 38, delete "2(a)(2)" and insert "**4(a)(2)**".
- Page 4, delete lines 6 through 42.
- Page 5, delete lines 1 through 3.

(Reference is to HB 1321 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

MORRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "body, which" and insert "**body to carry out the following duties described in section 9.3 of this chapter:**".

Page 2, delete lines 19 through 21.

Page 2, delete lines 24 through 28, begin a new line double block indented and insert:

"(B) Establish procedures and policies related to the use of:

- (i) a validated risk screening tool and a validated risk and needs assessment tool;**
- (ii) a detention tool to inform the use of secure detention;**
- (iii) a plan to determine how information from the tools described in this clause are compiled and shared and with whom the information will be shared; and**
- (iv) a plan to provide training to judicial officers on the implementation of the tools described in this clause."**

Page 2, line 41, after "2022." insert "**The chief justice of the supreme court shall designate the chair of the statewide juvenile justice oversight body and shall make the initial appointments and designations to the statewide juvenile justice oversight body, which may incorporate members of an existing committee or subcommittee formed under the commission.**".

Page 3, line 13, delete "body, which may" and insert "**body**".
Page 3, delete line 14.

Page 3, line 15, delete "the commission,".

Page 3, line 29, delete "Devises a calculation of the fiscal cost" and insert "**Determines the costs**".

Page 3, line 33, delete "Establish procedures, policies, and a statewide" and insert "**Review and establish statewide procedures, policies, and an**".

Page 3, line 35, delete "and".

Page 3, line 36, delete "decisions and the establishment of pretrial" and insert "**decisions**";".

Page 3, delete line 37.

Page 3, line 42, delete "screening".

Page 4, between lines 10 and 11, begin a new line block indented and insert:

- "(5) Establish policies and protocols for research-based pretrial diversion and informal adjustment programs and practices.**
- (6) Any other activities as identified by the oversight body."**

Page 4, delete lines 25 through 35, begin a new paragraph and insert:

"(e) The oversight body shall:

(1) not later than January 1, 2023, have the plan for the grant programs described in subsection (d);

(2) not later than July 1, 2023:

(A) have the juvenile justice data collection plan described in subsection (b); and

(B) have the plan for the use of screening tools, assessments, and services as described in subsection (c);

submitted to the commission and the legislative council in an electronic format under IC 5-14-6."

Page 6, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 4. IC 11-13-1-9, AS AMENDED BY P.L.24-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The judicial conference of Indiana shall:

(1) keep informed of the work of all probation departments;

(2) compile and publish statistical and other information that may be of value to the probation service;

(3) inform courts and probation departments of legislation concerning probation and of other developments in probation;

(4) submit to the general assembly before January 15 of each year a report in an electronic format under IC 5-14-6 compiling the statistics provided to the judicial conference by probation departments under section 4(b) of this chapter; and

(5) require probation departments to submit a community supervision collaboration plan as described in IC 11-12-2-4.

(b) In consultation with the oversight body described in IC 2-5-36-9(6), the conference shall develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research based practices and based on a child's risk of reoffending as measured by a validated risk and needs assessment tool. The board shall approve the standards, as described in section 8 of this chapter, not later than July 1, 2023. The standards shall include the following:

(1) Guidelines for establishing consistent use of validated risk and needs assessment tool and a validated risk screening tool.

(2) Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a child's individual risk and needs, including standards for case contacts.

(3) Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning.

(4) Common criteria for recommending the use of out-of-home placement and commitment to the department of correction.

(5) A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

The conference shall also ensure that adequate training is provided to all juvenile probation officers on the use of a risk and needs assessment tool, the use of a risk screening tool, and the updated juvenile probation standards.

(b) (c) The conference may:

(1) visit and inspect any probation department and confer with probation officers and judges administering probation; and

(2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

SECTION 5. IC 31-9-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 39.7. "Detention tool" means a validated instrument that assesses a child's risk for failing to appear in court and the child's public safety risk in order to inform a decision on the use of secure detention."**

Page 7, delete lines 1 through 31.

Page 8, delete lines 4 through 10, begin a new paragraph and insert:

"SECTION 9. IC 31-9-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 112.5. "Risk and needs assessment tool" means a validated instrument approved by the judicial conference of Indiana for use at appropriate stages in the juvenile justice system to identify specific risk factors and needs shown to be statistically related to a child's risk of reoffending, and that when properly addressed may reduce a child's risk of reoffending."**

Page 8, line 14, after "instrument" insert "**approved by the judicial conference of Indiana**".

Page 8, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 11. IC 31-37-5-5, AS AMENDED BY P.L.28-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention **and use a validated detention tool prior to a decision being made. The results of the detention tool shall be used by the intake officer to inform decisions around the use of secure detention and release conditions.** The intake officer may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified and may impose additional conditions upon the child, including:

(1) home detention;

(2) electronic monitoring;

(3) a curfew restriction;

(4) a directive to avoid contact with specified individuals until the child's return to the juvenile court at a specified time;

(5) a directive to comply with Indiana law; or

(6) any other reasonable conditions on the child's actions or behavior.

(b) **After considering the detention tool results**, if the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.

(c) The intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and ~~that~~ **only:**

(1) after a detention tool has been administered and the results indicate that the child should be detained; or

(2) if there are grounds to override the results of the detention tool.

(d) **The intake officer shall use the results of the detention tool to inform the use of secure detention. If, after considering the results of the detention tool, the intake officer believes that the child needs to be detained under**

subsection (c)(2), the intake officer shall document the override reason for the use of detention, including the following:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

~~(e)~~ **(e)** If a child is detained for a reason specified in subsection ~~(c)(4)~~ **(d)(4)** or ~~(c)(5)~~ **(d)(5)**, the child shall be detained under IC 31-37-7-1.

(f) Results of the detention tool shall be made available to the court and any legal party to the case prior to the detention hearing.

(g) Evidence of a child's statements and evidence derived from those statements made for use in preparing an authorized evidence-based detention tool, for purposes of making a recommendation to the court regarding continued detention of a child, are not admissible against the child in any other court proceeding."

Page 9, delete lines 1 through 37.

Page 10, line 9, delete "detention screening tool to assist with making a" and insert "**detention tool to inform decisions regarding**".

Page 10, line 10, delete "determination as to".

Page 11, line 36, delete "screening".

Page 11, delete lines 41 through 42, begin a new line block indented and insert:

"(2) the detention tool results and justification of overrides of the tool;"

Page 15, line 17, delete "progress monitor;" and insert "**monitor progress;**".

Page 15, delete lines 27 through 39, begin a new paragraph and insert:

"Sec. 5. (a) If the child successfully completes the terms of diversion, a petition shall not be filed with the court and no further action shall be taken.

(b) If the child fails to complete the terms of diversion or commits a new offense, juvenile probation shall inform the prosecuting attorney at least fourteen (14) days prior to the end of the child's juvenile diversion.

(c) If the child fails to complete the terms of the juvenile diversion described in this chapter, the prosecuting attorney may petition the juvenile court for authorization to file a delinquency petition.

(d) Unless a delinquency petition is filed as described in subsection (c), the prosecuting attorney shall close the child's file in regard to the diverted matter not later than six (6) months after the date the diversion was initiated."

Page 17, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 23. IC 31-37-17-1, AS AMENDED BY P.L.1-2010, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer to prepare a predispositional report that contains:

- (1) a statement of the needs of the child for care, treatment, rehabilitation, or placement;
- (2) a recommendation for the care, treatment, rehabilitation, or placement of the child;

(3) if the recommendation includes an out-of-home placement other than a secure detention facility, information that the department requires to determine whether the child is eligible for assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);

(4) a statement of the department's concurrence with or its alternative proposal to the probation officer's predispositional report, as provided in section 1.4 of this chapter; ~~and~~

(5) a statement of whether the child receives Medicaid; ~~and~~

(6) the results of the validated risk and needs assessment tool the probation officer conducted on the child.

If the juvenile court waives the preparation of a predispositional report under this section, the results of the validated risk and needs assessment tool shall still be provided to the juvenile court and any legal party to the case.

(b) Any of the following may prepare an alternative report for consideration by the court:

(1) The child.

(2) The child's:

(A) parent;

(B) guardian;

(C) guardian ad litem;

(D) court appointed special advocate; or

(E) custodian.

(c) The results of the predispositional report compiled under subsection (a) shall, as soon as practicable, be shared with:

(1) the juvenile court;

(2) the prosecuting attorney;

(3) the defense attorney; and

(4) any other party to the case;

to ensure that the safety and best interest of the child and the community are addressed.

(d) The juvenile court shall make a written finding that includes the results of the risk and needs assessment if the court orders an out-of-home placement.

SECTION 24. IC 31-37-17-4, AS AMENDED BY P.L.161-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) If consistent with the safety and best interest of the child and the community, the probation officer preparing the report shall recommend care, treatment, rehabilitation, or placement that:

(1) is based on the results of a validated risk and needs assessment tool;

(2) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

~~(2)~~ **(3) least interferes with family autonomy;**

~~(3)~~ **(4) is least disruptive of family life;**

~~(4)~~ **(5) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and**

~~(5)~~ **(6) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.**

(b) If the report recommends a placement or services for which the department will be responsible for payment under IC 31-40-1, the report must include a risk assessment and needs assessment for the child. The probation officer shall submit to the department a copy of the report and the financial report prepared by the probation officer.

- (c) If the report does not include the:
- (1) risk assessment and needs assessment required in subsection (b); or
 - (2) information required to be provided under section 1(a)(3) of this chapter;

the department shall file a notice with the office of judicial administration."

Delete page 18.

Page 19, delete line 1.

Page 22, line 28, delete "A county," and insert "**The juvenile court**,".

Page 22, line 35, delete "A county" and insert "**The juvenile court**".

Page 22, line 36, delete "county" and insert "**juvenile court**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SCHAIBLEY, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1021, 1034, 1092, 1196, 1238 and 1299.

House Bill 1071

Representative Pursuant to House Rule 143, the author of House Bill 1071, Representative Davisson, granted consent to the coauthor, Representative Gutwein, to call the bill down for second reading. Gutwein called down House Bill 1071 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1221

Representative Soliday called down House Bill 1221 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1221-1)

Mr. Speaker: I move that House Bill 1221 be amended to read as follows:

Page 7, between lines 18 and 19, begin a new line block indented and insert:

"(5) A plan demonstrating that the charging infrastructure to be installed under the pilot program will be located in an equitable manner that ensures that all customers within the electric utility's service area have convenient access to the charging infrastructure, including in areas that are:

- (A) economically distressed; or**
- (B) racially or ethnically diverse."**

Page 7, line 19, delete "(5)" and insert "(6)".

Page 8, between lines 24 and 25, begin a new line block indented and insert:

"(6) Whether the electric utility's proposal includes a plan demonstrating that the charging infrastructure to be installed under the pilot program will be located in an equitable manner that ensures that all customers within the electric utility's service area have convenient access to the charging infrastructure, including in areas that are:

- (A) economically distressed; or**
- (B) racially or ethnically diverse."**

Page 8, line 25, delete "(6)" and insert "(7)".

(Reference is to HB 1221 as printed January 18, 2022.)

PRYOR

Motion prevailed. The bill was ordered engrossed.

House Bill 1249

Representative Abbott called down House Bill 1249 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1249-2)

Mr. Speaker: I move that House Bill 1249 be amended to read as follows:

Page 2, after line 34, begin a new paragraph and insert:

"(e) This section does not prohibit or limit recovery by a public utility for any effect of the carbon dioxide pilot project on the sources of the public water supply used by the public utility."

(Reference is to HB 1249 as printed January 18, 2022.)

ABBOTT

Motion prevailed.

HOUSE MOTION
(Amendment 1249-1)

Mr. Speaker: I move that House Bill 1249 be amended to read as follows:

Page 2, line 29, delete "direct and tangible physical damage to the person's" and insert "**direct physical injury to a person, an animal, or tangible property.**".

Page 2, delete line 30.

(Reference is to HB 1249 as printed January 18, 2022.)

BOY

Motion prevailed. The bill was ordered engrossed.

Representative Judy, who had been excused, is now present.

Representative Payne, who had been present, is now excused.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1002

Representative T. Brown called down Engrossed House Bill 1002 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 39: yeas 68, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Engrossed House Bill 1003

Representative Manning called down Engrossed House Bill 1003 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer, Charbonneau and Busch.

Engrossed House Bill 1062

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1062, Representative Zent, granted consent to the coauthor, Representative Clere, to call the bill down for third reading. Representative Clere called down Engrossed House Bill 1062 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 86, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator L. Brown.

Engrossed House Bill 1063

Representative Jeter called down Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 42: yeas 74, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Koch.

Representative VanNatter, who had been present, is now excused.

Engrossed House Bill 1073

Representative Engleman called down Engrossed House Bill 1073 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 43: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Doriot, Houchin, Garten and J.D. Ford.

Engrossed House Bill 1075

Representative Pressel called down Engrossed House Bill 1075 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 44: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Garten and Bohacek.

Representative Saunders, who had been present, is now excused.

Engrossed House Bill 1079

Representative Negele called down Engrossed House Bill 1079 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 45: yeas 86, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bohacek and L. Brown.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Negele.

Representatives Behning, Goodrich and Jeter, who had been present, are now excused.

Representative VanNatter, who had been excused, is now present.

Engrossed House Bill 1140

Representative Vermilion called down Engrossed House Bill 1140 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 46: yeas 86, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Donato and Breaux.

Engrossed House Bill 1144

Representative Steuerwald called down Engrossed House Bill 1144 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 47: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Young, Koch, Crider and Randolph.

Engrossed House Bill 1148

Representative Lehe called down Engrossed House Bill 1148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 48: yeas 84, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Leising.

Engrossed House Bill 1157

Representative Campbell called down Engrossed House Bill 1157 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 49: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Rogers, Niezgodske and J. D. Ford.

Engrossed House Bill 1205

Representative Young called down Engrossed House Bill 1205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 50: yeas 84, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Freeman and Koch.

Engrossed House Bill 1208

Representative Young called down Engrossed House Bill 1208 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Freeman and Koch.

Engrossed House Bill 1211

Representative Teshka called down Engrossed House Bill 1211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Garten, Jon Ford and J.D. Ford.

Engrossed House Bill 1222

Representative Ziemke called down Engrossed House Bill 1222 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Crider.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was

referred House Bill 1401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1401 as introduced.)

Committee Vote: Yeas 7, Nays 4.

TORR, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 84, that House Bill 1100 had been referred to the Committee on Ways and Means.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1035, 1048, 1141 and 1252 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the reassignment of House Bill 1363 from the Committee on Judiciary to the Committee on Family, Children and Human Affairs.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.2 be suspended for the purpose of adding more than three coauthors and that Representatives Engleman, Ledbetter, Carbaugh, DeVon, Olthoff, Vermilion, Frye, Mayfield, Prescott, Borders, Ellington, Lauer, Manning, Aylesworth, Heaton, Negele, Thompson, Cherry, Lucas, Young, Torr, Behning, Slager, May, Teshka, Hostettler, Soliday, Clere, Lehman, Lehe, Schaibley, Morrison, Miller, Pressel, Snow, Abbott, Gutwein, Heine, Nisly, Davis, Goodrich, Steuerwald, Jordan, Rowray and Smaltz be added as coauthors of House Bill 1002.

T. BROWN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Abbott be added as coauthor of House Bill 1013.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Young be added as coauthor of House Bill 1063.

JETER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Manning be added as coauthor of House Bill 1116.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Barrett and Manning be added as coauthors of House Bill 1123.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.2 be suspended for the purpose of adding more than three coauthors and that Representatives Negele, Fleming, Shackelford, Pack, Hamilton, Boy, Klinker, Jackson, Pfaff, Schaibley, Engleman, Ziemke, Pryor, Hatcher, King, Rowray, Davis, Austin, M. Bauer, Mayfield and Errington be added as coauthors of House Bill 1140.

VERMILION

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Young and Pierce be added as coauthors of House Bill 1144.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Slager be added as coauthor of House Bill 1173.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Rowray be added as coauthor of House Bill 1210.

LAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Mayfield, Fleming and Jeter be added as coauthors of House Bill 1217.

KING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere, Vermilion and Ledbetter be added as coauthors of House Bill 1230.

LINDAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Bill 1242.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morrison be added as coauthor of House Bill 1249.

ABBOTT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1262.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fleming be added as coauthor of House Bill 1295.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1303.

OLTHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Olthoff and Bartels be added as coauthors of House Bill 1318.

SNOW

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of House Bill 1329.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1368.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be removed as author of House Bill 1409 and Representative Teshka be substituted therefor.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 76.

FRYE

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

“I move that Senators Bassler, Niemeyer, Niezgodski and J. D. Ford be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chamber of the House of Representatives to deliver his message to the General Assembly on January 11, 2022..

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

“I move that Senators Glick, L. Brown, Randolph and Lanane be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort her

to the Chamber of the House of Representatives to deliver her message to the General Assembly on January 12, 2022.:

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 4 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 2, 5, 7, 8 and 10 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 70, 124, 129 and 157 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Speedy, the House adjourned at 3:48 p.m., this twentieth day of January, 2022, until Monday, January 24, 2022, at 1:30 p.m.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives