



120th  
Indiana General Assembly  
*Second Regular Session*



January through March 2018

Legislation of  
Interest Enacted



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State Representative

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## **EDUCATION**

### **HEA 1001 SCHOOL FUNDING**

Authored / Co-Authored By: Siergrist / T. Brown, Olthoff, Pressel, Bosma, Austin, Aylesworth, Bacon, Baird, Bartels, Bartlett, Bauer, Behning, Beumer, Borders, C. Brown, Burton, Candelaria Reardon, Carbaugh, Cherry, Clere, Cook, Culver, Davisson, DeLaney, DeVon, Eberhart, Ellington, Engleman, Errington, Friend, Frizzell, Frye, GiaQuinta, Goodin, Gutwein, Hamilton, Hamm, Harris, Hatfield, Heaton, Heine, Huston, Jordan, Judy, Karickhoff, Kersey, Kirchhofer, Klinker, Lawson, Lehe, Lehman, Leonard, Lindauer, Lucas, Lyness, Macer, Mahan, May, Mayfield, McNamara, Miller, Moed, Morris, Morrison, Moseley, Negele, Nisly, Ober, Pierce, Porter, Pryor, Richardson, Saunders, Schaibley, Shackelford, Slager, Smaltz, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Summers, Taylor, Thompson, Torr, VanNatter, Washburne, Wesco, Wolkins, Wright, Young, Zent, Ziemke  
*Sponsored By: Mishler, Tallian, Zakas, Koch, Randolph*

**Tuition Support Shortfall:** The bill requires the Budget Agency to transfer from the K-12 state Tuition Reserve Account to the state General Fund the amount necessary to cover the K-12 state tuition distribution amount if it exceeds the appropriated amount. The bill limits the transfer to \$25,000,000 in state fiscal year 2017-2018 and \$75,000,000 for state fiscal year 2018-2019.

**Virtual Program Report:** The bill also requires school corporations to report information about virtual education programs to the Department of Education (DOE).

**Kindergarten ADM Age Change:** This bill requires a pupil to be at least five years of age on August 1 of the school year to be included in the ADM count for kindergarten pupils.

### **HEA 1074 VARIOUS HIGHER EDUCATION MATTERS**

Authored / Co-Authored By: Sullivan / Austin, May, Schaibley  
*Sponsored By: Raatz, Kruse, Randolph*

This bill has the following provisions:

**Twenty-first Century Scholarship:** The bill makes changes regarding the: (1) conditions required to qualify for the renewal of a Twenty-first Century Scholars Program Scholarship; and (2) award amounts to Twenty-first Century Scholars Program Scholarship applicants who attend a private, approved postsecondary educational institution.

**Construction Managers as Constructors:** The bill provides that the provisions regarding employment of construction managers as constructors for public works projects applies only to State Educational Institutions after June 30, 2020. (Current law expires these provisions on July 1, 2020.)

**Primary Care Shortage Area Scholarship:** The bill makes the following changes concerning the Primary Care Shortage Area Scholarship:

- (1) It amends the practice requirements to receive a scholarship.

- (2) It amends the repayment requirements for noncompliance with a primary care practice agreement.
- (3) It allows the Commission for Higher Education (CHE) to impose and collect interest on unpaid repayment amounts.
- (4) It provides that, if the CHE and a recipient of a scholarship enter into a new written agreement that complies with the Primary Care Shortage Area Scholarship provisions, the CHE and recipient may terminate an agreement entered into or renewed before July 1, 2018.

Faculty and Student Nominating Committees: The bill requires the Chairperson of the CHE to appoint a: (1) seven member Student Member Nominating Committee; and (2) seven member Faculty Member Nominating Committee. (Current law requires the Chairperson to appoint a ten member nominating committee of five student members and five faculty members.)

Workforce Ready Grant: The bill provides that an applicant who: (1) does not maintain satisfactory academic progress as required to be eligible for a High Value Workforce Ready Credit-bearing Grant; but (2) meets other certain conditions; is still eligible for the grant.

Real Estate Disposition: The bill modifies the procedures that a State Educational Institution must use to dispose of real estate (including any real estate acquired by gift, bequest, or devise). The bill also repeals certain statutes concerning: (1) the disposition of gifts, bequests, and devises of real estate to State Educational Institutions; and (2) matters that pertain to the closing process in the disposition of real estate by a State Educational Institution.

The bill makes conforming amendments. It removes an expired provision.

### **HEA 1314 STUDENTS IN FOSTER CARE AND HOMELESS STUDENTS**

Authored / Co-Authored By: DeVon / Behning, Frizzell, Summers

*Sponsored By: Zay, Raatz, Kruse, Stoops, Randolph*

This bill requires the State Board of Education to, in collaboration with the Department of Education (DOE) and the Department of Child Services (DCS), annually prepare and submit the following:

- (1) A report on foster care youth educational outcomes.
- (2) A report on homeless youth educational outcomes.

The bill requires the DOE to develop and submit a copy of the following:

- (1) A remediation plan concerning foster care youth.
- (2) A remediation plan concerning homeless youth.

The bill requires certain information regarding students in foster care to be included in a school corporation's annual performance report.

The bill requires the DOE and the DCS to enter into a memorandum of understanding that, at a minimum, requires the DCS to share with the DOE, at least one time each month, disaggregated

information regarding youth in foster care that is sufficient to allow the DOE to identify students in foster care.

The bill repeals, for purposes of provisions concerning the transportation of a homeless student to a school of origin, a provision that provides "homeless student" includes a student who is awaiting placement in foster care.

### **HEA 1356 BULLYING**

Authored / Co-Authored By: Porter / Behning, Klinker

*Sponsored By: Kruse, Bassler, Melton, Stoops, Bohacek, Randolph, Crane*

This bill has the following provisions:

**Reporting:** The bill provides that a school corporation is not required to report the number of incidents of bullying in the school corporation's annual school performance report.

**School Improvement Grade:** The bill provides that information reported by a school corporation relating to the number of incidents of bullying that occur may not be used in calculation of a school's annual school improvement grade.

**Notification:** The bill provides that the Department of Education (DOE) must annually send notification via electronic mail or a letter to each school corporation explaining: (1) the school corporation's obligation to submit a report to the DOE containing the number of bullying incidents involving a student; and (2) that the DOE may conduct an audit of the school corporation to ensure that bullying incidents are accurately reported. It provides that the DOE may conduct an audit of a school corporation to ensure that bullying incidents are accurately reported. It provides that the DOE must report discrepancies of an audit on the DOE's Internet web site.

**Survey:** The bill requires the DOE to conduct a statewide survey concerning the improvement of school corporation reporting of incidents of bullying involving a student to the DOE. It requires, not later than November 1, 2018, the DOE to submit a report to the General Assembly.

### **HEA 1421 SCHOOL DISCIPLINE**

Authored / Co-Authored By: Behning / Porter

*Sponsored By: Kruse, Raatz, Stoops*

The bill provides that the Department of Education's (DOE) model evidence-based plan for improving student behavior and discipline must: (1) reduce out-of-school suspension and disproportionality in discipline and expulsion; (2) limit referrals to law enforcement or arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and (3) include policies to address instances of bullying and cyber-bullying on school property of a school corporation.

It provides that, beginning in the 2019-2020 school year, the DOE, in collaboration with parent organizations, teacher organizations, educational support professional organizations, and state

educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan.

The bill urges the Legislative Council to assign to an appropriate interim study committee the task of studying the use of positive student discipline and restorative justice practices by elementary and secondary schools.

The bill requires the DOE to conduct a survey of school corporation school discipline policies to determine the extent to which positive discipline and restorative justice practices are being utilized.

### **HEA 1426 EDUCATION MATTERS**

Authored / Co-Authored By: Behning / Clere, Cook, Austin

*Sponsored By: Kruse, Raatz, Melton*

This bill has the following provisions:

**Nationally Recognized College Entrance Exam:** The bill provides that, for each school year beginning after June 30, 2021, a high school shall administer as part of the statewide assessment a nationally recognized college entrance exam. It eliminates the requirement of end-of-course assessments (ECAs) to be administered as part of the statewide assessment program. It provides that if the State Board determines that no nationally recognized college entrance exam assesses a given high school subject that is required, the State Board may select another type of assessment, including an end-of-course assessment, for that subject. It provides that the graduation examination shall be administered until the 2019-2020 school year.

**High School Diploma:** The bill requires the State Board of Education to establish one standard Indiana diploma for individuals who successfully complete high school graduation requirements. (Current law establishes four different diplomas.) It provides that each Indiana diploma must include one of the following designations: (1) General designation. (2) Core 40 designation. (3) Core 40 with academic honors designation. (4) Core 40 with technical honors designation. It requires the State Board to create an alternate diploma for students with significant cognitive disabilities.

**Core 40 Curriculum:** The bill requires, in adopting Core 40 curriculum models, the State Board to consider math course requirements other than Algebra II. It requires the State Board to adopt rules to establish: (1) math course requirements; and (2) science course requirements; for the Core 40 curriculum models.

**Remediation:** The bill resolves a conflict in a provision that requires the State Board to develop guidelines to assist secondary schools to identify students likely to require remediation. It eliminates a requirement that a student must take a college and career readiness examination if the student is identified under the guidelines developed by the State Board to likely be in need of remediation.

Scale Score: The bill provides that certain statewide assessments must use a scale score that will ensure the statewide assessment scores are comparable to assessment scoring used as part of the ISTEP program, before its expiration.

Study Committee: The bill urges the Legislative Council during the 2018 through 2020 interims to assign to the Education Interim Study Committee the task of studying issues relating to a school corporation's ability to provide adequate career counseling to students.

Charter School Admission: The bill adds a provision to the list of purposes for which a charter school may limit new admissions to the charter school.

Repealers: The bill repeals provisions that: (1) require the State Board to design a high school diploma for the high school fast track program; and (2) establish a subcommittee to make recommendations regarding diplomas and certain course requirements and develop the requirements for a career and technical education diploma. It makes conforming amendments.

The bill also specifies that certain provisions of SEA 354-2018 take effect upon passage instead of taking effect on July 1, 2018.

### **SEA 172 COMPUTER SCIENCE**

Authored / Co-Authored By: Raatz, Kruse / Leising, Freeman, Melton, Randolph, Bassler

*Sponsored By: Sullivan, Shackelford, Cook, Burton*

This bill has the following provisions:

Next Level Computer Science Grant Program and Fund: The bill establishes the Next Level Computer Science Grant Program (program) and the Next Level Computer Science Fund (fund) to award grants, after June 30, 2019, to eligible entities to implement teacher professional development programs for training in teaching computer science.

It requires the Department of Education (DOE) to: (1) administer the program and fund; and (2) develop, in consultation with the Governor's office, guidelines to award grants from the fund to eligible entities. It requires, not later than August 1, 2018, the State Superintendent of Public Instruction to enter into a contract for professional development services.

It requires the DOE to biannually submit a progress report to the Governor regarding the: (1) development and administration of the program and fund; and (2) status of public schools in meeting computer science curriculum requirements.

It provides that, if the DOE does not comply with the requirements regarding the program and fund, the State Board of Education shall assume the DOE's duties.

Computer Science Course: The bill requires (beginning July 1, 2021) each public school to offer a computer science course as a one semester elective course in its curriculum at least once each school year to high.

## **SEA 387 TEACHER PERMITS, EXAMINATIONS, AND SALARIES**

Authored / Co-Authored By: Zay, Kruse, Raatz / Crane, Freeman, Spartz, Bassler, Melton,  
Mrvan, Leising, Charbonneau

*Sponsored By: Behning, McNamara*

**Supplemental Pay:** This bill provides that, for school years beginning after June 30, 2018, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if the teacher: (1) is a special education professional; or (2) teaches in the areas of science, technology, engineering, or mathematics. It provides that an elementary teacher may be eligible for a supplemental payment if the teacher earns a master's degree in math, reading, or literacy. (Current law provides that an elementary teacher may be eligible for a supplemental payment if the teacher receives a master's degree in math or in reading and literacy.) It also provides that the supplemental payment is not subject to collective bargaining but must be discussed.

**Salary Differential:** The bill also provides that the salary increase amount attributed for the academic needs of students in a school corporation may be differentiated among individual teachers as part of a teacher salary scale. It also provides that a school corporation may provide differentiated increases or increments for teacher salaries, and in excess of the percentage established for certain factors used to determine teacher salary increases or increments, in order to reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries.

**Department of Education:** This bill also provides that, before November 1, 2018, the DOE shall issue a request for proposals for an educator licensing examination, which must include accessible examination preparation resources that are aligned with the educator licensing examination. It provides that the DOE shall prepare and submit a report that includes: (1) a list and description of each examination available in Indiana that is or could be used for teacher licensing; and (2) whether the individual taking the examination is responsible for paying the cost of the examination. It requires the DOE to provide a notice to each school corporation regarding the changes in this act to the career specialist permit requirements and to the laws regarding teacher salaries. The bill requires the Department of Education (DOE) to post on its Internet website the pass rate of the content area examination for each postsecondary educational institution.

**Licenses:** The bill establishes eligibility requirements for a career specialist permit.

**Information:** The bill also requires the State Board of Education (SBOE) to submit to the Legislative Council memorandums and reports provided by the technical advisory committee to the state board regarding educator licensing examinations.

## **COURTS AND CRIMINAL CODE**

### **HEA 1034 HOME DETENTION MATTERS**

Authored / Co-Authored By: Lehman / McNamara, Hatfield

*Sponsored By: Glick, Randolph*

This bill has the following provisions:

- A. It eliminates the requirement that a period of home detention ordered as a condition of probation must be at least 60 days.
- B. It allows a court to approve activities for an offender that do not require the offender to be confined to the offender's home at all times.
- C. It provides that an offender must maintain a working telephone, cellular telephone, or other wireless or cellular communications device in the offender's home as a condition of being on home detention

### **HEA 1250 BATTERY OFFENSES**

Authored / Co-Authored By: Negele / DeLaney, Jordan

*Sponsored By: Koch, Freeman*

This bill has the following provisions:

- A. "Crime of Violence"– It adds the following offenses to the statutory definition of "crime of violence": (1) Battery as a Level 2 felony. (2) Battery as a Level 3 felony. (3) Battery as a Level 4 felony. (4) Battery as a Level 5 felony.
- B. Bailiffs and Special Deputies– It adds a bailiff of any court and a special deputy to the definition of "public safety official" for purposes of the battery statute.
- C. It makes conforming amendments.

### **HEA 1270 CRIMINAL LAW MATTERS**

Authored / Co-Authored By: Siegrist / McNamara, Bartlett, Hatfield, Beumer, Culver, Engleman, Friend, Gutwein, Heine, Huston, Karickhoff, Lehe, Morrison, Negele, Ober, Olthoff, Richardson, Schaibley, Slager, Sullivan, Washburne, Young, C. Brown, Errington, GiaQuinta, Hamilton, Harris, Pierce, Pryor, Wright, Burton, Frizzell, DeLaney, Torr, Mayfield, Bauer, Shackelford, Austin, Klinker, Steuerwald, Zent, Jordan

*Sponsored By: Head, Brown, Ruckelshaus, Niezgodski, Taylor, Randolph, Crider, Crane, Buck*

This bill has the following provisions:

- A. Human and Sexual Trafficking– It changes the human and sexual trafficking statute by: (1) reclassifying the term "human and sexual trafficking" to "human trafficking", which includes the offenses of labor and sexual trafficking; (2) creating separate offenses for labor and sexual trafficking and renaming certain crimes; (3) removing the element of force from forced labor, marriage, prostitution, and participating in sexual conduct; (4) removing involuntary servitude from the human trafficking statute; (5) removing from the sexual trafficking statute the element that a solicitor must know that a person is a human trafficking victim before committing the offense; and (6) adding elements to certain human and sexual trafficking offenses.

- B. Rape Shield Statute– It expands the rape shield statute to include victims of human trafficking and certain other offenses.
- C. Defense of Prosecution– It adds an element to the defense of prosecution under the offenses of sexual misconduct with a minor and promotion of sexual trafficking of a younger child. It prohibits certain defenses to a prosecution of making an unlawful proposition.
- D. Notification of DCS– It requires law enforcement to notify the Department of Child Services (DCS) of a possible child trafficking victim in certain sexual offenses.
- E. Study Committee– It urges the Legislative Council to assign to an appropriate interim study committee the task of studying the topic of human trafficking in Indiana involving law enforcement, creation of programs, and review of the penalties for human trafficking crimes in the criminal code.
- F. Study Topic– It requires the Commission on Improving the Status of Children in Indiana to study the topic of what specific authority a law enforcement officer has in order to take custody of or detain a child in certain situations where the officer believes a child may be a victim of human trafficking and who is potentially a child in need of services.
- G. Maintaining a Common Nuisance –It provides a defense to the crime of maintaining a common nuisance if: (1) the charged offense involves less than a specified quantity of marijuana, hashish, hash oil, or salvia or involves paraphernalia; and (2) the person does not have a prior unrelated conviction for maintaining a common nuisance.
- H. Adoption Services– It adds an exemption for the transfer or receipt of reasonable charges and fees for adoption services provided by an attorney licensed in Indiana from a profiting from an adoption offense.
- I. It makes conforming amendments and it makes a technical correction.

### **HEA 1328 BAIL ISSUES**

Authored / Co-Authored By: Porter / Young, Steuerwald, Bauer  
*Sponsored By: Young, Randolph, Glick, Lanane*

This bill provides that murder is not bail able if the state proves by a preponderance of the evidence that the proof is evident or the presumption strong.

### **HEA 1359 DRUG DEALING RESULTING IN DEATH**

Authored / Co-Authored By: Steuerwald / Washburne, Mahan, Pelath  
*Sponsored By: Young, Houchin, Freeman, Merritt, Zakas, Holdman*

This bill makes manufacturing or dealing certain controlled substances resulting in the death of a user:

- (1) Level 1 felony if the controlled substance is cocaine, methamphetamine, or a schedule I, II, or III controlled substance;
- (2) Level 2 felony if the controlled substance is a schedule IV controlled substance; and
- (3) Level 3 felony if the controlled substance is a schedule V controlled substance or a synthetic drug or synthetic drug lookalike substance.

It also makes conforming amendments.

## **SEA 99 CIVIL FORFEITURE**

Authored / Co-Authored By: Bray, Bassler / Randolph, Stoops, Bohacek

*Sponsored By: Steuerwald, Hatfield*

This bill has the following provisions:

- A. Affidavit and Provisional Custody– It requires the prosecuting attorney to file an affidavit of probable cause with a court not later than seven days after property is seized, and provides for the return of the property to the owner if the court does not find probable cause. It establishes a procedure for an owner of real property or of a vehicle (if the owner was not operating the vehicle at the time of the seizure) to obtain provisional custody of the seized property pending a final forfeiture determination.
- B. Time Limit and Cost Responsibilities– It makes the time limit for filing a forfeiture action: (1) 21 days, if the owner has filed a written demand for return of the property; or (2) 90 days, if the owner has not filed a written demand for return of the property. It provides that an owner whose property is returned is not liable for the costs of storage, transportation, or maintenance.
- C. Distribution of Forfeiture Proceeds– It specifies how the proceeds of a forfeiture action are to be distributed.
- D. Reporting Requirements– It requires a prosecuting attorney to report certain information concerning forfeitures to the Prosecuting Attorneys Council.
- E. Compensation of Outside Counsel– It imposes certain requirements on the use and compensation of outside counsel in forfeiture actions, and prohibits a prosecuting attorney or deputy prosecuting attorney from receiving a contingency fee for a forfeiture action.

(The introduced version of this bill was prepared by the Interim Study Committee on Courts and the Judiciary.)

## **HEALTH**

### **HEA 1007 MENTAL HEALTH ACCESS**

Authored / Co-Authored By: Kirchhofer / Ziemke, Davisson, Shackelford

*Sponsored By: Head, Charbonneau, Stoops, Randolph, Zakas*

**Employee Substance Abuse Treatment Program:** The bill requires the DMHA to establish best practice guidelines to assist employers with certain employees who agree to participate in a drug education and addiction treatment program (program). The bill requires the DMHA to: (1) promote voluntary participation; (2) develop and deliver informational resources and training for employers; and (3) collect information and prepare an annual report. The bill also provides that if an employer and employee comply with certain requirements, the employer is not liable in a civil action alleging negligent hiring for negligence of the employee. It provides that in certain civil actions, an employer's participation in the program is not admissible as evidence.

**Licensing:** The bill establishes new temporary permits for certain individuals who are pursuing required clinical supervisory hours needed for licensure. It allows clinical social work experience

hours obtained under a temporary permit to be counted toward supervised work experience requirements if certain conditions are met. The bill provides that the temporary permits are not renewable.

**Opioid Treatment Centers:** This bill allows the DMHA to grant approval for nine additional opioid treatment programs that: (1) are operated by a hospital; and (2) meet other specified requirements; if the DMHA determines that there is a need for the program in the proposed location.

**Forensic Treatment Services:** The bill provides that Mental Health and Addiction Forensic Treatment Services may be administered or coordinated only by a provider certified by the DMHA or licensed by the Indiana Professional Licensing Agency to provide mental health and addiction treatment. (Under current law, a provider may provide services only if the provider is certified or licensed by the DMHA.)

**Insurance Coverage:** The bill requires certain policies of accident and sickness insurance to provide coverage for substance abuse or chemical dependency treatment provided by: (1) an addiction counselor; and (2) a marriage and family therapist.

**Credentialing:** The bill requires the Office of Medicaid Policy and Planning to implement a centralized credentials verification organization and credentialing process. The bill also requires: (1) an accident and sickness insurer; and (2) a health maintenance organization; to provide provisional credentialing to a provider for which a credentialing determination is not completed in at least 30 days if certain requirements are met.

**Interim Study Committee:** The bill urges the Legislative Council to assign to an appropriate interim study committee the task of studying the impact that opioid treatment programs have on the neighborhoods and communities in the immediate area of the opioid treatment programs.

### **HEA 1175 DIABETES REPORTING**

Authored / Co-Authored By: Summers / Kirchhofer, Macer, Shackelford

*Sponsored By: Becker, Breaux, Charbonneau, Randolph*

This bill requires the Indiana State Department of Health (ISDH) to collaborate with the Office of the Secretary of Family and Social Services (FSSA) and develop a strategic plan to identify and significantly reduce the prevalence of diabetes and prediabetes. It requires the ISDH to establish workgroups to assist with development of the strategic plan.

The bill requires the ISDH to submit the strategic plan to the Governor and the General Assembly and to update the strategic plan every two years until July 1, 2026.

(The introduced version of this bill was prepared by the Interim Study Committee on Public Health, Behavioral Health, and Human Services.)

### **HEA 1191 SUSPECTED HUMAN TRAFFICKING**

Authored / Co-Authored By: Engleman / Bacon, Wright, Kirchhofer  
*Sponsored By: Crider, Becker, Tomes, Young, Brown, Buck, Randolph*

Reporting of Human Trafficking– The bill removes the requirement that a licensed health practitioner report that an adult patient is a suspected victim of human trafficking to a local law enforcement agency.

Provision of Information– The bill requires a licensed health practitioner to provide information concerning available resources and services to a patient who is a suspected victim of human trafficking

### **HEA 1285 NUTRITIONAL ASSISTANCE**

Authored / Co-Authored By: VanNatter / DeVon  
*Sponsored By: Koch, Houchin, Leising, Randolph*

The bill urges the Legislative Council to assign for study to an appropriate interim study committee the task of studying issues related to eligibility verification and monitoring, identity authentication, and work requirements for participation in the federal Supplemental Nutrition Assistance Program and Medicaid program

### **HEA 1317 HEALTH MATTERS**

Authored / Co-Authored By: Clere / C. Brown, Davisson, Ziemke  
*Sponsored By: Becker, Charbonneau, Grooms, Stoops, Randolph*

Insurance: This bill provides that a pharmacy or pharmacist have a right to provide individuals with information concerning the individual's cost share for a prescription drug. The bill states that a pharmacy or pharmacist cannot be proscribed by a third party administrator, a health insurer, or a health maintenance organization from discussing the information or from selling to the individual a more affordable alternative. The bill prohibits a copayment for a drug under the state employee health plan, an accident and sickness insurance policy, or a health maintenance organization contract from exceeding the amount payable to the pharmacy for the drug under an agreement with the pharmacy.

AAA Service Areas: The bill provides that changes to the designated coverage area of an area agency on aging may not be made until after a public hearing is held and one year elapses from the date of the hearing.

Home and Community Based Services Definition: The bill provides that the definition of "community and home care services" includes services, not covered by Medicaid, necessary to prevent individuals with intellectual or developmental disabilities from being institutionalized and to help such individuals to transition out of health care facilities or group homes.

CHOICE Board: The bill requires the Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE) board to review proposed rules concerning the CHOICE program and removes the time requirement for the review. (Current law requires review of

proposed rules concerning home and community based services at least three months before the rule may be published.) It also removes provisions concerning the CHOICE board setting a public comment period.

**Reimbursement Rate Studies:** The bill requires the Office of the Secretary of Family and Social Services (FSSA) to study service provider and systems point of entry reimbursement rates for recipients of early intervention services (First Steps). It also requires the FSSA to study reimbursement rates and the methodology for case management services for recipients of certain Medicaid waivers. The bill provides that any new rates as a result of a study: (1) may not take effect until January 1, 2019 or be applied retroactively; and (2) must be approved through a Medicaid waiver amendment.

**Board of Pharmacy:** The bill requires the Board of Pharmacy to adopt rules concerning telepharmacy under the laws regulating remote dispensing facilities. It exempts from the law regulating pharmacists and pharmacies the delivery of peritoneal renal dialysis related supplies by manufacturers, third party logistic providers, and wholesale drug distributors in certain circumstances.

**Psychologically Affected Property:** The bill removes that an occupant of a property was afflicted with or died from a disease related to human immunodeficiency virus (HIV) from the definition of "psychologically affected property".

**Interim Study Committee:** The bill urges the Legislative Council to assign to an appropriate interim study committee the task of studying the impact that joining the nurse licensure compact would have on the delivery of nursing services to residents of Indiana.

**Eligibility for Supplemental Nutrition Assistance:** Beginning July 1, 2019, the bill removes the 12 month limitation on receipt by certain individuals of supplemental nutrition assistance program (SNAP) benefits. It specifies that, beginning January 1, 2020, Indiana elects to opt out of the federal law prohibiting individuals convicted of certain drug offenses from receiving SNAP assistance if the individual meets specified conditions. The bill also specifies that if the individual violates any terms of the probation, parole, community corrections, or reentry court program, the individual is ineligible for SNAP.

### **HEA 1382 STUDY OF PHARMACY DESERTS**

Authored / Co-Authored By: Brown / Olthoff, Hamm, Frizzell

*Sponsored By: Ruckelshaus, Melton, Lanane*

This bill defines "pharmacy desert". The bill urges the Legislative Council to assign a topic to a study committee concerning pharmacy deserts in rural and urban areas of Indiana.

### **SEA 230 SUICIDE PREVENTION**

Authored / Co-Authored By: Head, Charbonneau, Merritt / Randolph, Crider, Zay, Breaux, Holdman

*Sponsored By: Olthoff, Schaibley, Cook, Austin*

This bill provides that the Division of Mental Health and Addiction (DMHA) is responsible for the development and provision of a research based training program for health care providers concerning suicide assessment, training, and management that is: (1) demonstrated to be an effective or promising program; and (2) recommended by the Indiana Suicide Prevention Network Advisory Council.

The bill requires emergency medical technicians to complete a research based training program concerning suicide assessment, treatment, and management that is: (1) demonstrated to be an effective or promising program; and (2) recommended by the Indiana Suicide Prevention Network Advisory Council.

The bill also requires that teachers and other school employees receive at least two hours of research based youth suicide awareness and prevention training from a program that is: (1) demonstrated to be an effective or promising program; and (2) recommended by the Indiana Suicide Prevention Network Advisory Council.

### **SEA 224 BEHAVIORAL HEALTH AND HUMAN SERVICES**

Authored / Co-Authored By: Head, Charbonneau, Merritt / Randolph, Crider, Zay, Breaux, Holdman, Glick, Alting

*Sponsored By: Frizzell, Cook, Austin, Davisson, Bacon, Bartels, Burton, Cherry, Ellington, Engleman, Friend, Frye, Heaton, Heine, Kirchofer, Mahan, Mayfield, McNamara, Miller, Negele, Schaibley, Siegrist, Steuerwald, Zent, Bartlett, Goodin, Taylor, Ziemke, Lehe, May, Wright*

The bill allows up to 50% of the supervised experience hours required for licensure as the following to be accounted for through virtual supervision by the appropriate supervisor: (1) Clinical social worker. (2) Mental health counselor. (3) Marriage and family therapist. (4) Addiction counselor.

The bill reduces the required number of face to face client contact hours for a marriage and family therapist license from 500 to 400 face to face client contact hours.

The bill requires an applicant for licensure as a mental health counselor or mental health counselor associate to complete a clinical practicum, an internship, or field experience in a counseling setting of at least 700 clock hours, including at least 66 hours of face to face supervision. (Current law requires an applicant for licensure as a mental health counselor or mental health counselor associate to complete a clinical practicum, internship, or field experience in a counseling setting of at least 1,000 clock hours, including at least 100 hours of face to face supervision.)

## **SEA 301 CRIMINAL HISTORY CHECKS FOR HOME HEALTH WORKERS**

Authored / Co-Authored By: Raatz, Kruse / Stoops

*Sponsored By: Thompson, Bauer*

**Expanded Checks**—The bill provides that an expanded criminal history check maybe used instead of certain background checks and criminal history checks for home health care workers. It prohibits an expanded criminal history check to include certain criminal history information.

**Rules**—The bill provides that an expanded criminal history check satisfies the Division of Aging's criminal history requirements.

## **WORKFORCE DEVELOPMENT**

### **HEA 1002 WORKFORCE FUNDING AND PROGRAMS**

Authored / Co-Authored By: Huston / Sullivan, Clere

*Sponsored By: Eckerty, Mishler, Bassler, Niezgodski, Randolph, Zakas, Delph*

This bill has the following provisions:

**Multi-Year Workforce-Related Program Review:** The bill requires an annual workforce-related program review by the Legislative Services Agency.

**Biennial Budget Report:** The bill also requires information on workforce-related programs as part of the biennial budget report that is submitted to the Governor and Budget Committee for preparation of the Governor's proposed budget bill.

**Next Level Jobs:** This bill establishes the Next Level Jobs Employer Training Grant Program.

**Workforce Ready Credit-bearing Grant:** The bill revises eligibility criteria for applicants for High Value Workforce Ready Credit-bearing Grants. It provides that if the demand for High Value Workforce Ready Credit-bearing Grants exceeds the appropriation, the Commission for Higher Education (CHE) shall prioritize applicants who are classified as independent.

**Ivy Tech Community College:** This bill also transforms Ivy Tech Community College's regional boards of trustees to campus boards of trustees. It adds provisions concerning the appointment, number, and terms of trustees serving on the state board of trustees of Ivy Tech.

**Career and Technical Education:** It provides that an emancipated student or the parent of a student enrolled in a career or technical course may voluntarily release information, on a form prescribed by the Department of Education (DOE), pertaining to the student's enrollment in the career and technical education course to potential employers that contact the school to recruit students with particular career and technical skills.

**Apprenticeships:** The bill requires the State Board of Education (SBOE), when establishing an apprenticeship as a graduation pathway requirement, to establish as an apprenticeship only an

apprenticeship program registered under the federal National Apprenticeship Act or another federal apprenticeship program administered by the United States Department of Labor.

Employment Aid Readiness Network (EARN) Indiana: The bill specifies that an individual who is enrolled as a part-time postsecondary student, regardless of whether a part-time student is qualified to receive an adult student grant, may participate in the Employment Aid Readiness Network (EARN) Indiana Program.

Adult Education: This bill also requires at least 25% of the money appropriated by the General Assembly for adult education or the Work Indiana Program to be used: (1) to reimburse an eligible provider for adult education that is provided to individuals who need education in basic skills or necessary to receive a high school diploma or an Indiana high school equivalency diploma; or (2) for adult education grants to employers. It provides that an employer is eligible for an adult education grant equal to the lesser of \$500 or the employer's out-of-pocket expenditures for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer. It specifies criteria for an individual to be an eligible employee of an employer that is eligible for an adult education grant.

Nursing Faculty: The bill requires educational institutions offering programs subject to approval by the Indiana State Board of Nursing to obtain approval from the Board for Proprietary Education. It exempts those educational institutions from obtaining accreditation as postsecondary proprietary educational institutions from the Department of Workforce Development. It provides that until July 1, 2021, certain individuals with a bachelor's degree may serve as a nursing faculty member in an associate degree nursing program without yet having obtained a master's degree.

Transportation Availability: This bill requires the Office of the Secretary of Family and Social Services and the Indiana Department of Transportation to perform a coordinated study on leveraging money for transportation to workforce-related programs.

Study: The bill also urges the Legislative Council to assign to an appropriate interim study committee the question of whether the state should submit a combined state plan instead of a unified state plan to the United States Department of Labor when the state submits a new Workforce Innovation and Opportunity Act plan.

The bill makes conforming amendments

## **HEA 1309 SEXUAL HARASSMENT PREVENTION POLICIES**

Authored / Co-Authored By: Engleman / Saunders, Pryor, Richardson

*Sponsored By: Buck, Becker, Breaux, Randolph, Lanane*

**Instruction:** The bill requires sexual harassment prevention instruction to be provided annually to members of the General Assembly.

**Policy:** The bill also requires the Personnel Subcommittee of the Legislative Council (Subcommittee) to prepare and submit recommended sexual harassment prevention policies governing legislators to the Legislative Council.

It provides that four additional members of the General Assembly shall be appointed to serve on the Subcommittee for the sole purpose of participating in the preparation of recommended sexual harassment prevention policies and it provides that the terms of the additional members expire on November 21, 2018.

It requires the Legislative Council to approve sexual harassment policies not later than November 20, 2018.

## **SEA 50 GOVERNOR'S WORKFORCE CABINET**

Authored / Co-Authored By: Eckerty, Head, Perfect / Niemeyer, Grooms, Ford, Sandlin, Raatz, Crider, Brown, Bassler, Messmer, Zakas, Bray, Walker, Buck, Doriot, Kruse, Charbonneau,

Niezgodski, Alting, Spartz, Bohacek, Randolph, Ruckelshaus, Delph, Glick Melton

*Sponsored By: Huston, Cook, Austin, Heine*

**Governor's Workforce Cabinet:** This bill establishes the Governor's Workforce Cabinet. It specifies the membership and duties of the cabinet. It provides that the cabinet shall serve as the state advisory body required under certain federal laws. It provides that subject to the approval of the chairperson, the State Personnel Department, and the Budget Agency, the cabinet may employ professional, technical, and clerical personnel necessary to carry out its duties. The bill specifies that the cabinet is subject to the allotment system administered by the Budget Agency and financial oversight by the Office of Management and Budget.

**SWIC Repeal:** The bill repeals the State Workforce Innovation Council (SWIC). It assigns the SWIC's duties and obligations concerning postsecondary proprietary educational institution accreditation to the Department of Workforce Development and all other duties and obligations to the cabinet.

**Career Navigation System:** The bill requires the cabinet to develop, not later than July 1, 2018, a comprehensive career navigation and coaching system for Indiana and requires all high schools to participate in the career coaching program.

**Workforce Programs Review:** The bill requires the cabinet to conduct a regular review, analysis, and evaluation of all workforce-related programs.

College and Career Funding Review: The bill also requires the cabinet to conduct a college and career funding review and submit, not later than November 1, 2018, to the Governor and the Legislative Council a report concerning the results of the review.

Real World Career Readiness Review: It requires the cabinet to study the advisability of establishing one or more real world career readiness programs that combine the theory of a particular career with workforce practice or application in order to provide students with career and technical education credentials necessary to transition from school to the workforce and submit, not later than November 1, 2018, to the Governor and the Legislative Council a report concerning the results of the study.

It makes conforming amendments. It repeals obsolete definitions.

### **SEA 419 PROFESSIONAL AND OCCUPATIONAL LICENSES**

Authored / Co-Authored By: Doriot / Bohacek

*Sponsored By: Morris, Ellington, Miller, Clere, Cherry*

Eligibility: The bill provides that an agency or political subdivision may require verification of an individual's eligibility for a professional or occupational license, by requiring the individual to verify under penalty of perjury that the individual is:

- (1) authorized by the federal government to work in the United States; and
- (2) executing the verification only for the purpose of applying for a professional or occupational license issued by the state agency or political subdivision.

It provides that an individual who is authorized by the federal government to work in the United States is ineligible for a professional or occupational license issued by a state agency or political subdivision if the individual meets all the requirements, other than the requirement under 8 USC 1621 (a), to obtain or renew the professional or occupational license.

Professions and Occupations: The bill provides that a unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code.

It provides that this prohibition does not apply to:

- (1) registration for particular projects for the alteration, construction, demolition, or repair of a building or other work on real property required under an ordinance or rule adopted under local government law;
- (2) the ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person holding the permit or registered has performed substandard work or has otherwise violated any condition of the permit or registration; or
- (3) when the unit determines the establishment and enforcement of health and safety standards for the occupation or profession is appropriate and necessary to protect the public.

## **MISCELLANEOUS**

### **HEA 1035 SHORT TERM RENTALS**

Authored / Co-Authored By: Lehman / McNamara, Ober, Macer

*Sponsored By: Messmer, Tallian*

The bill provides the following with regard to short term rentals that are rented through a short term rental platform:

- (1) It provides that a short term rental of an owner's primary residence is a permitted residential use under any applicable ordinance and may not be disallowed.
- (2) It provides that, in the case of residential property that is not the person's primary residence, a local unit of government (local unit):
  - a. may require a special exception, special use, or zoning variance for the short term rental of the property; and
  - b. may not interpret and enforce zoning regulations for a special exception, special use, or zoning variance in a manner that is intended or has the effect of prohibiting or unreasonably restricting all short term rentals of the property.
- (3) It allows a local unit to regulate short term rental of residential property only for specified purposes.
- (4) It allows a local unit to require an owner to obtain one permit for each property of an owner, regardless of the number of dwelling units or detached accessory structures on the property that the owner offers as a short term rental.
- (5) It allows a local unit to charge a fee of not more than \$150 for an initial permit and for a permit issued after the revocation of a permit, but prohibits a unit from charging a fee for a permit renewal.
- (6) It allows a local unit to limit or prohibit short term rentals located within a conservancy district.

The bill exempts ordinances adopted before January 1, 2018. It excludes property owners associations from the provisions of the bill

### **HEA 1320 DISPOSITION OF TAX SALE SURPLUS**

Authored / Co-Authored By: Slager / Pryor, Miller

*Sponsored By: Niemeyer, Taylor, Randolph*

**Surplus Fund:** This bill eliminates the requirement that a person that redeems property sold in a tax sale must pay an amount equal to the amount deposited in the tax surplus fund at the time of the tax sale. It continues current law requiring the redeeming party to pay 5% interest on that money.

**Conveyances:** The bill requires that a conveyance recorded after June 30, 2007, must include a statement specifying the mailing address for tax statement purposes and the mailing address of the grantee. It requires that the mailing address of the grantee be a street address or a rural route address.

Chain of Title: This bill amends the definition of "substantial property interest of public record" for purposes of the tax sale statutes to specify that: (1) the term means title to or interest in a tract that is within the tract's chain of record title and either recorded or properly indexed in the county in which the tract is located; and (2) chain of record title includes instruments executed by the owner and recorded within the five day period before the date the owner acquires title to the tract.

**HEA 1383 VARIOUS ELECTION LAW MATTERS**  
Authored / Co-Authored By: Slager / Hatfield, Richardson  
*Sponsored By: Niemeyer*

Lake County Precinct Matters– The bill eliminates the small precinct committee. The bill requires, not later than July 1, 2018, that the Election Commission adopt an order consolidating precincts in Lake County having fewer than 600 active voters, if the consolidation will realize savings for the County and not impose unreasonable obstacles on the ability of the voters of the County to vote at the polls.

Secretary of State– The bill provides that, if the Election Commission does not adopt an order, the Secretary of State (SOS), not later than August 1, 2018, and not later than July 1 each year immediately following a Presidential election, shall issue the order.

Absentee Ballot Counting–The bill requires absentee ballot counters at a central counting location in a county having a consolidated city that uses electronic poll books or that is a vote center county, at any time after 6 a.m. on election day and after the absentee ballots are processed and the electronic poll books updated, to count the absentee ballots. Allows any other county to use this procedure if the board unanimously adopts a resolution to do so. The bill allows the signature review process to be conducted any time after an absentee ballot is received in a county having a consolidated city or in any other county in which the board unanimously adopts a resolution to do so. The bill allows, but does not require, absentee ballot counters at a central location in those counties to make findings concerning an absentee voter's signature and that the voter is a qualified voter of the precinct for an absentee ballot cast in person. The bill requires absentee ballot counters at a central location in a county having a consolidated city to continue to count without interruption until all absentee ballots that are not required to be remade and have been accepted by the counters are canvassed and the certificates of vote count are prepared and delivered. The bill allows absentee ballots counted at a central location in a county having a consolidated city to be stored in the order in which the absentee ballots were counted and not in order by precinct.

Vote Reconciliation–The bill provides for the reconciliation of the number of votes cast with the number of voters who have received a ballot in a precinct or vote center using an electronic voting system.

Election Audits–The bill authorizes the county election board to order an audit in precincts or vote centers under certain circumstances.

Secretary of State—The bill requires the SOS to publish a report after each election in which an audit is conducted stating the results of each audit.

### **SEA 1 SUNDAY CARRYOUT SALES**

Authored / Co-Authored By: Alting / Randolph

*Sponsored By: Smaltz, Siegrist, GiaQuinta, Forestal, Ober*

This bill allows the following to sell alcoholic beverages for carryout on Sunday from noon until 8 p.m.:

- (1) A package liquor store, grocery store, convenience store, or drug store.
- (2) A restaurant that satisfies the requirements to sell carryout.

(The introduced version of this bill was prepared by the Alcohol Code Revision Commission.)

### **SEA 52 LOW THC HEMP EXTRACT**

Authored / Co-Authored By: Young, Tomes / Stoops, Lanane, Randolph, Tallian, Buck

*Sponsored By: Friend, Frizzell, MnNamara, Klinker*

**Retail Merchant's Certificate:** The bill provides that the Indiana Department of State Revenue (DOR) shall revoke a registered retail merchant's certificate if the DOR finds that the person has been convicted of dealing in marijuana based on the sale of fraudulently labeled low THC hemp extract.

**Registry:** The bill repeals all provisions concerning the cannabidiol registry and a "substance containing cannabidiol" (all added by HEA 1148-2017).

**Definition:** The bill defines "low THC hemp extract" as a product:

- (1) derived from *Cannabis sativa* L. that meets the definition of industrial hemp;
- (2) that contains not more than 0.3% delta-9-THC (including precursors); and
- (3) that contains no other controlled substances.

**Requirements:** It establishes testing, packaging, and labeling requirements for the distribution and retail sale of low THC hemp extract, effective July 1, 2018.

**Penalties:** The bill provides that a retailer commits dealing in marijuana as a Level 5 felony if:

- (1) the retailer sells marijuana; (2) the marijuana is packaged in a manner that appears to be low THC extract; and (3) the retailer knows or reasonably should know that the product is marijuana.

It makes possession of marijuana a Class A misdemeanor if: (1) the marijuana is packaged in a manner that appears to be low THC hemp extract; and (2) the person knows or reasonably should know that the product is marijuana.

**Study:** The bill urges the Legislative Council to assign to an appropriate interim study committee the task of studying the regulation of industrial hemp, industrial hemp products, and low THC hemp extract manufacturing

## **IMPORTANT LEGISLATION THAT DID NOT PASS**

### **HB 1152 TRAFFIC AMNESTY PROGRAM**

Authored / Co-Authored By: Shackelford / Mahan, Pryor, Negele

(Amended) This bill has the following provisions:

- (1) Establishes a temporary traffic amnesty program to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable.
- (2) Specifies that a person seeking a reduction in fees owed is not required to pay a court filing fee but is required to pay a \$50 administrative fee.
- (3) Provides that as part of the traffic amnesty program a person must: (a) pay the driving privileges reinstatement fee to the Bureau of Motor Vehicles (BMV); (b) provide financial responsibility to the court; and (c) not be ineligible to have their driving privileges reinstated.
- (4) Provides that the court must transmit a copy of its order to the BMV in a manner prescribed by the BMV.

### **HB 1176 STUDY ON AFRICAN – AMERICAN HOMICIDE VICTIMS**

Authored / Co-Authored By: Summers

This bill urges the Legislative Council to assign to an appropriate study committee the topic of African-American homicide victimization in Indiana

### **HB 1230 SCHOOL SAFETY**

Authored / Co-Authored By: McNamara / Cook, Behning, Gooding

*Sponsored By: Raatz, Kruse, Crane, Stoops, Randolph, Zakas*

**Links:** The bill requires the Department of Education (DOE) to maintain a link on the its Internet web site providing parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying. It also requires the State Board of Education (SBOE) and school corporations to maintain an Internet link to the DOE's Internet web site on their Internet web sites. It also requires the DOE to maintain a link on its Internet web site regarding the identification and reporting of human trafficking.

**Human Trafficking Training:** The bill also requires certain employees of a school corporation or an accredited nonpublic school to receive at least one hour of inservice training every two years pertaining to the identification and reporting of human trafficking.

**Cyberbullying:** The bill provides that a school corporation's disciplinary rules pertaining to bullying must prohibit bullying through the use of data or computer software that is accessed through a computer or through a cellular telephone or other wireless or cellular communications device. (Current law provides that a schoolcorporation's disciplinary rules pertaining to bullying must prohibit bullying through the use of data orcomputer software that is accessed through a computer.)

Needs Assessment: The bill requires the DOE to conduct a statewide needs assessment survey concerning student service providers and how schools are addressing the social and emotional needs of students.

School Safety: This bill also provides that curriculum for the school Safety Specialist Training and Certification Program must include training in identifying, preventing, and intervening in actions by a person who is present on school property with the intent to harm another person. It allows charter schools and accredited nonpublic schools to elect to comply with certain laws regarding school safety specialists, school safety plans, and safe school committees. It also requires each charter school and accredited nonpublic school to: (1) adopt a local school safety and emergency plan; and (2) provide a copy of the floor plans for each building located on the school's property to the law enforcement agency and the fire department that have jurisdiction over the school.

### **HB 1345 PRESCRIPTION DRUG PRICING STUDY**

Authored / Co-Authored By: Shackelford / C. Brown

The bill urges the Legislative Council to assign to the Interim Study Committee on Public Health, Behavioral Health, and Human Services the task of studying issues related to prescription drug price transparency by drug manufacturers in Indiana

### **HB 1377 SEAT BELTS ON SCHOOL BUSES**

Authored / Co-Authored By: Bartlett / Cook

The bill provides that a school bus or special purpose bus that is placed into operation after June 30, 2019, and that is used to transport elementary school or high school students must be equipped with a 3-point lap and shoulder safety belt (safety belt) at each seating location.

The bill requires the State School Bus Committee to adopt rules for the design, installation, and use of safety belt systems that must be installed in school buses and special purpose buses. It provides for an exception to the laws concerning other types of passenger restraint systems. It requires each occupant of a school bus or special purpose bus that has a safety belt to have the safety belt properly fastened about the occupant's body at all times when the bus is in motion.

The bill establishes the Safety Belt Revolving Loan Fund (fund). It requires the Department of Education to establish a revolving loan program to provide loans from the fund to school corporations to assist school corporations, including charter schools, in paying expenses necessary to comply with requirements concerning safety belts on school buses and special purpose buses.

The bill appropriates \$5,000,000 to the fund from the state General Fund. It makes conforming amendments.

## **HB 1380 TOBACCO PRODUCTS PURCHASING AGE**

Authored / Co-Authored By: C. Brown / Kirchhofer, Bacon

(Amended) The bill raises the age from 18 years of age to 21 years of age for prohibitions and crimes concerning the sale, purchase, and possession of cigarettes and other tobacco products. It makes a corresponding change to the laws concerning e-cigarettes, tobacco retailer permits, and admission to establishments where smoking is permitted.

## **SB 113 PAID EMPLOYEE LEAVE**

Authored / Co-Authored By: Randolph / Ford

This bill urges the Legislative Council to assign to an appropriate interim study committee during the 2018 legislative interim the task of studying paid personal leave from employment.

## **SB 323 CDC YOUTH RISK BEHAVIORS SURVEY**

Authored / Co-Authored By: Breaux

This bill requires the state Department of Health to notify the Department of Education if the federal Centers for Disease Control and Prevention (CDC) notifies the state Department of Health that a public high school is identified to participate in the CDC's Youth Risk Behaviors Survey (survey). It also provides that the Department of Education is required to notify the public high school that the school is required to participate in the survey. It requires a public high school to participate in the survey.

## **SB 326 REDISTRICTING STANDARDS**

Authored / Co-Authored By: Walker, Head, Ruckelshaus / Breaux, Alting, Becker, Bohacek  
*Sponsored By: M. Smith, Richardson, Judy, Bauer*

The bill establishes redistricting standards for Congressional and state legislative districts. The bill provides that the initial proposed plans for Congressional and state legislative districts must comply with the redistricting standards. The bill allows the General Assembly, during the process by which the initial proposed plans become effective by being enacted as a law, to consider and adopt modifications to the initial proposed plans that deviate from the redistricting standards as long as the reason or reasons for each deviation are publicly explained and documented.

## **SB 418 BIAS MOTIVATED CRIMES**

Authored / Co-Authored By: Glick, Ruckelshaus, Bohacek / Grooms

This bill has the following provisions:

- A. Aggravating Circumstance– It makes it an aggravating circumstance (for purposes of imposing a criminal sentence) that the crime was committed with the intent to harm or intimidate an individual because of certain perceived or actual characteristics of the individual.

- B. Reporting of Bias Crimes– It requires law enforcement agencies to report bias-motivated crimes to the Federal Bureau of Investigation.

## **LEGISLATION OF CONCERN THAT DID NOT PASS**

### **HB 1061 ASBESTOS LITIGATION**

Authored / Co-Authored By: Lehman / Torr, Huston, T. Brown

*Sponsored By: Bray, Holdman, Buck*

This bill has the following provisions:

- A. Product Liability Action– It specifies causes of action that may constitute a product liability action. It repeals provisions pertaining to product liability actions that are based upon: (1) property damage resulting from asbestos; and (2) personal injury, disability, disease, or death resulting from exposure to asbestos. It requires certain disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions. It provides medical criteria to set aside and preserve the claims of asbestos and silica claimants without physical impairment, and gives priority to asbestos and silica claimants with malignant conditions and impairing nonmalignant conditions.
- B. Study Committee– It urges the Legislative Council to assign to the appropriate interim study committee the topic of the appropriate statute of repose duration for certain product liability actions.

### **HB 1315 SCHOOL CORPORATION FINANCIAL MANAGEMENT**

Authored / Co-Authored By: T. Brown

*Sponsored By: Mishler, Bassler*

Distressed Unit Appeal Board: The bill allows the Distressed Unit Appeal Board (DUAB) to delegate board authority, duties, and responsibilities to the executive director by resolution of the board. It allows the DUAB to adopt rules.

Attorney General: The bill requires the Attorney General to represent a member of the fiscal management board, an emergency manager, a chief financial officer, or a chief academic officer if the individual requests the representation.

Distressed Units: The bill specifies restrictions on school corporations that are designated distressed. It specifies that waivers regarding the allocation of protected taxes apply only to distressed school corporations and no other distressed units. The bill provides that the governing body of a distressed school corporation (or the advisory board, in the case of Gary schools) may file a petition with the DUAB for termination of distressed status only if the school corporation's ongoing revenues exceed the school corporation's ongoing expenses. It specifies that the governing body or advisory board may file such a petition with the DUAB not more than one time in a 12-month period. It also provides that, for a period of two years following the termination of a political subdivision's distressed status, the political subdivision may not do any of the following without the prior approval of the DUAB: (1) Adopt a budget, tax levy, or tax rate. (2) Issue bonds. (3) Enter into a lease. It also requires a political subdivision to submit

certain reports to the DUAB for a period of four years following the termination of the political subdivision's distressed status.

**Reduction in Force:** The bill authorizes the emergency manager of a distressed school corporation to cancel any employee's contract or terminate an employee's employment as part of a reduction in force. It provides that notification for a reduction in force of: (1) certificated employees may be delivered after September 30 and before November 1 of the contract year; and (2) non-certificated employees may be delivered at any time. It specifies that the maximum reduction in force of certificated employees under this provision may not exceed 5% of the full-time equivalency for all certificated employees in the certificated employee bargaining unit for the school corporation. It also requires the emergency manager to provide any employee whose contract is being canceled with notice at least 90 days before the effective date of the cancellation.

**Gary Community School Corporation:** The bill makes changes concerning the Gary Community school corporation and its operation. It converts the Gary Community school corporation's governing board to an advisory board. It provides that the advisory board may not hold a public meeting more often than once every three months. It provides that the advisory board may hold additional meetings that are authorized as executive sessions under the Open Door Law. The bill specifies that the advisory board may vote to fill vacancies and select officers of the advisory board. This bill deletes from current law the requirements: (1) that the emergency manager for the Gary Community school corporation must consult with the fiscal management board and the governing body; and (2) that the emergency manager for the Gary Community school corporation must consult with the mayor, the fiscal management board, and the governing body when developing the school corporation's annual budget and developing a financial plan, and provides that the emergency manager shall consider any recommendations from these entities. It requires the chief financial officer and chief academic officer to submit a quarterly report to the advisory board. It provides that until June 30, 2018, the governing body of Gary schools, rather than the emergency manager, shall exercise the power to fill a vacancy on the governing body.

**Muncie Community School Corporation:** The bill also removes the laws concerning the Muncie Community school corporation being a fiscally impaired school corporation. It permits the Ball State University board of trustees to adopt a resolution to govern the Muncie Community school corporation using a newly appointed seven member governing board. It requires certain members of the governing body to reside in the Muncie Community school corporation district. It provides that the terms of office of the two members appointed by the President of Ball State University expire on June 30, 2022, and beginning July 1, 2022, two members of the board shall be individuals elected at-large. This bill requires the first elected members to be elected at the 2022 primary election. This bill specifies that the governing body serving on June 30, 2018, shall become on July 1, 2018, an advisory board to the governing body appointed by the President and board of trustees of Ball State University. It also requires the governing body to engage academically innovative strategies. It specifies that only certain laws in IC 20 will apply to the Muncie Community school corporation. It specifies other conditions.

**Loan:** The bill permits the DUAB to recommend to the State Board of Finance that the State Board of Finance make an interest free loan to the Muncie Community school corporation.

**Fiscal and Qualitative Indicators:** The bill establishes a Fiscal and Qualitative Indicators Committee (committee) to make determinations about the fiscal and qualitative factors to be used in analyzing the financial condition of school corporations. It specifies certain factors that may be used. It requires the committee to make determinations about the presentation of the factors and the financial condition of school corporations to the public and the frequency of updates. The bill requires the DUAB to present school financial condition information on its Internet web site or the Management Performance Hub Internet website. The bill sets minimum standards for presenting the information.

**School Corporation Financial Monitoring:** It requires the DUAB to determine the financial condition of each school corporation and whether a school corporation should be placed on a watch list. The bill requires the executive director of the DUAB to do the following: (1) Report to the State Budget Committee the process and procedures that will be used before a school corporation is placed on the watch list. (2) Prepare a report identifying each school corporation whose financial condition indicates the potential to be placed on the watch list. The bill provides that the DUAB may enter into an agreement with a school corporation to develop a corrective action plan. It requires the DUAB to meet in executive session for discussions and determinations related to placing a school corporation on the watch list. The bill specifies that the DUAB may make a determination to place a school corporation on the watch list only if the DUAB has, at least six months before making the determination, provided notice to the school corporation stating that the DUAB is considering making such a determination. This bill provides that before a school corporation is placed on a watch list, the school corporation shall be given an opportunity to meet with the DUAB and the DUAB executive director in executive session. It specifies that after the DUAB makes a determination to place the school corporation on the watch list, the school corporation may file an appeal with the DUAB and request removal from the watch list. It also provides that until the DUAB has ruled on the appeal, the school corporation may not be placed on the watch list. The bill specifies that all correspondence and other records related to discussions and determinations concerning whether a school corporation should be placed on the watch list are confidential and not subject to public disclosure unless and until the school corporation is subsequently placed on the watch list. This bill specifies that if the DUAB finds that: (1) a determination has been provided by the State Board of Accounts specifying that a corrective action plan is appropriate for a school corporation; or (2) the fiscal and qualitative indicators indicate that a corrective action plan is appropriate for a school corporation; the DUAB shall initiate contact with the chairperson of the governing body and the superintendent of the school corporation and offer to provide technical assistance to the school corporation. The bill provides that the DUAB may form a technical assistance team.

**Sale of Buildings:** It provides that the governing body of a school corporation in which 10% or more of the school buildings are occupied in whole or part by one or more innovation network schools or one or more innovation network charter schools may sell a closed, unused, or unoccupied school building without making the vacant school building available to a charter school.

**Deficit Financing:** The bill also amends the definition of "deficit financing" for a budget year to mean, in the case of any distressed school corporation, the Gary Community school corporation,

or the Muncie Community school corporation: (1) actual expenditures; plus (2) additional payments against any outstanding debt obligations; exceeding the employer's current year actual education fund revenue.

It resolves conflicts. It makes technical corrections.

### **HB 1319 SMALL LOANS AND UNSECURED CONSUMER INSTALLMENT LOANS**

Authored / Co-Authored By: Carbaugh / Morris, Burton, McNamara

*Sponsored By: Messmer, Houchin, Raatz*

This bill authorizes a lender that is licensed by the Department of Financial Institutions (department) to make small loans under the Uniform Consumer Credit Code (UCCC) to make unsecured consumer installment loans under the same license.

The bill defines an "unsecured consumer installment loan" as a loan:

- (1) with a principal amount that is:
  - a. more than \$605 and not more than \$1,500; and
  - b. payable in three or more substantially equal periodic payments; and
- (2) in which the lender holds one or more checks of the borrower for a specific period, or receives the borrower's authorization to debit the borrower's account on one or more occasions for a specific period, before the lender deposits the check or debits the account.

The bill amends the UCCC chapter governing small loans to establish the following with respect to unsecured consumer installment loans:

- (1) An authorized finance charge and monthly maintenance fee.
- (2) A \$25 returned check fee.
- (3) Mandatory consumer disclosures, including the inclusion in the mandatory consumer pamphlet of information about the 211 telephone dialing code.
- (4) An annual fee assessed on lenders of \$1,000 per license and \$1,000 per Indiana branch location, for the department's use in supporting financial education programs.
- (5) A requirement that the loan term be at least three months but not more than 12 months.
- (6) Restrictions with respect to consecutive unsecured consumer installment loans.
- (7) Lending prohibitions based on a borrower's monthly gross income.
- (8) Provisions concerning a lender's duties upon payments made by a borrower.
- (9) Prohibitions against prepayment penalties and loan renewals.
- (10) Prohibitions against a borrower having:
  - a. a small loan and an unsecured consumer installment loan; or
  - b. more than one unsecured consumer installment; outstanding at the same time.
- (11) Permissible and prohibited remedies upon a borrower's default.
- (12) Remedies and damages for violations by licensees and unlicensed persons.
- (13) Prohibited acts by a lender.

This bill removes from the chapter governing small loans and unsecured consumer installment loans provisions specifying a reference base index for use by the department in adjusting specified dollar amounts designated as subject to change. It makes conforming adjustments to specified dollar amounts in provisions concerning small loans.