Journal of the House

State of Indiana

121st General Assembly First Regular Session

Thirty-second Day **Thursday Morning** **March 14, 2019**

The invocation was offered by Pastor Brian Walter of South Milford Church of Christ in Wolcottville, a guest of Representative Abbott.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

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

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

Abbott
Austin
Aylesworth
Bacon
Baird
Barrett
Bartels □
Bartlett
Bauer
Beck
Behning
Borders
Boy
T. Brown
Burton
Campbell
Candelaria Reardon
Carbaugh
Cherry
Chyung
Clere
Cook
Davisson □
Deal
DeLaney
DeVon
Dvorak
Eberhart
Ellington
Engleman
Errington
Fleming
Forestal
Frizzell
Frye
GiaQuinta
Goodin
Goodrich
Gutwein □
Hamilton
Harris
Hatcher □
Hatfield
Heaton
Heine
Hostettler
Huston
Jackson
Jordan
Judy
Karickhoff
Kirchhofer
Klinker
Lauer
Lehe
Lehman
Leonard
Lindauer
Lucas
Lyness
Macer
Mahan
Manning □
May
Mayfield
McNamara
Miller
Moed
Morris
Morrison
Moseley
Negele
Nisly
Pfaff
Pierce
Porter
Prescott
Pressel
Pryor
Saunders
Schaibley
Shackleford
Smaltz
V. Smith
Soliday
Speedy
Steuerwald
Stutzman
Sullivan
Summers
Thompson
Torr
VanNatter
Wesco
Wolkins
Wright
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 311: 95 present; 5 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, March 18, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution be amended as follows:

Page 1, line 5, delete "Reed" and insert "Reed, Jr.".
Page 1, line 7, delete "Reed" and insert "*Reed, Jr.*".
Page 1, line 17, delete "Reed" and insert "*Reed, Jr.*".
Page 1, line 20, delete "Reed" and insert "*Reed, Jr.*".
Page 1, line 24, delete "Reed" and insert "*Reed, Jr.*".
Page 2, line 7, delete "Reed" and insert "Reed, Jr.".
Page 2, line 10, delete "Reed" and insert "Reed, Jr.".
(Reference is to HCR 14 as printed February 12, 2019.)

and when so amended that said resolution do pass.

Committee Vote: yeas 13, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 19, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution be amended as follows:

Page 1, line 3, delete "Pendleton." and insert "Pendleton, Sr.".
Page 1, line 4, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 1, line 8, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 1, line 13, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 1, line 15, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 1, line 18, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 1, line 23, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 2, line 4, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 2, line 7, delete "Pendleton" and insert "*Pendleton, Sr.*".

Page 2, line 17, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 2, line 21, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 2, line 25, delete "Pendleton" and insert "*Pendleton, Sr.*".
Page 2, line 32, delete "Pendleton" and insert "Pendleton, Sr.".
Page 3, line 2, delete "Pendleton." and insert "Pendleton, Sr.".
(Reference is to HCR 19 as printed February 22, 2019.)
and when so amended that said resolution do pass.

Committee Vote: yeas 13, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 2, 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 9-19-13-4, AS AMENDED BY P.L.1-2005, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(2) Black reflective tape mounted on:

(A) each side of the school bus;

(B) the front bumper; and

(C) the rear bumper.

~~(2)~~ **(3)** As required by the state school bus committee under IC 20-27-3-4.

~~(3)~~ **(4)** As required by IC 20-27-9.".

Page 2, line 22, after "of" insert "**IC 35-50-2-6 or**".
Page 2, line 25, delete "twenty" and insert "**ten**".
Page 2, line 25, delete "($20,000)." and insert "**($10,000).**".
Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 4. IC 9-21-12-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.5. Whenever a school bus is in operation and transporting passengers, the driver of a school bus shall have the daytime running lights illuminated at all times.**".

Page 3, line 9, delete "(c)," and insert "**(b),**".
Page 4, line 12, delete "to enforce IC 9-21-12-1:" and insert "**for purposes of a criminal proceeding:**".
Page 4, line 23, delete "not a public record," and insert "**confidential, unless entered as evidence in a proceeding,**".
Page 5, between lines 6 and 7, begin a new line block indented and insert:

"**(6) A requirement that, subject to the deduction of court costs under IC 34-28-5-5(g), civil penalties collected under this chapter:**

(A) may be used by a party to an enforcement agreement only until all cameras under the enforcement agreement are fully paid for;

(B) may not be used by a school corporation or nonpublic school that is a party to an enforcement agreement as a source of profit; and

(C) may not be used by any party to an enforcement agreement as an ongoing source of revenue.".

Page 5, line 7, delete "(6)" and insert "**(7)**".
Page 9, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 10. IC 20-27-9-6, AS AMENDED BY P.L.233-2015, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of ~~a fair or festival operated by or affiliated with~~ a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.".

Renumber all SECTIONS consecutively.
(Reference is to SB 2 Digest Correction as reprinted February 15, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

McNamara, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 29, 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 lines 6 and 7, begin a new line block indented and insert:

"**(3) A shelter care facility that is licensed to care for more than ten (10) children.**".

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

"**(c) If a child is or will be detained in a juvenile detention facility for more than seven (7) calendar days, the school corporation shall, upon request by the juvenile detention facility or the child's parent, provide to the juvenile detention facility the school materials for the grade level or courses in which the child is enrolled or would be enrolled if the child were not detained. The school corporation may provide the school materials in an electronic format.**".

Page 2, delete lines 1 through 5.
Page 2, line 7, delete "facility," and insert "**facility or the child's parent,**".
Page 2, line 16, after "facility" insert "**or the child's parent**".
Page 2, line 19, after "facility" insert "**or the child's parent**".
Page 2, after line 20, begin a new paragraph and insert:

"SECTION 2. IC 20-33-8-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section

23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

(1) A written or an oral statement of the charges against the student.

(2) If the student denies the charges, a summary of the evidence against the student.

(3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

(1) The student's misconduct.

(2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event the student has questions regarding the assignments or school work. A student may be allowed to make up missed tests or quizzes when the student returns to school.".

(Reference is to SB 29 as printed February 8, 2019.)
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 Public Health, to which was referred Senate Bill 33, 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 12, delete "Provide evidence" and insert "**Determine**".

Page 2, line 25, delete "meets" and insert "**determines**".

Page 2, delete lines 27 through 39, begin a new line triple block indented and insert:

"**(ii) Full continuum of treatment services including all drugs approved by the Food and Drug Administration for withdrawal management and maintenance of substance use disorders.**

(iii) Treatment services include either partial hospitalization or intensive outpatient, at least one (1) level of residential care, at least one (1) level of inpatient or acute hospitalization, peer support services, outpatient services, including medication management and behavioral therapies, recovery residences, and other services as defined by the division.".

Page 3, delete lines 6 through 8, begin a new line double block indented and insert:

"**(D) Partnering with community or faith based entities to offer family support services, including child care, family counseling, and other services as defined by the division.**

(E) Partnering with entities to deliver job training and workforce readiness services.".

Page 3, line 39, after "section" insert "**that identifies any patient information of a comprehensive addiction recovery center**".

(Reference is to SB 33 as printed February 8, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Kirchhofer, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 41, 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 ESB 41 as printed March 8, 2019.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 114, 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 SB 114 as printed February 1, 2019.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 176, 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 16-41-43-3, AS ADDED BY P.L.59-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An entity may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the premises of the entity if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes **or electronically transmits** the prescription for auto-injectable epinephrine for the entity.

(b) The entity shall store the auto-injectable epinephrine in a safe location in which only the entity's personnel or agents have access.

SECTION 2. IC 16-41-43-5, AS ADDED BY P.L.59-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write **or electronically transmit** a prescription, drug order, or protocol for auto-injectable epinephrine for the entity.

(b) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of an entity.

SECTION 3. IC 16-41-43-6, AS ADDED BY P.L.59-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A nurse employed by an entity or an employee of the entity who administers auto-injectable epinephrine in accordance with the manufacturer's guidelines and with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A licensed health care provider who:

(1) writes a prescription, drug order, or protocol under this chapter; ~~or~~

(2) transmits in an electronic format a prescription, drug order, or protocol for an electronically transmitted prescription under this chapter; or

~~(2)~~ **(3)** provides training to an entity's personnel under this chapter;

is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter.

SECTION 4. IC 16-42-19-7, AS AMENDED BY P.L.204-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. As used in this chapter, "prescription" means:

(1) a written order to or for an ultimate user for a drug or device containing the name and address of the patient, the name and strength or size of the drug or device, the amount to be dispensed, adequate directions for the proper use of the drug or device by the patient, and the name of the practitioner, issued and signed by a practitioner; or

(2) an order transmitted by other means of communication from a practitioner that is:

(A) immediately reduced to writing by the pharmacist or pharmacist intern (as defined in IC 25-26-13-2); or

(B) for an electronically transmitted prescription:

(i) has the electronic signature of the practitioner; ~~and~~

(ii) is recorded by the pharmacist in an electronic format; **and**

(iii) is issued in accordance with IC 25-1-9.3.

SECTION 5. IC 20-34-4.5-3, AS AMENDED BY P.L.117-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may:

(1) write; **or**

(2) transmit in an electronic format for an electronically transmitted prescription;

a prescription, drug order, or protocol for an emergency medication for a school or school corporation.

(b) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for an emergency medication issued in the name of a school or school corporation.

SECTION 6. IC 20-34-4.5-4, AS AMENDED BY P.L.117-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A school nurse or school employee who administers an emergency stock medication in accordance with the manufacturer's guidelines and with this chapter is not liable for civil damages resulting from the administration of the emergency stock medication under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A health care provider described in section 3 of this chapter who:

(1) writes; **or**

(2) transmits in an electronic format for an electronically transmitted prescription;

a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of an emergency stock medication under this chapter.

(c) A health care provider described in section 2(b)(1) of this chapter who provides training to school employees under this chapter is not liable for civil damages resulting from the administration of an emergency stock medication.

SECTION 7. IC 21-44.5-2-5, AS ADDED BY P.L.45-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication:

(1) writes; **or**

(2) transmits in an electronic format for an electronically transmitted prescription;

the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may:

(1) write; **or**

(2) transmit in an electronic format for an electronically transmitted prescription;

a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of a postsecondary educational institution.

SECTION 8. IC 21-44.5-2-6, AS ADDED BY P.L.45-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A licensed campus medical professional who acts in accordance with this chapter is not liable for civil damages for any act or omission committed in accordance with this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A trained designee who administers auto-injectable epinephrine in accordance with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(c) A licensed health care provider who:

(1) writes; **or**

(2) transmits in an electronic format for an electronically transmitted prescription;

a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

SECTION 9. IC 25-1-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 9.3. Electronically Transmitted Prescriptions for Controlled Substances

Sec. 1. A reference to a written or electronically transmitted prescription for a controlled substance in the Indiana Code shall be construed to be issued under this chapter.

Sec. 2. As used in this chapter, "board" refers to the Indiana board of pharmacy established by IC 25-26-13-3.

Sec. 3. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9.

Sec. 4. As used in this chapter, "electronically transmitted" or "electronic transmission" has the meaning set forth in IC 25-26-13-2.

Sec. 5. As used in this chapter, "prescriber" means any of the following:

(1) A dentist licensed under IC 25-14.

(2) A physician licensed under IC 25-22.5.

(3) An advanced practice registered nurse licensed and granted the authority to prescribe under IC 25-23.

(4) An optometrist licensed under IC 25-24.

(5) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory physician in accordance with IC 25-27.5-5-4.

(6) A podiatrist licensed under IC 25-29.

Sec. 6. As used in this chapter, "prescription" has the meaning set forth in IC 25-26-13-2.

Sec. 7. After December 31, 2020, except as provided in section 8 of this chapter, a prescriber shall issue a prescription for a controlled substance:

(1) in an electronic format; and

(2) by electronic transmission from the prescriber to a pharmacy;

in accordance with rules adopted by the board under IC 25-26-13-4(d).

Sec. 8. A prescriber may issue a prescription for a controlled substance in a written format, a faxed format, or an oral order if any of the following apply:

(1) The prescriber cannot transmit an electronically transmitted prescription due to temporary technological or electrical failure.

(2) The prescriber issues a prescription to be dispensed by a pharmacy located outside Indiana.

(3) The prescriber and the pharmacist are the same entity.

(4) The prescriber issues a prescription that meets any of the following:

(A) The prescription contains elements that are not supported by the technical standards developed by the National Council for Prescription Drug Programs for electronically transmitted prescriptions (NCPDP SCRIPT).

(B) The federal Food and Drug Administration requires the prescription to contain certain elements that cannot be supported in an electronically transmitted prescription.

(C) The prescription is a non-patient specific prescription in response to a public health emergency or another instance allowable under state law and that requires a non-patient specific prescription under:

(i) a standing order;

(ii) approved protocol for drug therapy;

(iii) collaborative drug management; or

(iv) comprehensive medication management.

(D) The prescription is issued under a research protocol.

(5) The prescriber has received a waiver or a renewal of a previously received waiver from the board in accordance with rules adopted under section 9 of this chapter.

(6) The board, in accordance with rules adopted under section 9 of this chapter, has determined that issuing an electronically transmitted prescription would be impractical and cause delay, adversely impacting the patient's medical condition.

Sec. 9. (a) The board shall, in consultation with the medical licensing board, adopt rules under IC 4-22-2 to implement this chapter, including:

(1) a process to grant or deny waivers or renewals of waivers from the requirement to issue electronically transmitted prescriptions for controlled substances due to:

(A) economic hardship;

(B) technological limitations outside the control of the prescriber; or

(C) other circumstances determined by the board; and

(2) a list of circumstances in which issuing an electronically transmitted prescription would be impractical and cause delay that would adversely impact the user's medical condition.

(b) Any rules adopted under this chapter must be substantially similar to the requirements and exceptions under 42 U.S.C. 1395w-104.

Sec. 10. The following do not violate this chapter if the pharmacy or pharmacist fills a written, faxed, or oral prescription for a controlled substance and the pharmacy or pharmacist is unaware that the prescription does not fall within an allowable exception under section 8 of this chapter:

(1) A pharmacy.

(2) A pharmacist.

Sec. 11. A prescriber who violates this chapter is subject to disciplinary action by the prescriber's governing board under IC 25-1-9.

SECTION 10. IC 25-1-9.5-8, AS AMENDED BY P.L.150-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A prescriber may issue a prescription to a patient who is receiving services through the use of telemedicine if the patient has not been examined previously by the prescriber in person if the following conditions are met:

(1) The prescriber has satisfied the applicable standard of care in the treatment of the patient.

(2) The issuance of the prescription by the prescriber is within the prescriber's scope of practice and certification.

(3) The prescription:

(A) meets the requirements of subsection (b); and

(B) is not for an opioid. However, an opioid may be prescribed if the opioid is a partial agonist that is used to treat or manage opioid dependence.

(4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6).

(5) The prescription is not for an ophthalmic device, including:

(A) glasses;

(B) contact lenses; or

(C) low vision devices.

(b) Except as provided in subsection (a), a prescriber may issue a prescription for a controlled substance (as defined in IC 35-48-1-9) to a patient who is receiving services through the use of telemedicine, even if the patient has not been examined previously by the prescriber in person, if the following conditions are met:

(1) The prescriber maintains a valid controlled substance registration under IC 35-48-3.

(2) The prescriber meets the conditions set forth in 21 U.S.C. 829 et seq.

(3) The patient has been examined in person by a licensed Indiana health care provider and the licensed health care provider has established a treatment plan to assist the prescriber in the diagnosis of the patient.

(4) The prescriber has reviewed and approved the treatment plan described in subdivision (3) and is prescribing for the patient pursuant to the treatment plan.

(5) The prescriber complies with the requirements of the INSPECT program (IC 35-48-7).

(c) A prescription for a controlled substance under this section must be prescribed and dispensed in accordance with **IC 25-1-9.3 and** IC 35-48-7.

SECTION 11. IC 25-1-9.5-11, AS AMENDED BY P.L.150-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A pharmacy does not violate this chapter if the pharmacy fills a prescription for an opioid and the pharmacy is unaware that the prescription was written **or electronically transmitted** by a prescriber providing telemedicine services under this chapter.

SECTION 12. IC 25-22.5-1-1.1, AS AMENDED BY P.L.82-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention

of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing (except for providing a tattoo as defined in IC 35-45-21-4(a)), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means **and in accordance with IC 25-1-9.3.**

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician assistant" means an individual who:

(1) is supervised by a physician;

(2) graduated from an approved physician assistant program described in IC 25-27.5-2-2;

(3) passed the examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification; and

(4) has been licensed by the physician assistant committee under IC 25-27.5.

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

(k) "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.

SECTION 13. IC 25-23-1-19.5, AS AMENDED BY P.L.129-2018, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. (a) This section does not apply to certified registered nurse anesthetists.

(b) The board shall establish a program under which advanced practice registered nurses who meet the requirements established by the board are authorized to prescribe drugs, including controlled substances (as defined in IC 35-48-1-9) **in accordance with IC 25-1-9.3.**

(c) The authority granted by the board under this section:

(1) expires on October 31 of the odd-numbered year following the year the authority was granted or renewed; and

(2) is subject to renewal indefinitely for successive periods of two (2) years.

(d) The rules adopted under section 7 of this chapter concerning the authority of advanced practice registered nurses to prescribe drugs must do the following:

(1) Require an advanced practice registered nurse or a prospective advanced practice registered nurse who seeks the authority to submit an application to the board.

(2) Require an applicant to satisfy the following as a prerequisite to the initial granting of the authority:

(A) Meet all the qualifications for licensure as a registered nurse under this article.

(B) Successfully complete:

(i) education requirements determined by the board to be appropriate to the advanced practice registered nurse's role; and

(ii) a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.

(C) Either:

(i) provide documentation, as requested by the board, that the applicant has graduated before December 31, 1997, from an advanced, organized formal education program appropriate to the practice and that is acceptable to the board; or

(ii) complete a graduate, postgraduate, or doctoral advanced practice registered nurse program from an accredited college or university.

(3) Establish requirements for an advanced practice registered nurse to comply with national certification or the certification's equivalence, including a portfolio equivalence, appropriate to the advance practice registered nurse's role.

(4) Require, as a condition of the renewal of the authority, the completion by the advanced practice registered nurse of the continuing education requirements set out in section 19.7 of this chapter.

SECTION 14. IC 25-23-1-19.6, AS AMENDED BY P.L.129-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.6. (a) When the board grants authority to an advanced practice registered nurse to prescribe legend drugs under this chapter, the board

shall assign an identification number to the advanced practice registered nurse.

(b) An advanced practice registered nurse who is granted authority by the board to prescribe legend drugs must do the following:

(1) Enter on each prescription form that the advanced practice registered nurse uses to prescribe a legend drug:

(A) the signature of the advanced practice registered nurse;

(B) initials indicating the credentials awarded to the advanced practice registered nurse under this chapter; and

(C) the identification number assigned to the advanced practice registered nurse under subsection (a).

(2) Transmit the prescription in an electronic format for an electronically transmitted prescription.

~~(2)~~ **(3)** Comply with all applicable state and federal laws concerning prescriptions for legend drugs, **including the requirement to issue electronically transmitted prescriptions under IC 25-1-9.3.**

(c) An advanced practice registered nurse may be granted authority to prescribe legend drugs under this chapter only within the scope of practice of the advanced practice registered nurse and the scope of the licensed collaborating health practitioner.

SECTION 15. IC 25-24-3-8, AS ADDED BY P.L.157-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication that is immediately reduced to writing by the pharmacist or, for electronically transmitted orders **in accordance with IC 25-1-9.3,** recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

(1) the name and address of the patient;

(2) the date of issue;

(3) the name and strength or size (if applicable) of the drug or device;

(4) the amount to be dispensed (unless indicated by directions and duration of therapy);

(5) adequate directions for the proper use of the drug or device by the patient;

(6) the name and certification number of the prescribing optometrist; and

(7) if the prescription:

(A) is in written form, the signature of the optometrist; or

(B) is in electronic form, the electronic signature of the optometrist.".

Page 1, line 4, delete "may" and insert "**shall**".

Page 1, after line 8, begin a new paragraph and insert:

"SECTION 16. IC 25-27.5-5-4, AS AMENDED BY P.L.135-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in this section, a physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.

(b) A physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contact lenses, and low vision devices.

(c) A physician assistant may use or dispense only drugs prescribed or approved by the supervising physician, **in accordance with IC 25-1-9.3.** A physician assistant may not prescribe or dispense a schedule I controlled substance listed in IC 35-48-2-4.

(d) A physician assistant may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing privileges delegated by the supervising physician.

(e) A physician assistant may not prescribe drugs unless the physician assistant has successfully completed at least thirty (30) contact hours in pharmacology from an educational program that is approved by the committee.

(f) A physician assistant may not prescribe, administer, or monitor general anesthesia, regional anesthesia, or deep sedation as defined by the board. A physician assistant may not administer moderate sedation:

(1) if the moderate sedation contains agents in which the manufacturer's general warning advises that the drug should be administered and monitored by an individual who is:

(A) experienced in the use of general anesthesia; and

(B) not involved in the conduct of the surgical or diagnostic procedure; and

(2) during diagnostic tests, surgical procedures, or obstetric procedures unless the following conditions are met:

(A) A physician is physically present in the area, is immediately available to assist in the management of the patient, and is qualified to rescue patients from deep sedation.

(B) The physician assistant is qualified to rescue patients from deep sedation and is competent to manage a compromised airway and provide adequate oxygenation and ventilation by reason of meeting the following conditions:

(i) The physician assistant is certified in advanced cardiopulmonary life support.

(ii) The physician assistant has knowledge of and training in the medications used in moderate sedation, including recommended doses, contraindications, and adverse reactions.

(g) Before a physician assistant may prescribe a controlled substance, the physician assistant must have practiced as a physician assistant for at least one thousand eight hundred (1,800) hours.

SECTION 17. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying:**

(1) the advantages, disadvantages, and feasibility of requiring health care providers to issue prescriptions in an electronic format and by electronic transmission; and

(2) any exceptions that would be needed to a requirement for health care providers to issue prescriptions in an electronic format and by electronic transmission.

(b) If an appropriate interim study committee is assigned the topic described under subsection (a), the interim study committee shall issue to the legislative council a report containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2019.

(c) This SECTION expires January 1, 2020.

SECTION 18. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 176 as printed January 17, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 188, 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, between lines 5 and 6, begin a new line block indented and insert:

"**(3) Money collected and deposited under IC 25-23-1-12.5.**".

Page 3, line 6, delete "(3)" and insert "**(4)**".

Page 3, after line 34, begin a new paragraph and insert:

"SECTION 3. IC 25-23-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 12.5. In addition to the fees collected under sections 11 and 12 of this chapter, a ten dollar ($10) fee shall be collected from an applicant described in section 11 or 12 of this chapter and deposited in the nursing faculty loan repayment grant fund established by IC 21-13-9.5-3 for thepurposes specified in IC 21-13-9.5-1.**".

(Reference is to SB 188 as reprinted January 30, 2019.)
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 Education, to which was referred Senate Bill 189, 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 7 through 9.

Page 2, line 10, delete "(e)" and insert "**(d)**".

Page 2, line 14, delete "(f)" and insert "**(e)**".

Page 2, line 17, delete "(g)" and insert "**(f)**".

Page 2, delete lines 18 through 29, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The Indiana professional licensing agency, in consultation with the department of education, the office of educator effectiveness and licensing, the Indiana Council of Administrators of Special Education (ICASE), the Indiana Association of Public School Superintendents (IAPSS), and the speech-language pathology and audiology board, shall:**

(1) examine the requirements for licensure as a speech-language pathologist or audiologist in Indiana schools; and

(2) not later than July 1, 2020, issue to the general assembly a report containing recommendations for amendment of IC 25-35.6 to streamline the process for obtaining a license as a speech-language pathologist or audiologist in Indiana schools.

The report issued to the general assembly under this SECTION must be in an electronic format under IC 5-14-6.".

(Reference is to SB 189 as reprinted January 23, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

Behning, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 198, 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 SB 198 as printed January 11, 2019.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 271, 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 SB 271 as printed February 1, 2019.)

Committee Vote: Yeas 11, Nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 324, 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 24, after "chapter." insert "**A placard under this subsection shall not bear an expiration date. A placard under this subsection must be gold in color with blue lettering and contain the words "Disabled Hoosier Veteran".**".

(Reference is to SB 324 as printed January 16, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 479, 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 SB 479 as printed January 29, 2019.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 551, 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 17, line 40, delete "less than".

Page 17, line 41, after "age" insert "**or under**".

Page 18, line 4, delete "less than".

Page 18, line 5, after "age" insert "**or under**".

(Reference is to SB 551 as printed February 8, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

McNamara, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 568, 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 SB 568 as printed February 1, 2019.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representative Macer:

A CONCURRENT RESOLUTION congratulating Dennis Goins for being named a "Mentor of the Year" as part of the 2019 Inspire Awards.

Whereas, The Inspire Mentor of the Year Award is meant to celebrate mentoring in the workplace and community. It receives nominations from all across the country and seeks to celebrate those who have made a difference in the careers and lives of others by providing support, advice, and guidance;

Whereas, Mr. Goins is currently the performing arts department chair at Ben Davis High School, where he has been teaching since 2002. During his time at Ben Davis, he has written the curriculum for a television broadcasting program in addition to developing a state-of-the-art studio for visual arts production;

Whereas, Mr. Goins has been teaching the Ben Davis TV course for13 years. His commitment to this course has greatly added to the success of Ben Davis High School students. Furthermore, Mr. Goins' attitude has also positively impacted students not involved in visual arts;

Whereas, He has also been involved with the football team's chapel services and has been a sponsor of the Fellowship of Christian Athletes. No matter the activity, Mr. Goins exemplifies positivity and leadership to students and everyone around him. He is known for deeply caring about the professional, academic, and personal success of students; and

Whereas, The Inspire Mentor of the Year Award is a well-deserved and fitting title for Mr. Goins, whose mentorship has had an excellent impact throughout the community. Mr. Goins earned the honorary title in the multiple categories of the award, including education, government, and nonprofit: 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 Mr. Dennis Goins for being named "Mentor of the Year" as part of the 2019 Inspire Awards.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mr. Dennis Goins.

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.

House Resolution 37

Representative Saunders introduced House Resolution 37:

A HOUSE RESOLUTION honoring Mr. Calvin Parham.

Whereas, Mr. Calvin Parham displayed heroism during an Ogden, Indiana, house fire that likely saved the life of his longtime next-door neighbor;

Whereas, Mr. Parham humbly praises the volunteer firefighters with the Knightstown, Dunreith, and Spiceland volunteer fire departments that helped subdue the fire;

Whereas, Spiceland, Indiana, Fire Chief Scott Teague was reported as saying, "If it wasn't for Calvin, we'd probably be having a funeral. Most civilians won't put their lives at risk and do this";

Whereas, Mr. Parham was leaving for work at approximately 6:23 a.m. Friday, January 11, when he smelled smoke by his neighbor's house and saw the faint glow from flames inside the home;

Whereas, Mr. Parham, recognizing the danger, ran into the house, dialed 911, and began searching for his neighbor, Mr. Ed Norfleet, who had been bedridden during an illness just a few days prior;

Whereas, Mr. Parham found Mr. Norfleet, and the two escaped, with the support of Mr. Parham, who carried his neighbor part of the way, through heavy smoke and flames;

Whereas, The fire soon engulfed the front of the house and burned with such intensity that it could be seen from miles away and took firefighters four hours to contain;

Whereas, Mr. Parham and his neighbor, Mr. Norfleet, are alive and well thanks to the heroic efforts of Mr. Parham; and

Whereas, Mr. Parham's courage in the face of danger has been recognized by family, friends, his community, and the state of Indiana: 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 honors Mr. Calvin Parham for his heroic efforts while saving a neighbor from a burning home.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Thomas Saunders for distribution.

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

House Concurrent Resolution 33

Representative Wright introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION congratulating the Yorktown High School girls volleyball team.

Whereas, The Yorktown High School girls volleyball team won the 2018 Indiana High School Athletic Association State Championship on November 3, 2018, at Ball State University's Worthen Arena in Muncie, Indiana;

Whereas, The Tigers began with an incredible preseason and finished with their historic regular season record, 34-0, losing only one set during that time;

Whereas, The 2018 volleyball season required a tough schedule, and the team played against many schools much larger than Yorktown High School, having moved from 3A competition to the 4A IHSAA class;

Whereas, The Tigers routinely dominated the court with unyielding defense and crushing offense;

Whereas, The Yorktown seniors went 145-6 and featured Kenzie Knuckles, Kylie Murr, Tegan Seyring, Ellie Miller, and Carlee Matthews;

Whereas, Kenzie Knuckles was named MaxPreps National Volleyball Player of the Year after recording a total of 1,797 kills, 165 aces, 129 blocks, and 1,654 digs during a remarkable high school career;

Whereas, Coach Stephanie Bloom, with the support of assistant coaches, works tirelessly to build young volleyball players into accomplished athletes;

Whereas, Coach Bloom has led the Tigers to three state titles, and teaches each player the value of selfless determination and fierce competition; and

Whereas, The Tigers' success marks another achievement for a strong volleyball program with a history of excellence and a bright future: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the Yorktown High School girls volleyball team for winning the Indiana High School Athletic Association Class 4A State Championship on November 3, 2018.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the members of the 2018 Yorktown High School girls volleyball team, coaches, and staff.

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 sponsor: Senator Gaskill.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 459

Representative Morrison called down Engrossed Senate Bill 459 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 459–1)

Mr. Speaker: I move that Engrossed Senate Bill 459 be amended to read as follows:

Page 2, between lines 25 and 26, begin a new line block indented and insert:

"**(4) Four (4) members of the general assembly appointed as follows:**

(A) One (1) member appointed by the president pro tempore of the senate.

(B) One (1) member appointed by the minority leader of the senate.

(C) One (1) member appointed by the speaker of the house of representatives.

(D) One (1) member appointed by the minority leader of the house of representatives.".

Page 3, line 12, after "nonvoting" insert "**advisory**".

(Reference is to ESB 459 as printed March 12, 2019.)

MACER

Motion failed. The bill was ordered engrossed.

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

Representatives Huston, Karickhoff, Leonard, Wright and Young, who had been present, are now excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 381

Representative Torr called down Engrossed Senate Bill 381 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 312: 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.

[*Journal Clerk's Note: the Speaker requested a moment of silence for the passing of former United States Senator, Birch Bayh. Senator Birch Bayh also served as a Indiana House of Representative, serving two of those years as Speaker of the House.*]

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

Representatives Huston, Wright and Young, who had been excused, are now present.

Engrossed Senate Bill 4

Representative Soliday called down Engrossed Senate Bill 4 for third reading:

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

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

Roll Call 313: yeas 93, 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.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:10 p.m. with the Speaker in the Chair.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 197

Representative Steuerwald called down Engrossed Senate Bill 197 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 197–1)

Mr. Speaker: I move that Engrossed Senate Bill 197 be amended to read as follows:

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

"SECTION 1. IC 31-19-9-10, AS AMENDED BY P.L.65-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(F) child molesting (IC 35-42-4-3) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest (IC 35-46-1-3) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 4 felony, for a crime committed after June 30, 2014;
(H) neglect of a dependent (IC 35-46-1-4) as a:
(i) Class B felony, for a crime committed before July 1, 2014; or
(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;
(I) battery (IC 35-42-2-1) of a child as a:
(i) Class C felony, for a crime committed before July 1, 2014; or
(ii) Level 5 felony, for a crime committed after June 30, 2014;
(J) battery (IC 35-42-2-1) as a:
(i) Class A or Class B felony, for a crime committed before July 1, 2014; or
(ii) Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony;
(L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony; ~~or~~
(M) an attempt under IC 35-41-5-1 to commit an offense described in this subdivision; **or**
(N) a crime in another state that is substantially similar to a crime described in clauses (A) through (M);
(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and
(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.".
Renumber all SECTIONS consecutively.
(Reference is to ESB 197 as printed March 12, 2019.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

Representatives Gutwein, Karickhoff and Leonard, who had been excused, are now back.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 201

Representative Bacon called down Engrossed Senate Bill 201 for third reading:

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

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

Roll Call 314: yeas 69, 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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 405, 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 SB 405 as printed February 6, 2019.)

Committee Vote: Yeas 12, Nays 0.

WESCO, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 421, 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 SB 421 as reprinted February 26, 2019.)

Committee Vote: Yeas 8, Nays 4.

WESCO, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 423, 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 SB 423 as printed February 22, 2019.)

Committee Vote: Yeas 12, Nays 0.

FRIZZELL, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 33, 114, 188, 423 and 568 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced, pursuant to Rule 84, the reassignment of Engrossed Senate Bill 383 to the Committee on Rules and Legislative Procedures.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Manning be added as cosponsor of Engrossed Senate Bill 4.

SOLIDAY

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 DeLaney be added as cosponsor of Engrossed Senate Bill 27.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as cosponsor of Engrossed Senate Bill 79.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 127.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Heine, Carbaugh, Smaltz, Hostettler, Zent, Prescott, Lucas, Abbott, Lauer, Lindauer, Thompson and Wesco be added as cosponsors of Engrossed Senate Bill 201.

BACON

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 Lauer be added as cosponsor of Engrossed Senate Bill 216.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Chyung be added as cosponsor of Engrossed Senate Bill 240.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as cosponsor of Engrossed Senate Bill 265.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as cosponsor of Engrossed Senate Bill 271.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Abbott be added as cosponsor of Engrossed Senate Bill 292.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heaton be added as cosponsor of Engrossed Senate Bill 363.

PRESCOTT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as cosponsor of Engrossed Senate Bill 423.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Jackson be added as cosponsor of Engrossed Senate Bill 424.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as cosponsor of Engrossed Senate Bill 459.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as coauthor of House Concurrent Resolution 32.

BECK

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1173 and 1187 and the same are 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 House Concurrent Resolutions 27, 30 and 32 and the same are 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 Resolution 44 and the same is 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 Borders, the House adjourned at 12:28 a.m., this fourteenth day of March, 2018, until Monday, March 18, 2018, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives