



Legislative Update

121st General Assembly

Friday, April 5, 2019

Week 13 Overview

The thirteenth week of session was a busy one, with legislators working to get their bills through the process before deadlines hit. There are quite a few deadlines that are quickly approaching, with the committee report deadline for the House of Representatives falling on Tuesday of next week and their second reading deadline falling two days later on April 11th. The Senate also has deadlines on the horizon, with a committee report deadline slated for April 11th next week and a second reading deadline for Monday, April 15th and a third reading deadline of April 16th.

Additionally, the final stages of the law making process are taking place in the form of concurrence votes and conference committees. If a bill is amended in the second half of session, it is returned to its chamber of origin for final consideration. If the members agree with the amendments, a concurrence vote is taken on the changes. If the chamber does not agree with the amendments made in the other chamber, it is sent to a conference committee.

A conference committee is where amended bills are assigned for further discussion when the Senate and House do not agree on the same version. These committees are made up of two members from each chamber – one Republican and one Democrat – and these legislators attempt to reconcile any differences. These members are called “conferees.” This week concurrence votes took place in both chambers and the early formation of conference committees are starting to take shape.

As a reminder, this is a “long” session, with Sine Die set for April 29th.

Points of Interest

Utilities

Senate Bill 472, Utility Acquisitions, Rates, and Connection Requirements (Sen. Eric Koch (R-Bedford)) - This piece of legislation provides that an order affecting rates of service may be entered by the utility regulatory commission (IURC) without a formal public hearing in the case of any public or municipally owned utility that either: (1) serves less than 5,000 customers; or (2) has initiated a rate case on behalf of a single division of the utility and that division: (A) serves less than 5,000

customers; and (B) has an IURC-approved schedule of rates and charges that is separate and independent from that of any other division of the utility. The following changes are to be enacted for purposes of provisions under which a utility that acquires property from another utility at a cost differential may petition the Indiana utility regulatory commission (commission) to include the cost differential in the acquiring utility's rate base: (1) Provides conditions for applicability of the rebuttable presumption that the cost differential is reasonable. (2) Amends the findings the commission must make in order to approve the petition. (3) Provides that notice of the filing of the petition may be provided to customers of the acquiring utility company in a billing insert. Provides that, if a main sewer line is extended at the initiative and expense of one owner of residential property to allow that owner's residential property to be connected to a sanitary sewer system, the board of the health and hospital corporation of Marion County may not require other residential properties to be connected to the extension of the main sewer line, regardless of the proximity of those other residential properties to the extension of the main sewer line. During the House Utilities, Energy and Telecommunications committee, the bill passed with three new amendments included.

Bias Crimes

Senate Bill 198, Sentencing (Sen. Mike Bohacek (R- Bohacek)) - On Wednesday, Governor Eric Holcomb signed the latest version of hate crimes legislation into law. This new state law, which will take effect in July, allows judges to enact harsher penalties for crimes committed because of bias. If a judge decides to enact harsher penalties due to bias, this decision may be based off a new list of victim characteristics that includes sexual orientation, race, creed, and religion.



Session Floor Highlights

This week, all of the following bills of interest passed on third reading in the House and will be sent back to the Senate for concurrence before reaching the Governor's desk.

House of Representatives

Senate Bill 192, Nonconsensual Pornography (Sen. Mike Bohacek (R-Michigan City)) - Defines "intimate image" and creates a civil cause of action against a person who discloses an intimate image without the consent of the individual depicted in the intimate image. Provides that a prevailing plaintiff may recover the greater of: (1) economic and noneconomic damages; or (2) statutory damages not to exceed \$10,000; plus attorney's fees, court costs, and other relief, including injunctive relief. Establishes criteria to be used by the trier of fact in determining damages. Provides that an interactive computer service may not be liable for disclosing nonconsensual pornography.

Senate Bill 607, Workforce Diploma Reimbursement Program (Sen. Jeff Raatz (R-Centerville)) - Establishes the workforce diploma reimbursement program (program). Provides that the governor's workforce cabinet (cabinet), in coordination with the department of workforce development (department), shall administer the program. Provides that: (1) the cabinet shall approve eligible program providers to participate in the program; and (2) the department shall publish a list of approved eligible program providers and other information concerning the program on the department's Internet web site. Requires the cabinet to include in the report the cabinet submits concerning workforce related programs the cabinet's review, analysis, and evaluation of the program, including the cabinet's and department's activities related to the development of the program.

Senate Bill 110, Drug Dealing (Sen. Eric Koch (R-Bedford)) - Adds an item to the existing list of enhancing circumstances for offenses relating to controlled substances. Provides that an enhancing circumstance means that the person committed the offense in, on, or within 100 feet of a drug treatment facility if the person knew or reasonably should have known that a drug abuser was reasonably expected to be present at the facility for treatment, care, or rehabilitation.

Senate

The following bills passed on third reading in the Senate this week and will now return to the House of Representatives for concurrence.

House Bill 1209, Discipline of Coaches (Rep. Donna Schaibley (R-Carmel)) - Requires the department of education (department) to notify the Indiana High School Athletic Association (association) of any license revocation or suspension involving a licensed teacher who has been convicted of certain offenses or committed certain misconduct. Provides that a school corporation, charter high school, or nonpublic high school with at least one employee must report to the association when a nonteaching or volunteer coach has been convicted of certain offenses. Requires the association to revoke the accreditation of any coach who has been convicted of certain offenses. Provides that, before a school corporation, charter high school, or nonpublic high school with at least one employee hires or allows an individual to coach an association recognized sport, the school corporation, charter high school, or nonpublic high school shall: (1) ask the individual: (A) whether the individual is or has been accredited by the association; and (B) if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked; (2) request references from the individual; (3) contact the references that the individual provides; and (4) contact the association to determine whether the individual's accreditation has ever been suspended or revoked. Requires expanded criminal history checks for volunteer coaches. Provides that school corporations, charter high schools, and nonpublic high schools with at least one employee are, regarding volunteer coaches, subject to a statute that establishes a penalty if an employer prevents a discharged employee from obtaining employment with any other person and provides civil immunity

regarding certain disclosures. Provides that the: (1) association or its employees; (2) department or the department's employees; or (3) school corporation, charter high school, or nonpublic high school with at least one employee or its employees; are immune from civil liability for any act done or omitted unless the action constitutes gross negligence or willful or wanton misconduct.

House Bill 1248, Pharmacists; Physician Assistants (Rep. Steven Davisson (R-Salem))

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

House Bill 1358, Use of Unmanned Aerial Vehicles (Rep. Robert Morris (R-Fort Wayne)) - Requires a law enforcement officer to obtain a warrant to use an unmanned aerial vehicle (UAV) over private property or to conduct a search of private property, unless: (1) the owner of the property consents; or (2) a warrant would not be required for a search not using a UAV.

Please feel free to contact a member of our legislative team should you have questions regarding the happenings in the Indiana General Assembly!

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