

# HOUSE BILL No. 1221

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-1.1.

**Synopsis:** Occupational licensing and criminal conduct. Provides, subject to certain statutes, that a license, certification, permit, or certificate of registration (license) that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended solely because the applicant has been convicted of an offense. Provides that a license applicant's or holder's conviction may be considered to determine if the applicant or holder should currently be entrusted to serve the public in a specific capacity. Allows a board, commission, or committee to suspend, deny, or revoke a license issued under the professional licensing laws solely based on the conviction of a felony that has a direct bearing on the practitioner's ability to continue to practice competently or that demonstrates that the practitioner is a threat or may cause harm to the public. Makes a technical correction.

**Effective:** July 1, 2017.

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## Washburne

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January 10, 2017, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

# HOUSE BILL No. 1221

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

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-1-1.1-1, AS AMENDED BY P.L.177-2015,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 1. (a) Except as provided under sections 2 through  
4 5 of this chapter, a license, **certification, permit**, or certificate of  
5 registration that an individual is required by law to hold to engage in  
6 a business, profession, or occupation may not be denied, revoked, or  
7 suspended **solely** because the applicant or holder has been convicted  
8 of an offense. The acts from which the applicant's or holder's  
9 conviction resulted may, however, be considered as to whether the  
10 applicant or holder should **currently** be entrusted to serve the public  
11 in a specific capacity.

12 (b) An individual licensed or certified under this title shall, not later  
13 than ninety (90) days after the entry of an order or judgment, notify the  
14 board in writing of any misdemeanor or felony criminal conviction,  
15 except traffic related misdemeanors other than operating a motor  
16 vehicle under the influence of a drug or alcohol. A certified copy of the  
17 order or judgment with a letter of explanation must be submitted to the



1 board along with the written notice.

2 SECTION 2. IC 25-1-1.1-2, AS AMENDED BY THE TECHNICAL  
 3 CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS  
 4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:  
 5 Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a  
 6 committee may suspend, deny, or revoke a license, **certification,**  
 7 **permit,** or certificate **of registration** issued under this title by the  
 8 board, the commission, or the committee without an investigation by  
 9 the office of the attorney general if the individual who holds the  
 10 license, **certification, permit,** or certificate **of registration** is  
 11 convicted of any of the following and the board, commission, or  
 12 committee determines, after the individual has appeared in person, that  
 13 the offense **currently** affects the individual's ability to perform the  
 14 duties of the profession:

- 15 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
 16 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
 17 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
 18 (4) Fraudulently obtaining a controlled substance under  
 19 IC 35-48-4-7(c).  
 20 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 21 committed before July 1, 2014) or a Level 6 felony (for a crime  
 22 committed after June 30, 2014) under IC 35-48-4-8.1(b).  
 23 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 24 committed before July 1, 2014) or a Level 6 felony (for a crime  
 25 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 26 (7) Possession of paraphernalia as a Class D felony (for a crime  
 27 committed before July 1, 2014) or a Level 6 felony (for a crime  
 28 committed after June 30, 2014) under IC 35-48-4-8.3(b) (**before**  
 29 **its amendment on July 1, 2015**).  
 30 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class  
 31 D felony (for a crime committed before July 1, 2014) or a Level  
 32 6 felony (for a crime committed after June 30, 2014) under  
 33 IC 35-48-4-11.  
 34 (9) Possession of a synthetic drug or synthetic drug lookalike  
 35 substance as a:  
 36 (A) Class D felony for a crime committed before July 1, 2014,  
 37 under:  
 38 (i) IC 35-48-4-11, before its amendment in 2013; or  
 39 (ii) IC 35-48-4-11.5; or  
 40 (B) Level 6 felony for a crime committed after June 30, 2014,  
 41 under IC 35-48-4-11.5.  
 42 (10) Maintaining a common nuisance under IC 35-48-4-13



- 1 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
2 controlled substance.
- 3 (11) An offense relating to registration, labeling, and prescription  
4 forms under IC 35-48-4-14.
- 5 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed  
6 in this section.
- 7 (13) Attempt under IC 35-41-5-1 to commit an offense listed in  
8 this section.
- 9 (14) A sex crime under IC 35-42-4.
- 10 (15) A felony that ~~reflects adversely on the individual's fitness to~~  
11 ~~hold a professional license:~~ **has a direct bearing on the**  
12 **practitioner's ability to continue to practice competently.**
- 13 **(16) A felony that demonstrates that the practitioner is a**  
14 **threat or may cause harm to the public.**
- 15 ~~(16)~~ (17) An offense in any other jurisdiction in which the  
16 elements of the offense for which the conviction was entered are  
17 substantially similar to the elements of an offense described in  
18 this section.

