



Reprinted
January 19, 2024

HOUSE BILL No. 1260

DIGEST OF HB 1260 (Updated January 18, 2024 11:46 am - DI 147)

Citations Affected: IC 4-15; IC 16-18; IC 16-19; IC 16-27; IC 16-28; IC 16-35; IC 16-39; IC 16-42; IC 16-46; IC 16-49; IC 16-50.

Synopsis: Indiana department of health. Specifies that provisions of law governing the office of administrative law proceedings apply to the Indiana department of health (state department) in matters concerning the involuntary transfer or discharge of a resident of a health facility. Requires the fee amount for a service provided by the state health laboratory to be based on the federal Medicare reimbursement rate for the service or if the service does not have a Medicare reimbursement rate, the Medicaid reimbursement rate. Amends the list of crimes or acts that preclude a home health aide, nurse aide, or other unlicensed employee from employment at a home health agency and certain health care facilities. Requires the state department to: (1) investigate any report that a nurse aide or home health aide has been convicted of a certain crime; and (2) after an administrative hearing, remove the individual from the state nurse aide registry. Makes it a Class A infraction for a person convicted of a certain crime to knowingly or intentionally apply for a job as a home health aide or other unlicensed
(Continued next page)

Effective: Upon passage; July 1, 2024.

Barrett

January 9, 2024, read first time and referred to Committee on Public Health.
January 16, 2024, amended, reported — Do Pass.
January 18, 2024, read second time, amended, ordered engrossed.

HB 1260—LS 6924/DI 147



Digest Continued

employee at a home health agency or certain health care facilities. For provisions concerning the women, infants, and children nutrition program (WIC program), defines "WIC vendor agreement" and requires the state department to include in a WIC vendor agreement a list of sanctions for failing to comply with the agreement. Requires the state department to: (1) select WIC program vendors based on selection criteria set forth in federal regulations; (2) review the selection criteria annually; (3) include the selection criteria in the WIC state plan; and (4) publish the selection criteria on the state department's website. Includes reporting to local child fatality review teams, the statewide child fatality review committee, local fetal-infant mortality review teams, and suicide and overdose fatality review teams for the release of mental health records without the consent of the patient. For provisions governing home based food products, repeals the term "potentially hazardous food product" and defines "time temperature control for safety food". Adds the state health commissioner or the commissioner's designee as a member of the rare disease advisory council (council). Adjusts the number of council members required to establish a quorum. Amends the membership of the statewide child fatality review committee. Repeals the expiration of the maternal mortality review laws.

HB 1260—LS 6924/DI 147



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January 19, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1260

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

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

- 1 SECTION 1. IC 4-15-10.5-1, AS ADDED BY P.L.205-2019,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) Beginning July 1, 2020, this chapter applies
4 when an agency is required to assign, appoint, or otherwise make use
5 of an individual to act in the capacity of an administrative law judge to
6 preside over administrative proceedings to review a disputed agency
7 action for the agency.
8 (b) Except as provided in subsection ~~(c)~~ (d) and section 2 of this
9 chapter, this chapter applies to each state agency that has the authority
10 to employ or engage one (1) or more administrative law judges to
11 adjudicate contested cases.
12 (c) **This chapter applies to the Indiana department of health in**
13 **matters concerning the involuntary transfer or discharge of a**
14 **resident of a health facility.**
15 ~~(c)~~ (d) This chapter does not apply to an agency that uses a board or

HB 1260—LS 6924/DI 147



1 commission to act in the capacity of an administrative law judge to
 2 preside over administrative proceedings, and should not be construed
 3 as limiting an agency's ability to use its board or commission to act in
 4 the capacity of an administrative law judge to preside over
 5 administrative proceedings to review a disputed agency action for the
 6 agency.

7 SECTION 2. IC 16-18-2-287.8 IS REPEALED [EFFECTIVE JULY
 8 1, 2024]. Sec. 287.8: (a) "Potentially hazardous food product", for
 9 purposes of IC 16-42-5.3, means a food that is natural or synthetic and
 10 requires temperature control because it is in a form capable of
 11 supporting any of the following:

12 (1) The rapid and progressive growth of infectious or toxigenic
 13 microorganisms.

14 (2) The growth and toxin production of *Clostridium botulinum*.

15 (3) In raw shell eggs, the growth of *Salmonella enteritidis*.

16 (b) The term includes the following:

17 (1) A food of animal origin that is raw or heat treated.

18 (2) A food of plant origin that is heat treated or consists of raw
 19 seed sprouts:

20 (3) Cut melons.

21 (4) Garlic-in-oil mixtures that are not modified in a way that
 22 results in mixtures that do not support growth described in
 23 subsection (a).

24 SECTION 3. IC 16-18-2-351.7 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2024]: Sec. 351.7. (a) "Time temperature
 27 control for safety food", for purposes of IC 16-42-5.3, means a food
 28 that requires time or temperature control to safely limit the:

29 (1) growth of pathogenic microorganisms; or

30 (2) formation of toxins.

31 (b) The term includes the following:

32 (1) A food of animal origin that is raw or heat treated.

33 (2) A food of plant origin that is heat treated or consists of any
 34 of the following:

35 (A) Raw seed sprouts.

36 (B) Cut melons.

37 (C) Cut leafy greens.

38 (D) Cut tomatoes or mixtures of cut tomatoes that are not
 39 modified in a way that results in mixtures that do not
 40 support the growth or formation described in subsection

41 (a).

42 (E) Garlic-in-oil mixtures that are not modified in a way



- 1 that results in mixtures that do not support the growth or
 2 formation described in subsection (a).
- 3 **(3) Except as specified in subsection (c)(4) and (c)(5), a food**
 4 **that involves an interaction of pH and Aw for control of**
 5 **spores in food that is heat treated to destroy vegetative cells**
 6 **and subsequently packaged that results in:**
- 7 (A) an Aw value greater than 0.92 but less than or equal to
 8 0.95 and a pH value greater than 5.6; or
 9 (B) an Aw value greater than 0.95 and a pH value greater
 10 than 4.6.
- 11 **(4) Except as specified in subsection (c)(4) and (c)(5), a food**
 12 **that involves an interaction of pH and Aw for control of**
 13 **vegetative cells and spores in food that is not heat treated, or**
 14 **is heat treated but not packaged, and that results in:**
- 15 (A) an Aw value greater than or equal to 0.88 but less than
 16 or equal to 0.90 and a pH value greater than 5.0;
 17 (B) an Aw value greater than 0.90 but less than or equal to
 18 0.92 and a pH value greater than 4.6; or
 19 (C) an Aw value greater than 0.92 and a pH value greater
 20 than or equal to 4.2.
- 21 **(c) The term does not include the following:**
- 22 **(1) An air-cooled hard-boiled egg with shell intact.**
 23 **(2) An egg with shell intact that:**
 24 **(A) is not hard-boiled; and**
 25 **(B) has been pasteurized to destroy all viable salmonellae.**
- 26 **(3) A food in an unopened hermetically sealed container that**
 27 **is commercially processed to achieve and maintain**
 28 **commercial sterility under conditions of nonrefrigerated**
 29 **storage and distribution.**
- 30 **(4) Except as specified in subsection (b)(1) or (b)(2), a food**
 31 **that does not meet the requirements described in subsection**
 32 **(b)(3) or (b)(4) due to the:**
 33 **(A) pH or Aw value; or**
 34 **(B) interaction of Aw and pH values;**
 35 **of the food.**
- 36 **(5) A food that meets the requirements of subsection (b)(3) or**
 37 **(b)(4) and has undergone a product assessment showing that**
 38 **the growth or toxin formation of pathogenic microorganisms**
 39 **that are reasonably likely to occur in the food is precluded**
 40 **due to:**
 41 **(A) intrinsic factors, including added or natural**
 42 **characteristics of the food (such as preservatives,**



1 antimicrobials, humectants, acidulants, or nutrients);
 2 (B) extrinsic factors, including environmental or
 3 operational factors that affect the food (such as
 4 packaging), modified atmosphere (such as reduced oxygen
 5 packaging), shelf life and use, or temperature range of
 6 storage and use; or

7 (C) any combination of intrinsic and extrinsic factors
 8 described in clause (A) or (B).

9 (6) A food that does not support the growth or toxin
 10 formation of pathogenic microorganisms in accordance with
 11 subdivisions (1) through (4) even though the food may contain
 12 a pathogenic microorganism or chemical or physical
 13 contaminant at a level sufficient to cause illness or injury.

14 SECTION 4. IC 16-18-2-371.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2024]: **Sec. 371.5. "Water activity" or "Aw"**
 17 **refers to the:**

18 (1) **measure of the free moisture in a food; and**

19 (2) **quotient of the water vapor pressure of a substance**
 20 **divided by the vapor pressure of pure water at the same**
 21 **temperature.**

22 SECTION 5. IC 16-18-2-377.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2024]: **Sec. 377.5. "WIC vendor agreement",**
 25 **for purposes of IC 16-35-1.5, has the meaning set forth in**
 26 **IC 16-35-1.5-4.5.**

27 SECTION 6. IC 16-19-5-1, AS AMENDED BY P.L.143-2022,
 28 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2024]: Sec. 1. (a) In addition to other fees provided by this
 30 title, the state department may establish and collect reasonable fees for
 31 specific services described under subsection (b) provided by the state
 32 department. The fees may not exceed the cost of services provided.

33 (b) Fees may be charged for the following services:

34 (1) Plan reviews conducted under rules adopted under
 35 IC 16-19-3-4(b)(13).

36 (2) Licensing of agricultural labor camps under IC 16-41-26.

37 (3) Services provided to persons other than governmental entities
 38 under rules adopted under IC 16-19-3-4(d).

39 (4) Services provided by the state health laboratory under
 40 IC 16-19-8.

41 (5) (4) Services provided under IC 24-6 by the state metrology
 42 laboratory.



1 SECTION 7. IC 16-19-5-4, AS AMENDED BY P.L.143-2022,
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 4. (a) The weights and measures fund is
 4 established for the purpose of providing funds for training and
 5 equipment for weights and measures inspectors and the state metrology
 6 laboratory. The state department shall administer the fund.

7 (b) The fund consists of fees collected under ~~section 1(b)(5)~~ **section**
 8 **1(b)(4)** of this chapter.

9 (c) Money in the fund at the end of a state fiscal year does not revert
 10 to the state general fund.

11 SECTION 8. IC 16-19-8-2, AS AMENDED BY P.L.143-2022,
 12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 2. (a) The state health laboratory shall be located
 14 in Indianapolis and shall be used to:

15 (1) analyze foods and drugs for the purpose of enforcing the pure
 16 food and drug laws;

17 (2) perform sanitary analyses, pathological examinations, and
 18 studies in hygiene and preventive medicine; and

19 (3) support public health activities;

20 to aid in the enforcement of the health laws and for no other purpose.

21 (b) All work done in the state health laboratory must be done
 22 exclusively and entirely for the public benefit.

23 (c) The state department may ~~establish fee schedules and charges~~
 24 **charge** for services provided by the state health laboratory. **The**
 25 **amount charged for a service provided by the state health**
 26 **laboratory must be based on:**

27 **(1) the federal Medicare reimbursement rate for the service;**
 28 **or**

29 **(2) if the service does not have a Medicare reimbursement**
 30 **rate, the Medicaid reimbursement rate for the service.**

31 SECTION 9. IC 16-27-2-5, AS AMENDED BY P.L.142-2020,
 32 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 5. (a) Except as provided in ~~subsection (b);~~
 34 **subsection (c)**, a person who operates a home health agency under
 35 IC 16-27-1 or a personal services agency under IC 16-27-4 may not
 36 employ a person to provide services in a patient's or client's temporary
 37 or permanent residence if **one (1) or more of the following conditions**
 38 **exist:**

39 **(1) that The person's national criminal history background check**
 40 **or expanded criminal history check indicates that the person has**
 41 **been convicted of any of the following:**

42 ~~(1) (A) Rape (IC 35-42-4-1).~~ **A sex crime (IC 35-42-4).**



- 1 ~~(2) Criminal deviate conduct (IC 35-42-4-2) (repealed):~~
 2 ~~(3) (B) Exploitation of an endangered adult (IC 35-46-1-12).~~
 3 ~~(4) (C) Failure to report battery, neglect, or exploitation of an~~
 4 ~~endangered adult (IC 35-46-1-13).~~
 5 ~~(5) (D) Theft, conversion, or receiving stolen property~~
 6 ~~(IC 35-43-4), if the conviction for theft occurred less than ten~~
 7 ~~(10) years before the person's employment application date.~~
 8 ~~(E) Murder (IC 35-42-1-1).~~
 9 ~~(F) Voluntary manslaughter (IC 35-42-1-3).~~
 10 ~~(G) Except as provided in this section, a crime of violence~~
 11 ~~(as defined in IC 35-50-1-2), if the person's conviction~~
 12 ~~occurred less than ten (10) years before the individual's~~
 13 ~~employment application date.~~
 14 ~~(H) Felony battery within the previous ten (10) years.~~
 15 ~~(I) A felony offense relating to controlled substances within~~
 16 ~~the previous five (5) years.~~
 17 **(2) The person:**
 18 **(A) has abused, neglected, or mistreated a patient or**
 19 **misappropriated a patient's property; and**
 20 **(B) had a finding entered into the state nurse aide registry.**
 21 **(b) A person who knowingly or intentionally applies for a job as**
 22 **a home health aide or other unlicensed employee at:**
 23 **(1) a home health agency;**
 24 **(2) a health care facility; or**
 25 **(3) an entity in the business of contracting to provide home**
 26 **health aides or other unlicensed employees for a health care**
 27 **facility;**
 28 **after a conviction of one (1) or more of the offenses listed in**
 29 **subsection (a)(1) commits a Class A infraction.**
 30 ~~(b) (c) A home health agency or personal services agency may not~~
 31 ~~employ a person to provide services in a patient's or client's temporary~~
 32 ~~or permanent residence for more than twenty-one (21) calendar days~~
 33 ~~without receipt of that person's national criminal history background~~
 34 ~~check or expanded criminal history check required by section 4 of this~~
 35 ~~chapter, unless the state police department, the Federal Bureau of~~
 36 ~~Investigation under IC 10-13-3-39, or the private agency providing the~~
 37 ~~expanded criminal history check is responsible for failing to provide~~
 38 ~~the person's national criminal history background check or expanded~~
 39 ~~criminal history check to the home health agency or personal services~~
 40 ~~agency within the time required under this subsection.~~
 41 SECTION 10. IC 16-27-2-5.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2024]: **Sec. 5.5. (a) If a home health agency**
 2 **or a personal services agency has knowledge of a conviction of an**
 3 **employee of the health care facility that would indicate unfitness**
 4 **for service as a home health aide, other unlicensed employee, or**
 5 **other health care professional, the health care facility shall report**
 6 **the information to the state nurse aide registry or the appropriate**
 7 **licensing authority.**

8 **(b) The state department shall:**

9 **(1) investigate any report that a home health aide has been**
 10 **convicted of a crime described in section 5(a) of this chapter;**
 11 **and**

12 **(2) following a hearing under IC 4-21.5, remove the home**
 13 **health aide from the state nurse aide registry with an**
 14 **appropriate notation indicating the reason the home health**
 15 **aide was removed from the registry.**

16 SECTION 11. IC 16-28-13-3 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) A health care
 18 facility or an entity in the business of contracting to provide nurse aides
 19 or other unlicensed employees for a health care facility may not
 20 knowingly employ a person as a nurse aide or other unlicensed
 21 employee if one (1) or more of the following conditions exist:

22 (1) The person has been convicted of any of the following:

23 (A) A sex crime (IC 35-42-4).

24 (B) Exploitation of an endangered adult (IC 35-46-1-12).

25 (C) Failure to report battery, neglect, or exploitation of an
 26 endangered adult (IC 35-46-1-13).

27 (D) Theft, **conversion, or receiving stolen property**
 28 (IC 35-43-4), if the person's conviction for theft occurred less
 29 than ~~five (5)~~ **ten (10)** years before the individual's employment
 30 application date. ~~except as provided in IC 16-27-2-5(a)(5).~~

31 (E) Murder (IC 35-42-1-1).

32 (F) Voluntary manslaughter (IC 35-42-1-3).

33 (G) ~~Involuntary manslaughter (IC 35-42-1-4) within the~~
 34 ~~previous five (5) years. Except as provided in this section, a~~
 35 **crime of violence (as defined in IC 35-50-1-2), if the**
 36 **person's conviction occurred less than ten (10) years before**
 37 **the individual's employment application date.**

38 (H) ~~Felony battery within the previous five (5) years.~~

39 (H) **(H) A felony offense relating to controlled substances**
 40 **within the previous five (5) years.**

41 (2) The person:

42 (A) has abused, neglected, or mistreated a patient or



- 1 misappropriated a patient's property; and
 2 (B) had a finding entered into the state nurse aide registry.
 3 (b) A person who knowingly or intentionally applies for a job as a
 4 nurse aide or other unlicensed employee at:
 5 (1) a health care facility; or
 6 (2) an entity in the business of contracting to provide nurse aides
 7 or other unlicensed employees for a health care facility;
 8 after a conviction of one (1) or more of the offenses listed in subsection
 9 (a)(1) commits a Class A infraction.

10 SECTION 12. IC 16-28-13-12 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) If a health care
 12 facility has knowledge of a conviction of an employee of the health
 13 care facility that would indicate unfitness for service as a nurse aide,
 14 other unlicensed employee, or other health care professional (as
 15 defined by IC 16-27-2-1), the health care facility shall report the
 16 information to the state nurse aide registry or the appropriate licensing
 17 authority.

18 **(b) The state department shall:**

- 19 **(1) investigate any report that a nurse aide has been convicted**
 20 **of a crime described in section 3(a) of this chapter; and**
 21 **(2) following a hearing under IC 4-21.5, remove the nurse aide**
 22 **from the nurse aide registry with an appropriate notation**
 23 **indicating the reason the nurse aide was removed from the**
 24 **registry.**

25 SECTION 13. IC 16-35-1.5-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. As used in this
 27 chapter, "WIC vendor" means the individual, partnership, limited
 28 partnership, or corporation **that has:**

- 29 **(1) entered into a WIC vendor agreement; and**
 30 **(2) been** authorized by the state department to accept a food
 31 instrument and provide supplemental food to a WIC participant.

32 SECTION 14. IC 16-35-1.5-4.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2024]: Sec. 4.5. As used in this chapter,
 35 "WIC vendor agreement" means an agreement between a WIC
 36 vendor and the WIC program that:

- 37 **(1) complies with 7 CFR 246.12; and**
 38 **(2) sets forth the requirements the WIC vendor must meet in**
 39 **order to redeem WIC food instruments.**

40 SECTION 15. IC 16-35-1.5-5.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2024]: Sec. 5.5. (a) The state department



1 shall select a WIC vendor based on vendor selection criteria set
2 forth in 7 CFR 246.12.

3 (b) The state department shall do the following:

4 (1) Review the vendor selection criteria annually.

5 (2) Include the vendor selection criteria in the WIC state plan
6 in accordance with 7 CFR 246.4(a)(14)(ii).

7 (3) Publish the vendor selection criteria on the state
8 department's website.

9 SECTION 16. IC 16-35-1.5-6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) The state
11 department shall ~~adopt rules under IC 4-22-2 specifying a system of~~
12 **impose** civil penalties and other sanctions for **failure to comply with**
13 a WIC vendor ~~contract~~ **agreement** under the WIC program or federal
14 regulations under 7 CFR 246. The severity of a sanction must be
15 consistent with ~~the type and frequency of the violation; and may~~
16 ~~include suspension or termination from the WIC program and civil~~
17 ~~penalties.~~ **7 CFR 246.12.**

18 (b) The state department shall include in a WIC vendor
19 agreement a list of sanctions for failing to comply with the
20 agreement.

21 SECTION 17. IC 16-39-2-6, AS AMENDED BY P.L.137-2021,
22 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 6. (a) Without the consent of the patient, the
24 patient's mental health record may only be disclosed as follows:

25 (1) To individuals who meet the following conditions:

26 (A) Are employed by:

27 (i) the provider at the same facility or agency;

28 (ii) a managed care provider (as defined in IC 12-7-2-127);

29 or

30 (iii) a health care provider or mental health care provider, if
31 the mental health records are needed to provide health care
32 or mental health services to the patient.

33 (B) Are involved in the planning, provision, and monitoring of
34 services.

35 (2) To the extent necessary to obtain payment for services
36 rendered or other benefits to which the patient may be entitled, as
37 provided in IC 16-39-5-3.

38 (3) To the patient's court appointed counsel and to the Indiana
39 protection and advocacy services commission.

40 (4) For research conducted in accordance with IC 16-39-5-3 and
41 the rules of the division of mental health and addiction, the rules
42 of the division of disability and rehabilitative services, the rules



- 1 of the provider, or the rules of the Indiana archives and records
- 2 administration and the oversight committee on public records.
- 3 (5) To the division of mental health and addiction for the purpose
- 4 of data collection, research, and monitoring managed care
- 5 providers (as defined in IC 12-7-2-127) who are operating under
- 6 a contract with the division of mental health and addiction.
- 7 (6) To the extent necessary to make reports or give testimony
- 8 required by the statutes pertaining to admissions, transfers,
- 9 discharges, and guardianship proceedings.
- 10 (7) To a law enforcement agency if any of the following
- 11 conditions are met:
- 12 (A) A patient escapes from a facility to which the patient is
- 13 committed under IC 12-26.
- 14 (B) The superintendent of the facility determines that failure
- 15 to provide the information may result in bodily harm to the
- 16 patient or another individual.
- 17 (C) A patient commits or threatens to commit a crime on
- 18 facility premises or against facility personnel.
- 19 (D) A patient is in the custody of a law enforcement officer or
- 20 agency for any reason and:
- 21 (i) the information to be released is limited to medications
- 22 currently prescribed for the patient or to the patient's history
- 23 of adverse medication reactions; and
- 24 (ii) the provider determines that the release of the
- 25 medication information will assist in protecting the health,
- 26 safety, or welfare of the patient.
- 27 Mental health records released under this clause must be
- 28 maintained in confidence by the law enforcement agency
- 29 receiving them.
- 30 (8) To a coroner or medical examiner, in the performance of the
- 31 individual's duties.
- 32 (9) To a school in which the patient is enrolled if the
- 33 superintendent of the facility determines that the information will
- 34 assist the school in meeting educational needs of the patient.
- 35 (10) To the extent necessary to satisfy reporting requirements
- 36 under the following statutes:
- 37 (A) IC 12-10-3-10.
- 38 (B) IC 12-24-17-5.
- 39 (C) IC 16-41-2-3.
- 40 **(D) IC 16-49-3-3.**
- 41 **(E) IC 16-49-4-5.**
- 42 **(F) IC 16-49-6-6.**



- 1 **(G) IC 16-49.5-2-6.**
- 2 ~~(H)~~ **(H)** IC 16-50-1-8.
- 3 ~~(I)~~ **(I)** IC 31-25-3-2.
- 4 ~~(J)~~ **(J)** IC 31-33-5-4.
- 5 ~~(K)~~ **(K)** IC 34-30-16-2.
- 6 ~~(L)~~ **(L)** IC 35-46-1-13.
- 7 (11) To the extent necessary to satisfy release of information
- 8 requirements under the following statutes:
- 9 (A) IC 12-24-11-2.
- 10 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
- 11 (C) IC 12-26-11.
- 12 (12) To another health care provider in a health care emergency.
- 13 (13) For legitimate business purposes as described in
- 14 IC 16-39-5-3.
- 15 (14) Under a court order under IC 16-39-3.
- 16 (15) With respect to records from a mental health or
- 17 developmental disability facility, to the United States Secret
- 18 Service if the following conditions are met:
- 19 (A) The request does not apply to alcohol or drug abuse
- 20 records described in 42 U.S.C. 290dd-2 unless authorized by
- 21 a court order under 42 U.S.C. 290dd-2(b)(2)(c).
- 22 (B) The request relates to the United States Secret Service's
- 23 protective responsibility and investigative authority under 18
- 24 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
- 25 (C) The request specifies an individual patient.
- 26 (D) The director or superintendent of the facility determines
- 27 that disclosure of the mental health record may be necessary
- 28 to protect a person under the protection of the United States
- 29 Secret Service from serious bodily injury or death.
- 30 (E) The United States Secret Service agrees to only use the
- 31 mental health record information for investigative purposes
- 32 and not disclose the information publicly.
- 33 (F) The mental health record information disclosed to the
- 34 United States Secret Service includes only:
- 35 (i) the patient's name, age, and address;
- 36 (ii) the date of the patient's admission to or discharge from
- 37 the facility; and
- 38 (iii) any information that indicates whether or not the patient
- 39 has a history of violence or presents a danger to the person
- 40 under protection.
- 41 (16) To the statewide waiver ombudsman established under
- 42 IC 12-11-13, in the performance of the ombudsman's duties.



1 (b) If a licensed mental health professional, a licensed paramedic,
 2 a representative of a mobile integrated healthcare program (as
 3 described in IC 16-31-12), or a representative of a mental health
 4 community paramedicine program in the course of rendering a
 5 treatment intervention, determines that a patient may be a harm to
 6 himself or herself or others, the licensed mental health professional, the
 7 licensed paramedic, the representative of the mobile integrated
 8 healthcare program (as described in IC 16-31-12), or the representative
 9 of the mental health community paramedicine program may request a
 10 patient's individualized mental health safety plan from a psychiatric
 11 crisis center, psychiatric inpatient unit, or psychiatric residential
 12 treatment provider. Each psychiatric crisis center, psychiatric inpatient
 13 unit, and psychiatric residential treatment provider shall, upon request
 14 and without the consent of the patient, share a patient's individualized
 15 mental health safety plan that is in the standard format established by
 16 the division of mental health and addiction under IC 12-21-5-6 with the
 17 following individuals who demonstrate proof of licensure and commit
 18 to protecting the information in compliance with state and federal
 19 privacy laws:

- 20 (1) A licensed mental health professional.
 21 (2) A licensed paramedic.
 22 (3) A representative of a mobile integrated healthcare program (as
 23 described in IC 16-31-12).
 24 (4) A representative of a mental health community paramedicine
 25 program.

26 An individualized mental health safety plan disclosed under this
 27 subsection may be used only to support a patient's welfare and safety
 28 and is considered otherwise confidential information under applicable
 29 state and federal laws.

30 (c) After information is disclosed under subsection (a)(15) and if the
 31 patient is evaluated to be dangerous, the records shall be interpreted in
 32 consultation with a licensed mental health professional on the staff of
 33 the United States Secret Service.

34 (d) A person who discloses information under subsection (a)(7),
 35 (a)(15), or (b) in good faith is immune from civil and criminal liability.

36 SECTION 18. IC 16-42-5.3-1, AS ADDED BY P.L.49-2022,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 1. (a) As used in this chapter, "end consumer"
 39 means a person who is the last person to purchase any food product and
 40 who does not resell the food product.

41 (b) As used in this chapter, "roadside stand" means a structure,
 42 including a tent, stand, vehicle, or trailer that is:



- 1 (1) visible from a road; and
 2 (2) located not more than one hundred (100) feet from the edge of
 3 the side of the road;
 4 where whole uncut produce, food products that are not ~~potentially~~
 5 ~~hazardous~~; **time temperature control for safety food**, poultry that is
 6 exempt under IC 15-17-5-11, rabbits, or eggs permitted for sale by the
 7 state egg board are sold to an end consumer.
 8 SECTION 19. IC 16-42-5.3-4, AS ADDED BY P.L.49-2022,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2024]: Sec. 4. A home based vendor shall prepare and sell
 11 only a food product that is:
 12 (1) made, grown, or raised by an individual at the individual's
 13 primary residence, including any permanent structure that is on
 14 the same property as the residence;
 15 (2) not a ~~potentially hazardous food product~~; **time temperature**
 16 **control for safety food**;
 17 (3) prepared using proper sanitary procedures, including:
 18 (A) proper hand washing;
 19 (B) sanitizing the container or other packaging in which the
 20 food product is contained;
 21 (C) storing the food product safely;
 22 (D) producing the food product in a food preparation or
 23 packaging area in which animals are not present; and
 24 (E) cleaning and sanitizing of surfaces that have contact with
 25 the food product;
 26 (4) not resold;
 27 (5) sold in person, by telephone, or through the Internet; and
 28 (6) delivered to the end consumer in person, by mail, or by a third
 29 party carrier.
 30 SECTION 20. IC 16-46-17-5, AS ADDED BY P.L.129-2023,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 5. (a) The following individuals serve as ex
 33 officio voting members of the council:
 34 (1) The director of the office of Medicaid policy and planning or
 35 the director's designee.
 36 (2) The commissioner of the department of insurance or the
 37 commissioner's designee.
 38 (3) The chief operating officer of the Indiana Minority Health
 39 Coalition or the officer's designee.
 40 **(4) The state health commissioner or the commissioner's**
 41 **designee.**
 42 (b) Before September 1, 2023, the governor shall appoint the



- 1 following voting members:
- 2 (1) A representative from a research university in Indiana that
- 3 receives grant funding for rare disease research.
- 4 (2) A registered nurse or advanced practice registered nurse
- 5 licensed under IC 25-23 with experience treating rare diseases.
- 6 (3) A physician licensed under IC 25-22.5 with experience
- 7 treating rare diseases.
- 8 (4) A hospital administrator from a hospital licensed under
- 9 IC 16-21 that provides care to individuals diagnosed with a rare
- 10 disease.
- 11 (5) Two (2) patients who have a rare disease.
- 12 (6) A caregiver of an individual with a rare disease.
- 13 (7) A representative of a rare disease patient organization that
- 14 operates in Indiana.
- 15 (8) A pharmacist with experience dispensing drugs used to treat
- 16 rare diseases.
- 17 (9) A representative of the biopharmaceutical industry.
- 18 (10) A representative of a health carrier as defined by
- 19 IC 27-1-46-3.
- 20 (11) A member of the scientific community who is engaged in
- 21 rare disease research, which may include a medical researcher
- 22 with experience conducting research on rare diseases.
- 23 SECTION 21. IC 16-46-17-10, AS ADDED BY P.L.129-2023,
- 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 UPON PASSAGE]: Sec. 10. ~~Eight (8)~~ **Nine (9)** members of the council
- 26 constitute a quorum. The affirmative vote of a majority of the quorum
- 27 is required for the council to take any action.
- 28 SECTION 22. IC 16-49-4-2, AS ADDED BY P.L.119-2013,
- 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2024]: Sec. 2. The statewide child fatality review committee
- 31 consists of the following members appointed by the governor:
- 32 (1) A coroner or deputy coroner.
- 33 (2) A representative from the state department who:
- 34 (A) is a licensed physician; ~~and or~~
- 35 (B) specializes in injury prevention.
- 36 (3) A representative of a:
- 37 (A) local health department established under IC 16-20-2; or
- 38 (B) multiple county health department established under
- 39 IC 16-20-3.
- 40 (4) A pediatrician.
- 41 (5) A representative of law enforcement who has experience in
- 42 investigating child deaths.



- 1 (6) A representative from an emergency medical services
- 2 provider.
- 3 (7) The director or a representative of the department of child
- 4 services.
- 5 (8) A representative of a prosecuting attorney who has experience
- 6 in prosecuting child abuse.
- 7 (9) A pathologist who is:
- 8 (A) certified by the American Board of Pathology in forensic
- 9 pathology; and
- 10 (B) licensed to practice medicine in Indiana.
- 11 (10) A mental health provider.
- 12 (11) A representative of a child abuse prevention program.
- 13 (12) A representative of the department of education.
- 14 (13) An epidemiologist.
- 15 (14) The state child fatality review coordinator.
- 16 (15) At the discretion of the department of child services
- 17 ombudsman, a representative of the office of the department of
- 18 child services ombudsman established by IC 4-13-19-3.
- 19 SECTION 23. IC 16-50-1-12 IS REPEALED [EFFECTIVE JULY
- 20 1, 2024]. ~~Sec. 12. This article expires June 30, 2027.~~
- 21 SECTION 24. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1260, 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 14, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 20. IC 16-46-17-5, AS ADDED BY P.L.129-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The following individuals serve as ex officio voting members of the council:

- (1) The director of the office of Medicaid policy and planning or the director's designee.
- (2) The commissioner of the department of insurance or the commissioner's designee.
- (3) The chief operating officer of the Indiana Minority Health Coalition or the officer's designee.
- (4) The state health commissioner or the commissioner's designee.**

(b) Before September 1, 2023, the governor shall appoint the following voting members:

- (1) A representative from a research university in Indiana that receives grant funding for rare disease research.
- (2) A registered nurse or advanced practice registered nurse licensed under IC 25-23 with experience treating rare diseases.
- (3) A physician licensed under IC 25-22.5 with experience treating rare diseases.
- (4) A hospital administrator from a hospital licensed under IC 16-21 that provides care to individuals diagnosed with a rare disease.
- (5) Two (2) patients who have a rare disease.
- (6) A caregiver of an individual with a rare disease.
- (7) A representative of a rare disease patient organization that operates in Indiana.
- (8) A pharmacist with experience dispensing drugs used to treat rare diseases.
- (9) A representative of the biopharmaceutical industry.
- (10) A representative of a health carrier as defined by IC 27-1-46-3.
- (11) A member of the scientific community who is engaged in rare disease research, which may include a medical researcher with experience conducting research on rare diseases.



SECTION 21. IC 16-46-17-10, AS ADDED BY P.L.129-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. ~~Eight (8)~~ **Nine (9)** members of the council constitute a quorum. The affirmative vote of a majority of the quorum is required for the council to take any action."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1260 as introduced.)

BARRETT

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1260 be amended to read as follows:

Replace the effective dates in SECTIONS 20 through 21 with "[EFFECTIVE UPON PASSAGE]".

Page 4, line 16, after ""Aw"" delete ",",

Page 4, line 17, delete "for purposes of IC 16-42-5.3,",

Page 5, line 26, delete "on the:" and insert "**on:**".

Page 5, line 27, after "(1)" insert "**the**".

Page 15, after line 17, begin a new paragraph and insert:

"SECTION 23. IC 16-50-1-12 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 12: This article expires June 30, 2027.~~

SECTION 24. **An emergency is declared for this act.**"

(Reference is to HB 1260 as printed January 16, 2024.)

BARRETT

