



February 19, 2024

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## ENGROSSED SENATE BILL No. 104

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DIGEST OF SB 104 (Updated February 19, 2024 11:11 am - DI 140)

**Citations Affected:** IC 25-1; IC 25-38.1; IC 35-48.

**Synopsis:** Veterinary medicine. Requires the state police department to disclose to the board of veterinary medicine (board) the criminal history or activity of veterinary license or certificate holders or applicants. Requires veterinarians and veterinary technicians to disclose certain information when renewing a license or registration certificate electronically and requires the board to compile that information into an annual report. Provides that a licensed veterinarian is not required to obtain a controlled substance registration or separate controlled substance registration if certain criteria are met. Permits a veterinarian or a registered veterinary technician to renew an expired license or registration certificate more than three years after the date of the expiration.

**Effective:** July 1, 2024.

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### Leising, Glick

(HOUSE SPONSORS — SWEET, BAIRD, ZIMMERMAN, AYLESWORTH)

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January 8, 2024, read first time and referred to Committee on Agriculture.

January 22, 2024, reported favorably — Do Pass.

January 25, 2024, read second time, ordered engrossed.

January 26, 2024, engrossed.

January 29, 2024, read third time, passed. Yeas 49, nays 0.

#### HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Agriculture and Rural Development.

February 19, 2024, reported — Do Pass.

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ES 104—LS 6364/DI 153





February 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.

## ENGROSSED SENATE BILL No. 104

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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 25-1-1.1-4, AS AMENDED BY P.L.3-2014,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 4. (a) This section applies to an individual who is  
4 applying for, or will be applying for, an initial license or an initial  
5 certificate under one (1) of the occupations or professions described in  
6 IC 25-0.5-1.  
7 (b) As used in this chapter, "national criminal history background  
8 check" means the criminal history record system maintained by the  
9 Federal Bureau of Investigation based on fingerprint identification or  
10 any other method of positive identification.  
11 (c) An individual applying for an initial license or initial certificate  
12 specified in subsection (a) shall submit to a national criminal history  
13 background check at the cost of the individual.  
14 (d) The state police department shall release the results of a national  
15 criminal history background check conducted under this section to:  
16 (1) the Indiana professional licensing agency; **or**  
17 (2) **for a license or certificate issued under IC 25-38.1, the**

ES 104—LS 6364/DI 153



- 1           **following:**
- 2           **(A) The chief administrative officer of the board of**
- 3           **veterinary medicine.**
- 4           **(B) An authorized agent of the chief administrative officer**
- 5           **described in clause (A).**
- 6           (e) A board, a commission, or a committee may conduct a random
- 7           audit and require an individual seeking a renewal of a license or a
- 8           certificate specified in subsection (a) to submit to a national criminal
- 9           history background check at the cost of the individual.
- 10          SECTION 2. IC 25-1-1.1-5, AS ADDED BY P.L.155-2011,
- 11          SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12          JULY 1, 2024]: Sec. 5. (a) As used in this section, "licensee" refers to
- 13          an individual who is licensed or certified in a profession set forth in
- 14          section 4 of this chapter.
- 15          (b) As used in this section, "personal information" means
- 16          information that identifies an individual, including the following:
- 17               (1) Photograph.
- 18               (2) Social Security number.
- 19               (3) Driver's license number or identification card number.
- 20               (4) Name.
- 21               (5) Address.
- 22               (6) Telephone number.
- 23               (7) Fingerprints.
- 24          (c) The state police department and the Indiana professional
- 25          licensing agency shall enter into a memorandum of understanding to
- 26          provide data exchange and data matching regarding licensees who are
- 27          charged with or convicted of an offense.
- 28          **(d) The state police department and the Indiana board of**
- 29          **veterinary medicine established by IC 25-38.1-2-1 shall enter into**
- 30          **a memorandum of understanding to provide data exchange and**
- 31          **data matching regarding licensees who are charged with or**
- 32          **convicted of an offense.**
- 33          ~~(d)~~ (e) Personal information data exchanged under subsection (c)
- 34          shall be kept confidential and may be used only for the purposes of a
- 35          government agency, including the following:
- 36               (1) A prosecuting attorney.
- 37               (2) The Indiana professional licensing agency or a board,
- 38               committee, or commission administered by the Indiana
- 39               professional licensing agency.
- 40               (3) A court.
- 41               (4) A law enforcement agency.
- 42               (5) The office of the attorney general.



1           **(6) The Indiana board of veterinary medicine established by**  
 2           **IC 25-38.1-2-1.**

3           SECTION 3. IC 25-1-2-11 IS ADDED TO THE INDIANA CODE  
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 5 1, 2024]: **Sec. 11. (a) As used in this section, "board" refers to the**  
 6 **Indiana board of veterinary medicine established by**  
 7 **IC 25-38.1-2-1.**

8           **(b) As used in this section, "license or registration certificate"**  
 9 **means a license or registration certificate issued by the board**  
 10 **under IC 25-38.1.**

11           **(c) As used in this section, "practitioner" means an individual**  
 12 **who holds a license or registration certificate.**

13           **(d) After December 31, 2024, a practitioner must provide the**  
 14 **following information when renewing the practitioner's license or**  
 15 **registration certificate electronically:**

16           **(1) The practitioner's specialty or field of practice.**

17           **(2) The practitioner's current:**

18           **(A) business address or location;**

19           **(B) practice setting type;**

20           **(C) average hours worked per week;**

21           **(D) average distance traveled between patients (if**  
 22 **applicable); and**

23           **(E) type of services provided.**

24           **(3) The practitioner's educational background and training.**

25           **(4) The approximate outstanding balance of student loans**  
 26 **taken out by the practitioner to finance veterinary or**  
 27 **veterinary technician schooling.**

28           **(5) Whether the practitioner currently delivers veterinary**  
 29 **services through telehealth (as defined in IC 25-1-9.5-6).**

30           **(e) After December 31, 2024, a notice of renewal sent under this**  
 31 **chapter to a practitioner must notify the practitioner of the**  
 32 **requirements of subsection (d).**

33           **(f) Not later than December 31 of each year, the board shall do**  
 34 **the following:**

35           **(1) Compile the information collected under this section into**  
 36 **a report.**

37           **(2) Post the report compiled under subdivision (1) on the**  
 38 **board's website.**

39           **(g) A report compiled under subsection (f) may not contain**  
 40 **personal identifying information.**

41           SECTION 4. IC 25-38.1-3-13, AS AMENDED BY P.L.58-2008,  
 42 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2024]: Sec. 13. (a) An individual who:
- 2 (1) practices veterinary medicine after the individual's license has
- 3 expired, been revoked, or been placed on inactive status; or
- 4 (2) acts as a registered veterinary technician after the individual's
- 5 registration has expired, been revoked, or been placed on inactive
- 6 status;
- 7 violates this article.
- 8 (b) **In accordance with IC 25-1-8-6(c)**, a veterinarian may renew
- 9 an expired license or a registered veterinary technician may renew an
- 10 expired registration certificate not later than ~~five (5)~~ **three (3)** years
- 11 after the date of expiration by making written application for renewal
- 12 and paying the required ~~fee~~ **fees**. However, the board may require
- 13 continuing education as a condition of renewal of an expired license.
- 14 (c) **In accordance with IC 25-1-8-6(d)**, a veterinarian may ~~not~~
- 15 renew an expired license ~~and or~~ a registered veterinary technician may
- 16 ~~not~~ renew an expired registration certificate ~~after more than five (5)~~
- 17 **three (3)** years ~~have elapsed~~ after the date of the expiration of a license
- 18 or a registration certificate ~~by making written application for~~
- 19 **renewal and paying the required fees.** ~~but the person may make~~
- 20 ~~application for a new license or registration certificate and take the~~
- 21 ~~appropriate examinations.~~ **However, the board may require as a**
- 22 **condition of renewal of an expired license or registration certificate**
- 23 **that the applicant:**
- 24 (1) **appear before the board;**
- 25 (2) **complete:**
- 26 (A) **continuing education; or**
- 27 (B) **remediation and additional training; or**
- 28 (3) **practice in consultation with or under the supervision of**
- 29 **a licensed veterinarian;**
- 30 **as deemed appropriate by the board given the lapse of time**
- 31 **involved.**
- 32 (d) To have a license or registration placed on inactive status, a
- 33 licensed veterinarian or registered veterinarian technician must notify
- 34 the board in writing of the veterinarian's or technician's desire to have
- 35 the license or registration placed on inactive status. The board shall
- 36 waive the continuing education requirements, if any, and payment of
- 37 the renewal fee during the period the license or registration of a
- 38 veterinarian or technician is on inactive status. A license or registration
- 39 may be placed on inactive status during the period:
- 40 (1) the veterinarian or technician is on active duty with any
- 41 branch of the armed services of the United States;
- 42 (2) the veterinarian or technician is in the Peace Corps;



1 (3) the veterinarian or technician is in an alternative service  
2 during a time of national emergency;

3 (4) the veterinarian or technician is suffering from a severe  
4 medical condition that prevents the veterinarian or technician  
5 from meeting the requirements of the board; or

6 (5) after the veterinarian or technician retires.

7 A veterinarian or technician who is retired and on inactive status may  
8 not maintain an office or practice veterinary medicine. The board may  
9 adopt rules under IC 4-22-2 that establish prerequisites or conditions  
10 for the reactivation of an inactive license or registration.

11 SECTION 5. IC 35-48-3-3, AS AMENDED BY P.L.185-2013,  
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2024]: Sec. 3. (a) Every person who manufactures or  
14 distributes any controlled substance within this state or who proposes  
15 to engage in the manufacture or distribution of any controlled  
16 substance within this state, must obtain biennially a registration issued  
17 by the board in accordance with the board's rules.

18 (b) **Except as provided in subsection (i)**, every person who  
19 dispenses or proposes to dispense any controlled substance within  
20 Indiana must have a registration issued by the board in accordance with  
21 the board's rules. A registration issued to a dispenser under this  
22 subsection expires whenever the dispenser's license as a practitioner  
23 expires. The board shall renew a dispenser's registration under this  
24 subsection concurrently with any state license authorizing the dispenser  
25 to act as a practitioner.

26 (c) This subsection is effective January 1, 2014. An owner must  
27 have a registration issued by the board in accordance with the board's  
28 rules. An owner shall adopt reasonable procedures to ensure that  
29 employed or contracted individuals who are dispensing controlled  
30 substances in the office, facility, clinic, or location owned or controlled  
31 by the owner dispense the controlled substances in a manner that  
32 complies with laws, rules, and regulations.

33 (d) Persons registered by the board under this article to manufacture,  
34 distribute, dispense, or conduct research with controlled substances  
35 may possess, manufacture, distribute, dispense, or conduct research  
36 with those substances to the extent authorized by their registration and  
37 in conformity with the other provisions of this chapter.

38 (e) The following persons need not register and may lawfully  
39 possess controlled substances under this article:

40 (1) An agent or employee of any registered manufacturer,  
41 distributor, or dispenser of any controlled substance if the agent  
42 or employee is acting in the usual course of the agent's or



1 employee's business or employment.

2 (2) A common or contract carrier or warehouseman, or an  
3 employee thereof, whose possession of any controlled substance  
4 is in the usual course of business or employment.

5 (3) An ultimate user or a person in possession of any controlled  
6 substance under a lawful order of a practitioner or in lawful  
7 possession of a schedule V substance.

8 (f) The board may waive by rule the requirement for registration of  
9 certain manufacturers, distributors, or dispensers if it finds it consistent  
10 with the public health and safety.

11 (g) **Except as provided in subsections (h) and (i)**, a separate  
12 registration is required at each principal place of business or  
13 professional practice where the applicant:

14 (1) manufactures, distributes, dispenses, or possesses controlled  
15 substances; and

16 (2) employs or contracts with individuals to dispense controlled  
17 substances. This subdivision is effective January 1, 2014.

18 **(h) A person licensed to practice veterinary medicine in Indiana**  
19 **holding an Indiana controlled substance registration is not**  
20 **required to obtain a separate registration to possess or dispense**  
21 **controlled substances in the usual course of veterinary practice at**  
22 **a site, so long as the site is not a principal place of business or**  
23 **professional practice.**

24 **(i) A person licensed to practice veterinary medicine in another**  
25 **state holding a federal controlled substance registration is not**  
26 **required to obtain an Indiana controlled substance registration to**  
27 **possess or dispense controlled substances in the usual course of**  
28 **veterinary practice at a site in Indiana, so long as the site is not a**  
29 **principal place of business or professional practice and the**  
30 **veterinarian is licensed to practice veterinary medicine in Indiana.**

31 ~~(h)~~ **(j)** The board may inspect the establishment of a registrant or  
32 applicant for registration in accordance with the board's rules.

33 ~~(i)~~ **(k)** Beginning January 1, 2014, the attorney general may file a  
34 petition in circuit or superior court to obtain an injunction against a  
35 violation of this chapter by an owner. In an action filed by the attorney  
36 general under this subsection, the court may:

37 (1) issue an injunction;

38 (2) order the owner to pay a civil penalty not to exceed five  
39 thousand dollars (\$5,000);

40 (3) order the owner to pay the state the reasonable costs of the  
41 attorney general's investigation and prosecution related to the  
42 action; and





- 1 (4) provide the appointment of a receiver.



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 104 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 7, Nays 0

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 104, 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 104 as printed January 23, 2024.)

AYLESWORTH

Committee Vote: Yeas 11, Nays 0

