

# SENATE BILL No. 162

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-3-25; IC 5-2; IC 5-20-9-6; IC 12-23; IC 16-35-10-2.

**Synopsis:** Commission to combat substance use disorder. Changes the name of the Indiana commission to combat drug abuse to the Indiana commission to combat substance use disorder.

**Effective:** July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 162

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-3-25-1, AS ADDED BY P.L.7-2016, SECTION  
2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2022]: Sec. 1. As used in this chapter, "commission" refers to the  
4 Indiana commission to combat ~~drug abuse~~ **substance use disorder**  
5 established by section 3 of this chapter.

6 SECTION 2. IC 4-3-25-3, AS ADDED BY P.L.7-2016, SECTION  
7 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
8 2022]: Sec. 3. The Indiana commission to combat ~~drug abuse~~  
9 **substance use disorder** is established.

10 SECTION 3. IC 5-2-1-20, AS ADDED BY P.L.102-2017,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2022]: Sec. 20. In conjunction with the Indiana commission  
13 to combat ~~drug abuse~~ **substance use disorder** established by  
14 IC 4-3-25-3 and the division of mental health and addiction, the board  
15 may establish the Indiana technical assistance center for crisis  
16 intervention teams under IC 5-2-21.2.

17 SECTION 4. IC 5-2-11-1.6, AS AMENDED BY P.L.40-2020,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2022]: Sec. 1.6. As used in this chapter, "local coordinating  
 3 council" means a countywide, collaborative citizen body that is open  
 4 to the public and approved by the Indiana commission to combat ~~drug~~  
 5 **abuse substance use disorder** established by IC 4-3-25-3 to plan,  
 6 implement, monitor, and evaluate local comprehensive community  
 7 plans.

8 SECTION 5. IC 5-2-21.2-5, AS AMENDED BY P.L.102-2017,  
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2022]: Sec. 5. As used in this chapter, "technical assistance  
 11 center" means a center established by the board in conjunction with the  
 12 Indiana commission to combat ~~drug abuse~~ **substance use disorder**  
 13 established by IC 4-3-25-3 and the division of mental health and  
 14 addiction under IC 5-2-1-20 to support the development and  
 15 sustainability of local crisis intervention teams.

16 SECTION 6. IC 5-20-9-6, AS ADDED BY P.L.103-2017,  
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2022]: Sec. 6. (a) The Indiana housing first program is  
 19 established to provide housing and support services for eligible  
 20 persons. The program shall be administered by the authority. The  
 21 Indiana commission to combat ~~drug abuse~~ **substance use disorder**  
 22 established under IC 4-3-25-3 may award grants to the authority for the  
 23 purposes of the program. Not later than January 1, 2018, the authority  
 24 shall establish policies and procedures to implement and administer the  
 25 program. The policies and procedures established by the authority  
 26 under this section must ensure that the program does the following:

- 27 (1) Provides eligible program participants with affordable and  
 28 safe housing through program rental assistance to be used in  
 29 dedicated supportive housing units and in existing market units in  
 30 the community.  
 31 (2) Includes a plan for the:  
 32 (A) initial leasing of; and  
 33 (B) management of rental assistance through the affordability  
 34 period for;  
 35 supportive housing developed under the program.  
 36 (3) Provides eligible program participants with support services,  
 37 including:  
 38 (A) employment assistance and job training;  
 39 (B) substance abuse and addiction treatment;  
 40 (C) educational assistance;  
 41 (D) life skills assistance; and  
 42 (E) treatment for, and the management of, mental and physical



- 1 health problems;  
 2 that are predicated on assertive engagement rather than coercion.  
 3 Support services described in clause (B) must be predicated on a  
 4 harm reduction approach to addiction, rather than mandating  
 5 abstinence, while supporting a program participant's commitment  
 6 to recovery.
- 7 (4) Grants eligible persons who have a high degree of medical  
 8 vulnerability priority as participants in the program.
- 9 (5) Provides program participants with leases and tenant  
 10 protections as provided by law.
- 11 (6) Establishes annual goals to:
- 12 (A) reduce the number of individuals cycling through  
 13 chemical addiction programs;
- 14 (B) provide long term supports for individuals dually  
 15 diagnosed with:
- 16 (i) a serious and persistent mental illness; and  
 17 (ii) a chronic chemical addiction;
- 18 (C) increase the housing stability of persons with mental  
 19 illness or other behavioral health issues; and
- 20 (D) increase positive health indicators for all program  
 21 participants;
- 22 in Indiana as a whole and in particular regions, communities, and  
 23 metropolitan statistical areas within Indiana, through the program  
 24 and support services provided under the program. The goals  
 25 required by this subdivision must be based on data collected by  
 26 the authority and the authority's partners.
- 27 (7) Includes partnerships with public entities and private entities,  
 28 including any of the following, to provide support services and a  
 29 continuum of care for eligible program participants:
- 30 (A) Nonprofit or faith based organizations providing services  
 31 to individuals and families in the program's target population.
- 32 (B) Units of local government.
- 33 (C) School corporations and schools.
- 34 (D) Businesses.
- 35 (E) Public housing agencies.
- 36 (F) Social service providers.
- 37 (G) Mental health providers.
- 38 (H) Hospitals.
- 39 (I) Affordable housing developers and providers.
- 40 (J) Law enforcement agencies and correctional facilities.
- 41 (K) Organizations serving homeless veterans.
- 42 (L) Organizations serving victims of domestic violence.



- 1 (M) Universities.
- 2 (N) Other public or private entities the authority considers
- 3 appropriate to partner with to accomplish the purposes of the
- 4 program.
- 5 (b) In establishing the policies and procedures required by this
- 6 section, the authority may collaborate with or seek guidance from:
- 7 (1) other appropriate state agencies, including the department of
- 8 correction, the state department of health, and the office of the
- 9 secretary of family and social services (and the appropriate
- 10 divisions within the office of the secretary of family and social
- 11 services);
- 12 (2) officials in other states or municipalities that have
- 13 implemented housing first programs or other similar programs;
- 14 and
- 15 (3) any of the entities listed in subsection (a)(7).
- 16 SECTION 7. IC 12-23-19-2, AS AMENDED BY P.L.57-2021,
- 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2022]: Sec. 2. (a) An individual is eligible for mental health
- 19 and addiction forensic treatment services if:
- 20 (1) subject to subsection (d), the individual:
- 21 (A) is a member of a household with an annual income that
- 22 does not exceed two hundred percent (200%) of the federal
- 23 income poverty level;
- 24 (B) is a resident of Indiana;
- 25 (C) is:
- 26 (i) at least eighteen (18) years of age; or
- 27 (ii) subject to the approval of the Indiana commission to
- 28 combat ~~drug abuse~~, **substance use disorder**, less than
- 29 eighteen (18) years of age and the individual is a defendant
- 30 whose case is either waived from juvenile court to adult
- 31 court or directly filed in adult court; and
- 32 (D) has entered the criminal justice system as a felon or with
- 33 a prior felony conviction or is ordered to be committed for
- 34 competency restoration services as described in
- 35 IC 35-36-3-1(b); and
- 36 (2) subject to subsection (b), reimbursement for the service is not
- 37 available to the individual through any of the following:
- 38 (A) A policy of accident and sickness insurance (IC 27-8-5).
- 39 (B) A health maintenance organization contract (IC 27-13).
- 40 (C) The Medicaid program (IC 12-15), excluding the Medicaid
- 41 rehabilitation program and the Behavioral and Primary Health
- 42 Coordination Program under Section 1915(i) of the Social



- 1 Security Act.
- 2 (D) The federal Medicare program or any other federal
- 3 assistance program.
- 4 (b) If an individual is not entitled to reimbursement from the sources
- 5 described in subsection (a)(2) of the full amount of the cost of the
- 6 mental health and addiction forensic treatment services, grants and
- 7 vouchers under this chapter may be used to provide those services to
- 8 the extent that the costs of those services exceed the reimbursement the
- 9 individual is entitled to receive from the sources described in
- 10 subsection (a)(2), excluding any copayment or deductible that the
- 11 individual is required to pay.
- 12 (c) The division shall determine the extent to which an individual
- 13 who is provided mental health and addiction forensic treatment
- 14 services under this chapter is entitled to receive reimbursement from
- 15 the sources described in subsection (a)(2).
- 16 (d) Notwithstanding subsection (a)(1)(D), subject to available
- 17 funding and on the recommendation of the justice reinvestment
- 18 advisory council (established by IC 33-38-9.5-2), the division may
- 19 operate a pilot program applying the eligibility criteria in this section
- 20 to individuals who are charged with a misdemeanor. If the division
- 21 operates a pilot program under this subsection, the division shall issue
- 22 annual reports to the justice reinvestment advisory council.
- 23 SECTION 8. IC 12-23-21-2, AS ADDED BY P.L.168-2017,
- 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2022]: Sec. 2. (a) Subject to the approval of the Indiana
- 26 commission to combat ~~drug abuse~~, **substance use disorder**, the
- 27 physician medication assisted treatment training reimbursement pilot
- 28 program is established to provide reimbursement to physicians who
- 29 meet the requirements of section 3 of this chapter, for the purpose of
- 30 increasing the number of qualified physicians in Indiana with training
- 31 in medication assisted treatment.
- 32 (b) The division shall administer the program.
- 33 SECTION 9. IC 12-23-21.2-2, AS AMENDED BY P.L.222-2019,
- 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2022]: Sec. 2. (a) Subject to the approval of the Indiana
- 36 commission to combat ~~drug abuse~~, **substance use disorder**, the
- 37 division of mental health and addiction shall establish an opioid
- 38 treatment pilot program for opioid use disorder.
- 39 (b) The program shall be designed to assist participants in
- 40 overcoming opioid use disorder by providing inpatient, residential, and
- 41 outpatient opioid treatment services.
- 42 (c) An individual is eligible to participate in the program if the



- 1 individual is:
- 2 (1) at least eighteen (18) years of age;
- 3 (2) not being charged with a felony or misdemeanor; and
- 4 (3) incapacitated by opioid use disorder as demonstrated by the
- 5 fact that the individual is at serious risk of injury or death due to
- 6 abuse of opioids.
- 7 (d) The division shall establish the program in the following
- 8 counties:
- 9 (1) Tippecanoe County.
- 10 (2) Marion County.
- 11 (3) Wayne County.
- 12 (e) A county may use:
- 13 (1) outpatient commitment proceedings under IC 12-26-14; and
- 14 (2) commitment proceedings under IC 12-26;
- 15 in appropriate cases if a person meets the requirements of the statute.
- 16 SECTION 10. IC 12-23-23-0.5, AS ADDED BY P.L.195-2018,
- 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2022]: Sec. 0.5. This chapter is subject to the approval of the
- 19 Indiana commission to combat ~~drug abuse~~; **substance use disorder**.
- 20 SECTION 11. IC 16-35-10-2, AS ADDED BY P.L.174-2017,
- 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2022]: Sec. 2. Subject to the approval of the Indiana
- 23 commission to combat ~~drug abuse~~; **substance use disorder**, the opioid
- 24 addiction recovery pilot program for pregnant women and women with
- 25 newborns is established to assist pregnant women and women with
- 26 newborns by providing substance abuse and addiction treatment in a
- 27 residential care facility and providing home visitation services.

