

SENATE BILL No. 235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-10-24; IC 21-38-10; IC 21-44; IC 21-49-4-3; IC 25-1-23; IC 34-13-3-1.

Synopsis: Limitations on diversity, equity, and inclusion. Establishes prohibitions and requirements on state agencies, recipients of state contracts or grants, state educational institutions, and health profession licensing boards regarding diversity, equity, and inclusion. Provides that certain civil actions for noncompliance may be filed against a state educational institution. Establishes: (1) requirements regarding a standardized admissions test; and (2) requirements regarding altering academic standards; for postsecondary educational institutions that offer certain health education programs.

Effective: July 1, 2025.

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January 8, 2025, read first time and referred to Committee on Education and Career Development.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 235

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

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

1 SECTION 1. IC 4-10-24 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]:
4 **Chapter 24. Prohibition of Diversity, Equity, and Inclusion**
5 **Expenditures**
6 **Sec. 1. As used in this chapter, "agency" has the meaning set**
7 **forth in IC 4-15-10.5-4.**
8 **Sec. 2. (a) As used in this chapter, "diversity, equity, and**
9 **inclusion" or "DEI" means any effort to do any of the following:**
10 **(1) Manipulate or otherwise influence the composition of**
11 **employees with reference to race, sex, color, or ethnicity,**
12 **which does not include ensuring color blind and race neutral**
13 **hiring in accordance with state and federal antidiscrimination**
14 **laws.**
15 **(2) Promote differential treatment of or provide special**
16 **benefits to individuals on the basis of race, sex, color, or**
17 **ethnicity.**



- 1 **(3) Promote or promulgate policies or procedures designed or**
 2 **implemented with reference to race, sex, color, or ethnicity**
 3 **that are not policies or procedures approved in writing by the**
 4 **attorney general for the sole purpose of ensuring compliance**
 5 **with any applicable court order or state or federal law.**
- 6 **(4) Promote or promulgate training, programming, or**
 7 **activities designed or implemented with reference to race, sex,**
 8 **color, ethnicity, gender identity, or sexual orientation that are**
 9 **not training, programming, or activities developed by an**
 10 **attorney and approved in writing by the attorney general for**
 11 **the sole purpose of ensuring compliance with any applicable**
 12 **court order or state or federal law.**
- 13 **(5) Promote as the official position of an agency a particular**
 14 **opinion referencing unconscious or implicit:**
- 15 **(A) bias;**
 16 **(B) cultural appropriation;**
 17 **(C) allyship;**
 18 **(D) transgender ideology;**
 19 **(E) microaggressions;**
 20 **(F) group marginalization;**
 21 **(G) antiracism;**
 22 **(H) systemic oppression;**
 23 **(I) social justice;**
 24 **(J) intersectionality;**
 25 **(K) neopronouns;**
 26 **(L) heteronormativity;**
 27 **(M) disparate impact;**
 28 **(N) gender theory;**
 29 **(O) racial or sexual privilege; or**
 30 **(P) any related formulation of the concepts under clauses**
 31 **(A) through (O).**
- 32 **(b) The term does not include equal opportunity or equal**
 33 **employment opportunity materials designed to inform individuals**
 34 **about the prohibition of discrimination based on protected status**
 35 **under state or federal law.**
- 36 **Sec. 3. As used in this chapter, "DEI office" means any division,**
 37 **office, center, or other unit of an agency with duties that include**
 38 **coordinating, creating, developing, designing, implementing,**
 39 **organizing, planning, or promoting policies, programming,**
 40 **training, practices, activities, or procedures relating to DEI.**
- 41 **Sec. 4. As used in this chapter, "DEI officer" means an**
 42 **individual:**



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- (1) who is:
 - (A) a full-time or part-time employee of an agency; or
 - (B) an independent contractor of an agency; and
- (2) whose duties for the agency include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures relating to DEI.

Sec. 5. (a) An agency may not expend appropriated funds or otherwise expend any funds derived from bequests, charges, deposits, donations, grants, gifts, income, receipts, or any other source, to:

- (1) establish, sustain, support, or staff a DEI office; or
- (2) contract, employ, engage, or hire an individual to serve as a DEI officer.

(b) Nothing in this section prohibits consideration of bona fide qualifications based on sex that are reasonably necessary to the normal operation of government functions.

Sec. 6. All recipients of state contracts or grants must certify to the state comptroller, prior to being awarded a contract or grant, that the recipient does not and will not require its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed with DEI material with respect to state funds.

Sec. 7. (a) Any person may notify the attorney general of a violation or alleged violation of this chapter.

(b) The attorney general may file an action for mandate to compel an agency to comply with this chapter.

SECTION 2. IC 21-38-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 0.5. As used in this chapter, "diversity, equity, and inclusion" or "DEI" has the meaning set forth in IC 4-10-24-2.

SECTION 3. IC 21-38-10-1, AS ADDED BY P.L.113-2024, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. A state educational institution ~~that establishes, supports, sustains, or employs~~ **may establish, support, sustain, or employ** an office or individual whose primary duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting noncredit earning diversity programming ~~shall include within the mission of the office or position programming that substantially promotes both cultural and intellectual diversity.~~

SECTION 4. IC 21-38-10-2 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2025]: **Sec. 2. A state educational institution may not establish,
 3 support, sustain, or employ an office or individual whose primary
 4 duties include coordinating, creating, developing, designing,
 5 implementing, organizing, planning, or promoting noncredit
 6 earning diversity programming that includes DEI.**

7 SECTION 5. IC 21-38-10-3 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2025]: **Sec. 3. A state educational institution may not conduct
 10 internal DEI audits or engage DEI consultants.**

11 SECTION 6. IC 21-38-10-4 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2025]: **Sec. 4. (a) An aggrieved person may file a civil action
 14 against a state educational institution for a violation of section 2 or
 15 3 of this chapter.**

16 **(b) The court may award to an aggrieved person who prevails
 17 in an action under this section any of the following:**

18 **(1) Declaratory relief.**

19 **(2) Injunctive relief.**

20 **(3) The greater of:**

21 **(A) actual and consequential damages resulting from the
 22 violation; or**

23 **(B) liquidated damages of one hundred thousand dollars
 24 (\$100,000).**

25 **(4) Costs and reasonable attorney's fees.**

26 **(c) An action filed under this section must be filed not later than
 27 one (1) year after the date the alleged violation occurred.**

28 SECTION 7. IC 21-38-10-5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2025]: **Sec. 5. (a) The attorney general may investigate
 31 allegations of violations of section 2 or 3 of this chapter.**

32 **(b) In addition to any civil action filed by an aggrieved person
 33 under section 4 of this chapter, the attorney general may petition
 34 a court with jurisdiction to impose a civil penalty of not more than
 35 one million dollars (\$1,000,000) for each violation of section 2 or 3
 36 of this chapter committed by a state educational institution. The
 37 attorney general shall transfer all civil penalties collected under
 38 this chapter to the treasurer of state for deposit in the state general
 39 fund.**

40 **(c) The attorney general may file an action for mandate to
 41 compel a state educational institution to comply with this chapter.**

42 **(d) The attorney general may adopt rules under IC 4-22-2 to**



1 **establish procedures for investigating violations of this chapter.**

2 SECTION 8. IC 21-44-1-10, AS AMENDED BY P.L.126-2009,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2025]: Sec. 10. "Eligible institution", for purposes of:

5 (1) sections 2 and 11 of this chapter, ~~and~~ IC 21-44-2, **and**
6 **IC 21-44-3.5**, means a university, college, or other educational
7 institution that:

8 (A) operates in the United States; and

9 (B) offers a health education program leading to a
10 baccalaureate, graduate, or postgraduate degree in a health
11 related field including:

12 (i) medicine;

13 (ii) dentistry;

14 (iii) optometry;

15 (iv) nursing;

16 (v) physical therapy;

17 (vi) occupational therapy; or

18 (vii) other allied health fields; and

19 (2) IC 21-44-3, refers to a postsecondary educational institution
20 that qualifies as an eligible institution under IC 21-44-3-1(4).

21 SECTION 9. IC 21-44-3.5 IS ADDED TO THE INDIANA CODE
22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2025]:

24 **Chapter 3.5. Eligible Institution Requirements**

25 **Sec. 1. Each eligible institution shall require for admission to the**
26 **eligible institution a standardized admissions test focused on**
27 **knowledge and critical thinking around science and medical**
28 **training.**

29 **Sec. 2. (a) Before an eligible institution may alter the academic**
30 **standards for the:**

31 **(1) admission of new students to a health education program**
32 **described in IC 21-44-1-10(1)(B); or**

33 **(2) conferral of a baccalaureate, graduate, or postgraduate**
34 **degree or other certificate for a health education program**
35 **described in subdivision (1);**

36 **the eligible institution shall submit the information described in**
37 **subsection (b) to the legislative council in an electronic format**
38 **under IC-5-14-6 and the commission for higher education.**

39 **(b) An eligible institution shall submit the following to the**
40 **legislative council and commission for higher education as required**
41 **under subsection (a):**

42 **(1) A copy of the proposed academic standards.**



- 1 **(2) A concise general statement explaining the proposed**
- 2 **academic standards.**
- 3 **(3) The proposed effective date of the proposed academic**
- 4 **standards.**
- 5 **(c) The proposed academic standards described in subsection**
- 6 **(b)(1) may not become effective earlier than sixty (60) days after**
- 7 **the date that the eligible institution complies with subsections (a)**
- 8 **and (b).**

9 **Sec. 3. All eligible institutions that are not open enrollment**
 10 **eligible institutions:**

- 11 **(1) shall require "A" through "F" grade based assessments**
- 12 **for each course required to graduate; and**
- 13 **(2) may not use pass/fail assessments for any course required**
- 14 **to graduate.**

15 SECTION 10. IC 21-49-4-3, AS ADDED BY P.L.113-2024,
 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2025]: Sec. 3. Not later than ~~September 1, 2024,~~ and
 18 September 1 of each year, ~~thereafter,~~ a state educational institution
 19 shall submit to the state budget committee a report with the following
 20 information for the preceding state fiscal year:

- 21 (1) The total number of state educational institution:
- 22 (A) full-time and tenured professors;
- 23 (B) adjunct instructors;
- 24 (C) other contingent faculty; and
- 25 (D) nonacademic support or administrative employees.
- 26 ~~(2) The total number of employees at the state educational~~
- 27 ~~institution whose primary or secondary job duties or job titles~~
- 28 ~~include diversity, equity, and inclusion.~~
- 29 ~~(3)~~ **(2)** The total number of state educational institution
- 30 adjudications or proceedings regarding violations of policies
- 31 regarding diversity, equity, and inclusion or harassment.
- 32 ~~(4)~~ **(3)** A list and description of what the state educational
- 33 institution did to ensure free speech rights of students.
- 34 ~~(5)~~ **(4)** A list and description of what the state educational
- 35 institution did to ensure intellectual freedom for professors.
- 36 ~~(6)~~ **(5)** A list and description of what the state educational
- 37 institution did to ensure intellectual and ideological diversity of
- 38 professors.
- 39 ~~(7)~~ **(6)** The institution's budget allocations for diversity, equity,
- 40 and inclusion initiatives.

41 SECTION 11. IC 25-1-23 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]:
2 **Chapter 23. Diversity, Equity, and Inclusion in Health**
3 **Profession Licensing**
4 **Sec. 1. As used in this chapter, "board" means any of the boards**
5 **listed in IC 25-0.5-11, except for the Indiana board of veterinary**
6 **medicine.**
7 **Sec. 2. As used in this chapter, "diversity, equity, and inclusion"**
8 **or "DEI" has the meaning set forth in IC 4-10-24-2.**
9 **Sec. 3. A board may not adopt or impose, as a condition of**
10 **obtaining or renewing a license, certification, registration, or**
11 **permit any incentives or requirements that applicants for a license,**
12 **certification, registration, or permit undergo, demonstrate**
13 **familiarity with, or support any DEI training, education, material,**
14 **or program.**
15 **Sec. 4. Any board that issues a state required health related**
16 **professional license, certification, registration, or permit may not**
17 **use DEI material or require DEI training as part of the license or**
18 **certification process.**
19 **Sec. 5. A board may not conduct internal DEI audits or engage**
20 **DEI consultants.**
21 SECTION 12. IC 34-13-3-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) This chapter
23 applies only to a claim or suit in tort.
24 (b) The provisions of this chapter also apply to IC 34-30-14.
25 (c) **This chapter does not apply to a civil action brought by an**
26 **aggrieved person under IC 21-38-10-4.**

