



February 24, 2023

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## SENATE BILL No. 376

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DIGEST OF SB 376 (Updated February 23, 2023 11:31 am - DI 140)

**Citations Affected:** IC 12-15; IC 12-17.6; IC 12-32.

**Synopsis:** Lawfully residing immigrants and eligibility. Provides Medicaid eligibility for certain individuals who have immigrated and are lawfully residing in the United States and meet other Medicaid eligibility requirements. Specifies eligibility for the children's health insurance program (CHIP) for lawfully residing individuals who are less than 19 years of age. Provides that an agency or political subdivision is not required to verify citizenship or immigration status of an individual for purposes of the individual's eligibility for benefits under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, including the special supplemental food program for women, infants, and children.

**Effective:** July 1, 2023.

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**Donato, Breaux, Ford J.D., Hunley,  
Niezgodski, Qaddoura**

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January 19, 2023, read first time and referred to Committee on Family and Children Services.  
February 6, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 23, 2023, reported favorably — Do Pass.

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SB 376—LS 6808/DI 147





February 24, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 376

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

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

1 SECTION 1. IC 12-15-2.5-4.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 4.5. (a) This section applies to the**  
4 **following individuals who are lawfully residing in the United States**  
5 **as set forth in 42 U.S.C. 1396b(v)(4):**  
6 (1) **A pregnant individual during:**  
7 (A) **the pregnancy; and**  
8 (B) **the maximum amount allowable under federal law that**  
9 **does not exceed the twelve (12) month period beginning on**  
10 **the last day of the pregnancy.**  
11 (2) **An individual who is less than twenty-one (21) years of**  
12 **age.**  
13 (b) **An individual described in subsection (a) who:**  
14 (1) **meets any other requirement under federal law; and**  
15 (2) **is otherwise eligible for Medicaid under this article;**  
16 **is entitled to receive assistance under this article without a waiting**  
17 **period as allowed under 42 U.S.C. 1396b(v).**

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1           **(c) The office of the secretary shall apply for any Medicaid state**  
 2 **plan amendment or waiver necessary to implement this section.**

3           SECTION 2. IC 12-17.6-3-2.4 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. (a) An individual who:**

- 6           **(1) is less than nineteen (19) years of age;**  
 7           **(2) is lawfully residing in the United States, as set forth in 42**  
 8 **U.S.C. 1396b(v)(4);**  
 9           **(3) is otherwise eligible for the program under this article;**  
 10 **and**  
 11           **(4) meets any other requirement under federal law;**  
 12 **is entitled to receive assistance under this article without a waiting**  
 13 **period as allowed under 42 U.S.C. 1397gg(e)(1).**

14           **(b) The office of the secretary shall apply for any amendment to**  
 15 **the state's children health insurance plan or waiver necessary to**  
 16 **implement this section.**

17           SECTION 3. IC 12-32-1-5, AS AMENDED BY P.L.180-2013,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2023]: **Sec. 5. (a) Notwithstanding any other provision of law**  
 20 **and except as otherwise provided under federal law and subsections**  
 21 **(b), (d), and (e), and (f), an agency or a political subdivision shall**  
 22 **verify, in the manner required under section 6 of this chapter, the**  
 23 **eligibility of any individual who:**

- 24           **(1) is at least eighteen (18) years of age; and**  
 25           **(2) applies for state or local public benefits or federal public**  
 26 **benefits that are provided by the agency or the political**  
 27 **subdivision.**

28           **(b) A health care provider (as defined in IC 16-18-2-163(a)) is not**  
 29 **required to verify the eligibility of an individual as required under**  
 30 **subsection (a) if the health care provider is providing health care**  
 31 **services for the treatment of an emergency medical condition (as**  
 32 **defined in 42 U.S.C. 1396b(v)(3)).**

33           **(c) With regard to a state or local public benefit or a federal public**  
 34 **benefit that covers health care services, a health care provider (as**  
 35 **defined in IC 16-18-2-163) satisfies the requirements of this chapter if**  
 36 **the health care provider complies with the eligibility verification**  
 37 **policies and procedures for providing the benefit that is established by**  
 38 **the:**

- 39           **(1) office of the secretary of family and social services; or**  
 40           **(2) federal Department of Health and Human Services.**

41           **(d) A state educational institution is not required to verify the**  
 42 **eligibility of an individual as required under subsection (a) if all the**



- 1 following apply:
- 2 (1) The individual is eligible to pay the resident tuition rate of the
- 3 state educational institution.
- 4 (2) The individual is not applying for any state or local public
- 5 benefit or federal public benefit other than the resident tuition rate
- 6 that:
- 7 (A) is provided by the state educational institution; and
- 8 (B) would require verification under this chapter.
- 9 (3) The individual was enrolled in a state educational institution
- 10 on or before July 1, 2011.
- 11 (e) An agency or a political subdivision is not required to verify the
- 12 eligibility of an individual as required under subsection (a) if all the
- 13 following apply:
- 14 (1) The individual is applying for a scholarship, a grant, or
- 15 financial aid for postsecondary education.
- 16 (2) The individual is not applying for any state or local public
- 17 benefit or federal public benefit other than the benefit described
- 18 in subdivision (1) that:
- 19 (A) is provided by the agency or political subdivision; and
- 20 (B) would require verification under this chapter.
- 21 (3) The individual is:
- 22 (A) an international student with bona fide legal status; and
- 23 (B) enrolled in a state educational institution.
- 24 **(f) An agency or a political subdivision is not required under**
- 25 **subsection (a) to verify the eligibility of an individual for benefits**
- 26 **under programs described in 8 U.S.C. 1615(b)(2)(A), including the**
- 27 **special supplemental food program for women, infants, and**
- 28 **children administered by the Indiana department of health.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 16, begin a new paragraph and insert:

"SECTION 3. IC 12-32-1-5, AS AMENDED BY P.L.180-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Notwithstanding any other provision of law and except as otherwise provided under federal law and subsections (b), (d), ~~and~~ (e), **and (f)**, an agency or a political subdivision shall verify, in the manner required under section 6 of this chapter, the eligibility of any individual who:

- (1) is at least eighteen (18) years of age; and
- (2) applies for state or local public benefits or federal public benefits that are provided by the agency or the political subdivision.

(b) A health care provider (as defined in IC 16-18-2-163(a)) is not required to verify the eligibility of an individual as required under subsection (a) if the health care provider is providing health care services for the treatment of an emergency medical condition (as defined in 42 U.S.C. 1396b(v)(3)).

(c) With regard to a state or local public benefit or a federal public benefit that covers health care services, a health care provider (as defined in IC 16-18-2-163) satisfies the requirements of this chapter if the health care provider complies with the eligibility verification policies and procedures for providing the benefit that is established by the:

- (1) office of the secretary of family and social services; or
- (2) federal Department of Health and Human Services.

(d) A state educational institution is not required to verify the eligibility of an individual as required under subsection (a) if all the following apply:

- (1) The individual is eligible to pay the resident tuition rate of the state educational institution.
- (2) The individual is not applying for any state or local public benefit or federal public benefit other than the resident tuition rate that:
  - (A) is provided by the state educational institution; and
  - (B) would require verification under this chapter.



(3) The individual was enrolled in a state educational institution on or before July 1, 2011.

(e) An agency or a political subdivision is not required to verify the eligibility of an individual as required under subsection (a) if all the following apply:

(1) The individual is applying for a scholarship, a grant, or financial aid for postsecondary education.

(2) The individual is not applying for any state or local public benefit or federal public benefit other than the benefit described in subdivision (1) that:

(A) is provided by the agency or political subdivision; and

(B) would require verification under this chapter.

(3) The individual is:

(A) an international student with bona fide legal status; and

(B) enrolled in a state educational institution.

**(f) An agency or a political subdivision is not required under subsection (a) to verify the eligibility of an individual for benefits under programs described in 8 U.S.C. 1615(b)(2)(A), including the special supplemental food program for women, infants, and children administered by the Indiana department of health."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 376 as introduced.)

WALKER G, Chairperson

Committee Vote: Yeas 7, Nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 376, 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 376 as printed February 7, 2023.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0

**SB 376—LS 6808/DI 147**

