

SENATE BILL No. 421

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-8; IC 25-15-9-13; IC 25-20.2-5-2; IC 25-21.8-4-2; IC 25-26; IC 25-28.5-2-1; IC 25-30; IC 25-34.1-3-5; IC 25-38.1; IC 30-2-13-29; IC 35-48-7-13.1.

Synopsis: Professional licensing matters. Provides that certain applications for a professional license may not be denied if the applicant was charged or convicted of a criminal offense two years prior to the date of application. Makes an exception for denial for certain crimes. Replaces the regulated occupations evaluation committee with the jobs creation committee. Provides that the funds from certain professions may be used by that profession's board to pay for the administration expenses of the profession. Removes the 1,500 hours of course work that must be offered by a beauty culture school and provides that the school must meet the requirements set by the state board of cosmetology and barber examiners. Removes the requirements that a home inspector's, massage therapist's, private investigator firm's, or security guard agency's insurance list the state as an additional insured. Requires a nonresident pharmacy to submit an inspection report from the applicant's home state. Changes the requirements that a nonresident broker must meet to be waived of requirements for a license. Allows a graduate from a foreign college of veterinary medicine who has a Program for the Assessment of Veterinary Medical Education Equivalence certificate to meet the qualification of graduating from an accredited college of veterinary medicine for purposes of certain licensure exemptions and for applying for a veterinary license. Provides that the state board of funeral and cemetery service (board) has 180 days to investigate a verified complaint. (Current law provides for a 60 day investigation.) Gives the board discretion to order restitution from the preneed consumer protection fund. Provides money in the controlled substances data fund
(Continued next page)

Effective: July 1, 2014.

Head

January 14, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.



Digest Continued

to be used for the administration of the INSPECT program. (Current law allows money to be used for the operation of the INSPECT program.) Makes a technical correction.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 421

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 25-1-1.1-0.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. (a) This section does not**
4 **apply to an individual who has had a business, professional, or**
5 **occupational license, permit, certification, or certificate of**
6 **registration revoked or suspended by a board, commission, or**
7 **committee in any jurisdiction.**
8 **(b) This section does not apply to the following individuals:**
9 **(1) A sex or violent offender (as defined in IC 11-8-8-5).**
10 **(2) An individual convicted of official misconduct under**
11 **IC 35-44.1-1-1.**
12 **(3) An individual convicted of an offense described in:**
13 **(A) IC 35-42-1 (homicide);**
14 **(B) IC 35-42-3.5 (human and sexual trafficking); or**
15 **(C) IC 35-42-4 (sex crimes).**

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1 (c) Nothing in this section prohibits a board, commission, or
 2 committee from issuing a license, permit, certification, or
 3 certificate of registration on a probationary or conditional basis.

4 (d) Notwithstanding IC 35-38-9-10, a board, commission, or
 5 committee may not deny an original or a renewal application for
 6 a license, permit, certification, or certificate of registration that an
 7 individual is required by law to hold to engage in a business,
 8 profession, or occupation because the applicant has been charged
 9 with or convicted of any criminal offense or administrative action
 10 more than two (2) years prior to the date of the application.

11 (e) Except as provided by IC 35-38-9-10, the acts from which the
 12 applicant's criminal charges or conviction resulted may be
 13 considered as to whether the applicant should be entrusted to serve
 14 the public in a specific capacity.

15 SECTION 2. IC 25-1-1.1-1, AS AMENDED BY P.L.155-2011,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 1. Except as provided under sections 2 through 5
 18 of this chapter, a license, **permit, certification,** or certificate of
 19 registration that an individual is required by law to hold to engage in
 20 a business, profession, or occupation may not be ~~denied~~; revoked or
 21 suspended because the applicant or holder has been convicted of an
 22 offense. The acts from which the ~~applicant's or holder's~~ **criminal**
 23 **charges or** conviction resulted may, however, be considered as to
 24 whether the ~~applicant or holder~~ should be entrusted to serve the public
 25 in a specific capacity.

26 SECTION 3. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,
 27 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,
 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a
 30 board, a commission, or a committee may suspend ~~deny~~, or revoke a
 31 license or certificate issued under this title by the board, the
 32 commission, or the committee without an investigation by the office of
 33 the attorney general if the individual who holds the license or
 34 certificate is convicted ~~any of the following~~ **or charged with a felony**
 35 **in any jurisdiction** and the board, commission, or committee
 36 determines, after the individual has appeared in person, that the offense
 37 affects the individual's ability to perform the duties of the profession.

38 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

39 (2) Possession of methamphetamine under IC 35-48-4-6.1.

40 (3) Possession of a controlled substance under IC 35-48-4-7(a).

41 (4) Fraudulently obtaining a controlled substance under
 42 ~~IC 35-48-4-7(b)~~ ~~IC 35-48-4-7(e).~~



1 (5) Manufacture of paraphernalia as a Class D felony (for a crime
2 committed before July 1, 2014) or a Level 6 felony (for a crime
3 committed after June 30, 2014) under IC 35-48-4-8.1(b).

4 (6) Dealing in paraphernalia as a Class D felony (for a crime
5 committed before July 1, 2014) or a Level 6 felony (for a crime
6 committed after June 30, 2014) under IC 35-48-4-8.5(b).

7 (7) Possession of paraphernalia as a Class D felony (for a crime
8 committed before July 1, 2014) or a Level 6 felony (for a crime
9 committed after June 30, 2014) under IC 35-48-4-8.3(b).

10 (8) Possession of marijuana, hash oil, hashish, ~~or~~ salvia or a
11 synthetic drug as a Class D felony (for a crime committed before
12 July 1, 2014) or a Level 6 felony (for a crime committed after
13 June 30, 2014) under IC 35-48-4-11.

14 (9) Possession of a synthetic drug or synthetic drug lookalike
15 substance as a Class D felony under IC 35-48-4-11.5 (or under
16 IC 35-48-4-11 before its amendment in 2013).

17 (9) (10) Maintaining a common nuisance under IC 35-48-4-13.

18 (10) (11) An offense relating to registration, labeling, and
19 prescription forms under IC 35-48-4-14.

20 (11) (12) Conspiracy under IC 35-41-5-2 to commit an offense
21 listed in subdivisions (1) through (10). this section.

22 (12) (13) Attempt under IC 35-41-5-1 to commit an offense listed
23 in subdivisions (1) through (10). this section.

24 (13) (14) A sex crime under IC 35-42-4.

25 (14) (15) A felony that reflects adversely on the individual's
26 fitness to hold a professional license.

27 (15) (16) An offense in any other jurisdiction in which the
28 elements of the offense for which the conviction was entered are
29 substantially similar to the elements of an offense described in
30 this section.

31 SECTION 4. IC 25-1-16-3, AS ADDED BY P.L.84-2010,
32 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2014]: Sec. 3. As used in this chapter, "committee" means the
34 regulated occupations evaluation jobs creation committee established
35 by section 6 of this chapter.

36 SECTION 5. IC 25-1-16-4, AS ADDED BY P.L.84-2010,
37 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 4. As used in this chapter, "license" means:

39 (1) an unlimited license, **permit**, certificate, or **certificate of**
40 registration;

41 (2) a **temporary**, limited, or probationary license, **permit**,
42 certificate, or **certificate of** registration;



1 ~~(3)~~ a temporary license, certificate, registration, or permit;

2 ~~(4)~~ **(3)** an intern permit; or

3 ~~(5)~~ **(4)** a provisional license;

4 issued by the board regulating the regulated occupation in question.

5 **"Licensed" has a corresponding meaning.**

6 SECTION 6. IC 25-1-16-4.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2014]: **Sec. 4.5. As used in this chapter, "office" refers to the**
9 **office of management and budget.**

10 SECTION 7. IC 25-1-16-6, AS ADDED BY P.L.84-2010,
11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: **Sec. 6. The ~~regulated occupations evaluation jobs~~**
13 **creation** committee is established.

14 SECTION 8. IC 25-1-16-7, AS ADDED BY P.L.84-2010,
15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: **Sec. 7. (a) The committee consists of the following**
17 **individuals:**

18 (1) ~~The dean executive director of the Indiana University School~~
19 ~~of Public and Environmental Affairs agency~~ or the ~~dean's~~
20 **executive director's** designee. The ~~dean executive director~~ or
21 the ~~dean's executive director's~~ designee shall serve as
22 chairperson of the committee.

23 (2) The director of the ~~agency office~~ or the director's designee.

24 (3) ~~The attorney general or the attorney general's designee;~~ **An**
25 **individual appointed by the governor who represents an**
26 **association that has small businesses, small business owners,**
27 **or licensed professionals as a majority of its members, as a**
28 **nonvoting member. The member serves at the pleasure of the**
29 **governor.**

30 (4) Two (2) individuals appointed by the governor who are
31 licensed in a regulated occupation.

32 (5) Two (2) individuals appointed by the governor who are not
33 licensed in a regulated occupation.

34 (b) The term of a member appointed under subsection (a)(4) or
35 (a)(5) is three (3) years.

36 (c) The affirmative votes of a majority of the voting members
37 appointed to the committee are required for the committee to take
38 action on any measure.

39 **(d) Notwithstanding any other law, the term of a member**
40 **appointed before July 1, 2014, under subsection (a)(4) or (a)(5)**
41 **expires on July 1, 2014.**

42 SECTION 9. IC 25-1-16-8, AS ADDED BY P.L.84-2010,



1 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 8. (a) The committee shall review and evaluate
3 each regulated occupation **and board**. The review and evaluation must
4 include the following:

5 (1) The functions, powers, and duties of the regulated occupation
6 and the board, including any functions, powers, or duties that are
7 inconsistent with current or projected practice of the occupation.

8 (2) An assessment of the management efficiency of the board.

9 (3) An assessment of the regulated occupation's and the board's
10 ability to meet the objectives of the general assembly in licensing
11 the regulated occupation.

12 **(4) An assessment of the necessity, burden, and alternatives to**
13 **the licenses issued by the board.**

14 **(5) An assessment of the fees that the board charges for**
15 **licenses.**

16 ~~(6)~~ (6) Any other criteria identified by the committee.

17 (b) The committee shall prepare a report concerning each regulated
18 occupation **and board** that the committee reviews and evaluates. The
19 report must contain the following:

20 (1) The number of individuals who are licensed in the regulated
21 occupation.

22 (2) A summary of the board's functions and actions.

23 (3) The budget and other fiscal factors of regulating the regulated
24 occupation, **including the actual cost of administering license**
25 **applications, renewals, and issuing licenses.**

26 (4) An assessment of the effect of the regulated occupation on the
27 state's economy, including consumers and businesses.

28 (5) Any recommendations for legislation, including whether:

29 **(A) the regulation of** a regulated occupation should be
30 modified;

31 **(B) the board should be** combined with another board; ~~or~~

32 **(C) whether the board or the regulation of the regulated**
33 **occupation should be** terminated;

34 **(D) whether a license should be eliminated; or**

35 **(E) whether multiple licenses should be consolidated into**
36 **a single license.**

37 (6) Any recommendations for administrative changes.

38 **(7) Information that supports the committee's**
39 **recommendations.**

40 **(c) This section does not apply to fees that support dedicated**
41 **funds. After the committee has reviewed and evaluated a regulated**
42 **occupation and board, the committee shall provide the agency and**



1 the board that is the subject of the committee's evaluation with
 2 recommendations for fees that the board should charge for
 3 application fees, renewal fees, and fees to issue licenses. The
 4 recommendation for fees must comply with the requirements
 5 under IC 25-1-8-2. However, the recommendation must exceed the
 6 lesser of either one hundred dollars (\$100) or the actual
 7 administrative cost to process the application, or renew or issue the
 8 license.

9 SECTION 10. IC 25-1-16-10, AS ADDED BY P.L.84-2010,
 10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 10. The committee shall establish a schedule to
 12 review and evaluate each regulated occupation. Each regulated
 13 occupation must be reviewed and evaluated at least every ~~seven (7)~~
 14 **five (5)** years.

15 SECTION 11. IC 25-1-16-11, AS ADDED BY P.L.84-2010,
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 11. (a) The ~~agency office~~ shall provide staff and
 18 administrative support to the committee.

19 (b) The committee may hire, with approval of the director of the
 20 ~~agency; office~~, an individual to assist the committee.

21 (c) The expenditures of the committee shall be paid from
 22 appropriations to the ~~agency; office~~.

23 SECTION 12. IC 25-1-16-13, AS ADDED BY P.L.84-2010,
 24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 13. The committee shall submit a report to the:

- 26 (1) governor; **and**
- 27 ~~(2) health finance commission; and~~
- 28 ~~(3) (2) legislative services agency;~~

29 not later than July 1 of each year. The report submitted to the
 30 legislative services agency must be in an electronic format under
 31 IC 5-14-6.

32 SECTION 13. IC 25-1-16-14 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2014]: **Sec. 14. The committee shall seek
 35 public input when considering any proposals or reports concerning
 36 the elimination of a license or change to a regulated occupation.**

37 SECTION 14. IC 25-1-16-15 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2014]: **Sec. 15. The committee shall review
 40 and evaluate a proposal to license a new occupation upon the
 41 request of any of the following:**

- 42 (1) A member of the general assembly.



1 **(2) A legislative staff member on behalf of a member of the**
 2 **general assembly.**

3 **(3) A member of the legislative services agency on behalf of a**
 4 **member of the general assembly.**

5 SECTION 15. IC 25-8-2-5, AS AMENDED BY P.L.170-2013,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 5. (a) "Cosmetology" means performing any of the
 8 following acts on the head, face, neck, shoulders, torso, arms, hands,
 9 legs, or feet of a person:

10 (1) Cutting, trimming, styling, arranging, dressing, curling,
 11 waving, permanent waving, cleansing, bleaching, tinting,
 12 coloring, or similarly treating hair.

13 (2) Applying oils, creams, antiseptics, clays, lotions, or other
 14 preparations to massage, cleanse, stimulate, manipulate, exercise,
 15 or beautify.

16 (3) Arching eyebrows.

17 (4) Using depilatories.

18 (5) Manicuring and pedicuring.

19 (b) "Cosmetology" does not include performing any of the acts
 20 described in subsection (a):

21 (1) in treating illness or disease;

22 (2) as a student in a beauty culture school that complies with the
 23 notice requirements set forth in IC 25-8-5-6;

24 (3) in performing shampooing operations; or

25 (4) without compensation.

26 (c) "Cosmetology" does not include performing the act of threading
 27 **or braiding.**

28 SECTION 16. IC 25-8-3-30, AS ADDED BY P.L.170-2013,
 29 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 30. (a) The board shall implement a program to
 31 investigate and assess a civil penalty of not more than five hundred
 32 dollars (\$500) against a licensee under this article for the following
 33 violations:

34 (1) Violation of this article under IC 25-8-14-5.

35 (2) Failure to display a license required under IC 25-8-4-13.

36 (3) Failure to continue to meet the licensure requirements under
 37 IC 25-8-4-29.

38 (4) Engaging in beauty culture outside a beauty culture salon
 39 under IC 25-8-9-14.

40 (5) Operating a tanning facility without a license under
 41 IC 25-8-15.4-5.

42 (b) An individual who is investigated by the board and found by the



1 board to have committed a violation specified in subsection (a) may
 2 appeal the determination made by the board in accordance with
 3 IC 4-21.5.

4 (c) The state board of cosmetology and barber examiners
 5 compliance fund is established to provide funds for administering and
 6 enforcing **the provisions of this article, including** the investigation of
 7 violations specified in subsection (a). The fund shall be administered
 8 by the Indiana professional licensing agency.

9 (d) The expenses of administering the state board of cosmetology
 10 and barber examiners compliance fund shall be paid from the money
 11 in the fund. The fund consists of penalties collected through
 12 investigations and assessments by the board concerning violations
 13 specified in subsection (a).

14 (e) The treasurer of state shall invest the money in the fund not
 15 currently needed to meet the obligations of the fund in the same
 16 manner as other public money may be invested. Interest that accrues
 17 from these investments shall be deposited in the fund.

18 (f) Except as otherwise provided in this subsection, money in the
 19 fund at the end of a state fiscal year does not revert to the state general
 20 fund. If the total amount in the fund exceeds seven hundred fifty
 21 thousand dollars (\$750,000) at the end of a state fiscal year after
 22 payment of all claims and expenses, the amount that exceeds seven
 23 hundred fifty thousand dollars (\$750,000) reverts to the state general
 24 fund.

25 SECTION 17. IC 25-8-5-3, AS AMENDED BY P.L.170-2013,
 26 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 3. The application described in section 2 of this
 28 chapter must state that:

- 29 (1) as a requirement for graduation, the proposed school will
 30 require its students to successfully complete **at least the one**
 31 **thousand five hundred (1,500) hours of course work the**
 32 **curriculum required by section 4 of this chapter** to be eligible
 33 to sit for the licensing examination;
 34 (2) no more than ten (10) hours of course work may be taken by
 35 a student during one (1) day;
 36 (3) the course work will instruct the students in all theories and
 37 practical application of the students' specific course of study;
 38 (4) the school will provide one (1) instructor for each twenty (20)
 39 students or any fraction of that number;
 40 (5) the school will be operated under the personal supervision of
 41 a licensed beauty culture instructor;
 42 (6) the person has obtained any building permit, certificate of



1 occupancy, or other planning approval required under IC 22-15-3
2 and IC 36-7-4 to operate the school;

3 (7) the school, if located in the same building as a residence, will:

4 (A) be separated from the residence by a substantial floor to
5 ceiling partition; and

6 (B) have a separate entry;

7 (8) as a requirement for graduation, the proposed school must
8 administer and require the student to pass:

9 (A) a final practical demonstration examination of the acts
10 permitted by the license; and

11 (B) the written examination required under IC 25-8-4-7(b);

12 **and**

13 (9) the applicant has paid the fee set forth in IC 25-8-13-3.

14 SECTION 18. IC 25-15-9-13 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The funeral
16 service education fund is established for the following purposes:

17 (1) To supplement the funding for a program of inspection
18 administered by the funeral director, consumer, and state
19 department of health members of the board under section 9 of this
20 chapter.

21 (2) To fund educational projects of the funeral director, consumer,
22 and state department of health members of the board directed
23 toward funeral directors and embalmers.

24 **(3) To carry out the duties of the board.**

25 (b) The fund shall be administered by the funeral director,
26 consumer, and state department of health members of the board.

27 (c) The treasurer of state shall invest the money in the fund not
28 currently needed to meet the obligations of the fund in the same
29 manner as other public funds may be invested.

30 (d) Money in the fund at the end of a state fiscal year does not revert
31 to the state general fund. If the amount of money in the fund at the
32 close of a fiscal year exceeds forty thousand dollars (\$40,000), the
33 treasurer of state shall transfer the excess from the fund into the state
34 general fund.

35 SECTION 19. IC 25-20.2-5-2, AS AMENDED BY P.L.216-2007,
36 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2014]: Sec. 2. (a) An individual who applies for a license as
38 a home inspector must do the following:

39 (1) Furnish evidence satisfactory to the board showing that the
40 individual:

41 (A) is at least eighteen (18) years of age;

42 (B) has graduated from high school or earned an Indiana



- 1 general educational development (GED) diploma; and
 2 (C) has not been:
 3 (i) convicted of an act that would constitute a ground for
 4 disciplinary sanction under IC 25-1-11;
 5 (ii) convicted of a crime that has a direct bearing on the
 6 individual's ability to perform competently and fully as a
 7 licensee;
 8 (iii) listed on a national or state registry of sex or violent
 9 offenders; or
 10 (iv) the subject of a disciplinary or enforcement action by
 11 another state or a local jurisdiction in connection with the
 12 performance of home inspections or the licensing or
 13 certification of home inspectors.
- 14 (2) Verify the information submitted on the application form.
- 15 (3) Complete a board approved training program or course of
 16 study involving the performance of home inspections and the
 17 preparation of home inspection reports and pass an examination
 18 prescribed or approved by the board.
- 19 (4) Submit to the board a certificate of insurance or other
 20 evidence of financial responsibility that is acceptable to the board
 21 and that:
 22 (A) is issued by an insurance company or other legal entity
 23 authorized to transact business in Indiana;
 24 (B) provides for general liability coverage of at least one
 25 hundred thousand dollars (\$100,000);
 26 ~~(C) lists the state as an additional insured;~~
 27 ~~(D) (C) states that cancellation and nonrenewal of the~~
 28 ~~underlying policy or other evidence of financial responsibility~~
 29 ~~is not effective until the board receives at least ten (10) days~~
 30 ~~prior written notice of the cancellation or nonrenewal; and~~
 31 ~~(E) (D) contains any other terms and conditions established by~~
 32 ~~the board.~~
- 33 (5) Pay a licensing fee established by the board.
- 34 (b) An individual applying for a license as a home inspector must
 35 apply on a form prescribed and provided by the board.
- 36 SECTION 20. IC 25-21.8-4-2, AS AMENDED BY P.L.107-2012,
 37 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 2. An individual who applies for certification as
 39 a massage therapist must do the following:
 40 (1) Furnish evidence satisfactory to the board showing that the
 41 individual:
 42 (A) is at least eighteen (18) years of age;



- 1 (B) has a high school diploma or the equivalent of a high
- 2 school diploma;
- 3 (C) has successfully completed a massage therapy school or
- 4 program that:
 - 5 (i) requires at least five hundred (500) hours of supervised
 - 6 classroom and hands on instruction on massage therapy;
 - 7 (ii) is in good standing with a state, regional, or national
 - 8 agency of government charged with regulating massage
 - 9 therapy schools or programs; and
 - 10 (iii) is accredited by the state workforce innovation council
 - 11 under IC 22-4.1-21 or accredited by another state where the
 - 12 standards for massage therapy education are substantially
 - 13 the same as the standards in Indiana, or is a program at an
 - 14 institution of higher learning that is approved by the board;
 - 15 and
 - 16 (D) has taken and passed a certification examination approved
 - 17 by the board.
- 18 (2) Provide a history of any criminal convictions the individual
- 19 has, including any convictions related to the practice of the
- 20 profession. The board shall deny an application for certification
- 21 if the applicant:
 - 22 (A) has been convicted of:
 - 23 (i) prostitution;
 - 24 (ii) rape; or
 - 25 (iii) sexual misconduct; or
 - 26 (B) is a registered sex offender.
- 27 (3) Provide proof that the applicant **currently** has professional
- 28 liability insurance. ~~in force that lists the state as an additional~~
- 29 ~~insured.~~
- 30 (4) Verify the information submitted on the application form.
- 31 (5) Pay fees established by the board.

32 SECTION 21. IC 25-26-13-30, AS AMENDED BY P.L.1-2006,
 33 SECTION 464, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) The impaired pharmacists
 35 account is established within the state general fund to provide money
 36 for:

- 37 (1) the rehabilitation of impaired pharmacists under this article;
- 38 **and**
- 39 (2) **carrying out the duties of the board.**
- 40 The account shall be administered by the Indiana professional licensing
- 41 agency.
- 42 (b) Expenses of administering the account shall be paid from money



1 in the account. The account consists of money collected under section
2 4.5(b) of this chapter.

3 (c) The treasurer of state shall invest the money in the account not
4 currently needed to meet the obligations of the account in the same
5 manner as other public money may be invested. Money remaining in
6 the account at the end of a state fiscal year does not revert to the state
7 general fund.

8 (d) There is appropriated to the board from the account an amount
9 sufficient to carry out the purpose described in subsection (a).

10 SECTION 22. IC 25-26-17-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A nonresident
12 pharmacy must register with the board. To register with the board, a
13 nonresident pharmacy must submit the following to the board:

14 (1) A verified statement that the nonresident pharmacy is
15 licensed, certified, or registered to operate in the state in which
16 the pharmacy is located.

17 (2) The location, names, and titles of all principal corporate
18 officers and pharmacists who are dispensing drugs to residents of
19 Indiana. This disclosure must be made on an annual basis. The
20 nonresident pharmacy must notify the board within thirty (30)
21 days after any change of office location, corporate officer, or
22 pharmacist in charge.

23 (3) A verified statement that the nonresident pharmacy complies
24 with all lawful requests for information from the regulatory or
25 licensing agency of all states in which it is licensed.

26 **(4) The latest inspection report or an equivalent document**
27 **approved by the board, from the licensing authority of the**
28 **state in which the nonresident pharmacy is located. However,**
29 **if the nonresident pharmacy has not been inspected within the**
30 **last three hundred sixty-five (365) days by the state in which**
31 **the nonresident pharmacy and licensing authority are**
32 **domiciled, or if the board determines that the home state**
33 **inspection is not substantially equivalent to an Indiana**
34 **inspection or is not available, an inspection report from a:**

35 **(A) third party;**

36 **(B) healthcare accreditation body; or**

37 **(C) pharmacy accreditation body;**

38 **that is approved by the board, must be obtained and**
39 **submitted by the nonresident pharmacy.**

40 ~~(4)~~ **(5)** Information requested and deemed necessary by the board
41 to carry out this chapter.

42 ~~(5)~~ **(6)** The fee required by IC 25-1-8 which shall be reasonable



1 and not exceed the costs to the board.

2 SECTION 23. IC 25-28.5-2-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The plumbers
4 recovery fund is established for:

5 (1) the purpose set out in this chapter; and

6 (2) **carrying out the duties of the Indiana plumbing
7 commission.**

8 The fund shall be administered by the **Indiana** plumbing commission.

9 (b) The treasurer of state shall invest the money in the fund not
10 currently needed to meet the obligations of the fund in the same
11 manner as other public funds may be invested. Interest that accrues
12 from these investments shall be deposited in the fund.

13 (c) Money in the fund at the end of a state fiscal year does not revert
14 to the state general fund, except as provided in section 2.2 of this
15 chapter.

16 SECTION 24. IC 25-30-1-15, AS AMENDED BY P.L.185-2007,
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 15. (a) An applicant for a private investigator firm
19 license shall submit to the board a certificate of insurance or other
20 evidence of financial responsibility that:

21 (1) is approved by the board; and

22 (2) meets the following requirements:

23 (A) Is issued by an insurance company or other legal entity
24 authorized to transact business in Indiana.

25 (B) Provides for general liability coverage of at least one
26 hundred thousand dollars (\$100,000).

27 ~~(C) Lists the state as an additional insured.~~

28 ~~(D)~~ (C) States that cancellation and nonrenewal of the
29 underlying policy or other evidence of financial responsibility
30 is not effective until the board receives written notice at least
31 ten (10) days before the cancellation or nonrenewal of the
32 policy.

33 ~~(E)~~ (D) Contains any other terms and conditions established by
34 the board.

35 (b) The insurance referred to in subsection (a):

36 (1) must cover damages that the insured becomes legally
37 obligated to pay for bodily injury or property damage proximately
38 caused to a person by the insured in conducting business as a
39 private investigator firm;

40 (2) must include coverage for:

41 (A) false arrest, detention, or imprisonment;

42 (B) malicious prosecution; and



- 1 (C) wrongful entry or eviction, or other invasion of the right of
- 2 private occupancy; and
- 3 (3) may not exclude coverage for an intentional act taken by or at
- 4 the direction of the insured that results in bodily injury, if such
- 5 injury arises solely from the use of reasonable force for the
- 6 purpose of protecting persons or property.
- 7 (c) If a licensee fails to comply with the insurance requirements of
- 8 this section, the license of the licensee shall be suspended. A license
- 9 suspended under this subsection may not be reinstated until an
- 10 application for reinstatement of the license, in the form prescribed by
- 11 the board, is filed with the board, together with proper proof of
- 12 insurance.
- 13 (d) The board may deny an application for the reinstatement of a
- 14 license suspended under this section, notwithstanding the applicant's
- 15 compliance with the insurance requirements of this section for any of
- 16 the following:
 - 17 (1) Any reason that would justify a refusal to issue, a suspension,
 - 18 or a revocation of a license.
 - 19 (2) The performance by the applicant, while the applicant's
 - 20 license was suspended under this section, of any practice for
 - 21 which a license under this chapter is required.
- 22 SECTION 25. IC 25-30-1.3-16, AS ADDED BY P.L.185-2007,
- 23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2014]: Sec. 16. (a) An applicant for a security guard agency
- 25 license must submit to the board a certificate of insurance or other
- 26 evidence of financial responsibility that:
 - 27 (1) is approved by the board; and
 - 28 (2) meets the following requirements:
 - 29 (A) Is issued by an insurance company or other legal entity
 - 30 authorized to transact business in Indiana.
 - 31 (B) Provides for general liability coverage of at least one
 - 32 hundred thousand dollars (\$100,000).
 - 33 ~~(C) Lists the state as an additional insured:~~
 - 34 ~~(D)~~ (C) States that cancellation and nonrenewal of the
 - 35 underlying policy or other evidence of financial responsibility
 - 36 is not effective until the board receives at least ten (10) days
 - 37 prior written notice of the cancellation or nonrenewal of the
 - 38 policy.
 - 39 ~~(E)~~ (D) Contains any other terms and conditions established by
 - 40 the board.
 - 41 (b) The insurance referred to in subsection (a):
 - 42 (1) must cover damages that the insured becomes legally



1 obligated to pay for bodily injury or property damage proximately
 2 caused to a person by the insured in conducting business as a
 3 security guard agency;

4 (2) must include coverage for:

5 (A) false arrest, detention, or imprisonment;

6 (B) malicious prosecution; and

7 (C) wrongful entry or eviction or other invasion of the right of
 8 private occupancy; and

9 (3) may not exclude coverage for an intentional act taken by or at
 10 the direction of the insured that results in bodily injury, if the
 11 injury arises solely from the use of reasonable force to protect
 12 persons or property.

13 (c) If a licensee fails to comply with the insurance requirements of
 14 this section, the license of the licensee shall be suspended. A license
 15 suspended under this subsection may not be reinstated until an
 16 application for reinstatement of the license, in the form prescribed by
 17 the board, is filed with the board, together with proper proof of
 18 insurance.

19 (d) The board may deny an application for the reinstatement of a
 20 license suspended under this section, notwithstanding the applicant's
 21 compliance with the insurance requirements of this section for any of
 22 the following:

23 (1) Any reason that would justify a refusal to issue, a suspension,
 24 or a revocation of a license.

25 (2) The performance by the applicant, while the applicant's
 26 license was suspended under this section, of any practice for
 27 which a license under this chapter is required.

28 SECTION 26. IC 25-34.1-3-5, AS AMENDED BY P.L.127-2012,
 29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 5. (a) A resident of another state, meeting the
 31 requirements of this chapter, may be licensed.

32 (b) A nonresident broker shall file with the commission a written
 33 consent that any action arising out of the conduct of the licensee's
 34 business in Indiana may be commenced in any county of this state in
 35 which the cause of action accrues. The consent shall provide that
 36 service of process may be made upon the commission, as agent for the
 37 nonresident licensee, and that service in accordance with the Indiana
 38 Rules of Trial Procedure subjects the licensee to the jurisdiction of the
 39 courts in that county.

40 (c) The **commission may waive the** requirements of this section
 41 **may be waived for individuals of or moving from other jurisdictions an**
 42 **individual who is licensed in another jurisdiction** if the following



- 1 requirements are met:
- 2 (1) The jurisdiction grants the same privilege to the licensees of
- 3 this state:
- 4 (2) The individual is licensed in that jurisdiction:
- 5 (3) The licensing requirements of that jurisdiction are
- 6 substantially similar to the requirements of this chapter:
- 7 (4) The applicant states that the applicant has studied, is familiar
- 8 with, and will abide by the statutes and rules of this state: **can**
- 9 **demonstrate completion of licensing requirements in that**
- 10 **jurisdiction that meet or exceed the requirements of this**
- 11 **chapter.**
- 12 SECTION 27. IC 25-38.1-1-10.7 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2014]: **Sec. 10.7. "PAVE certificate" means**
- 15 **a certificate issued by the Program for the Assessment of**
- 16 **Veterinary Medical Education Equivalence, indicating that the**
- 17 **holder has demonstrated knowledge and skill equivalent to that**
- 18 **possessed by a graduate of an accredited college of veterinary**
- 19 **medicine.**
- 20 SECTION 28. IC 25-38.1-3-1, AS AMENDED BY P.L.177-2009,
- 21 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2014]: Sec. 1. (a) A person may not practice veterinary
- 23 medicine in Indiana unless the person:
- 24 (1) is licensed as a veterinarian in Indiana; or
- 25 (2) holds a special permit issued by the board.
- 26 (b) The following persons are exempt from the licensing or special
- 27 permit requirements of this chapter:
- 28 (1) A veterinarian on the faculty of the School of Veterinary
- 29 Medicine at Purdue University performing regular duties, or a
- 30 veterinarian employed by the animal disease diagnostic laboratory
- 31 established by IC 21-46-3-1 performing regular duties.
- 32 (2) A veterinary medical officer serving in the United States
- 33 armed forces or veterinarian employed by a federal, state, or local
- 34 government agency performing veterinary medical services that
- 35 are within the scope of official duties and are performed during
- 36 the period of the person's service.
- 37 (3) An individual who is a regular student in an accredited college
- 38 of veterinary medicine performing duties or actions assigned by
- 39 the faculty of the School of Veterinary Medicine at Purdue
- 40 University or working under the direct supervision of a licensed
- 41 veterinarian.
- 42 (4) An extern.



- 1 (5) A veterinarian who is licensed and is a resident in another
 2 state or country and consults with a veterinarian licensed under
 3 this article.
- 4 (6) An owner or a contract operator of an animal or a regular
 5 employee of the owner or a contract operator caring for and
 6 treating an animal, except where the ownership of the animal was
 7 transferred for purposes of circumventing this chapter.
- 8 (7) A guest lecturing or giving instructions or demonstrations at
 9 the School of Veterinary Medicine at Purdue University, or
 10 elsewhere, in connection with a continuing education program.
- 11 (8) An individual while engaged in bona fide scientific research
 12 that:
- 13 (A) reasonably requires experimentation involving animals;
 14 and
- 15 (B) is conducted in a facility or with a company that complies
 16 with federal regulations regarding animal welfare.
- 17 (9) A graduate of a foreign college of veterinary medicine who is
 18 in the process of obtaining an ECFVG certificate **or a PAVE**
 19 **certificate** and who is under the direct supervision of:
- 20 (A) the faculty of the School of Veterinary Medicine at Purdue
 21 University; or
- 22 (B) a veterinarian licensed under this article.
- 23 (10) A veterinarian who is enrolled in a postgraduate instructional
 24 program in an accredited college of veterinary medicine
 25 performing duties or actions assigned by the faculty of the School
 26 of Veterinary Medicine at Purdue University.
- 27 (11) A member in good standing of another licensed or regulated
 28 profession within Indiana who:
- 29 (A) provides assistance requested by a veterinarian licensed
 30 under this article;
- 31 (B) acts with the consent of the client;
- 32 (C) acts within a veterinarian-client-patient relationship; and
- 33 (D) acts under the direct or indirect supervision of the licensed
 34 veterinarian.
- 35 SECTION 29. IC 25-38.1-3-3, AS ADDED BY P.L.2-2008,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 3. (a) As used in this subsection, "term" refers to
 38 an academic semester, trimester, or quarter. A person desiring a license
 39 to practice veterinary medicine shall make written application to the
 40 board. The application must state that the applicant is:
- 41 (1) a graduate of an accredited college of veterinary medicine; or
- 42 (2) enrolled in the last term of the last year of the veterinary



- 1 medical curriculum of an accredited school of veterinary
2 medicine.
- 3 If the applicant is enrolled as a last term student as described in
4 subdivision (2), a letter from the dean of the student's veterinary school
5 confirming that the applicant is a last term student, attesting to the
6 satisfactory academic standing of the student, and stating the date on
7 which the degree is expected to be conferred upon the student must
8 accompany the application. A license to practice veterinary medicine
9 in Indiana may not be issued until satisfactory proof has been furnished
10 to the board either that the applicant has graduated from an accredited
11 college of veterinary medicine, or that the applicant is the holder of an
12 Educational Commission for Foreign Veterinary Graduates (ECFVG)
13 certificate **or a PAVE certificate**. The application must show
14 reasonable information and proof required by the board by rule. The
15 application must be accompanied by the required fee.
- 16 (b) If the board determines that the applicant possesses the proper
17 qualifications, the board may grant the applicant a license. If the board
18 determines that the applicant is not qualified to take the examination
19 or that the applicant does not qualify for a license without examination,
20 the executive secretary of the board shall immediately notify the
21 applicant in writing of the finding and the grounds for the finding.
22 Applicants found unqualified may request a hearing on the question of
23 their qualifications.
- 24 SECTION 30. IC 25-38.1-3-5, AS ADDED BY P.L.2-2008,
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 5. The board may issue a license without an
27 examination to a qualified applicant who:
- 28 (1) furnishes satisfactory proof that the applicant:
- 29 (A) is a graduate of an accredited college of veterinary
30 medicine; **or**
- 31 (B) holds an Educational Commission for Foreign Veterinary
32 Graduates (ECFVG) certificate; **or**
- 33 (C) **holds a PAVE certificate;**
- 34 (2) for the five (5) years immediately preceding filing an
35 application has been a practicing veterinarian licensed in a state,
36 territory, or district of the United States that has license
37 requirements substantially equivalent to the requirements of this
38 chapter; and
- 39 (3) otherwise meets the requirements of this chapter.
- 40 SECTION 31. IC 30-2-13-29, AS AMENDED BY P.L.65-2007,
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 29. (a) Money in the fund may be used to provide



1 restitution to a seller who performs a defaulted contract, to a purchaser,
 2 or to a purchaser's estate for pecuniary loss arising from a trust or an
 3 escrow required by:

- 4 (1) this chapter;
 5 (2) IC 23-14-49-1;
 6 (3) IC 30-2-9; or
 7 (4) IC 30-2-10.

8 The repeal of a statute cited in this subsection does not terminate the
 9 ability of a party to a contract made under the repealed statute to
 10 receive restitution under this chapter.

11 (b) The purchaser, seller, or other interested person must request
 12 restitution by filing a verified complaint with the board.

13 (c) The board may investigate any verified complaint. Within ~~sixty~~
 14 ~~(60)~~ **one hundred eighty (180)** days after a verified complaint is filed,
 15 the board shall determine if a seller has defaulted on a contract. If the
 16 seller's obligation to perform under the contract cannot be collected
 17 from the seller, the board ~~shall~~ **may** order the auditor of state to make
 18 restitution from the fund.

19 (d) The amount of restitution may not exceed the gross amount of
 20 the original contract plus interest, compounded annually, on the gross
 21 amount that is figured, for each year or part of a year for which
 22 restitution is owed, using the lesser of:

- 23 (1) the rate set forth in IC 24-4.6-1-101 in effect on January 1 of
 24 each year; or
 25 (2) the monthly average yield on United States Treasury
 26 Securities for the month of January of each year, adjusted to a
 27 constant maturity of one (1) year, as published by the Federal
 28 Reserve.

29 (e) The fund may not be charged with court costs or the payment of
 30 legal or other fees. In computing the amount of restitution, the board
 31 shall give credit for:

- 32 (1) merchandise delivered; and
 33 (2) resources still existing in trust.

34 ~~(e)~~ **(f)** When restitution is paid from the fund, the fund is subrogated
 35 to the amount of the restitution, and the board shall ask the attorney
 36 general to take all reasonable steps to collect the subrogated amount
 37 from the seller. Any amount collected shall be deposited in the fund.

38 ~~(f)~~ **(g)** Money in the fund may only be used for a purpose that is
 39 specified in this section.

40 ~~(g)~~ **(h)** The payment of restitution from the fund is not a right, and
 41 a purchaser does not have a vested right in the fund as a beneficiary of
 42 the fund.



1 ~~(h)~~ (i) The status of the fund shall be annually reviewed by the
2 board. If the board determines during its annual review that the fund
3 balance equals or exceeds two million five hundred thousand dollars
4 (\$2,500,000), the board shall suspend payments to the fund until after
5 the next annual review that the board determines that the fund balance
6 is less than two million five hundred thousand dollars (\$2,500,000).

7 SECTION 32. IC 35-48-7-13.1, AS AMENDED BY P.L.114-2013,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2014]: Sec. 13.1. (a) The controlled substances data fund is
10 established to fund the ~~operation~~ **administration** of the INSPECT
11 program. The fund shall be administered by the Indiana professional
12 licensing agency.

13 (b) Expenses of administering the fund shall be paid from money in
14 the fund. The fund consists of grants, public and private financial
15 assistance, and the controlled substances registration fees imposed
16 under rules adopted under IC 35-48-3-1.

17 (c) The treasurer of state shall invest the money in the fund not
18 currently needed to meet the obligations of the fund in the same
19 manner as other public money may be invested.

20 (d) Money in the fund at the end of a state fiscal year does not revert
21 to the state general fund.

