



Legislative Update

122ND INDIANA GENERAL ASSEMBLY

WEDNESDAY, FEBRUARY 2ND, 2022

 **Week Five Overview**

February 1st was the deadline for the House and Senate to pass their respective bills through their chambers. Starting February 2nd, the General Assembly will be adjourned until February 7th, where bills will then switch chambers. At this point, each chamber will be hearing bills that originated from the opposite chamber, respectively.

Voting: The House passed HB 1116 (66-28), authored by Rep. Wesco (R-Osceola) Monday to tighten mail-in voting rules and accelerate the addition of paper backup systems for electronic voting machines. House Speaker Todd Huston (R-Fishers) said that with many opportunities to go to the polls, there should be less need for mail-in voting – “This is the right bill and the right public policy.” The legislation – approved along party lines with only Republicans in support – now moves to the Senate, making Indiana the latest red state to try to clamp down on mail-in voting after the 2020 election where it was expanded due to the pandemic. Currently, a person requesting a mail-in ballot must swear under penalties of perjury that they have a reason they will be unavailable to vote in person on Election Day, such as being out of town or working. Under the bill, Hoosiers will have to swear they will not be able to vote in person at any time during the 28 days before Election Day and provide either their driver’s license number or the last four digits of their SSN. Other exemptions allowing Hoosiers to vote by mail – such as being 65 or over, disabled or deployed – still remain with no changes. Additionally, under current law, counties have to add voter-verifiable paper audit trails to their machines by 2030. HB 1116 moves that up to July 2024 but does not provide the \$12 million needed to make it happen.

Education: SB 356, which seeks to allow public schools to hire part-time “adjunct” teachers without any teaching training, passed in the Senate yesterday (31-18). Bill author Sen. Rogers (R-Granger) said it could help address an ongoing teacher shortage, however, critics say it will lower education quality. SB 356 would allow school corporations to fill classes with part-time teachers from the community. They are likened to part-time college professors who are invited to teach based on expertise. The current legislation excludes the adjunct teachers from collective bargaining agreements, a measure the Indiana State Teachers Association calls a “union-busting” effort. “Nobody’s denying, we have a teacher shortage problem,” said Gail Zeheralis, ISTA public policy and political affairs specialist during a Senate committee. “But this is

wrong-headed and I cannot be any clearer.” A bill with similar language – HB 1251 (Rep. Behning, R-Indianapolis) – passed through the House on Monday afternoon.

Healthcare: In wake of concerns brought by the Indiana Physician Coalition, the Senate unanimously passed SB 239 (49-0), authored by Sen. Kevin Boehnlein (R-Greenville), which aims to ensure greater clarity and transparency in the identification of providers. The bill requires the marketing and advertising materials for medical services to clearly and prominently disclose the provider’s license type (physician, nurse practitioner, physician assistant, chiropractor, optometrist, dentist, podiatrist, etc.). The bill originally required these providers to also wear personal identification badges, but this was amended out in committee due to concerns raised by care providers that the requirements would be too cumbersome. Identification by prominent posting in the office or clinic is still required by the proposed law.

Insurance premium increases became a focus yesterday as Sen. Brown (R-Fort Wayne) brought a bill to require insurance companies to be more transparent about why their prices are rising. The Bill passed the Senate 49-0, going on to the House next. “The intent is to have transparency in the health insurance space,” Sen. Brown stated. “What does it cost and why does it cost so much?” SB 249 would require an insurer to go before the Department of Insurance if a health plan's proposed rate increase is 5% or more. The purpose is to see what is spurring those increases – for instance, medical costs or profit increases. The bill also shortens the deadline that insurers have to respond to a prior authorization request from seven business days to two business days for non-urgent care and from 72 hours to 24 hours for urgent care.

Representatives from insurers such as Anthem objected to the bill in committee, claiming that it is a deflection away from hospital and physician prices and that the new prior authorization requirements will be overly burdensome. Providers, on the other hand, showed a great deal of support. House Speaker Todd Huston (R-Fishers) and Senate President Pro Tem Rodric Bray (R-Martinsville) sent a sternly worded letter to Indiana insurance and health care providers in December demanding all sides of the industry come to the table and present ways to reduce Indiana medical costs so that they match neighboring states by April 1 of this year. “Absent a viable plan, we will be left with no choice but to pursue legislation to statutorily reduce prices,” the letter said. The bill passed 10-1 in committee, with only Sen. Breaux (D-Indianapolis) voting against it to give insurers time to report back to Speaker Huston on a plan. Sen. Busch (R-Fort Wayne) noted a growing lack of faith in any such plan being brought when he voted for the bill. Sen. Becker (R-Evansville) said it seems insurance companies want to dictate that hospitals show their cards but do not want to show their own.

Economic Development: The Senate unanimously passed SB 116 (Sen. Freeman, R-Indianapolis) which allows a family inheriting property from a late relative to waive tax penalties on property. In a more controversial taxation matter, the Senate passed SB 382 (Sen. Holdman, R-Markle) which lowers the taxes on certain nicotine products, including e-cigarettes/nicotine vapes. The bill is part of an effort to make competition fairer to the vape industry in Indiana, which currently faces higher taxation than traditional cigarettes. Opponents to the bill noted youth vaping is associated

with increased risk for tobacco and other substance use.

Session Floor Highlights

Gov. Eric Holcomb has renewed the COVID-19 public health through March 4, 2022. The emergency, first declared in March 2020, allows Holcomb to issue executive orders to respond quickly to the pandemic if needed. In November 2021, Holcomb had committed to ending the declared public health emergency in the future, but only after lawmakers pass legislation that would allow the state to continue to receive certain types of federal funding and to permit children under the age of 12 to be vaccinated outside a doctor's office, provisions that are currently only allowed because of the public health emergency.

HB 1001 from Rep. Matt Lehman (R-Berne), which has passed (58-35) out of the House and goes on to the Senate, would both enable Holcomb to end the emergency and significantly restrict vaccine mandates. Meanwhile, SB 3 from Sen. Charbonneau, (R-Valparaiso), which passed out of the Senate and remains in the House, only includes the provisions requested by Gov. Holcomb. Such legislation however has been delayed by disagreements over whether a provision gutting private vaccine mandates — unpopular among the business community — should be included in the bill.

Looking Ahead

Throughout the rest of the week, both chambers will be adjourned. The House and Senate will hold session once again on Feb. 7th at 1:30 pm.

Please feel free to contact a member of our legislative team should you have questions regarding the happenings in the Indiana General Assembly!

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