

Adopted      Rejected

# COMMITTEE REPORT

YES:            12  
NO:             0

**MR. SPEAKER:**

*Your Committee on Public Health, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1            Delete the title and insert the following:
- 2            A BILL FOR AN ACT to amend the Indiana Code concerning
- 3            health.
- 4            Page 1, between the enacting clause and line 1, begin a new
- 5            paragraph and insert:
- 6            "SECTION 1. IC 4-7-1-18 IS ADDED TO THE INDIANA CODE
- 7            AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 8            UPON PASSAGE]: **Sec. 18. (a) This section applies to a person that**
- 9            **receives or is entitled to receive state funds or federal funds that**
- 10           **are controlled by the state.**
- 11           **(b) As used in this section, "cloning" means the growing or**
- 12           **creation of a human being from a single cell or cells of a genetically**
- 13           **identical human being through asexual reproduction. The term**
- 14           **does not include the following:**
- 15           **(1) A treatment or procedure to enhance human**
- 16           **reproductive capability through the manipulation of human**

- 1           **oocytes or embryos, including the following:**
- 2           **(A) In vitro fertilization.**
- 3           **(B) Gamete intrafallopian transfer.**
- 4           **(C) Zygote intrafallopian transfer.**
- 5           **(2) Biomedical research to develop cells, tissues, and organs**
- 6           **that does not involve growing or creating an entire human**
- 7           **being.**
- 8           **(c) Cloning is against the public policy of Indiana.**
- 9           **(d) The auditor of state may not draw warrants on the**
- 10          **treasurer of state or authorize disbursement through electronic**
- 11          **funds transfer in conformity with IC 4-8.1-2-7 to a person that**
- 12          **performs:**
- 13               **(1) research regarding; or**
- 14               **(2) an activity facilitating;**
- 15          **the cloning or attempted cloning of a human being.**
- 16          **(e) The prohibition under subsection (d):**
- 17               **(1) is retroactive to the date on which an activity described**
- 18               **in subsection (d)(1) or (d)(2) began; and**
- 19               **(2) ends two (2) years after the date the entity no longer**
- 20               **performs an activity described in subsection (d)(1) or (d)(2).**
- 21          SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
- 22          SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23          JULY 1, 1998]: Sec. 1. As used in this chapter:
- 24               "Board" means the appropriate agency listed in the definition of
- 25          regulated occupation in this section.
- 26               "Director" refers to the director of the division of consumer
- 27          protection.
- 28               "Division" refers to the division of consumer protection, office of
- 29          the attorney general.
- 30               "Licensee" means a person who is:
- 31                   (1) licensed, certified, or registered by a board listed in this
- 32                   section **or certified under IC 25-23.6-12**; and
- 33                   (2) the subject of a complaint filed with the division.
- 34               "Person" means an individual, a partnership, a limited liability
- 35          company, or a corporation.
- 36               "Regulated occupation" means an occupation in which a person is
- 37          licensed, certified, or registered by one (1) of the following:
- 38                   (1) Indiana board of accountancy (IC 25-2.1-2-1).

- 1 (2) Board of registration for architects (IC 25-4-1-2).
- 2 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 3 (4) State board of barber examiners (IC 25-7-5-1).
- 4 (5) State boxing commission (IC 25-9-1).
- 5 (6) Board of chiropractic examiners (IC 25-10-1).
- 6 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 7 (8) State board of dental examiners (IC 25-14-1).
- 8 (9) State board of funeral and cemetery service (IC 25-15-9).
- 9 (10) State board of registration for professional engineers
- 10 (IC 25-31-1-3).
- 11 (11) Indiana state board of health facility administrators
- 12 (IC 25-19-1).
- 13 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 14 (13) Indiana state board of nursing (IC 25-23-1).
- 15 (14) Indiana optometry board (IC 25-24).
- 16 (15) Indiana board of pharmacy (IC 25-26).
- 17 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 18 (17) Board of podiatric medicine (IC 25-29-2-1).
- 19 (18) Board of environmental health specialists (IC 25-32-1).
- 20 (19) State psychology board (IC 25-33).
- 21 (20) Speech-language pathology and audiology board
- 22 (IC 25-35.6-2).
- 23 (21) Indiana real estate commission (IC 25-34.1-2).
- 24 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 25 (23) Department of natural resources for purposes of licensing
- 26 water well drillers under IC 25-39-3.
- 27 (24) Respiratory care committee (IC 25-34.5).
- 28 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 29 (26) Occupational therapy committee (IC 25-23.5).
- 30 (27) Social worker, marriage and family therapist, and mental
- 31 health counselor board (IC 25-23.6).
- 32 (28) Real estate appraiser licensure and certification board
- 33 (IC 25-34.1-8).
- 34 (29) State board of registration for land surveyors
- 35 (IC 25-21.5-2-1).
- 36 (30) Physician assistant committee (IC 25-27.5).
- 37 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- 38 (32) Indiana dietitians certification board (IC 25-14.5-2-1).

1 (33) Indiana hypnotist committee ( IC 25-20.5-1-7).

2 (34) Any other occupational or professional agency created after  
3 June 30, 1981.".

4 Page 3, between lines 2 and 3, begin a new paragraph and insert:

5 "SECTION 5. IC 25-23-1-11, AS AMENDED BY P.L.181-1996,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 11. (a) Any person who applies to the board  
8 for a license to practice as a registered nurse must:

9 (1) not have:

10 (A) been convicted of a crime that has a direct bearing on the  
11 person's ability to practice competently; or

12 (B) committed an act that would constitute a ground for a  
13 disciplinary sanction under IC 25-1-9;

14 (2) have completed:

15 (A) the prescribed curriculum and met the graduation  
16 requirements of a state accredited program of registered  
17 nursing that only accepts students who have a high school  
18 diploma or its equivalent as determined by the board; or

19 (B) the prescribed curriculum and graduation requirements of  
20 a nursing education program in a foreign country that is  
21 substantially equivalent to a board approved program as  
22 determined by the board. The board may by rule adopted under  
23 IC 4-22-2 require an applicant under this subsection to  
24 successfully complete an examination approved by the board  
25 to measure the applicant's qualifications and background in the  
26 practice of nursing and proficiency in the English language;  
27 and

28 (3) be physically and mentally capable of and professionally  
29 competent to safely engage in the practice of nursing as  
30 determined by the board.

31 The board may not require a person to have a baccalaureate degree in  
32 nursing as a prerequisite for licensure.

33 (b) The applicant must pass an examination in such subjects as the  
34 board may determine.

35 (c) The board may issue by endorsement a license to practice as a  
36 registered nurse to an applicant who has been licensed as a registered  
37 nurse, by examination, under the laws of another state if the applicant  
38 presents proof satisfactory to the board that, at the time that the

1 applicant applies for an Indiana license by endorsement, the applicant  
 2 **holds a current license in another state and** possesses credentials  
 3 and qualifications that are substantially equivalent to requirements in  
 4 Indiana for licensure by examination. The board may specify by rule  
 5 what constitutes substantial equivalence under this subsection.

6 **(d) An applicant who:**

7 **(1) has completed the English version of the Canadian Nurse**  
 8 **Association Testing Service Examination;**

9 **(2) achieved the passing score required on the examination at**  
 10 **the time the examination was taken;**

11 **(3) is currently licensed in a Canadian province or another**  
 12 **state; and**

13 **(4) meets the other requirements under this section;**

14 **may be licensed by endorsement.**

15 ~~(d)~~ (e) Each applicant for examination and registration to practice  
 16 as a registered nurse shall pay a fee set by the board. The board may set  
 17 a proctoring fee to be paid by applicants who are graduates of a state  
 18 accredited school in another state. Payment of the fee or fees shall be  
 19 made by the applicant prior to the date of examination.

20 ~~(e)~~ (f) Any person who holds a license to practice as a registered  
 21 nurse in Indiana may use the title "Registered Nurse" and the  
 22 abbreviation "R.N.". No other person shall practice or advertise as or  
 23 assume the title of registered nurse or use the abbreviation of "R.N." or  
 24 any other words, letters, signs, or figures to indicate that the person  
 25 using same is a registered nurse.

26 ~~(f)~~ (g) Any person holding a license or certificate of registration to  
 27 practice nursing as a registered nurse issued by the board which is valid  
 28 on December 1, 1971, shall be considered to be licensed as a registered  
 29 nurse under this chapter."

30 Page 4, after line 22, begin a new paragraph and insert:

31 "SECTION 7. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 1999]:

34 **Chapter 12. Certification by Organization Affiliated with a**  
 35 **National Association**

36 **Sec. 1. (a) An individual who is:**

37 **(1) certified by an organization that is affiliated with the**  
 38 **National Association of Alcoholism and Drug Abuse**

1           **Counselors or the International Certification and Reciprocity**  
2           **Consortium - Alcohol and Other Drug Abuse, Inc., as a drug**  
3           **abuse counselor, an alcoholism counselor, or a drug abuse and**  
4           **alcoholism counselor; and**

5           **(2) eligible to act as a drug abuse counselor, an alcoholism**  
6           **counselor, or a drug abuse and alcoholism counselor in a**  
7           **program approved by the division of mental health;**

8           **is subject to the same standards of practice and investigation**  
9           **procedures that govern a mental health counselor licensed under**  
10           **this article.**

11           **(b) The board shall investigate and prosecute a complaint**  
12           **against an individual described in subsection (a) in the same**  
13           **manner as a licensed mental health counselor.**

14           **(c) If the board determines after a hearing that an individual**  
15           **described in subsection (a) should be disciplined, the board shall**  
16           **submit its findings and recommendations within thirty (30) days to**  
17           **the organization affiliated with the National Association of**  
18           **Alcoholism and Drug Abuse Counselors or the International**  
19           **Certification and Reciprocity Consortium - Alcohol and Other**  
20           **Drug Abuse, Inc., that certified the individual.**

21           **Sec. 2. (a) Each organization that is affiliated with the National**  
22           **Association of Alcoholism and Drug Abuse Counselors or the**  
23           **International Certification and Reciprocity Consortium - Alcohol**  
24           **and Other Drug Abuse, Inc., as a drug abuse counselor, an**  
25           **alcoholism counselor, or a drug abuse and alcoholism counselor**  
26           **must provide the bureau with a list of names and addresses of**  
27           **individuals who are certified by the organization and who reside in**  
28           **the state.**

29           **(b) The bureau shall maintain a registry containing the names**  
30           **and addresses of individuals reported under subsection (a) and**  
31           **individuals licensed under this article.**

32           **Sec. 3. An individual who is certified by an organization that is**  
33           **affiliated with the National Association of Alcoholism and Drug**  
34           **Abuse Counselors or the International Certification and**  
35           **Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as**  
36           **a drug abuse counselor, an alcoholism counselor, or a drug abuse**  
37           **and alcoholism counselor may not practice counseling or**  
38           **hypnotism to recover an alleged memory of child abuse or other**

1 similar condition.

2 **Sec. 4. (a) The drug abuse and alcoholism advisory committee**  
3 **is established.**

4 **(b) The committee consists of three (3) drug abuse and**  
5 **alcoholism counselors described in section 1(a) of this chapter who**  
6 **are appointed and serve at the will of the director of the bureau.**  
7 **Not more than two (2) of the committee members may be from the**  
8 **same political party.**

9 **(c) The committee shall:**

10 **(1) assist the board in developing rules for the administration**  
11 **of this chapter; and**

12 **(2) perform duties assigned by the board.**

13 **Sec. 5. A person who violates this chapter commits a Class A**  
14 **infraction.**

15 SECTION 8. IC 36-2-9-20 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: **Sec. 20. (a) This section applies to a person that**  
18 **receives or is entitled to receive funds controlled by the county.**

19 **(b) As used in this section, "cloning" means the growing or**  
20 **creation of a human being from a single cell or cells of a genetically**  
21 **identical human being through asexual reproduction. The term**  
22 **does not include the following:**

23 **(1) A treatment or procedure to enhance human reproductive**  
24 **capability through the manipulation of human oocytes or**  
25 **embryos, including the following:**

26 **(A) In vitro fertilization.**

27 **(B) Gamete intrafallopian transfer.**

28 **(C) Zygote intrafallopian transfer.**

29 **(2) Biomedical research to develop cells, tissues, and organs**  
30 **that does not involve growing or creating an entire human**  
31 **being.**

32 **(c) Cloning is against the public policy of Indiana.**

33 **(d) The county auditor may not draw warrants on the county**  
34 **treasurer on behalf of a person that performs:**

35 **(1) research regarding; or**

36 **(2) an activity facilitating;**

37 **the cloning or attempted cloning of a human being.**

38 **(e) The prohibition under subsection (d):**

1           **(1) is retroactive to the date on which an activity described in**  
2           **subsection (d)(1) or (d)(2) began; and**  
3           **(2) ends two (2) years after the date the entity no longer**  
4           **performs an activity described in subsection (d)(1) or (d)(2).**  
5       **SECTION 9. An emergency is declared for this act."**  
6       Renumber all SECTIONS consecutively.  
      (Reference is to SB 212 as printed January 16, 1998.)

**and when so amended that said bill do pass.**

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Representative Gulling