
HOUSE BILL No. 1301

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-16; IC 6-3.1-34; IC 12-12-1-11.

Synopsis: Prescription drugs for the visually impaired. Provides a tax credit against state tax liability to a pharmacy that participates in a pilot project to incorporate various assistive technologies into the packaging of prescriptions for the blind or visually impaired. Requires the division of disability and rehabilitative services to establish and implement a pilot project for prescription drug labeling for pharmacy customers who are blind or visually impaired. Specifies requirements for the labeling. Allows participating pharmacies to fill prescriptions for individuals covered under state employee health plans.

Effective: July 1, 2012.

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January 11, 2012, read first time and referred to Committee on Ways and Means.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1301



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

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

- 1 SECTION 1. IC 5-10-8-16 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 16. (a) As used in this section, "state employee health**
- 4 **plan" has the meaning set forth in section 6.7 of this chapter.**
- 5 **(b) A state employee health plan must comply with**
- 6 **IC 12-12-1-11(f).**
- 7 **(c) This section expires January 1, 2018.**
- 8 SECTION 2. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE
- 9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2012]:
- 11 **Chapter 34. Tax Credit for Pharmacies Participating in a Pilot**
- 12 **Project**
- 13 **Sec. 1. This chapter applies only to taxable years beginning after**
- 14 **December 31, 2012.**
- 15 **Sec. 2. As used in this chapter, "pass through entity" means:**
- 16 **(1) a corporation that is exempt from the adjusted gross**
- 17 **income tax under IC 6-3-2-2.8(2);**



- 1 (2) a partnership;
 2 (3) a limited liability company; or
 3 (4) a limited liability partnership.

4 Sec. 3. As used in this chapter, "pilot project for the blind or
 5 visually impaired" refers to a pilot project described under
 6 IC 12-12-1-11 that requires participating pharmacies to
 7 incorporate various assistive technologies into the packaging of
 8 prescriptions for the blind or visually impaired.

9 Sec. 4. As used in this chapter, "state tax liability" means a
 10 taxpayer's total tax liability that is incurred under:

- 11 (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
 12 (2) IC 6-5.5 (the financial institutions tax); and
 13 (3) IC 27-1-18-2 (the insurance premiums tax);

14 as computed after the application of the credits that under
 15 IC 6-3.1-1-2 are to be applied before the credit provided by this
 16 chapter.

17 Sec. 5. As used in this chapter, "taxpayer" means a person,
 18 corporation, partnership, or other entity that has any state tax
 19 liability.

20 Sec. 6. Each taxable year, a pharmacy that participates in a pilot
 21 project for the blind or visually impaired is entitled to a credit
 22 against the pharmacy's state tax liability for expenditures incurred
 23 by the pharmacy during the taxable year for equipment, supplies,
 24 and other tangible property to meet the requirements of the pilot
 25 project for the blind or visually impaired.

26 Sec. 7. If a pass through entity does not have state tax liability
 27 for a taxable year but is otherwise entitled to the tax credit
 28 provided by this chapter, each shareholder, partner, or member of
 29 the pass through entity is entitled to a share of the tax credit equal
 30 to:

- 31 (1) the amount of the tax credit determined for the pass
 32 through entity for the taxable year; multiplied by
 33 (2) the percentage of the pass through entity's distributive
 34 income to which the shareholder, partner, or member is
 35 entitled.

36 Sec. 8. (a) If the tax credit provided by this chapter exceeds a
 37 taxpayer's state tax liability for the taxable year for which the
 38 credit is first claimed, the excess may be carried forward to
 39 succeeding taxable years and used as a credit against the
 40 taxpayer's state tax liability during those taxable years. Each time
 41 the credit is carried forward to a succeeding taxable year, the
 42 credit is to be reduced by the amount that was used as a credit

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1 during the immediately preceding taxable year. The tax credit
 2 provided by this chapter may be carried forward and applied to
 3 succeeding taxable years for not more than four (4) taxable years
 4 following the first year for which the credit is claimed.

5 (b) A taxpayer is not entitled to a carryback or refund of any
 6 unused credit under this chapter.

7 **Sec. 9.** To receive the tax credit under this chapter, a taxpayer
 8 must claim the credit on the taxpayer's annual state tax return or
 9 returns in the manner prescribed by the department.

10 SECTION 3. IC 12-12-1-11 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2012]: **Sec. 11. (a)** As used in this section, "state employee health
 13 plan" has the meaning set forth in IC 5-10-8-6.7.

14 (b) The division shall:

15 (1) establish; and

16 (2) beginning January 1, 2013, implement;
 17 a pilot project in each Indiana county that has a population of at
 18 least two hundred thousand (200,000) residents.

19 (c) The division shall choose two (2) pharmacies in each county
 20 described in subsection (b) to participate in the pilot project.

21 (d) A pharmacist filling prescriptions at a pharmacy chosen
 22 under subsection (c) shall, upon the request of a customer who is
 23 blind or visually impaired, dispense a prescription for a legend
 24 drug:

25 (1) with a label that complies with the requirements of
 26 IC 16-42-19-11(a)(1); and

27 (2) in a manner such that the label information is accessible to
 28 the customer through use of:

29 (A) a braille label that is affixed to the immediate container
 30 in which the drug is delivered;

31 (B) a recorded audio device that is permanently attached
 32 to the immediate container in which the drug is delivered;

33 or

34 (C) other audio technology that uses a characteristic that
 35 is part of the immediate container in which the drug is
 36 delivered to make the label information accessible to the
 37 customer.

38 (e) If, at the time of the customer's request, a pharmacy does not
 39 possess equipment or technology necessary to comply with
 40 subsection (d), the pharmacist shall:

41 (1) obtain the necessary equipment or technology to comply
 42 with subsection (d) within a reasonable period; or

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- 1 **(2) refer the customer to another pharmacy that the**
- 2 **pharmacist has confirmed is:**
- 3 **(A) able to comply with subsection (d); and**
- 4 **(B) a member of an applicable provider network for**
- 5 **purposes of insurance coverage of the prescription.**
- 6 **(f) If a pharmacy described in subsection (c):**
- 7 **(1) does not participate in the network of pharmacies that**
- 8 **contract to provide pharmacy services under a state employee**
- 9 **health plan;**
- 10 **(2) participates in the pilot project established under this**
- 11 **section; and**
- 12 **(3) agrees to accept the amount payable for a legend drug**
- 13 **dispensed for an individual who is covered under a state**
- 14 **employee health plan;**
- 15 **the pharmacy may fill prescriptions for individuals covered under**
- 16 **the state employee health plan and receive reimbursement as if the**
- 17 **pharmacy participated in the network described in subdivision (1).**
- 18 **(g) This section expires January 1, 2018.**

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