

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1351 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-28-37 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2014]:
- 6 **Chapter 36. Drug Testing of Recipients of Economic**
- 7 **Development Grants, Loans, or Tax Credits**
- 8 **Sec. 1. This chapter applies to a recipient of a loan, grant, or tax**
- 9 **credit from the state after June 30, 2014.**
- 10 **Sec. 2. As used in this chapter, "controlled substance" has the**
- 11 **meaning set forth in IC 35-48-1-9.**
- 12 **Sec. 3. As used in this chapter, "grant" refers to a grant given**
- 13 **by the corporation.**
- 14 **Sec. 4. As used in this chapter, "loan":**
- 15 **(1) refers to a loan made by the corporation, regardless of**
- 16 **whether the loan is forgivable; and**
- 17 **(2) includes a loan guarantee made by the corporation.**
- 18 **Sec. 5. As used in this chapter, "responsible officer" means the**
- 19 **following:**
- 20 **(1) An individual, if the recipient is an individual.**
- 21 **(2) The managing partner, if the recipient is a partnership.**
- 22 **(3) The chief executive officer, if the recipient is a corporation.**

(4) The individual who serves as the chief administrative officer in the management, control, and operation of the business and affairs of the entity, if the recipient is any other entity.

Sec. 6. As used in this chapter, "tax credit" means a state tax liability credit under any of the following:

- (1) IC 6-3.1-4 (research expense credit).
- (2) IC 6-3.1-7 (enterprise zone loan interest credit).
- (3) IC 6-3.1-10 (enterprise zone investment cost credit).
- (4) IC 6-3.1-11 (industrial recovery tax credit).
- (5) IC 6-3.1-13 (economic development for a growing economy tax credit).
- (6) IC 6-3.1-17 (Indiana riverboat building credit).
- (7) IC 6-3.1-19 (community revitalization enhancement district tax credit).
- (8) IC 6-3.1-23 (voluntary remediation tax credit).
- (9) IC 6-3.1-24 (venture capital investment tax credit).
- (10) IC 6-3.1-26 (Hoosier business investment tax credit).
- (11) IC 6-3.1-27 (blended biodiesel tax credit).
- (12) IC 6-3.1-28 (ethanol production tax credit).
- (13) IC 6-3.1-29 (coal gasification technology investment tax credit).
- (14) IC 6-3.1-30 (headquarters relocation tax credit).
- (15) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle manufacturer tax credit).
- (16) IC 6-3.1-33 (new employer tax credit).

Sec. 7. As used in this chapter, "tests positive" means an individual:

- (1) tests positive for the presence of a controlled substance; and
- (2) does not possess:
  - (A) a valid prescription; or
  - (B) an order of a practitioner acting in the course of the practitioner's professional practice; for the controlled substance.

Sec. 8. (a) As a condition of receiving a loan, grant, or tax credit from the state, the responsible officer of a recipient of a loan, grant, or tax credit shall consent to a drug test to determine the presence of a controlled substance.

(b) The drug test administered under subsection (a) must be performed by a SAMHSA (as defined in IC 22-10-15-3) certified laboratory.

(c) A recipient must comply with this section each year that the recipient receives a loan, grant, or tax credit from the state.

Sec. 9. (a) The corporation shall establish and administer the testing program required under section 8 of this chapter.

(b) The corporation may adopt rules under IC 4-22-2 necessary

1 to implement this chapter.

2       **Sec. 10. (a) The recipient of a loan, grant, or tax credit shall**  
 3 **reimburse the corporation for the costs of a drug test administered**  
 4 **under this chapter.**

5       **(b) If the recipient fails to reimburse the corporation under this**  
 6 **subsection, the recipient is not eligible to receive a loan, grant, or**  
 7 **tax credit from the state until the recipient reimburses the**  
 8 **corporation for the drug test.**

9       **Sec. 11. If:**

10       **(1) a responsible officer of a recipient refuses to consent to a**  
 11 **drug test under section 8(a) of this chapter; or**

12       **(2) after an administrative hearing under IC 4-21.5, a finding**  
 13 **is made that the responsible officer of a recipient tests positive**  
 14 **on a drug test;**

15 **the recipient is not eligible to receive a loan, grant, or tax credit for**  
 16 **two (2) years after the date of the refusal or finding.**

17       **Sec. 12. The corporation's records concerning the results of a**  
 18 **drug test under this chapter may not be admitted against a**  
 19 **defendant in a criminal proceeding."**

20       Renumber all SECTIONS consecutively.

(Reference is to HB 1351 as printed January 24, 2014.)

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Representative Riecken