



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001 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 12-8-1.5-7.5 IS ADDED TO THE INDIANA  
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) Notwithstanding any**  
6 **other law, the secretary, through the offices, may issue a waiver, in**  
7 **writing, of provisions of this title and rules adopted under**  
8 **IC 4-22-2 concerning provisions of this title if the secretary**  
9 **determines that the waiver is necessary to claim any enhanced**  
10 **federal matching funds available from:**  
11           **(1) the federal Families First Coronavirus Response Act;**  
12           **(2) the federal American Rescue Plan Act of 2021; or**  
13           **(3) any other federal law, regulation, guidance, or policy**  
14 **pertaining to COVID-19 (as defined in IC 16-39-11-1) relief;**  
15 **for the Medicaid program or programs funded through Medicaid.**  
16           **(b) Not later than March 1, 2022, and every six (6) months**  
17 **thereafter, the secretary shall prepare and submit a report to the**  
18 **budget committee concerning any waiver issued under subsection**  
19 **(a).**  
20           **(c) Nothing in this section may be construed to obligate the**  
21 **secretary to issue a waiver under this section.**  
22           **(d) This section expires on the day after the date that the funds**  
23 **described in subsection (a)(1) through (a)(3) are no longer**  
24 **available to the state.**  
25           SECTION 2. IC 12-14-30-7 IS ADDED TO THE INDIANA CODE  
26 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
27 UPON PASSAGE]: **Sec. 7. (a) The secretary may issue an**  
28 **emergency declaration for the purpose of participating in SNAP**

1 **emergency allotments authorized under the federal Families First**  
 2 **Coronavirus Response Act.**

3 **(b) The secretary shall prepare and submit a report to the**  
 4 **budget committee when any emergency declaration is issued under**  
 5 **this section.**

6 **(c) This section expires April 16, 2022."**

7 Page 1, between lines 5 and 6, begin a new paragraph and insert:

8 "SECTION 4. IC 16-19-4-11, AS AMENDED BY P.L.218-2019,  
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 11. (a) The state health commissioner or the  
 11 commissioner's designated public health authority who is a licensed  
 12 prescriber may, as part of the individual's official capacity, issue a  
 13 standing order, prescription, or protocol that allows a pharmacist to  
 14 administer or dispense any of the following:

15 (1) An immunization that is recommended by the federal Centers  
 16 for Disease Control and Prevention Advisory Committee on  
 17 Immunization Practices for individuals who are not less than  
 18 eleven (11) years of age.

19 (2) A smoking cessation product. However, the pharmacist must  
 20 inform the patient that the patient must have a follow-up  
 21 consultation with the patient's licensed prescriber.

22 (b) This subsection does not apply to a pharmacist. The state health  
 23 commissioner or the commissioner's designated public health authority  
 24 who is a licensed prescriber may, as part of the individual's official  
 25 capacity, issue a standing order, prescription, or protocol that allows an  
 26 individual who is licensed, certified, or registered by a board (as  
 27 defined in IC 25-1-9-1), and if within the individual's scope of practice,  
 28 to administer or dispense an immunization that is recommended by the  
 29 federal Centers for Disease Control and Prevention Advisory  
 30 Committee on Immunization Practices for individuals who are not less  
 31 than eleven (11) years of age.

32 (c) A standing order described in subsection (a), ~~or~~ (b), ~~or~~ (e) must  
 33 include the following:

34 (1) The purpose of the order.

35 (2) The eligible recipients.

36 (3) The geographic area covered by the standing order.

37 (4) The procedure for administering or dispensing the  
 38 immunization or product.

39 (5) A timeline for renewing or updating the standing order.

40 (d) The state health commissioner or designated public health  
 41 authority who issues a standing order, prescription, or protocol under  
 42 subsection (a), ~~or~~ (b), ~~or~~ (e) is immune from civil liability related to the  
 43 issuing of the standing order, prescription, or protocol.

44 **(e) Notwithstanding subsection (a) and subsection (b), the state**  
 45 **health commissioner or the commissioner's designated public**  
 46 **health authority may issue a standing order, prescription, or**

1 protocol to administer or dispense an immunization that is  
2 recommended by the federal Centers for Disease Control and  
3 Prevention Advisory Committee on Immunization Practices for  
4 individuals who are at least five (5) years of age. Nothing in this  
5 subsection authorizes the state health commissioner or the  
6 commissioner's designated public health authority to:

- 7 (1) require an individual to receive an immunization for  
8 COVID-19; or
- 9 (2) waive or otherwise allow a minor to receive an  
10 immunization without the consent of the parent or guardian  
11 as required under IC 16-36-1.

12 This subsection expires at the conclusion of the federal public  
13 health emergency concerning COVID-19 that was renewed on  
14 October 15, 2021, or any subsequent renewal of the declared  
15 federal public health emergency concerning COVID-19."

16 Page 2, between lines 26 and 27, begin a new paragraph and insert:

17 "SECTION 8. IC 22-4-15-1, AS AMENDED BY P.L.224-2017,  
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 1. (a) Regarding an individual's most recent  
20 separation from employment before filing an initial or additional claim  
21 for benefits, an individual who voluntarily left the employment without  
22 good cause in connection with the work or was discharged from the  
23 employment for just cause is ineligible for waiting period or benefit  
24 rights for the week in which the disqualifying separation occurred and  
25 until:

- 26 (1) the individual has earned remuneration in employment in at  
27 least eight (8) weeks; and
- 28 (2) the remuneration earned equals or exceeds the product of the  
29 weekly benefit amount multiplied by eight (8).

30 If the qualification amount has not been earned at the expiration of an  
31 individual's benefit period, the unearned amount shall be carried  
32 forward to an extended benefit period or to the benefit period of a  
33 subsequent claim.

34 (b) When it has been determined that an individual has been  
35 separated from employment under disqualifying conditions as outlined  
36 in this section, the maximum benefit amount of the individual's current  
37 claim, as initially determined, shall be reduced by an amount  
38 determined as follows:

- 39 (1) For the first separation from employment under disqualifying  
40 conditions, the maximum benefit amount of the individual's  
41 current claim is equal to the result of:  
42 (A) the maximum benefit amount of the individual's current  
43 claim, as initially determined; multiplied by  
44 (B) seventy-five percent (75%);  
45 rounded (if not already a multiple of one dollar (\$1)) to the next  
46 higher dollar.

- 1 (2) For the second separation from employment under  
2 disqualifying conditions, the maximum benefit amount of the  
3 individual's current claim is equal to the result of:  
4 (A) the maximum benefit amount of the individual's current  
5 claim determined under subdivision (1); multiplied by  
6 (B) eighty-five percent (85%);  
7 rounded (if not already a multiple of one dollar (\$1)) to the next  
8 higher dollar.
- 9 (3) For the third and any subsequent separation from employment  
10 under disqualifying conditions, the maximum benefit amount of  
11 the individual's current claim is equal to the result of:  
12 (A) the maximum benefit amount of the individual's current  
13 claim determined under subdivision (2); multiplied by  
14 (B) ninety percent (90%);  
15 rounded (if not already a multiple of one dollar (\$1)) to the next  
16 higher dollar.
- 17 (c) The disqualifications provided in this section shall be subject to  
18 the following modifications:
- 19 (1) An individual shall not be subject to disqualification because  
20 of separation from the individual's employment if:  
21 (A) the individual left to accept with another employer  
22 previously secured permanent full-time work which offered  
23 reasonable expectation of continued covered employment and  
24 betterment of wages or working conditions and thereafter was  
25 employed on said job;  
26 (B) having been simultaneously employed by two (2)  
27 employers, the individual leaves one (1) such employer  
28 voluntarily without good cause in connection with the work  
29 but remains in employment with the second employer with a  
30 reasonable expectation of continued employment; or  
31 (C) the individual left to accept recall made by a base period  
32 employer.
- 33 (2) An individual whose unemployment is the result of medically  
34 substantiated physical disability and who is involuntarily  
35 unemployed after having made reasonable efforts to maintain the  
36 employment relationship shall not be subject to disqualification  
37 under this section for such separation.
- 38 (3) An individual who left work to enter the armed forces of the  
39 United States shall not be subject to disqualification under this  
40 section for such leaving of work.
- 41 (4) An individual whose employment is terminated under the  
42 compulsory retirement provision of a collective bargaining  
43 agreement to which the employer is a party, or under any other  
44 plan, system, or program, public or private, providing for  
45 compulsory retirement and who is otherwise eligible shall not be  
46 deemed to have left the individual's work voluntarily without

1 good cause in connection with the work. However, if such  
 2 individual subsequently becomes reemployed and thereafter  
 3 voluntarily leaves work without good cause in connection with the  
 4 work, the individual shall be deemed ineligible as outlined in this  
 5 section.

6 (5) An otherwise eligible individual shall not be denied benefits  
 7 for any week because the individual is in training approved under  
 8 Section 236(a)(1) of the Trade Act of 1974, nor shall the  
 9 individual be denied benefits by reason of leaving work to enter  
 10 such training, provided the work left is not suitable employment,  
 11 or because of the application to any week in training of provisions  
 12 in this law (or any applicable federal unemployment  
 13 compensation law), relating to availability for work, active search  
 14 for work, or refusal to accept work. For purposes of this  
 15 subdivision, the term "suitable employment" means with respect  
 16 to an individual, work of a substantially equal or higher skill level  
 17 than the individual's past adversely affected employment (as  
 18 defined for purposes of the Trade Act of 1974), and wages for  
 19 such work at not less than eighty percent (80%) of the individual's  
 20 average weekly wage as determined for the purposes of the Trade  
 21 Act of 1974.

22 (6) An individual is not subject to disqualification because of  
 23 separation from the individual's employment if:

- 24 (A) the employment was outside the individual's labor market;
- 25 (B) the individual left to accept previously secured full-time  
 26 work with an employer in the individual's labor market; and
- 27 (C) the individual actually became employed with the  
 28 employer in the individual's labor market.

29 (7) An individual who, but for the voluntary separation to move  
 30 to another labor market to join a spouse who had moved to that  
 31 labor market, shall not be disqualified for that voluntary  
 32 separation, if the individual is otherwise eligible for benefits.  
 33 Benefits paid to the spouse whose eligibility is established under  
 34 this subdivision shall not be charged against the employer from  
 35 whom the spouse voluntarily separated.

36 (8) An individual shall not be subject to disqualification if the  
 37 individual voluntarily left employment or was discharged due to  
 38 circumstances directly caused by domestic or family violence (as  
 39 defined in IC 31-9-2-42). An individual who may be entitled to  
 40 benefits based on this modification may apply to the office of the  
 41 attorney general under IC 5-26.5 to have an address designated by  
 42 the office of the attorney general to serve as the individual's  
 43 address for purposes of this article.

44 **(9) An individual shall not be subject to disqualification if the**  
 45 **individual:**

- 46 (A) **has requested an exemption from an employer's**

- 1           **COVID-19 immunization requirement;**  
 2           **(B) has complied with the requirements set forth in**  
 3           **IC 22-5-4.6; and**  
 4           **(C) was discharged from employment for failing or**  
 5           **refusing to receive an immunization against COVID-19.**

6           As used in this subsection, "labor market" means the area surrounding  
 7           an individual's permanent residence, outside which the individual  
 8           cannot reasonably commute on a daily basis. In determining whether  
 9           an individual can reasonably commute under this subdivision, the  
 10          department shall consider the nature of the individual's job.

11          (d) "Discharge for just cause" as used in this section is defined to  
 12          include but not be limited to:

- 13           (1) separation initiated by an employer for falsification of an  
 14           employment application to obtain employment through  
 15           subterfuge;  
 16           (2) knowing violation of a reasonable and uniformly enforced rule  
 17           of an employer, including a rule regarding attendance;  
 18           (3) if an employer does not have a rule regarding attendance, an  
 19           individual's unsatisfactory attendance, if good cause for absences  
 20           or tardiness is not established;  
 21           (4) damaging the employer's property through willful negligence;  
 22           (5) refusing to obey instructions;  
 23           (6) reporting to work under the influence of alcohol or drugs or  
 24           consuming alcohol or drugs on employer's premises during  
 25           working hours;  
 26           (7) conduct endangering safety of self or coworkers;  
 27           (8) incarceration in jail following conviction of a misdemeanor or  
 28           felony by a court of competent jurisdiction;  
 29           (9) any breach of duty in connection with work which is  
 30           reasonably owed an employer by an employee; or  
 31           (10) testing positive on a drug test under IC 16-27-2.5.

32          (e) To verify that domestic or family violence has occurred, an  
 33          individual who applies for benefits under subsection (c)(8) shall  
 34          provide one (1) of the following:

- 35           (1) A report of a law enforcement agency (as defined in  
 36           IC 10-13-3-10).  
 37           (2) A protection order issued under IC 34-26-5.  
 38           (3) A foreign protection order (as defined in IC 34-6-2-48.5).  
 39           (4) An affidavit from a domestic violence service provider  
 40           verifying services provided to the individual by the domestic  
 41           violence service provider."

42          Page 3, line 27, delete "operates" and insert "**operates:**

43           **(i)**".

44          Page 3, line 28, delete "organization or" and insert "**organization;**

45          **or**

46           **(ii)**".

- 1 Page 3, line 28, delete "complex (as defined in" and insert  
 2 **"organization or venue engaged in producing or presenting**  
 3 **musical, theatrical, or other types of cultural entertainment;"**.  
 4 Page 3, delete line 29.  
 5 Page 4, line 17, delete ":" and insert **"the United States and its**  
 6 **agencies and instrumentalities."**  
 7 Page 4, delete lines 18 through 20.  
 8 Page 4, delete lines 29 through 31.  
 9 Page 4, line 32, delete "(4)" and insert **"(3)"**.  
 10 Page 4, line 34, delete "An" and insert **"Subject to subsection (c),**  
 11 **an"**.  
 12 Page 4, line 38, after ";" insert **"or"**.  
 13 Page 4, delete line 39.  
 14 Page 4, line 40, delete "(4)" and insert **"(3)"**.  
 15 Page 4, line 41, delete "(a)(4)." and insert **"(a)(3)."**  
 16 Page 4, between lines 41 and 42, begin a new paragraph and insert:  
 17 **"(c) An employer may not require a test for the presence of**  
 18 **COVID-19 unless the test:**  
 19 **(1) has been approved by the federal Food and Drug**  
 20 **Administration;**  
 21 **(2) is the least invasive testing option available; and**  
 22 **(3) does not create an undue burden on the employee to**  
 23 **receive the test."**  
 24 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1001 as printed February 18, 2022.)

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Senator MESSMER