

PROPOSED AMENDMENT

HB 1042 # 2

DIGEST

Makes the following changes to the bill: (1) Makes the following changes with regard to defined terms: (A) Amends the bill's references to "stablecoin" to refer instead to "payment stablecoin", as defined under federal law. (B) Defines "exchange traded fund" for purposes of the bill by reference to federal law. (C) Harmonizes definitions of "cryptocurrency", "exchange traded fund", and "payment stablecoin" throughout the bill. (2) Provides that the retirement funds that are permitted by the bill to invest in cryptocurrency exchange traded funds (ETFs) may invest only in cryptocurrency ETFs that do not include payment stablecoin as a permissible asset. (3) Amends as follows the bill's provisions requiring specified retirement funds to offer a cryptocurrency investment option: (A) Changes the required investment option from a cryptocurrency ETF to a self directed brokerage account that offers at least one cryptocurrency investment option. (B) Requires the retirement funds to offer the self directed brokerage account as an investment option not later than July 1, 2027. (4) Removes the following from the bill: (A) Provisions establishing a blockchain and digital assets task force. (B) Provisions allowing the treasurer of state to invest money in the local government investment pool in cryptocurrency ETFs. (C) Provisions allowing money in the Next Generation Trust Fund to be invested in cryptocurrency ETFs. (5) Amends as follows the bill's restrictions on a public agency's power to regulate digital asset mining businesses: (A) Provides that the restrictions do not apply to the department of financial institutions. (B) Replaces the bill's list of specific restrictions with a provision providing that a public agency may not prohibit the operation of a digital asset mining business, but may enforce rules or other regulations applicable to the digital asset mining business's location as zoned, in compliance with local planning and zoning law.

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 2-3.5-2-2.8 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2026]: **Sec. 2.8. "Cryptocurrency" means a virtual currency**
- 6 **that:**
- 7 **(1) is not issued by a central authority;**
- 8 **(2) is designed to function as a medium of exchange; and**
- 9 **(3) uses encryption technology to:**
- 10 **(A) regulate the generation of units of currency;**
- 11 **(B) verify fund transfers; and**
- 12 **(C) prevent counterfeiting.**
- 13 **The term does not include payment stablecoin.**
- 14 SECTION 2. IC 2-3.5-2-4.4 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.4. "Exchange traded fund" has the meaning set forth in 17 CFR 270.6c-11(a)(1).**

SECTION 3. IC 2-3.5-2-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 7.3. "Payment stablecoin" has the meaning set forth in 12 U.S.C. 5901(22)."**

Page 2, line 12, delete "funds." and insert **"funds that do not include payment stablecoin as a permissible asset."**

Page 2, line 15, delete "As used in this section, "cryptocurrency"" and insert **"Not later than July 1, 2027, the board shall offer, as a regular investment program within the defined contribution fund, a self directed brokerage account that offers at least one (1) cryptocurrency investment option."**

Page 2, delete lines 16 through 34.

Page 2, line 35, delete "(d)" and insert **"(b)"**.

Page 2, line 35, after "to" insert **"a cryptocurrency investment option under a self directed brokerage account offered under subsection (a), including the following:"**.

Page 2, delete lines 36 through 37.

Page 2, line 39, delete "exchange traded fund." and insert **"investment option."**

Page 3, line 2, delete "exchange traded fund." and insert **"investment option."**

Page 3, line 3, delete "(e)" and insert **"(c)"**.

Page 3, delete lines 5 through 42.

Page 4, delete lines 1 through 30, begin a new paragraph and insert:

"SECTION 4. IC 5-10-1.1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Cryptocurrency" has the meaning set forth in IC 2-3.5-2-2.8.

(2) "Exchange traded fund" has the meaning set forth in 17 CFR 270.6c-11(a)(1)."

Page 4, line 33, delete "As used in this section," and insert **"Not later than July 1, 2027, the deferred compensation committee shall offer, as a regular investment program within the defined contribution fund, a self directed brokerage account that offers at least one (1) cryptocurrency investment option."**

- 1 Page 4, delete lines 34 through 42.
- 2 Page 5, delete lines 1 through 4.
- 3 Page 5, line 5, delete "(c)" and insert "(b)".
- 4 Page 5, line 6, delete "the cryptocurrency exchange" and insert "a
- 5 **cryptocurrency investment option under a self directed brokerage**
- 6 **account offered under subsection (a), including the following:"**.
- 7 Page 5, delete line 7.
- 8 Page 5, line 9, delete "exchange traded" and insert "**investment**
- 9 **option."**.
- 10 Page 5, delete line 10.
- 11 Page 5, line 15, delete "exchange traded fund." and insert
- 12 "**investment option."**.
- 13 Page 5, line 16, delete "(d)" and insert "(c)".
- 14 Page 5, between lines 18 and 19, begin a new paragraph and insert:
- 15 "SECTION 5. IC 5-10-5.5-1, AS AMENDED BY P.L.6-2020,
- 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this
- 18 chapter, unless the context clearly denotes otherwise:
- 19 (1) "Americans with Disabilities Act" refers to the Americans
- 20 with Disabilities Act (42 U.S.C. 12101 et seq.) and any
- 21 amendments and regulations related to the Act.
- 22 (2) "Average annual salary" means the average annual salary of
- 23 an officer during the five (5) years of highest annual salary in the
- 24 ten (10) years immediately preceding an officer's retirement date,
- 25 determined without regard to any salary reduction agreement
- 26 established under Section 125 of the Internal Revenue Code.
- 27 (3) "Board" refers to the board of trustees of the Indiana public
- 28 retirement system established by IC 5-10.5-3-1.
- 29 (4) "Commission" means the alcohol and tobacco commission.
- 30 **(5) "Cryptocurrency" has the meaning set forth in**
- 31 **IC 2-3.5-2-2.8.**
- 32 ~~(5)~~ **(6)** "Department" means the Indiana department of natural
- 33 resources.
- 34 ~~(6)~~ **(7)** "Dies in the line of duty" means death that occurs as a
- 35 direct result of personal injury or illness caused by incident,
- 36 accident, or violence that results from any action that the
- 37 participant, in the participant's capacity as an officer:
- 38 (A) is obligated or authorized by rule, regulation, condition of
- 39 employment or service, or law to perform; or
- 40 (B) performs in the course of controlling or reducing crime or

1 enforcing the criminal law.

2 The term includes a death presumed incurred in the line of duty
3 under IC 5-10-13 for an officer who is an Indiana state excise
4 police officer or an Indiana state conservation enforcement
5 officer.

6 **(8) "Exchange traded fund" has the meaning set forth in 17**
7 **CFR 270.6c-11(a)(1).**

8 ~~(7)~~ **(9)** "Interest" means the rate of interest specified by rule by the
9 board of trustees of the Indiana public retirement system
10 established by IC 5-10.5-3-1.

11 ~~(8)~~ **(10)** "Officer" means any Indiana state excise police officer,
12 any Indiana state conservation enforcement officer, any gaming
13 agent, or any gaming control officer.

14 ~~(9)~~ **(11)** "Participant" means any officer who has elected to
15 participate in the retirement plan created by this chapter.

16 **(12) "Payment stablecoin" has the meaning set forth in 12**
17 **U.S.C. 5901(22).**

18 ~~(10)~~ **(13)** "Public employees' retirement act" means IC 5-10.3.

19 ~~(11)~~ **(14)** "Public employees' retirement fund" refers to the public
20 employees' retirement fund created by IC 5-10.3-2.

21 ~~(12)~~ **(15)** "Salary" means the total compensation, exclusive of
22 expense allowances, paid to any officer by the department or the
23 commission, determined without regard to any salary reduction
24 agreement established under Section 125 of the Internal Revenue
25 Code.

26 ~~(13)~~ **(16)** Other words and phrases when used in this chapter have
27 the meanings set forth in IC 5-10.3-1."

28 Page 5, line 31, delete "funds." and insert **"funds that do not**
29 **include payment stablecoin as a permissible asset.**

30 SECTION 7. IC 5-10-9.8-1, AS AMENDED BY P.L.99-2020,
31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2026]: Sec. 1. The following definitions apply throughout this
33 chapter:

34 (1) "Board" refers to the board of trustees of the Indiana public
35 retirement system.

36 **(2) "Cryptocurrency" has the meaning set forth in**
37 **IC 2-3.5-2-2.8.**

38 ~~(2)~~ **(3)** "Employer" means an employer of an employee that may
39 receive a lump sum death benefit under a statute identified in
40 section 2(a) of this chapter.

(4) "Exchange traded fund" has the meaning set forth in 17 CFR 270.6c-11(a)(1).

(5) "Fund" refers to the special death benefit fund established by section 2 of this chapter.

(6) "Payment stablecoin" has the meaning set forth in 12 U.S.C. 5901(22).".

Page 6, line 19, delete "funds." and insert "funds that do not include payment stablecoin as a permissible asset."

SECTION 8. IC 5-10.3-1-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.3. As used in this article, "cryptocurrency" has the meaning set forth in IC 2-3.5-2-2.8.**

SECTION 9. IC 5-10.3-1-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.4. As used in this article, "exchange traded fund" has the meaning set forth in 17 CFR 270.6c-11(a)(1).**

SECTION 10. IC 5-10.3-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 10. As used in this article, "payment stablecoin" has the meaning set forth in 12 U.S.C. 5901(22).".**

Page 6, line 34, delete "funds." and insert "funds that do not include payment stablecoin as a permissible asset."

Page 7, line 27, delete "As used in this section," and insert "Not later than July 1, 2027, the board shall offer, as a regular investment program within the fund, a self directed brokerage account that offers at least one (1) cryptocurrency investment option."

Page 7, delete lines 28 through 40.

Page 7, line 41, delete "(c)" and insert "(b)".

Page 7, line 41, after "to" insert "a cryptocurrency investment option under a self directed brokerage account offered under subsection (a), including the following:".

Page 7, delete line 42.

Page 8, delete line 1.

Page 8, line 3, delete "exchange traded fund." and insert "investment option."

Page 8, line 8, delete "exchange traded fund." and insert "investment option."

1 Page 8, line 9, delete "(d)" and insert "(c)".

2 Page 8, line 21, delete "funds." and insert **"funds that do not**
 3 **include payment stablecoin as a permissible asset."**

4 Page 8, line 24, delete "As used in this section," and insert **"Not**
 5 **later than July 1, 2027, the board shall offer, as a regular**
 6 **investment program within the plan, a self directed brokerage**
 7 **account that offers at least one (1) cryptocurrency investment**
 8 **option."**

9 Page 8, delete lines 25 through 36.

10 Page 8, line 37, delete "(c)" and insert **"(b)"**.

11 Page 8, line 37, after "to" insert **"a cryptocurrency investment**
 12 **option under a self directed brokerage account offered under**
 13 **subsection (a), including the following:"**.

14 Page 8, delete lines 38 through 39.

15 Page 8, line 41, delete "exchange traded fund." and insert
 16 **"investment option."**

17 Page 9, line 4, delete "exchange traded fund." and insert
 18 **"investment option."**

19 Page 9, line 5, delete "(d)" and insert "(c)".

20 Page 9, between lines 6 and 7, begin a new paragraph and insert:

21 "SECTION 11. IC 5-10.4-1-5.4 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: **Sec. 5.4. "Cryptocurrency" has the**
 24 **meaning set forth in IC 2-3.5-2-2.8.**

25 SECTION 12. IC 5-10.4-1-6.4 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: **Sec. 6.4. "Exchange traded fund" has**
 28 **the meaning set forth in 17 CFR 270.6c-11(a)(1).**

29 SECTION 13. IC 5-10.4-1-11.8 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: **Sec. 11.8. "Payment stablecoin" has**
 32 **the meaning set forth in 12 U.S.C. 5901(22)."**

33 Page 9, line 22, delete "funds." and insert **"funds that do not**
 34 **include payment stablecoin as a permissible asset."**

35 Page 10, line 17, delete "As used in this section," and insert **"Not**
 36 **later than July 1, 2027, the board shall offer, as a regular**
 37 **investment program within the annuity savings accounts described**
 38 **in IC 5-10.4-2-2, a self directed brokerage account that offers at**
 39 **least one (1) cryptocurrency investment option."**

40 Page 10, delete lines 18 through 30.

- 1 Page 10, line 31, delete "(c)" and insert "(b)".
- 2 Page 10, line 31, after "to" insert **"a cryptocurrency investment**
- 3 **option under a self directed brokerage account offered under**
- 4 **subsection (a), including the following:"**.
- 5 Page 10, delete lines 32 through 33.
- 6 Page 10, line 35, delete "exchange traded fund." and insert
- 7 **"investment option."**
- 8 Page 10, line 40, delete "exchange traded fund." and insert
- 9 **"investment option."**
- 10 Page 10, line 41, delete "(d)" and insert "(c)".
- 11 Page 11, line 3, delete "As used in this section," and insert **"Not**
- 12 **later than July 1, 2027, the board shall offer, as a regular**
- 13 **investment program within the plan, a self directed brokerage**
- 14 **account that offers at least one (1) cryptocurrency investment**
- 15 **option."**
- 16 Page 11, delete lines 4 through 14.
- 17 Page 11, line 15, delete "(c)" and insert "(b)".
- 18 Page 11, line 15, after "to" insert **"a cryptocurrency investment**
- 19 **option under a self directed brokerage account offered under**
- 20 **subsection (a), including the following:"**.
- 21 Page 11, delete lines 16 through 17.
- 22 Page 11, line 19, delete "exchange traded fund." and insert
- 23 **"investment option."**
- 24 Page 11, line 24, delete "exchange traded fund." and insert
- 25 **"investment option."**
- 26 Page 11, line 25, delete "(d)" and insert "(c)".
- 27 Page 11, delete lines 27 through 42.
- 28 Delete page 12.
- 29 Page 13, delete lines 1 through 31.
- 30 Page 14, delete line 20, begin a new line block indented and insert:
- 31 **"(2) cryptocurrency (as defined in IC 2-3.5-2-2.8);**
- 32 **(3) payment stablecoin (as defined in 12 U.S.C. 5901(22));"**.
- 33 Page 14, line 21, delete "(3)" and insert "(4)".
- 34 Page 14, line 22, delete "(4)" and insert "(5)".
- 35 Page 15, line 36, delete "A public agency may not" and insert **"No**
- 36 **public agency other than the department of financial institutions**
- 37 **may"**.
- 38 Page 16, line 1, delete "A public agency may not" and insert **"No**
- 39 **public agency other than the department of financial institutions**

1 may".

2 Page 16, line 8, delete "A public agency may not" and insert "**No**
3 **public agency other than the department of financial institutions**
4 **may**".

5 Page 16, delete lines 19 through 42, begin a new paragraph and
6 insert:

7 "**Sec. 3. (a) Except as provided in subsection (b), no public**
8 **agency other than the department of financial institutions may**
9 **prohibit the operation of a digital asset mining business.**

10 **(b) A public agency may enforce rules or other regulations**
11 **applicable to a digital asset mining business's location as zoned, in**
12 **compliance with IC 36-7-4."**

13 Page 17, delete lines 1 through 22, begin a new paragraph and
14 insert:

15 "SECTION 17. IC 10-12-1-1.6 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2026]: **Sec. 1.6. "Cryptocurrency" has the**
18 **meaning set forth in IC 2-3.5-2-2.8.**

19 SECTION 18. IC 10-12-1-4.2 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2026]: **Sec. 4.2. "Exchange traded fund" has**
22 **the meaning set forth in 17 CFR 270.6c-11(a)(1).**

23 SECTION 19. IC 10-12-1-6.5 IS ADDED TO THE INDIANA
24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. "Payment stablecoin" has the**
26 **meaning set forth in 12 U.S.C. 5901(22)."**

27 Page 19, line 11, delete "consisting of one (1) or" and insert "**that**
28 **do not include payment stablecoin as a permissible asset."**

29 Page 19, delete line 12.

30 Page 20, line 1, delete "consisting of one (1) or" and insert "**that do**
31 **not include payment stablecoin as a permissible asset."**

32 Page 20, delete line 2, begin a new paragraph and insert:

33 "SECTION 19. IC 21-9-2-10.2 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: **Sec. 10.2. "Cryptocurrency" has the**
36 **meaning set forth in IC 2-3.5-2-2.8.**

37 SECTION 20. IC 21-9-2-12.9 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2026]: **Sec. 12.9. "Exchange traded fund" has**
40 **the meaning set forth in 17 CFR 270.6c-11(a)(1)."**

Page 20, line 5, delete "As used in this section, "cryptocurrency"" and insert **"Not later than July 1, 2027, the board shall offer, as a regular investment program within an education savings program established under this article, a self directed brokerage account that offers at least one (1) cryptocurrency investment option."**

Page 20, delete lines 6 through 18.

Page 20, line 19, delete "(c)" and insert **"(b)"**.

Page 20, line 19, after "to" insert **"a cryptocurrency investment option under a self directed brokerage account offered under subsection (a), including the following:"**.

Page 20, delete lines 20 through 21.

Page 20, line 23, delete "exchange traded fund." and insert **"investment option."**

Page 20, line 28, delete "exchange traded fund." and insert **"investment option."**

Page 20, line 29, delete "(d)" and insert **"(c)"**.

Page 26, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 21. IC 33-38-6-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.3. As used in this chapter, "cryptocurrency" has the meaning set forth in IC 2-3.5-2-2.8.**

SECTION 22. IC 33-38-6-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.2. As used in this chapter, "exchange traded fund" has the meaning set forth in 17 CFR 270.6c-11(a)(1).**

SECTION 23. IC 33-38-6-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9.1. As used in this chapter, "payment stablecoin" has the meaning set forth in 12 U.S.C. 5901(22)."**

Page 26, line 34, delete "funds." and insert **"funds that do not include payment stablecoin as a permissible asset."**

SECTION 25. IC 33-39-7-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.2. As used in this chapter, "cryptocurrency" has the meaning set forth in IC 2-3.5-2-2.8.**

SECTION 26. IC 33-39-7-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.8. As used in this chapter,**

1 **"exchange traded fund" has the meaning set forth in 17 CFR**
 2 **270.6c-11(a)(1).**

3 SECTION 27. IC 33-39-7-6.1 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2026]: **Sec. 6.1. As used in this chapter,**
 6 **"payment stablecoin" has the meaning set forth in 12 U.S.C.**
 7 **5901(22).".**

8 Page 27, line 19, delete "funds." and insert **"funds that do not**
 9 **include payment stablecoin as a permissible asset."**

10 Page 27, delete line 26, begin a new line block indented and insert:

11 **"(2) cryptocurrency (as defined in IC 2-3.5-2-2.8);**

12 **(3) payment stablecoin (as defined in 12 U.S.C. 5901(22));".**

13 Page 27, line 27, delete "(3)" and insert **"(4)".**

14 Page 27, line 28, delete "(4)" and insert **"(5)".**

15 Page 28, delete line 4, begin a new line block indented and insert:

16 **"(2) cryptocurrency (as defined in IC 2-3.5-2-2.8);**

17 **(3) payment stablecoin (as defined in 12 U.S.C. 5901(22));".**

18 Page 28, line 5, delete "(3)" and insert **"(4)".**

19 Page 28, line 6, delete "(4)" and insert **"(5)".**

20 Page 29, between lines 32 and 33, begin a new paragraph and insert:

21 **"SECTION 27. IC 36-8-8-1.3 IS ADDED TO THE INDIANA**
 22 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 23 **[EFFECTIVE JULY 1, 2026]: Sec. 1.3. As used in this chapter,**
 24 **"cryptocurrency" has the meaning set forth in IC 2-3.5-2-2.8.**

25 SECTION 28. IC 36-8-8-1.6 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2026]: **Sec. 1.6. As used in this chapter, "exchange traded fund"**
 28 **has the meaning set forth in 17 CFR 270.6c-11(a)(1).**

29 SECTION 29. IC 36-8-8-2.4 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2026]: **Sec. 2.4. As used in this chapter, "payment stablecoin"**
 32 **has the meaning set forth in 12 U.S.C. 5901(22).".**

33 Page 30, line 21, delete "funds." and insert **"funds that do not**
 34 **include payment stablecoin as a permissible asset."**

35 Renumber all SECTIONS consecutively.

(Reference is to HB 1042 as introduced.)