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HOUSE BILL No. 1098

Proposed Changes to January 20, 2026 printing by AM109803

DIGEST OF PROPOSED AMENDMENT

Work based learning. Specifies that the definition of "work based learning program" does not include: (1) a virtual, remote, or online work based learning program in which the student performs activities primarily outside of an employer controlled physical worksite; or (2) an activity that does not involve ongoing work responsibilities or recurring placement with an employer. Provides that if an intermediary, an industry talent association, or a school connects a student with an employer to obtain work experience as part of a work based learning program, the intermediary, industry talent association, or school and the employer shall enter into a written agreement under which the employer assumes responsibility for obtaining worker's compensation insurance coverage for any student who performs services for the employer as part of the work based learning program. Provides that an intermediary, an industry talent association, or a school may comply with the requirement to enter into a written agreement with an employer when participating in a work based learning program by entering into an agreement with a third party employer of record.

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 20-20-38.5-5.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.5. A policy to provide employer**
4 **liability and worker's compensation insurance coverage under this**
5 **chapter is subject to the requirements of IC 27-7-19.**

6 SECTION 2. IC 20-20-38.6 IS ADDED TO THE INDIANA
7 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2026]:

9 Chapter 38.6. Agreements with Work Based Learning
10 ~~Intermediaries~~ Employers

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1 Sec. 1. As used in this chapter, "intermediary" has the
2 meaning set forth in IC 21-18-1-3.5.<

3 ~~—Sec. 2.—>]~~

4 Sec. 2. As used in this chapter, "school" means the following:

5 (1) A school maintained by a school corporation.

6 (2) A charter school.

7 Sec. 3. (a)] As used in this chapter, "work based learning
8 program" refers to:

9 (1) an apprenticeship program (as defined in IC 20-43-8-0.3);

10 (2) a modern youth apprenticeship (as defined in
11 IC 20-51.4-2-9.5);

12 (3) a pre-apprenticeship program that meets the elements of
13 a quality pre-apprenticeship program established by the
14 United States Department of Labor; and

15 (4) a work based learning course (as defined in
16 IC 20-43-8-0.7).

17 [(b) The term does not include the following:

18 (1) A virtual, remote, or online work based learning program
19 in which the student performs activities primarily outside of
20 an employer controlled physical worksite.

21 (2) An activity that does not involve ongoing work
22 responsibilities or recurring placement with an employer,
23 such as a career awareness visit or field trip.

24 [Sec. <3>[4]. (a) If an intermediary[, an industry talent
25 association, or a school] connects a student with an employer to
26 obtain work experience as part of a work based learning program,
27 the intermediary[, industry talent association, or school] and the
28 employer shall enter into a written agreement <that sets forth the
29 duties and responsibilities of the intermediary and the employer
30 when participating in>[under which the employer assumes
31 responsibility for obtaining worker's compensation insurance
32 coverage for any student who performs services for the employer
33 as part of] the work based learning program.[]

34 [] (b) An <agreement under>[intermediary, an industry talent
35 association, or a school may comply with] subsection (a) <must
36 specify the allocation, to either the intermediary or the employer,
37 of the responsibility to obtain employer liability insurance and
38 worker's compensation insurance.

39 ~~—Sec. 4. An intermediary that connects a student with an~~
40 ~~employer to obtain work experience as part of a work based~~
41 ~~learning program may assume responsibility for ensuring~~
42 ~~compliance with:~~

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1 ~~(1) any requirements for participation in the work based~~
 2 ~~learning program; and~~
 3 ~~(2) all applicable federal and state laws and regulations.~~
 4 ~~Sec. 5. Unless otherwise expressly agreed to by an~~
 5 ~~intermediary and an employer in an agreement under section 3 of~~
 6 ~~this chapter, an employer that employs a student in a work based~~
 7 ~~learning program retains the exclusive rights to direct, supervise,~~
 8 ~~train, and control the work of the student with respect to the~~
 9 ~~business activities of the employer > [by entering into an agreement~~
 10 ~~with a third party employer of record].~~

11 SECTION 3. IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY
 12 1, 2026]. Sec. 2.5: (a) As used in this section, "school to work student"
 13 refers to a student participating in on-the-job training under the federal
 14 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

15 (b) Except as provided in IC 22-3-7-2.5, a school to work student
 16 is entitled to the following compensation and benefits under this
 17 article:

18 (1) Medical benefits under IC 22-3-2 through IC 22-3-6.

19 (2) Permanent partial impairment compensation under
 20 IC 22-3-3-10. Permanent partial impairment compensation for a
 21 school to work student shall be paid in a lump sum upon
 22 agreement or final award.

23 (3) In the case that death results from the injury:

24 (A) death benefits in a lump sum amount of one hundred
 25 seventy-five thousand dollars (\$175,000); payable upon
 26 agreement or final award to any dependents of the student
 27 under IC 22-3-3-18 through IC 22-3-3-20; or, if the student
 28 has no dependents, to the student's parents; and

29 (B) burial compensation under IC 22-3-3-21.

30 (c) For the sole purpose of modifying an award under
 31 IC 22-3-3-27, a school to work student's average weekly wage is
 32 presumed to be equal to the federal minimum wage.

33 (d) A school to work student is not entitled to the following
 34 compensation under this article:

35 (1) Temporary total disability compensation under IC 22-3-3-8.

36 (2) Temporary partial disability compensation under
 37 IC 22-3-3-9.

38 (e) Except for remedies available under IC 5-2-6.1, recovery under
 39 subsection (b) is the exclusive right and remedy for:

40 (1) a school to work student; and

41 (2) the personal representatives, dependents, or next of kin, at
 42 common law or otherwise, of a school to work student;

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1 on account of personal injury or death by accident arising out of and in
2 the course of school to work employment.

3 SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning
6 program" ~~refers to:~~

7 ~~(1) an apprenticeship program (as defined in IC 20-43-8-0.3);~~

8 ~~(2) a modern youth apprenticeship (as defined in~~
9 ~~IC 20-51.4-2-9.5);~~

10 ~~(3) a pre-apprenticeship program that meets the elements of~~
11 ~~a quality pre-apprenticeship program established by the~~
12 ~~United States Department of Labor; and~~

13 ~~(4) a work based learning course (as defined in~~
14 ~~IC 20-43-8-0.7).~~

15 >[has the meaning set forth in IC 20-20-38.6-3.

16 **1** (b) Except as provided in subsection (c), a student who
17 performs services for an employer as part of a work based learning
18 program:

19 (1) is entitled to compensation and benefits under IC 22-3-2
20 through IC 22-3-6; and

21 (2) may not recover any additional benefit otherwise payable
22 as a result of being less than seventeen (17) years of age
23 under the definition of a minor in IC 22-3-6-1.

24 (c) The following apply if a student is unpaid for the services
25 performed for an employer as part of a work based learning
26 program:

27 (1) The student is not entitled to the following compensation:

28 (A) Temporary total disability compensation under
29 IC 22-3-3-8.

30 (B) Temporary partial disability compensation under
31 IC 22-3-3-9.

32 (2) In the case that death results from the injury, death
33 benefits in a lump sum amount of one hundred seventy-five
34 thousand dollars (\$175,000) shall be paid upon agreement or
35 final award to any dependents of the student under
36 IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no
37 dependents, to the student's parents.

38 (d) Except for remedies available under IC 5-2-6.1, recovery
39 under this section is the exclusive right and remedy for:

40 (1) a student who performs services for an employer as part
41 of a work based learning program; and

42 (2) the personal representatives, dependents, or next of kin,

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1 **at common law or otherwise, of a student who performs**
 2 **services for an employer as part of a work based learning**
 3 **program;**
 4 **on account of personal injury or death by accident arising out of**
 5 **and in the course of employment as part of the work based learning**
 6 **program.**

7 SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.160-2022,
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
 10 context otherwise requires:

11 (a) "Employer" includes the state and any political subdivision,
 12 any municipal corporation within the state, any individual or the legal
 13 representative of a deceased individual, firm, association, limited
 14 liability company, limited liability partnership, or corporation or the
 15 receiver or trustee of the same, using the services of another for pay. A
 16 corporation, limited liability company, or limited liability partnership
 17 that controls the activities of another corporation, limited liability
 18 company, or limited liability partnership, or a corporation and a limited
 19 liability company or a corporation and a limited liability partnership
 20 that are commonly owned entities, or the controlled corporation,
 21 limited liability company, limited liability partnership, or commonly
 22 owned entities, and a parent corporation and its subsidiaries shall each
 23 be considered joint employers of the corporation's, the controlled
 24 corporation's, the limited liability company's, the limited liability
 25 partnership's, the commonly owned entities', the parent's, or the
 26 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.
 27 Both a lessor and a lessee of employees shall each be considered joint
 28 employers of the employees provided by the lessor to the lessee for
 29 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,
 30 the term includes the employer's insurer so far as applicable. However,
 31 the inclusion of an employer's insurer within this definition does not
 32 allow an employer's insurer to avoid payment for services rendered to
 33 an employee with the approval of the employer. The term also includes
 34 an employer that ~~provides on-the-job training under the federal School~~
 35 ~~to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set~~
 36 ~~forth in IC 22-3-2-2.5.~~ **employs a student as part of a work based**
 37 **learning program to the extent set forth in IC 22-3-2-2.6.** The term
 38 does not include a nonprofit corporation that is recognized as tax
 39 exempt under Section 501(c)(3) of the Internal Revenue Code (as
 40 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an
 41 independent contractor agreement with a person for the performance
 42 of youth coaching services on a part-time basis.

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1 (b) "Employee" means every person, including a minor, in the
 2 service of another, under any contract of hire or apprenticeship, written
 3 or implied, except one whose employment is both casual and not in the
 4 usual course of the trade, business, occupation, or profession of the
 5 employer.

6 (1) An executive officer elected or appointed and empowered in
 7 accordance with the charter and bylaws of a corporation, other
 8 than a municipal corporation or governmental subdivision or a
 9 charitable, religious, educational, or other nonprofit corporation,
 10 is an employee of the corporation under IC 22-3-2 through
 11 IC 22-3-6. An officer of a corporation who is an employee of the
 12 corporation under IC 22-3-2 through IC 22-3-6 may elect not to
 13 be an employee of the corporation under IC 22-3-2 through
 14 IC 22-3-6. An officer of a corporation who is also an owner of
 15 any interest in the corporation may elect not to be an employee
 16 of the corporation under IC 22-3-2 through IC 22-3-6. If an
 17 officer makes this election, the officer must serve written notice
 18 of the election on the corporation's insurance carrier and the
 19 board. An officer of a corporation may not be considered to be
 20 excluded as an employee under IC 22-3-2 through IC 22-3-6
 21 until the notice is received by the insurance carrier and the
 22 board.

23 (2) An executive officer of a municipal corporation or other
 24 governmental subdivision or of a charitable, religious,
 25 educational, or other nonprofit corporation may, notwithstanding
 26 any other provision of IC 22-3-2 through IC 22-3-6, be brought
 27 within the coverage of its insurance contract by the corporation
 28 by specifically including the executive officer in the contract of
 29 insurance. The election to bring the executive officer within the
 30 coverage shall continue for the period the contract of insurance
 31 is in effect, and during this period, the executive officers thus
 32 brought within the coverage of the insurance contract are
 33 employees of the corporation under IC 22-3-2 through IC 22-3-6.

34 (3) Any reference to an employee who has been injured, when
 35 the employee is dead, also includes the employee's legal
 36 representatives, dependents, and other persons to whom
 37 compensation may be payable.

38 (4) An owner of a sole proprietorship may elect to include the
 39 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
 40 owner is actually engaged in the proprietorship business. If the
 41 owner makes this election, the owner must serve upon the
 42 owner's insurance carrier and upon the board written notice of

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1 the election. No owner of a sole proprietorship may be
 2 considered an employee under IC 22-3-2 through IC 22-3-6 until
 3 the notice has been received. If the owner of a sole
 4 proprietorship:

5 (A) is an independent contractor in the construction trades
 6 and does not make the election provided under this
 7 subdivision, the owner must obtain a certificate of
 8 exemption under IC 22-3-2-14.5; or

9 (B) is an independent contractor and does not make the
 10 election provided under this subdivision, the owner may
 11 obtain a certificate of exemption under IC 22-3-2-14.5.

12 (5) A partner in a partnership may elect to include the partner as
 13 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
 14 actually engaged in the partnership business. If a partner makes
 15 this election, the partner must serve upon the partner's insurance
 16 carrier and upon the board written notice of the election. No
 17 partner may be considered an employee under IC 22-3-2 through
 18 IC 22-3-6 until the notice has been received. If a partner in a
 19 partnership:

20 (A) is an independent contractor in the construction trades
 21 and does not make the election provided under this
 22 subdivision, the partner must obtain a certificate of
 23 exemption under IC 22-3-2-14.5; or

24 (B) is an independent contractor and does not make the
 25 election provided under this subdivision, the partner may
 26 obtain a certificate of exemption under IC 22-3-2-14.5.

27 (6) Real estate professionals are not employees under IC 22-3-2
 28 through IC 22-3-6 if:

29 (A) they are licensed real estate agents;

30 (B) substantially all their remuneration is directly related to
 31 sales volume and not the number of hours worked; and

32 (C) they have written agreements with real estate brokers
 33 stating that they are not to be treated as employees for tax
 34 purposes.

35 (7) A person is an independent contractor and not an employee
 36 under IC 22-3-2 through IC 22-3-6 if the person is an
 37 independent contractor under the guidelines of the United States
 38 Internal Revenue Service.

39 (8) An owner-operator that provides a motor vehicle and the
 40 services of a driver under a written contract that is subject to
 41 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor
 42 carrier is not an employee of the motor carrier for purposes of

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1 IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be
 2 covered and have the owner-operator's drivers covered under a
 3 worker's compensation insurance policy or authorized
 4 self-insurance that insures the motor carrier if the
 5 owner-operator pays the premiums as requested by the motor
 6 carrier. An election by an owner-operator under this subdivision
 7 does not terminate the independent contractor status of the
 8 owner-operator for any purpose other than the purpose of this
 9 subdivision.

10 (9) A member or manager in a limited liability company may
 11 elect to include the member or manager as an employee under
 12 IC 22-3-2 through IC 22-3-6 if the member or manager is
 13 actually engaged in the limited liability company business. If a
 14 member or manager makes this election, the member or manager
 15 must serve upon the member's or manager's insurance carrier and
 16 upon the board written notice of the election. A member or
 17 manager may not be considered an employee under IC 22-3-2
 18 through IC 22-3-6 until the notice has been received.

19 ~~(10) An unpaid participant under the federal School to Work~~
 20 ~~Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the~~
 21 ~~extent set forth in IC 22-3-2-2.5.~~

22 **(10) A student who performs services for an employer as**
 23 **part of a work based learning program, either paid or**
 24 **unpaid, is an employee to the extent set forth in**
 25 **IC 22-3-2-2.6.**

26 (11) A person who enters into an independent contractor
 27 agreement with a nonprofit corporation that is recognized as tax
 28 exempt under Section 501(c)(3) of the Internal Revenue Code
 29 (as defined in IC 6-3-1-11(a)) to perform youth coaching
 30 services on a part-time basis is not an employee for purposes of
 31 IC 22-3-2 through IC 22-3-6.

32 (12) An individual who is not an employee of the state or a
 33 political subdivision is considered to be a temporary employee
 34 of the state for purposes of IC 22-3-2 through IC 22-3-6 while
 35 serving as a member of a mobile support unit on duty for
 36 training, an exercise, or a response, as set forth in
 37 IC 10-14-3-19(c)(2)(B).

38 (13) A driver providing drive away operations is an independent
 39 contractor and not an employee when:

40 (A) the vehicle being driven is the commodity being
 41 delivered; and

42 (B) the driver has entered into an agreement with the party

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1 arranging for the transportation that specifies the driver is
2 an independent contractor and not an employee.

3 (c) "Minor" means an individual who has not reached seventeen
4 (17) years of age.

5 (1) Unless otherwise provided in this subsection, a minor
6 employee shall be considered as being of full age for all
7 purposes of IC 22-3-2 through IC 22-3-6.

8 (2) If the employee is a minor who, at the time of the accident,
9 is employed, required, suffered, or permitted to work in violation
10 of IC 22-2-18-40 (before its expiration on June 30, 2021) and
11 IC 22-2-18.1-23, the amount of compensation and death benefits,
12 as provided in IC 22-3-2 through IC 22-3-6, shall be double the
13 amount which would otherwise be recoverable. The insurance
14 carrier shall be liable on its policy for one-half (1/2) of the
15 compensation or benefits that may be payable on account of the
16 injury or death of the minor, and the employer shall be liable for
17 the other one-half (1/2) of the compensation or benefits. If the
18 employee is a minor who is not less than sixteen (16) years of
19 age and who has not reached seventeen (17) years of age and
20 who at the time of the accident is employed, suffered, or
21 permitted to work at any occupation which is not prohibited by
22 law, this subdivision does not apply.

23 (3) A minor employee who, at the time of the accident, is a
24 student performing services for an employer as part of an
25 approved program under IC 20-37-2-7 **or a work based**
26 **learning program (as defined in**
27 ~~IC 22-3-2.2-2~~ [\[IC 20-20-38\].6\[-3\]](#)) shall be considered a
28 full-time employee for the purpose of computing compensation
29 for permanent impairment under IC 22-3-3-10. The average
30 weekly wages for such a student shall be calculated as provided
31 in subsection (d)(4).

32 (4) The rights and remedies granted in this subsection to a minor
33 under IC 22-3-2 through IC 22-3-6 on account of personal injury
34 or death by accident shall exclude all rights and remedies of the
35 minor, the minor's parents, or the minor's personal
36 representatives, dependents, or next of kin at common law,
37 statutory or otherwise, on account of the injury or death. This
38 subsection does not apply to minors who have reached seventeen
39 (17) years of age.

40 (d) "Average weekly wages" means the earnings of the injured
41 employee in the employment in which the employee was working at the
42 time of the injury during the period of fifty-two (52) weeks

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1 immediately preceding the date of injury, divided by fifty-two (52),
2 except as follows:

3 (1) If the injured employee lost seven (7) or more calendar days
4 during this period, although not in the same week, then the
5 earnings for the remainder of the fifty-two (52) weeks shall be
6 divided by the number of weeks and parts thereof remaining
7 after the time lost has been deducted.

8 (2) Where the employment prior to the injury extended over a
9 period of less than fifty-two (52) weeks, the method of dividing
10 the earnings during that period by the number of weeks and parts
11 thereof during which the employee earned wages shall be
12 followed, if results just and fair to both parties will be obtained.
13 Where by reason of the shortness of the time during which the
14 employee has been in the employment of the employee's
15 employer or of the casual nature or terms of the employment it
16 is impracticable to compute the average weekly wages, as
17 defined in this subsection, regard shall be had to the average
18 weekly amount which during the fifty-two (52) weeks previous
19 to the injury was being earned by a person in the same grade
20 employed at the same work by the same employer or, if there is
21 no person so employed, by a person in the same grade employed
22 in the same class of employment in the same district.

23 (3) Wherever allowances of any character made to an employee
24 in lieu of wages are a specified part of the wage contract, they
25 shall be deemed a part of the employee's earnings.

26 (4) In computing the average weekly wages to be used in
27 calculating an award for permanent impairment under
28 IC 22-3-3-10 for a student employee in an approved training
29 program under IC 20-37-2-7 **or a work based learning**
30 **program (as defined in ~~IC 22-3-2.2-2~~ [IC 20-20-38].6[3]),**
31 the following formula shall be used. Calculate the product of:

- 32 (A) the student employee's hourly wage rate; multiplied by
- 33 (B) forty (40) hours.

34 The result obtained is the amount of the average weekly wages
35 for the student employee.

36 (e) "Injury" and "personal injury" mean only injury by accident
37 arising out of and in the course of the employment and do not include
38 a disease in any form except as it results from the injury.

39 (f) "Billing review service" refers to a person or an entity that
40 reviews a medical service provider's bills or statements for the purpose
41 of determining pecuniary liability. The term includes an employer's
42 worker's compensation insurance carrier if the insurance carrier

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- 1 performs such a review.
- 2 (g) "Billing review standard" means the data used by a billing
- 3 review service to determine pecuniary liability.
- 4 (h) "Community" means a geographic service area based on ZIP
- 5 code districts defined by the United States Postal Service according to
- 6 the following groupings:
 - 7 (1) The geographic service area served by ZIP codes with the
 - 8 first three (3) digits 463 and 464.
 - 9 (2) The geographic service area served by ZIP codes with the
 - 10 first three (3) digits 465 and 466.
 - 11 (3) The geographic service area served by ZIP codes with the
 - 12 first three (3) digits 467 and 468.
 - 13 (4) The geographic service area served by ZIP codes with the
 - 14 first three (3) digits 469 and 479.
 - 15 (5) The geographic service area served by ZIP codes with the
 - 16 first three (3) digits 460, 461 (except 46107), and 473.
 - 17 (6) The geographic service area served by the 46107 ZIP code
 - 18 and ZIP codes with the first three (3) digits 462.
 - 19 (7) The geographic service area served by ZIP codes with the
 - 20 first three (3) digits 470, 471, 472, 474, and 478.
 - 21 (8) The geographic service area served by ZIP codes with the
 - 22 first three (3) digits 475, 476, and 477.
 - 23 (i) "Medical service provider" refers to a person or an entity that
 - 24 provides services or products to an employee under IC 22-3-2 through
 - 25 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through
 - 26 IC 22-3-6, the term includes a medical service facility.
 - 27 (j) "Medical service facility" means any of the following that
 - 28 provides a service or product under IC 22-3-2 through IC 22-3-6 and
 - 29 uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500)
 - 30 form for Medicare reimbursement:
 - 31 (1) An ambulatory outpatient surgical center (as defined in
 - 32 IC 16-18-2-14).
 - 33 (2) A hospital (as defined in IC 16-18-2-179).
 - 34 (3) A hospital based health facility (as defined in
 - 35 IC 16-18-2-180).
 - 36 (4) A medical center (as defined in IC 16-18-2-223.4).
 - 37 (k) "Pecuniary liability" means the responsibility of an employer
 - 38 or the employer's insurance carrier for the payment of the charges for
 - 39 each specific service or product for human medical treatment provided
 - 40 under IC 22-3-2 through IC 22-3-6, as follows:
 - 41 (1) This subdivision applies before July 1, 2014, to all medical
 - 42 service providers, and after June 30, 2014, to a medical service

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1 provider that is not a medical service facility. Payment of the
 2 charges in a defined community, equal to or less than the charges
 3 made by medical service providers at the eightieth percentile in
 4 the same community for like services or products.
 5 (2) Payment of the charges in a reasonable amount, which is
 6 established by payment of one (1) of the following:
 7 (A) The amount negotiated at any time between the medical
 8 service facility and any of the following, if an amount has
 9 been negotiated:
 10 (i) The employer.
 11 (ii) The employer's insurance carrier.
 12 (iii) A billing review service on behalf of a person
 13 described in item (i) or (ii).
 14 (iv) A direct provider network that has contracted with
 15 a person described in item (i) or (ii).
 16 (B) Two hundred percent (200%) of the amount that would
 17 be paid to the medical service facility on the same date for
 18 the same service or product under the medical service
 19 facility's Medicare reimbursement rate, if, after conducting
 20 the negotiations described in clause (A), an agreement has
 21 not been reached.
 22 (l) "Service or product" or "services and products" refers to
 23 medical, hospital, surgical, or nursing service, treatment, and supplies
 24 provided under IC 22-3-2 through IC 22-3-6.
 25 SECTION 6. IC 22-3-7-2.5 IS REPEALED [EFFECTIVE JULY
 26 1, 2026]. Sec. 2-5: (a) As used in this section, "school to work student"
 27 refers to a student participating in on-the-job training under the federal
 28 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).
 29 (b) A school to work student is entitled to the following
 30 compensation and benefits under this chapter:
 31 (1) Medical benefits.
 32 (2) Permanent partial impairment compensation under section 16
 33 of this chapter. Permanent partial impairment compensation for
 34 a school to work student shall be paid in a lump sum upon
 35 agreement or final award.
 36 (3) In the case that death results from the injury:
 37 (A) death benefits in a lump sum amount of one hundred
 38 seventy-five thousand dollars (\$175,000), payable upon
 39 agreement or final award to any dependents of the student
 40 under sections 11 through 14 of this chapter, or, if the
 41 student has no dependents, to the student's parents; and
 42 (B) burial compensation under section 15 of this chapter.

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1 (c) For the sole purpose of modifying an award under section 27
2 of this chapter, a school to work student's average weekly wage is
3 presumed to be equal to the federal minimum wage:

4 (d) A school to work student is not entitled to the following
5 compensation under this chapter:

6 (1) Temporary total disability compensation under section 16 of
7 this chapter:

8 (2) Temporary partial disability compensation under section 19
9 of this chapter:

10 (e) Except for remedies available under IC 5-2-6.1, recovery under
11 subsection (b) is the exclusive right and remedy for:

12 (1) a school to work student; and

13 (2) the personal representatives, dependents, or next of kin, at
14 common law or otherwise, of a school to work student;

15 on account of disablement or death by occupational disease arising out
16 of and in the course of school to work employment.

17 SECTION 7. IC 22-3-7-2.6 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning
20 program" ~~refers to:~~

21 ~~(1) an apprenticeship program (as defined in IC 20-43-8-0.3);~~

22 ~~(2) a modern youth apprenticeship (as defined in~~
23 ~~IC 20-51.4-2-9.5);~~

24 ~~(3) a pre-apprenticeship program that meets the elements of~~
25 ~~a quality pre-apprenticeship program established by the~~
26 ~~United States Department of Labor; and~~

27 ~~(4) a work based learning course (as defined in~~
28 ~~IC 20-43-8-0.7).~~

29 >[has the meaning set forth in IC 20-20-38.6-3.

30 | (b) Except as provided in subsection (c), a student who
31 performs services for an employer as part of a work based learning
32 program:

33 (1) is entitled to compensation and benefits under this
34 chapter; and

35 (2) may not recover any additional benefit otherwise payable
36 as a result of being less than seventeen (17) years of age
37 under the definition of a minor in section 9 of this chapter.

38 (c) The following apply if a student is unpaid for the services
39 performed for an employer as part of a work based learning
40 program:

41 (1) The student is not entitled to the following compensation:

42 (A) Temporary total disability compensation under



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section 16 of this chapter.
(B) Temporary partial disability compensation under section 16 of this chapter.

(2) In the case that death results from the injury, death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000) shall be paid upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents.

(d) Except for remedies available under IC 5-2-6.1, recovery under this section is the exclusive right and remedy for:

(1) a student who performs services for an employer as part of a work based learning program; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a student who performs services for an employer as part of a work based learning program;

on account of disablement or death by occupational disease arising out of and in the course of employment as part of the work based learning program.

SECTION 8. IC 22-3-7-9, AS AMENDED BY P.L.160-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides

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1 ~~on-the-job training under the federal School to Work Opportunities Act~~
 2 ~~(20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this~~
 3 ~~chapter employs a student as part of a work based learning~~
 4 ~~program to the extent set forth in section 2.6 of this chapter.~~ If the
 5 employer is insured, the term includes the employer's insurer so far as
 6 applicable. However, the inclusion of an employer's insurer within this
 7 definition does not allow an employer's insurer to avoid payment for
 8 services rendered to an employee with the approval of the employer.
 9 The term does not include a nonprofit corporation that is recognized as
 10 tax exempt under Section 501(c)(3) of the Internal Revenue Code (as
 11 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an
 12 independent contractor agreement with a person for the performance
 13 of youth coaching services on a part-time basis.

14 (b) As used in this chapter, "employee" means every person,
 15 including a minor, in the service of another, under any contract of hire
 16 or apprenticeship written or implied, except one whose employment is
 17 both casual and not in the usual course of the trade, business,
 18 occupation, or profession of the employer. For purposes of this chapter
 19 the following apply:

20 (1) Any reference to an employee who has suffered disablement,
 21 when the employee is dead, also includes the employee's legal
 22 representative, dependents, and other persons to whom
 23 compensation may be payable.

24 (2) An owner of a sole proprietorship may elect to include the
 25 owner as an employee under this chapter if the owner is actually
 26 engaged in the proprietorship business. If the owner makes this
 27 election, the owner must serve upon the owner's insurance
 28 carrier and upon the board written notice of the election. No
 29 owner of a sole proprietorship may be considered an employee
 30 under this chapter unless the notice has been received. If the
 31 owner of a sole proprietorship:

32 (A) is an independent contractor in the construction trades
 33 and does not make the election provided under this
 34 subdivision, the owner must obtain a certificate of
 35 exemption under section 34.5 of this chapter; or

36 (B) is an independent contractor and does not make the
 37 election provided under this subdivision, the owner may
 38 obtain a certificate of exemption under section 34.5 of this
 39 chapter.

40 (3) A partner in a partnership may elect to include the partner as
 41 an employee under this chapter if the partner is actually engaged
 42 in the partnership business. If a partner makes this election, the

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1 partner must serve upon the partner's insurance carrier and upon
 2 the board written notice of the election. No partner may be
 3 considered an employee under this chapter until the notice has
 4 been received. If a partner in a partnership:
 5 (A) is an independent contractor in the construction trades
 6 and does not make the election provided under this
 7 subdivision, the partner must obtain a certificate of
 8 exemption under section 34.5 of this chapter; or
 9 (B) is an independent contractor and does not make the
 10 election provided under this subdivision, the partner may
 11 obtain a certificate of exemption under section 34.5 of this
 12 chapter.
 13 (4) Real estate professionals are not employees under this
 14 chapter if:
 15 (A) they are licensed real estate agents;
 16 (B) substantially all their remuneration is directly related to
 17 sales volume and not the number of hours worked; and
 18 (C) they have written agreements with real estate brokers
 19 stating that they are not to be treated as employees for tax
 20 purposes.
 21 (5) A person is an independent contractor in the construction
 22 trades and not an employee under this chapter if the person is an
 23 independent contractor under the guidelines of the United States
 24 Internal Revenue Service.
 25 (6) An owner-operator that provides a motor vehicle and the
 26 services of a driver under a written contract that is subject to
 27 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor
 28 carrier is not an employee of the motor carrier for purposes of
 29 this chapter. The owner-operator may elect to be covered and
 30 have the owner-operator's drivers covered under a worker's
 31 compensation insurance policy or authorized self-insurance that
 32 insures the motor carrier if the owner-operator pays the
 33 premiums as requested by the motor carrier. An election by an
 34 owner-operator under this subdivision does not terminate the
 35 independent contractor status of the owner-operator for any
 36 purpose other than the purpose of this subdivision.
 37 ~~(7) An unpaid participant under the federal School to Work~~
 38 ~~Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the~~
 39 ~~extent set forth under section 2.5 of this chapter.~~
 40 **(7) A student who performs services for an employer as part**
 41 **of a work based learning program, either paid or unpaid, is**
 42 **an employee to the extent set forth in section 2.6 of this**

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chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(9) An officer of a corporation who is an employee of the corporation under this chapter may elect not to be an employee of the corporation under this chapter. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under this chapter. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under this chapter until the notice is received by the insurance carrier and the board.

(10) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of this chapter while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last exposure, is employed, required, suffered, or permitted to work in violation of the employment of minors laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, the minor's parents, the minor's personal representatives, dependents,

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1 or next of kin at common law, statutory or otherwise, on account of any
2 disease.

3 (d) This chapter does not apply to casual laborers as defined in
4 subsection (b), nor to farm or agricultural employees, nor to household
5 employees, nor to railroad employees engaged in train service as
6 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or
7 foremen in charge of yard engines and helpers assigned thereto, nor to
8 their employers with respect to these employees. Also, this chapter
9 does not apply to employees or their employers with respect to
10 employments in which the laws of the United States provide for
11 compensation or liability for injury to the health, disability, or death by
12 reason of diseases suffered by these employees.

13 (e) As used in this chapter, "disablement" means the event of
14 becoming disabled from earning full wages at the work in which the
15 employee was engaged when last exposed to the hazards of the
16 occupational disease by the employer from whom the employee claims
17 compensation or equal wages in other suitable employment, and
18 "disability" means the state of being so incapacitated.

19 (f) For the purposes of this chapter, no compensation shall be
20 payable for or on account of any occupational diseases unless
21 disablement, as defined in subsection (e), occurs within two (2) years
22 after the last day of the last exposure to the hazards of the disease
23 except for the following:

24 (1) In all cases of occupational diseases caused by the inhalation
25 of silica dust or coal dust, no compensation shall be payable
26 unless disablement, as defined in subsection (e), occurs within
27 three (3) years after the last day of the last exposure to the
28 hazards of the disease.

29 (2) In all cases of occupational disease caused by the exposure
30 to radiation, no compensation shall be payable unless
31 disablement, as defined in subsection (e), occurs within two (2)
32 years from the date on which the employee had knowledge of the
33 nature of the employee's occupational disease or, by exercise of
34 reasonable diligence, should have known of the existence of
35 such disease and its causal relationship to the employee's
36 employment.

37 (3) In all cases of occupational diseases caused by the inhalation
38 of asbestos dust, no compensation shall be payable unless
39 disablement, as defined in subsection (e), occurs within three (3)
40 years after the last day of the last exposure to the hazards of the
41 disease if the last day of the last exposure was before July 1,
42 1985.

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1 (4) In all cases of occupational disease caused by the inhalation
 2 of asbestos dust in which the last date of the last exposure occurs
 3 on or after July 1, 1985, and before July 1, 1988, no
 4 compensation shall be payable unless disablement, as defined in
 5 subsection (e), occurs within twenty (20) years after the last day
 6 of the last exposure.

7 (5) In all cases of occupational disease caused by the inhalation
 8 of asbestos dust in which the last date of the last exposure occurs
 9 on or after July 1, 1988, no compensation shall be payable unless
 10 disablement (as defined in subsection (e)) occurs within
 11 thirty-five (35) years after the last day of the last exposure.

12 (g) For the purposes of this chapter, no compensation shall be
 13 payable for or on account of death resulting from any occupational
 14 disease unless death occurs within two (2) years after the date of
 15 disablement. However, this subsection does not bar compensation for
 16 death:

17 (1) where death occurs during the pendency of a claim filed by
 18 an employee within two (2) years after the date of disablement
 19 and which claim has not resulted in a decision or has resulted in
 20 a decision which is in process of review or appeal; or

21 (2) where, by agreement filed or decision rendered, a
 22 compensable period of disability has been fixed and death occurs
 23 within two (2) years after the end of such fixed period, but in no
 24 event later than three hundred (300) weeks after the date of
 25 disablement.

26 (h) As used in this chapter, "billing review service" refers to a
 27 person or an entity that reviews a medical service provider's bills or
 28 statements for the purpose of determining pecuniary liability. The term
 29 includes an employer's worker's compensation insurance carrier if the
 30 insurance carrier performs such a review.

31 (i) As used in this chapter, "billing review standard" means the
 32 data used by a billing review service to determine pecuniary liability.

33 (j) As used in this chapter, "community" means a geographic
 34 service area based on ZIP code districts defined by the United States
 35 Postal Service according to the following groupings:

36 (1) The geographic service area served by ZIP codes with the
 37 first three (3) digits 463 and 464.

38 (2) The geographic service area served by ZIP codes with the
 39 first three (3) digits 465 and 466.

40 (3) The geographic service area served by ZIP codes with the
 41 first three (3) digits 467 and 468.

42 (4) The geographic service area served by ZIP codes with the

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- 1 first three (3) digits 469 and 479.
- 2 (5) The geographic service area served by ZIP codes with the
- 3 first three (3) digits 460, 461 (except 46107), and 473.
- 4 (6) The geographic service area served by the 46107 ZIP code
- 5 and ZIP codes with the first three (3) digits 462.
- 6 (7) The geographic service area served by ZIP codes with the
- 7 first three (3) digits 470, 471, 472, 474, and 478.
- 8 (8) The geographic service area served by ZIP codes with the
- 9 first three (3) digits 475, 476, and 477.
- 10 (k) As used in this chapter, "medical service provider" refers to a
- 11 person or an entity that provides services or products to an employee
- 12 under this chapter. Except as otherwise provided in this chapter, the
- 13 term includes a medical service facility.
- 14 (l) As used in this chapter, "medical service facility" means any of
- 15 the following that provides a service or product under this chapter and
- 16 uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500)
- 17 form for Medicare reimbursement:
- 18 (1) An ambulatory outpatient surgical center (as defined in
- 19 IC 16-18-2-14).
- 20 (2) A hospital (as defined in IC 16-18-2-179).
- 21 (3) A hospital based health facility (as defined in
- 22 IC 16-18-2-180).
- 23 (4) A medical center (as defined in IC 16-18-2-223.4).
- 24 (m) As used in this chapter, "pecuniary liability" means the
- 25 responsibility of an employer or the employer's insurance carrier for the
- 26 payment of the charges for each specific service or product for human
- 27 medical treatment provided under this chapter as follows:
- 28 (1) This subdivision applies before July 1, 2014, to all medical
- 29 service providers, and after June 30, 2014, to a medical service
- 30 provider that is not a medical service facility. Payment of the
- 31 charges in a defined community, equal to or less than the charges
- 32 made by medical service providers at the eightieth percentile in
- 33 the same community for like services or products.
- 34 (2) Payment of the charges in a reasonable amount, which is
- 35 established by payment of one (1) of the following:
- 36 (A) The amount negotiated at any time between the medical
- 37 service facility and any of the following, if an amount has
- 38 been negotiated:
- 39 (i) The employer.
- 40 (ii) The employer's insurance carrier.
- 41 (iii) A billing review service on behalf of a person
- 42 described in item (i) or (ii).

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- 1 (iv) A direct provider network that has contracted with
- 2 a person described in item (i) or (ii).
- 3 (B) Two hundred percent (200%) of the amount that would
- 4 be paid to the medical service facility on the same date for
- 5 the same service or product under the medical service
- 6 facility's Medicare reimbursement rate, if, after conducting
- 7 the negotiations described in clause (A), an agreement has
- 8 not been reached.

9 (n) "Service or product" or "services and products" refers to
 10 medical, hospital, surgical, or nursing service, treatment, and supplies
 11 provided under this chapter.

12 SECTION 9. IC 27-7-19 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]:

15 **Chapter 19. Insurance Coverage for Participants of Work**
 16 **Based Learning ~~<Courses>~~ [Programs]**

17 **Sec. 1. This chapter applies to a policy that is entered into,**
 18 **amended, or renewed after June 30, 2026.**

19 **Sec. 2. As used in this chapter, "employer's liability insurance"**
 20 **means the type of insurance described in IC 27-1-5-1, Class 2(b).**

21 **Sec. 3. As used in this chapter, "insurer" means a company**
 22 **that is authorized under IC 27-1-3-20 to engage in the business of**
 23 **insurance in Indiana.**

24 **Sec. 4. As used in this chapter, "participant" refers to any of**
 25 **the following:**

- 26 (1) An employer that employs a student in a work based
- 27 learning program.
- 28 (2) A student who is enrolled in a work based learning
- 29 program.
- 30 (3) An intermediary (as defined in IC 21-18-1-3.5).
- 31 (4) A school corporation (as defined in IC 20-18-2-16(a)).
- 32 (5) A charter school (as defined in IC 20-24-1-4).

33 **Sec. 5. As used in this chapter, "work based learning**
 34 **program" ~~<refers to:~~**

- 35 ~~— (1) an apprenticeship program (as defined in IC 20-43-8-0.3);~~
- 36 ~~— (2) a modern youth apprenticeship (as defined in~~
 37 ~~IC 20-51.4-2-9.5);~~
- 38 ~~— (3) a pre-apprenticeship program that meets the elements of~~
 39 ~~a quality pre-apprenticeship program established by the~~
 40 ~~United States Department of Labor; and~~
- 41 ~~— (4) a work based learning course (as defined in~~
 42 ~~IC 20-43-8-0.7).> [has the meaning set forth in~~

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[IC 20-20-38.6-3.](#)

Sec. 6. Any:

(1) underwriting decision made by an insurer that issues a policy of employer's liability insurance or worker's compensation insurance to provide coverage for a participant; or

(2) rating factor applied to a participant for a policy described in subdivision (1);

must be based on objective risk based criteria that are applied uniformly and without regard to the age of the student to be covered under the policy.

SECTION 10. IC 36-8-12-2, AS AMENDED BY P.L.10-2019, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

- (1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and
- (2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

- (1) a political subdivision;
- (2) an individual or the legal representative of a deceased individual;
- (3) a firm;
- (4) an association;
- (5) a limited liability company; **or**
- ~~(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or~~
- ~~(7)~~ **(6)** a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

- (1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and
- (2) without whom the employer is likely to suffer economic

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1 injury as a result of the absence of the essential employee.
 2 "Nominal compensation" means annual compensation of not more
 3 than twenty thousand dollars (\$20,000).
 4 "Public servant" has the meaning set forth in IC 35-31.5-2-261.
 5 "Responsible party" has the meaning set forth in
 6 IC 13-11-2-191(d).
 7 "Volunteer fire department" means a department or association
 8 organized for the purpose of answering fire alarms, extinguishing fires,
 9 and providing other emergency services, the majority of members of
 10 which receive no compensation or nominal compensation for their
 11 services.
 12 "Volunteer firefighter" means a firefighter:
 13 (1) who, as a result of a written application, has been elected or
 14 appointed to membership in a volunteer fire department;
 15 (2) who has executed a pledge to faithfully perform, with or
 16 without nominal compensation, the work related duties assigned
 17 and orders given to the firefighter by the chief of the volunteer
 18 fire department or an officer of the volunteer fire department,
 19 including orders or duties involving education and training as
 20 prescribed by the volunteer fire department or the state; and
 21 (3) whose name has been entered on a roster of volunteer
 22 firefighters that is kept by the volunteer fire department and that
 23 has been approved by the proper officers of the unit.
 24 "Volunteer member" means a member of a volunteer emergency
 25 medical services association connected with a unit as set forth in
 26 IC 16-31-5-1(6).

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