

SENATE BILL No. 198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8; IC 12-15-5; IC 12-23-16-2; IC 16-18-2; IC 16-19-13; IC 16-21-2-18; IC 16-41-45; IC 22-2-21; IC 22-4.1-4-1.5; IC 22-9; IC 25-1-9-5.5; IC 27-8; IC 27-13-7-23.5.

Synopsis: Pregnancy and childbirth matters. Requires a state employee health plan, a policy of accident and sickness insurance, and a health maintenance organization contract to: (1) grant an exception to a step therapy protocol for a prescription drug prescribed for the treatment of postpartum depression that is not indicated by the federal Food and Drug Administration for postpartum depression on the prescription drug's approved labeling; (2) provide coverage for biomarker testing for preeclampsia, doula services, mental health screenings, and treatment for maternal mental health; and (3) develop a maternal mental health program. Requires Medicaid pregnancy services to include reimbursement for doula services and biomarker testing for preeclampsia. Requires the division of mental health and addiction to develop and implement a program for pregnant women and children with a substance use disorder. Requires the office of women's health to: (1) develop, maintain, and disseminate certain information concerning resources that are available to pregnant women and new mothers; and (2) provide continuing education courses concerning postpartum depression and other related mental health disorders. Requires a hospital or birthing center to, before a patient's discharge from the hospital or birthing center following birth, provide the patient with information concerning postpartum depression and other related mental health disorders. Sets forth requirements for screening for preeclampsia using biomarker testing. Establishes the Hoosier family leave insurance program and the Hoosier family leave insurance trust fund. Prohibits an employer from discriminating against an employee who has a condition related to pregnancy or childbirth.
(Continued next page)

Effective: July 1, 2026.

Hunley, Yoder, Jackson L, Ford J.D.

January 6, 2026, read first time and referred to Committee on Health and Provider Services.



Digest Continued

Repeals a chapter regarding pregnancy and childbirth accommodation. Requires certain health care practitioners to screen caregivers for signs and symptoms of postpartum depression or other related mental health disorders and provide a referral for the caregiver if the screening is positive for a mental health disorder.



Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 198

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

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

1 SECTION 1. IC 5-10-8-17.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: **Sec. 17.5. (a) This section applies to a state employee**
4 **health plan that is established, entered into, amended, or renewed**
5 **after June 30, 2026.**

6 **(b) The definitions in section 17 of this chapter apply**
7 **throughout this section.**

8 **(c) A state employee health plan shall grant a protocol exception**
9 **for a prescription drug prescribed for the treatment of postpartum**
10 **depression that is not indicated by the federal Food and Drug**
11 **Administration for postpartum depression on the prescription**
12 **drug's approved labeling.**

13 SECTION 2. IC 5-10-8-27 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2026]: **Sec. 27. (a) This section applies to a state employee health**



1 plan that is established, entered into, amended, or renewed after
2 June 30, 2026.

3 (b) As used in this section, "doula" means an individual who is
4 trained and certified by a nationally recognized institution in
5 providing emotional and physical support, but not medical or
6 midwife care, to pregnant women before, during, and after
7 childbirth.

8 (c) As used in this section, "maternal mental health" means a
9 mental health condition that occurs during pregnancy or during
10 the postpartum period. The term includes postpartum depression.

11 (d) As used in this section, "state employee health plan" means
12 the following:

13 (1) A self-insurance program established under section 7(b) of
14 this chapter.

15 (2) A contract for prepaid health services entered into under
16 section 7(c) of this chapter.

17 (e) A state employee health plan must provide coverage for:

18 (1) biomarker testing for preeclampsia that is conducted in
19 accordance with IC 16-41-45;

20 (2) doula services;

21 (3) mental health screenings provided under IC 25-1-9-5.5 or
22 section 28.5 of this chapter; and

23 (4) treatment for maternal mental health.

24 (f) The coverage required by this section may not be subject to
25 annual or lifetime limitation, deductible, copayment, or
26 coinsurance provisions that are more restrictive than the annual or
27 lifetime limitation, deductible, copayment, or coinsurance
28 provisions that apply generally under the state employee health
29 plan.

30 SECTION 3. IC 5-10-8-28.5 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2026]: Sec. 28.5. (a) This section applies to a state employee
33 health plan that is established, entered into, amended, or renewed
34 after June 30, 2026.

35 (b) As used in this section, "contracting obstetric provider"
36 means a physician licensed under IC 25-22.5 who:

37 (1) specializes in the provision of obstetric services; and

38 (2) is contracted with a state employee health plan to provide
39 services under the state employee health plan.

40 (c) As used in this section, "maternal mental health" means a
41 mental health condition that occurs during pregnancy or during
42 the postpartum period. The term includes postpartum depression.



(d) As used in this section, "state employee health plan" means the following:

(1) A self-insurance program established under section 7(b) of this chapter.

(2) A contract for prepaid health services entered into under section 7(c) of this chapter.

(e) A state employee health plan shall develop a maternal mental health program designed to promote quality and cost effective outcomes. As part of a maternal mental health program, a state employee health plan is encouraged to:

(1) improve screening, treatment, and referral to maternal mental health services;

(2) incentivize training opportunities for contracting obstetric providers; and

(3) educate covered individuals about the program.

(f) The program must include coverage for at least:

(1) one (1) maternal mental health screening to be conducted during pregnancy;

(2) one (1) additional screening to be conducted during the first six (6) weeks of the postpartum period; and

(3) additional postpartum screenings, if determined to be medically necessary and clinically appropriate in the judgment of the treating provider.

(g) The program must:

(1) be developed consistently with sound clinical principles and processes; and

(2) include quality measures to encourage screening, diagnosis, treatment, and referral.

(h) The program guidelines and criteria must be provided to relevant medical providers, including all contracting obstetric providers.

SECTION 4. IC 12-15-5-7, AS ADDED BY P.L.35-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Pregnancy services provided under this article ~~may~~ **shall** include reimbursement for doula services.

(b) The office ~~may~~ **shall** apply for any state plan amendment or waiver necessary to implement this section.

(c) The office ~~may~~ **shall** adopt rules under IC 4-22-2 to implement this section.

SECTION 5. IC 12-15-5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 7.5. (a) Pregnancy services provided under this**



1 article must include reimbursement for biomarker testing for
2 preeclampsia that is conducted in accordance with IC 16-41-45.

3 (b) The office may apply for any state plan amendment or
4 waiver necessary to implement this section.

5 (c) The office may adopt rules under IC 4-22-2 to implement this
6 section.

7 SECTION 6. IC 12-23-16-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The division may
9 do the following:

10 (1) Provide for the promotion, establishment, coordination, and
11 conduct of unified local programs of prevention, diagnosis,
12 treatment, and rehabilitation in the field of drug abuse in
13 cooperation with federal, state, local, and private agencies.

14 (2) Survey and analyze the state's needs and formulate a
15 comprehensive plan for the long range development of local
16 community treatment programs through the utilization of state,
17 federal, local, and private resources for the prevention and control
18 of drug abuse.

19 (3) With the approval of the budget agency, make agreements
20 concerning local community treatment programs, including
21 agreements with public and private agencies, to do or cause to be
22 done whatever is necessary, desirable, or proper to carry out the
23 purposes and objectives of this chapter within the amounts made
24 available by appropriation, gift, grant, devise, or bequest.

25 (4) Establish and operate local community rehabilitation centers
26 and other local facilities that the division considers necessary or
27 desirable for the care, treatment, and rehabilitation of drug
28 abusers.

29 (5) Approve facilities and services for the local community
30 treatment, care, or rehabilitation of drug abusers.

31 (6) With the approval of the budget agency, accept on behalf of
32 the state a gift, grant, devise, or bequest.

33 (7) Adopt rules under IC 4-22-2 to implement this chapter.

34 (b) The division shall prioritize the development and
35 implementation of a program for pregnant women and children
36 with a substance use disorder that includes the following:

37 (1) Identification of the aggregate number of:

38 (A) pregnant women; and

39 (B) newborns who are born;

40 with a substance use disorder in Indiana.

41 (2) Development and implementation of intervention
42 strategies to eliminate substance use disorders of pregnant



women.

(3) Implementation of treatment for pregnant women and children born with a substance use disorder, including requiring substance use programs to prioritize treatment of pregnant women and children.

(4) Continuous monitoring and treatment of women and children who while pregnant or at birth, as applicable, previously had a substance use disorder and the provision of any necessary treatment and rehabilitation for these women and children.

The division may consult with the Indiana department of health in developing and implementing the program.

SECTION 7. IC 16-18-2-36.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 36.1. "Biomarker", for purposes of IC 16-41-45, has the meaning set forth in IC 16-41-45-1.**

SECTION 8. IC 16-18-2-36.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 36.3. "Biomarker testing", for purposes of IC 16-41-45, has the meaning set forth in IC 16-41-45-2.**

SECTION 9. IC 16-18-2-68.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 68.8. "Consensus statements", for purposes of IC 16-41-45, has the meaning set forth in IC 16-41-45-3.**

SECTION 10. IC 16-18-2-244.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 244.6. "Nationally recognized clinical practice guidelines", for purposes of IC 16-41-45, has the meaning set forth in IC 16-41-45-4.**

SECTION 11. IC 16-19-13-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9. (a) The office shall develop, maintain, and disseminate information concerning resources that are available to pregnant women and new mothers, including the following:**

(1) Information about postpartum depression and other related mental health disorders, including the symptoms, treatment, and available resources.

(2) Substance use disorders and available resources.

(3) Any other available resources that the office believes a



pregnant woman or new mother may find useful during pregnancy and postpartum, including existing programs that provide assistance to the woman.

(b) The office shall make the information described in subsection (a) available:

- (1) on the state department's website; and
- (2) to hospitals, birthing centers, and other health care providers who provide care to pregnant women, new mothers, and infants.

(c) The office may consult with the office of the secretary of family and social services in the development of the resources described in subsection (a).

SECTION 12. IC 16-19-13-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 10. The office shall provide, at no cost to health care providers, continuing education courses concerning postpartum depression and other related mental health disorders, including the symptoms, treatment, and available resources.**

SECTION 13. IC 16-21-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 18. A hospital or birthing center licensed under this article that offers birthing services shall, before a patient's discharge from the hospital or birthing center following birth, provide the patient with information concerning postpartum depression and other related mental health disorders, including the symptoms, treatment, and available resources.**

SECTION 14. IC 16-41-45 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 45. Preeclampsia Biomarker Testing

Sec. 1. (a) As used in this chapter, "biomarker" means a characteristic that is objectively measured and evaluated as an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention.

(b) The term includes the following:

- (1) Gene mutations.**
- (2) Protein expression.**
- (3) Known gene-drug interactions for medications.**
- (4) Characteristics of genes.**

Sec. 2. (a) As used in this chapter, "biomarker testing" means the analysis of a patient's tissue, blood, or other biospecimen for



the presence of a biomarker using a federal Food and Drug Administration approved method of analysis.

(b) The term includes the following:

- (1) Single-analyte tests.
- (2) Multiplex panel tests.
- (3) Whole genome sequencing.
- (4) Protein expression.
- (5) Whole exome.
- (6) Whole transcriptome.

Sec. 3. As used in this chapter, "consensus statements" means statements that are:

(1) developed by an independent, multi-disciplinary panel of experts:

(A) utilizing a transparent methodology and reporting structure; and

(B) with a conflict of interest policy;

(2) aimed at specific clinical circumstances; and

(3) based on the best available evidence for the purpose of optimizing the outcomes of clinical care.

Sec. 4. As used in this chapter, "nationally recognized clinical practice guidelines" means evidence based clinical practice guidelines that:

(1) are developed by independent organizations or medical professional societies:

(A) utilizing a transparent methodology and reporting structure; and

(B) with a conflict of interest policy;

(2) establish standards of care informed by:

(A) a systematic review of evidence; and

(B) an assessment of the benefits and risks of alternative care options; and

(3) include recommendations intended to optimize patient care.

Sec. 5. (a) A pregnant woman may be screened for preeclampsia using biomarker testing if the biomarker testing is ordered by the attending physician in accordance with this chapter.

(b) Each preeclampsia biomarker testing must be conducted by the:

(1) attending physician; or

(2) other health care provider who is providing prenatal care for the pregnant woman;

according to nationally recognized clinical practice guidelines and



consensus statements.

Sec. 6. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 15. IC 22-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 21. Hoosier Family Leave Insurance Program

Sec. 1. As used in this chapter, "average weekly wage" means the average weekly wage of a covered individual over a base period established by the department.

Sec. 2. As used in this chapter, "covered employer" means an employer (as defined in IC 22-4-7) that is subject to the unemployment compensation system under IC 22-4.

Sec. 3. As used in this chapter, "covered individual" means:

- (1) an employee of a covered employer; and
- (2) any self-employed individual who elects coverage under section 12 of this chapter.

Sec. 4. As used in this chapter, "department" refers to the department of workforce development established under IC 22-4.1-2.

Sec. 5. As used in this chapter "fund" refers to the Hoosier family leave insurance trust fund established by section 10 of this chapter.

Sec. 6. As used in this chapter, "program" refers to the Hoosier family leave insurance program established by section 9 of this chapter.

Sec. 7. As used in this chapter, "qualified family leave" means leave taken by a covered individual for one (1) or more of the following reasons:

- (1) The:
 - (A) birth of a child of the covered individual; and
 - (B) care of the child within twelve (12) months after birth.
- (2) The:
 - (A) placement of a child with the covered individual for adoption or foster care; and
 - (B) care of the child within twelve (12) months after placement.
- (3) To care for a child, spouse, or parent of the covered individual who has a serious health condition.
- (4) The covered individual's own serious health condition, to the extent that the condition is not otherwise covered by an employer sponsored short term disability plan.



(5) Any other purpose designated by the department by rule that is consistent with the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

Sec. 8. As used in this chapter, "state average weekly wage" means the state average weekly wage as determined annually by the department.

Sec. 9. The Hoosier family leave insurance program is established to provide wage replacement benefits to covered individuals during periods of qualified family leave.

Sec. 10. (a) The Hoosier family leave insurance trust fund is established for the purpose of:

- (1) depositing contributions from covered individuals; and
- (2) paying benefits and administrative costs for the program.

(b) The fund shall be administered by the department.

(c) The fund consists of the following:

- (1) Contributions from covered individuals made under section 11(a) of this chapter.
- (2) Voluntary contributions from covered employers made under section 11(b) of this chapter.
- (3) All interest and earnings on investments of the funds.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. (a) Each covered employer shall, in the manner prescribed by the department:

- (1) withhold from the wages of each covered individual an amount equal to the contribution rate established under subsection (c) or (d); and
- (2) remit those amounts to the fund.

(b) A covered employer may elect to contribute additional amounts to the fund on behalf of covered individuals as an employer provided benefit.

(c) The initial contribution rate for a covered individual is five-tenths percent (0.5%) of the lesser of:

- (1) the covered individual's wages; or
- (2) the Social Security wage base or another wage cap as designated by the department.



(d) After obtaining an independent actuarial analysis, the department may adjust the contribution rate not more than once per year to ensure the actuarial soundness of the fund. The contribution rate may be adjusted to an amount that is:

(1) at least four-tenths percent (0.4%); and

(2) not more than six-tenths percent (0.6%);

of the lesser of a wage described in subsection (c)(1) or (c)(2).

(e) The department shall provide public notice of any adjustment made under subsection (d).

Sec. 12. (a) A self-employed individual may elect to participate in the program for an initial period of not less than three (3) years.

(b) If a self-employed individual elects to participate in the program, the individual shall remit contributions to the fund at an amount equal to the contribution rate established under section 11 of this chapter.

Sec. 13. (a) A covered individual is eligible to receive benefits under this chapter if the individual:

(1) has satisfied minimum earnings or contribution requirements established by the department; and

(2) is:

(A) taking qualified family leave; and

(B) not receiving full wage replacement from the covered employer.

(b) A covered individual may receive not more than twelve (12) weeks of family leave insurance benefits in a benefit year for leave that is taken not more than twelve (12) months after the qualifying event.

(c) Weekly benefits under the program must be calculated as sixty percent (60%) of a covered individual's average weekly wage, subject to a maximum weekly benefit amount equal to a percentage that is:

(1) at least fifty percent (50%); and

(2) not more than sixty percent (60%);

of the state average weekly wage as specified annually by the department to maintain fund solvency.

(d) The department may adopt graduated or tiered benefit formulas within the limits of subsection (c) to ensure that lower wage workers receive proportionally greater wage replacement while maintaining the solvency of the fund.

(e) Benefits under this chapter are in addition to any rights or protections available under the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) and any employer provider



1 paid leave. However, a covered employer may coordinate or offset
 2 benefits as provided in the covered employer's written policy and
 3 in rules adopted by the department.

4 Sec. 14. (a) This chapter does not create new job protection
 5 requirements for covered employers beyond those otherwise
 6 required by federal or state law.

7 (b) A covered employer may:

8 (1) voluntarily provide job protection or continuation of
 9 benefits for covered individuals who receive benefits under
 10 this chapter; and

11 (2) describe the job protection or continuation of benefits
 12 provided under subdivision (1) in an employee handbook or
 13 written leave policy.

14 Sec. 15. (a) The department shall administer this chapter using,
 15 to the greatest extent practicable, existing personnel, systems, and
 16 infrastructure used for the unemployment compensation system or
 17 other wage reporting programs.

18 (b) The department may contract with a third party
 19 administrator or licensed insurer to perform some or all of the
 20 administrative functions of the program if the costs to contract
 21 with the third party administrator or licensed insurer are paid
 22 exclusively from the fund.

23 (c) The department shall adopt rules under IC 4-22-2 necessary
 24 to implement this chapter.

25 (d) Any rules adopted to implement this chapter may not impose
 26 unfunded mandates on covered employers beyond the obligation to
 27 withhold and remit employee contributions as required by section
 28 11(a) of this chapter.

29 Sec. 16. (a) The department may not commence payment of
 30 benefits under this chapter until the department determines, based
 31 on an independent actuarial analysis, that projected contributions
 32 will be sufficient to pay projected benefits and administrative
 33 expenses of the program.

34 (b) Nothing in this chapter shall be construed to create a vested
 35 right to benefits that exceed the balance available in the fund.

36 SECTION 16. IC 22-4.1-4-1.5, AS AMENDED BY P.L.213-2025,
 37 SECTION 276, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) The department shall do the
 39 following:

40 (1) Administer the Wagner-Peyser program, the WIOA, a free
 41 public labor exchange, and related federal and state employment
 42 and training programs as directed by the governor.



(2) Formulate and implement an employment and training plan as required by the WIOA, and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this chapter, including contracts for the establishment and administration of employment and training offices and the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor, any federal, state, or local public agency or administrative entity, or a private for-profit or nonprofit organization under the WIOA.

(8) Enter into contracts or agreements and cooperate with entities that provide career and technical education to carry out the duties imposed by this article.

(9) Serve as the state advisory body required under the federal Workforce Innovation and Opportunity Act of 2014 under 29 U.S.C. 3101 et seq., including reauthorizations of WIOA.

(b) The department shall distribute federal funds made available for employment training in accordance with:

(1) the WIOA, and other applicable federal laws; and

(2) the plan prepared under subsection (c)(1).

(c) In addition to the duties prescribed in subsections (a) and (b), the department shall do the following:



- 1 (1) Implement the postsecondary career and technical education
2 programming plan prepared under IC 22-4.1-19-4 (before its
3 repeal).
- 4 (2) Upon request of the budget director, prepare a legislative
5 budget request for state and federal funds for employment
6 training. The budget director shall determine the period to be
7 covered by the budget request.
- 8 (3) Make or cause to be made studies of the needs for various
9 types of programs that are related to employment training and
10 authorized under the WIOA.
- 11 (4) Distribute state funds made available for employment training
12 that have been appropriated by the general assembly in
13 accordance with the general assembly appropriation.
- 14 (5) Collect from each employer subject to IC 22-4 the following
15 information in the form and manner prescribed by the department:
16 (A) The Standard Occupational Classification code applicable
17 to each employee as prescribed by the Bureau of Labor
18 Statistics of the United States Department of Labor or primary
19 job title as recorded and reported by the employer.
- 20 (B) Whether each employee is:
21 (i) classified by the employer as full-time, part-time, intern,
22 or apprentice; or
23 (ii) designated as a seasonal worker pursuant to a decision
24 issued by the department.
- 25 (C) The hourly rate of pay for each employee.
- 26 (6) Enter into data sharing agreements and transmit the data
27 collected under subdivision (5), in addition to any other relevant
28 data, to agencies deemed appropriate by the department for:
29 (A) assessing outcomes of education and workforce programs;
30 (B) evaluating educational and workforce training
31 investments;
32 (C) informing labor market analysis; and
33 (D) conducting economic research.
- 34 (7) Minimize employer reporting burdens, where feasible,
35 through:
36 (A) aligning and streamlining definitions and requirements for
37 quarterly wage and employment reports;
38 (B) deploying user friendly application programming
39 interfaces; and
40 (C) other means to simplify reporting processes.
- 41 (8) Establish an employer outreach and communications
42 campaign in collaboration with statewide business and industry



1 associations to increase the number of employers that report
 2 accurate data under subdivision (5).

3 **(9) Administer the Hoosier family leave insurance program**
 4 **under IC 22-2-21.**

5 SECTION 17. IC 22-9-1-6, AS AMENDED BY P.L.205-2019,
 6 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2026]: Sec. 6. (a) The commission shall establish and
 8 maintain a permanent office in the city of Indianapolis.

9 (b) Except as it concerns judicial review, the commission may adopt
 10 rules under IC 4-22-2 to implement this chapter.

11 (c) The commission shall formulate policies to effectuate the
 12 purposes of this chapter and make recommendations to agencies and
 13 officers of the state or local subdivisions ~~thereof~~ to effectuate such
 14 policies. The several departments, commissions, divisions, authorities,
 15 boards, bureaus, agencies, and officers of the state or any political
 16 subdivision or agency ~~thereof~~ shall furnish the commission, upon its
 17 request, all records, papers, and information in their possession relating
 18 to any matter before the commission.

19 (d) The commission shall receive and investigate complaints
 20 alleging discriminatory practices. The commission shall not hold
 21 hearings in the absence of a complaint. All investigations of complaints
 22 shall be conducted by staff members of the civil rights commission or
 23 their agents.

24 (e) The commission may create such advisory agencies and
 25 conciliation councils, local or statewide, as will aid in effectuating the
 26 purposes of this chapter. The commission may itself, or it may
 27 empower these agencies and councils to:

28 (1) study the problems of discrimination in the areas covered by
 29 section 2 of this chapter when based on race, religion, color, sex,
 30 handicap, national origin, or ancestry; and

31 (2) foster through community effort, or otherwise, good will
 32 among the groups and elements of the population of the state.

33 These agencies and councils may make recommendation to the
 34 commission for the development of policies and procedures in general.
 35 Advisory agencies and conciliation councils created by the commission
 36 shall be composed of representative citizens serving without pay, but
 37 with reimbursement for reasonable and necessary actual expenses.

38 (f) The commission may issue such publications and such results of
 39 investigations and research as in its judgment will tend to promote
 40 good will and minimize or eliminate discrimination because of race,
 41 religion, color, sex, handicap, national origin, or ancestry.

42 (g) The commission shall prevent any person from discharging,



1 expelling, or otherwise discriminating against any other person because
 2 the person filed a complaint, testified in any hearing before this
 3 commission, or in any way assisted the commission in any matter under
 4 its investigation.

5 (h) The commission may hold hearings, subpoena witnesses, compel
 6 their attendance, administer oaths, take the testimony of any person
 7 under oath, and require the production for examination of any books
 8 and papers relating to any matter under investigation or in question
 9 before the commission. The commission may make rules as to the
 10 issuance of subpoenas by individual commissioners. Contumacy or
 11 refusal to obey a subpoena issued under this section shall constitute a
 12 contempt. All hearings shall be held within Indiana at a location
 13 determined by the commission. A citation of contempt may be issued
 14 upon application by the commission to the circuit or superior court in
 15 the county in which the hearing is held or in which the witness resides
 16 or transacts business.

17 (i) The commission may:

18 (1) before July 1, 2020, appoint administrative law judges other
 19 than commissioners; and

20 (2) after June 30, 2020, request assignment of an administrative
 21 law judge (as defined in IC 4-21.5-1-2);

22 when an appointment is deemed necessary by a majority of the
 23 commission. The administrative law judges shall be members in good
 24 standing before the bar of Indiana and shall be appointed by the
 25 chairman of the commission. An administrative law judge appointed
 26 under this subsection shall have the same powers and duties as a
 27 commissioner sitting as an administrative law judge. However, the
 28 administrative law judge may not issue subpoenas.

29 (j) The commission shall state its findings of fact after a hearing
 30 and, if the commission finds a person has engaged in an unlawful
 31 discriminatory practice, shall cause to be served on this person an order
 32 requiring the person to cease and desist from the unlawful
 33 discriminatory practice and requiring the person to take further
 34 affirmative action as will effectuate the purposes of this chapter,
 35 including but not limited to the power:

36 (1) to restore the complainant's losses incurred as a result of
 37 discriminatory treatment, as the commission may deem necessary
 38 to assure justice; however, except in discriminatory practices
 39 involving veterans **and discriminatory practices involving job**
 40 **applicants or employees who are affected by pregnancy,**
 41 **childbirth, or a related medical condition (as defined by**
 42 **IC 22-9-12.1-6) under IC 22-9-12.1, this specific provision when**



1 applied to orders pertaining to employment shall include only
 2 wages, salary, or commissions;

3 (2) to require the posting of notice setting forth the public policy
 4 of Indiana concerning civil rights and the respondent's compliance
 5 with the policy in places of public accommodations;

6 (3) to require proof of compliance to be filed by the respondent at
 7 periodic intervals; and

8 (4) to require a person who has been found to be in violation of
 9 this chapter and who is licensed by a state agency authorized to
 10 grant a license to show cause to the licensing agency why the
 11 person's license should not be revoked or suspended.

12 When an employer has been found to have committed a discriminatory
 13 practice in employment by failing to employ an applicant on the basis
 14 that the applicant is a veteran, the order to restore the veteran's losses
 15 may include placing the veteran in the employment position with the
 16 employer for which the veteran applied.

17 (k) Judicial review of a cease and desist order or other affirmative
 18 action as referred to in this chapter may be obtained under IC 22-9-8.
 19 If no proceeding to obtain judicial review is instituted within thirty (30)
 20 days from receipt of notice by a person that an order has been made by
 21 the commission, the commission, if it determines that the person upon
 22 whom the cease and desist order has been served is not complying or
 23 is making no effort to comply, may obtain a decree of a court for the
 24 enforcement of the order in circuit or superior court upon showing that
 25 the person is subject to the commission's jurisdiction and resides or
 26 transacts business within the county in which the petition for
 27 enforcement is brought.

28 (l) If, upon all the evidence, the commission shall find that a person
 29 has not engaged in any unlawful practice or violation of this chapter,
 30 the commission shall state its findings of facts and shall issue and
 31 cause to be served on the complainant an order dismissing the
 32 complaint as to the person.

33 (m) The commission may furnish technical assistance requested by
 34 persons subject to this chapter to further compliance with this chapter
 35 or with an order issued under this chapter.

36 (n) The commission shall promote the creation of local civil rights
 37 agencies to cooperate with individuals, neighborhood associations, and
 38 state, local, and other agencies, both public and private, including
 39 agencies of the federal government and of other states.

40 (o) The commission may reduce the terms of conciliation agreed to
 41 by the parties to writing (to be called a consent agreement) that the
 42 parties and a majority of the commissioners shall sign. When signed,



the consent agreement shall have the same effect as a cease and desist order issued under subsection (j). If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(p) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(q) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

SECTION 18. IC 22-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. **(a) This section does not apply to a claim under IC 22-9-12.1.**

~~(a)~~ **(b)** A respondent or a complainant may elect to have the claims that are the basis for a finding of probable cause decided in a civil action as provided by section 17 of this chapter. However, both the respondent and the complainant must agree in writing to have the claims decided in a court of law. The agreement must be on a form provided by the commission.

~~(b)~~ **(c)** The election may not be made if the commission has begun a hearing on the record under this chapter with regard to a finding of probable cause.

SECTION 19. IC 22-9-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Pregnancy and Childbirth Accommodation).

SECTION 20. IC 22-9-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 12.1. Pregnancy and Childbirth Discrimination

Sec. 1. As used in this chapter, "commission" means the civil rights commission created by IC 22-9-1-4.

Sec. 2. As used in this chapter, "complaint" has the meaning set forth in IC 22-9-1-3(o).



1 **Sec. 3.** As used in this chapter, "employer" has the meaning set
2 forth in IC 22-9-1-3(h).

3 **Sec. 4.** As used in this chapter, "health care professional"
4 includes:

- 5 (1) a physician;
- 6 (2) a psychiatrist;
- 7 (3) a psychologist;
- 8 (4) a nurse;
- 9 (5) a physical therapist;
- 10 (6) an occupational therapist;
- 11 (7) a speech therapist;
- 12 (8) a vocational rehabilitation specialist;
- 13 (9) a midwife;
- 14 (10) a lactation consultant; and
- 15 (11) a licensed medical health professional.

16 **Sec. 5.** As used in this chapter, "reasonable accommodation"
17 includes the following:

- 18 (1) More frequent or longer breaks.
- 19 (2) Modification of uniforms.
- 20 (3) Time off work to recover from childbirth.
- 21 (4) Acquisition or modification of equipment.
- 22 (5) Seating.
- 23 (6) Temporary transfer to a less strenuous or less hazardous
- 24 position.
- 25 (7) Job restructuring.
- 26 (8) Light duty.
- 27 (9) Work break time for expressing breast milk.
- 28 (10) Private nonbathroom space for expressing breast milk.
- 29 (11) Assistance with manual labor.
- 30 (12) Modified work schedules.

31 **Sec. 6.** As used in this chapter, "related medical condition"
32 means a medical condition related to pregnancy or childbirth.

33 **Sec. 7.** As used in this chapter, "undue hardship" has the
34 meaning set forth in IC 22-9-5-18(a).

35 **Sec. 8.** It is the policy of the state to prohibit discrimination
36 against an employee or applicant for employment due to the
37 employee or applicant being pregnant or having conditions related
38 to pregnancy, conditions related to childbirth, or related medical
39 conditions.

40 **Sec. 9. (a)** It is an unlawful employment practice for an
41 employer to discriminate against an employee or an applicant for
42 employment on the basis of the employee or applicant having a



1 condition related to pregnancy, condition related to childbirth, or
 2 related medical condition.

3 (b) It is unlawful discrimination for an employer:

4 (1) to not make a reasonable accommodation for an employee
 5 or applicant for employment related to the employee or
 6 applicant having a:

7 (A) condition related to pregnancy;

8 (B) condition related to childbirth; or

9 (C) related medical condition;

10 if the employer knew about the condition, unless the employer
 11 can demonstrate that the accommodation would impose an
 12 undue hardship on the employer;

13 (2) to take adverse action against an employee who has
 14 requested or used an accommodation for the employee's:

15 (A) condition related to pregnancy;

16 (B) condition related to childbirth; or

17 (C) related medical condition;

18 after the employee's need for a reasonable accommodation
 19 ceases, including by failing to reinstate the employee to the
 20 employee's original job or an equivalent position with
 21 equivalent pay, accumulated seniority, retirement, fringe
 22 benefits, and applicable service credits;

23 (3) to deny an employment opportunity to a qualified
 24 employee or applicant for employment if the denial is the
 25 result of the employer making a reasonable accommodation
 26 for the employee's or applicant's:

27 (A) condition related to pregnancy;

28 (B) condition related to childbirth; or

29 (C) related medical condition;

30 that the employer knows of;

31 (4) to require an employee to accept an accommodation the
 32 employee does not want to accept with respect to the
 33 employee's:

34 (A) condition related to pregnancy;

35 (B) condition related to childbirth; or

36 (C) related medical condition;

37 that the employer knows of, if that accommodation is
 38 unnecessary to enable the employee to perform the employee's
 39 job;

40 (5) to require an employee to take leave if another reasonable
 41 accommodation can be provided for the employee with
 42 respect to the employee's:



- (A) condition related to pregnancy;
 - (B) condition related to childbirth; or
 - (C) related medical condition;
- that the employer knows of; or
- (6) to fail to engage with good faith in a timely and interactive process with an employee who the employer knows has a condition related to pregnancy, a condition related to childbirth, or a related medical condition, to determine effective and reasonable accommodations.

Sec. 10. (a) An employer may request an employee to obtain medical documentation from an appropriate health care professional explaining the need for a reasonable accommodation for the employee with respect to the employee's condition related to pregnancy, condition related to childbirth, or related medical condition if:

- (1) the employee is requesting time away from work, including for medical appointments, outside of maternity leave and the employer requests documentation from other employees for the other employees' time off for medical care; or
- (2) the employee is requesting to work from home, on an intermittent basis or long term basis.

(b) If an employer believes that documentation provided under subsection (a) is insufficient, the employer may request:

- (1) that the employee obtain additional documentation; or
- (2) permission from the employee to speak to the health care professional;

before the employer approves or denies the accommodation request.

(c) An employee may submit additional written documentation if the employee does not want the employer to speak with the health care professional under subsection (b).

Sec. 11. An employer is not required to:

- (1) create an additional position for an employee who has a:
 - (A) condition related to pregnancy;
 - (B) condition related to childbirth; or
 - (C) related medical condition;
 that the employer knows of, unless the employer has created a position to accommodate another employee who is in another class;
- (2) discharge an employee in order to accommodate an employee who the employer knows has a condition related to



pregnancy, a condition related to childbirth, or a related medical condition, unless the employer has previously discharged an employee to accommodate another employee who is in another class; or

(3) transfer an employee in order to accommodate an employee who the employer knows has a condition related to pregnancy, a condition related to childbirth, or a related medical condition, unless the employer has previously transferred an employee to accommodate another employee who is in another class.

Sec. 12. (a) An employer shall provide written notice to:

- (1) a new employee, at the commencement of employment;
- (2) an existing employee, by November 1, 2026; and
- (3) an employee who notifies the employer that the employee is pregnant, not later than ten (10) days after the employee notifies the employer of the employee's pregnancy;

that the employee has the right to be free from discrimination based on the employee being pregnant or having a condition related to pregnancy, a condition related to childbirth, or a related medical condition.

(b) Notice under this section must be conspicuously posted at the employer's place of business in an area accessible to employees.

(c) The commission shall develop educational materials and make public education efforts to inform employers, employees, employment agencies, and job applicants of:

- (1) employee and applicant rights; and
- (2) duties of employers;

under this chapter.

Sec. 13. (a) The commission shall receive, investigate, and attempt to resolve complaints of violations of this chapter from complainants in the manner provided by IC 22-9-1-6.

(b) At the conclusion of an investigation, the commission shall determine if a violation of this chapter exists.

(c) If the commission determines that a violation of this chapter exists and the complaint has not been resolved, the complainant may file an action for injunctive relief in a circuit or superior court in the county where the allegations occurred.

Sec. 14. This chapter does not preempt, limit, diminish, or affect other statutes concerning sex discrimination, pregnancy discrimination, or childbirth discrimination.

SECTION 21. IC 25-1-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2026]: **Sec. 5.5. (a) A practitioner who is providing postnatal care to a woman during the twelve (12) month period following birth shall screen the woman for signs and symptoms of postpartum depression or a related mental health disorder by using a screening tool recommended by the American College of Obstetricians and Gynecologists if the practitioner believes, in the practitioner's professional medical judgment, that the screening would be in the best interest of the woman.**

(b) A practitioner who is providing pediatric care to an infant who is less than one (1) year of age shall screen the caregiver accompanying the infant for postpartum depression or a related mental health disorder in accordance with recommendations of the American Academy of Pediatrics if the practitioner:

- (1) receives the consent of the caregiver; and**
- (2) believes, in the practitioner's professional medical judgment, that the screening would be in the best interest of the caregiver.**

A screening under this subsection does not create a physician-patient relationship between the practitioner and the caregiver or establish any continuing obligation to provide medical services by the practitioner. However, if the screening of a caregiver by the practitioner is positive for a mental health disorder, the practitioner shall provide a referral for the appropriate mental health services.

SECTION 22. IC 27-8-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 32. (a) This section applies to a policy of accident and sickness insurance that is issued, entered into, amended, or renewed after June 30, 2026.

(b) The definitions in section 30 of this chapter apply throughout this section.

(c) An insurer shall grant a protocol exception for a prescription drug prescribed for the treatment of postpartum depression that is not indicated by the federal Food and Drug Administration for postpartum depression on the prescription drug's approved labeling.

SECTION 23. IC 27-8-24-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. As used in this chapter, "contracting obstetric provider" means a physician licensed under IC 25-22.5 who:

- (1) specializes in the provision of obstetric services; and**



(2) is contracted with a health insurer to provide services under a policy or contract.

SECTION 24. IC 27-8-24-2.3 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, "doula" means an individual who is trained and certified by a nationally recognized institution in providing emotional and physical support, but not medical or midwife care, to pregnant women before, during, and after childbirth.

SECTION 25. IC 27-8-24-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. As used in this chapter, "health insurer" means:

- (1) an insurer that issues policies of accident and sickness insurance (as defined in IC 27-8-5-1); or
- (2) a health maintenance organization (as defined in IC 27-13-1-19).

SECTION 26. IC 27-8-24-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.7. As used in this chapter, "maternal mental health" means a mental health condition that occurs during pregnancy or during the postpartum period. The term includes postpartum depression.

SECTION 27. IC 27-8-24-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) This section applies to:

- (1) a policy of accident and sickness insurance; and
- (2) an individual contract or a group contract;

that is issued, entered into, amended, or renewed after June 30, 2026.

(b) A policy of accident and sickness insurance, an individual contract, and a group contract that provides maternity benefits must provide coverage for:

- (1) biomarker testing for preeclampsia that is conducted in accordance with IC 16-41-45;
- (2) doula services;
- (3) mental health screenings provided under IC 25-1-9-5.5 or section 7(c) of this chapter; and
- (4) treatment for maternal mental health.

(c) The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or



lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the policy or contract.

SECTION 28. IC 27-8-24-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) This section applies to:

(1) a policy of accident and sickness insurance; and
(2) an individual contract or a group contract;
that is issued, entered into, amended, or renewed after June 30, 2026.

(b) A health insurer shall develop a maternal mental health program designed to promote quality and cost effective outcomes. As part of a maternal mental health program, a health insurer is encouraged to:

(1) improve screening, treatment, and referral to maternal mental health services;
(2) incentivize training opportunities for contracting obstetric providers; and
(3) educate covered individuals and enrollees about the program.

(c) The program must include coverage for at least:

(1) one (1) maternal mental health screening to be conducted during pregnancy;
(2) one (1) additional screening to be conducted during the first six (6) weeks of the postpartum period; and
(3) additional postpartum screenings, if determined to be medically necessary and clinically appropriate in the judgment of the treating provider.

(d) The program must:

(1) be developed consistently with sound clinical principles and processes; and
(2) include quality measures to encourage screening, diagnosis, treatment, and referral.

(e) The program guidelines and criteria must be provided to relevant medical providers, including all contracting obstetric providers.

SECTION 29. IC 27-13-7-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23.5. (a) This section applies to an individual contract or a group contract that is entered into, amended, or renewed after June 30, 2026.

(b) The definitions in section 23 of this chapter apply throughout this section.



1 (c) A health maintenance organization shall grant a protocol
2 exception for a prescription drug prescribed for the treatment of
3 postpartum depression that is not indicated by the federal Food
4 and Drug Administration for postpartum depression on the
5 prescription drug's approved labeling.

