

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6798
BILL NUMBER: SB 219

NOTE PREPARED: Jan 26, 2026
BILL AMENDED: Jan 26, 2026

SUBJECT: Uniform Antitrust Pre-Merger Notification Act.

FIRST AUTHOR: Sen. Charbonneau
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill incorporates into Indiana's law governing businesses and other associations the Uniform Antitrust Pre-Merger Notification Act, as approved and recommended for enactment in all states by the Uniform Law Commission. It specifies that the Act does not limit or replace certain reporting requirements of a health care entity. The bill provides that not later than one day after filing a pre-merger notification under the federal Hart-Scott-Rodino Act, a person shall file a complete electronic copy of the form required under that act with the Attorney General if: (1) the person's principal place of business is in Indiana; or (2) the person conducts a specified level of sales in Indiana with respect to the goods or services involved in the proposed merger transaction. The bill also requires the Attorney General to provide a secure means to receive and store submitted materials.

Confidentiality: The bill provides that: (1) a form or additional documentary material under the federal act; and (2) other specified information related to the proposed merger transaction; are confidential for purposes of Indiana's public records act and may not be disclosed or made public by the Attorney General. It provides an exception to this confidentiality requirement if: (1) the Attorney General's disclosure is made pursuant to a protective order issued by an agency, court, or judicial officer in an administrative proceeding or judicial action; and (2) the proposed merger transaction is relevant to the proceeding or action.

The bill requires the Attorney General to receive assurance from the Attorney General of another state that information shared with the other state will remain confidential. It requires the Attorney General to destroy or return all documents submitted with a specified period of time.

Enforcement: The bill also requires the Attorney General to send a written notice to a person that violates the bill's filing requirement. The bill also allows the Attorney General to impose a civil penalty if the violation is not remedied within three days of the notice.

The bill authorizes the Attorney General to: (1) share information with; and (2) disclose a form or additional documentary material under the federal act to; the Attorney General of another state that has enacted the Uniform Antitrust Pre-Merger Notification Act or a substantively equivalent act. It also authorizes the Attorney General to impose on a person that violates the bill's filing requirement a civil penalty of not more

Effective Date: July 1, 2026.

Explanation of State Expenditures: (Revised) The bill requires companies domiciled in Indiana who are proceeding with corporate mergers to file the same documentation required by the federal Hart-Scott-Rodino Act with the Indiana Attorney General. The bill will increase the workload of the Attorney General to (1) receive and review the required documents, (2) investigate and enforce filing violations that are discovered and (3) provide a secure means to receive and store merger notifications from other states. Increases in workload are expected to be accomplished within existing resource and funding levels.

Explanation of State Revenues: The bill authorizes the Attorney General to collect civil penalties from corporations that fail to file the required documents with the state. Civil penalties cannot exceed \$10,000 per day for a violation, with revenue deposited in the General Fund. Any increase in revenue to the General Fund is indeterminable, but expected to be minimal.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Attorney General.

Local Agencies Affected:

Information Sources:

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