



Reprinted
February 5, 2025

SENATE BILL No. 289

DIGEST OF SB 289 (Updated February 4, 2025 4:14 pm - DI 149)

Citations Affected: IC 4-10; IC 5-14; IC 20-26; IC 21-38; IC 21-44; IC 21-49; IC 22-5; IC 25-1.

Synopsis: Nondiscrimination in employment and education. Establishes prohibitions and requirements on state agencies, state educational institutions, and health profession licensing boards regarding diversity, equity, and inclusion. Provides that certain civil actions for noncompliance may be filed against a state educational institution. Establishes requirements regarding a standardized admissions test for state educational institutions that offer certain health education programs. Requires a school corporation, charter school, state agency, and political subdivision to post on its website certain training and curricular materials concerning nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, and bias. Provides that a school corporation, charter school, state agency, or political subdivision may not: (1) require or otherwise compel a student of the school corporation or charter school or an employee to affirm, adopt,
(Continued next page)

Effective: July 1, 2025.

**Byrne, Johnson T, Tomes, Young M,
Doriot, Alexander, Maxwell**

January 13, 2025, read first time and referred to Committee on Judiciary.
January 23, 2025, amended, reported favorably — Do Pass.
February 4, 2025, read second time, amended, ordered engrossed.

SB 289—LS 6851/DI 141



Digest Continued

or adhere to certain beliefs or concepts; or (2) use public funds to contract with, hire, or otherwise engage consultants, trainers, or other persons to take certain actions to promote the beliefs or concepts. Provides that a school corporation, charter school, state agency, political subdivision, or an employee of a school corporation, charter school, state agency, or political subdivision may not, in the course or scope of public service or employment, promote, embrace, or endorse stereotypes. Establishes a process for an employee, a parent, or an emancipated student to file a complaint of a violation. Allows the attorney general to file an action for mandate to compel a school corporation, charter school, state agency, or political subdivision to comply with certain requirements.



Reprinted
February 5, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 289

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 4-10-24 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]:
4 **Chapter 24. Prohibition of Diversity, Equity, and Inclusion**
5 **Expenditures**
6 **Sec. 1. As used in this chapter, "agency" has the meaning set**
7 **forth in IC 4-15-10.5-4.**
8 **Sec. 2. (a) As used in this chapter, "diversity, equity, and**
9 **inclusion" or "DEI" means any effort to do any of the following:**
10 **(1) Manipulate or otherwise influence the composition of**
11 **employees with reference to race, sex, color, or ethnicity,**
12 **which does not include ensuring color blind and race neutral**
13 **hiring in accordance with state and federal antidiscrimination**
14 **laws.**
15 **(2) Promote differential treatment of or provide special**
16 **benefits to individuals on the basis of race, sex, color, or**
17 **ethnicity.**

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1 (3) Promote or promulgate policies or procedures designed or
 2 implemented with reference to race, sex, color, or ethnicity
 3 that are not policies or procedures approved in writing by the
 4 attorney general for the sole purpose of ensuring compliance
 5 with any applicable court order or state or federal law.

6 (4) Promote or promulgate training, programming, or
 7 activities designed or implemented with reference to race, sex,
 8 color, or ethnicity that are not training, programming, or
 9 activities developed by an attorney and approved in writing
 10 by the attorney general for the sole purpose of ensuring
 11 compliance with any applicable court order or state or federal
 12 law.

13 (b) The term does not include:

14 (1) equal opportunity or equal employment opportunity
 15 materials or efforts designed to inform individuals about the
 16 prohibition of discrimination based on protected status under
 17 state or federal law; or

18 (2) programs, services, activities, or other efforts to attract,
 19 retain, or support:

20 (A) students; or

21 (B) employees;

22 provided that such programs, services, activities, or other
 23 efforts do not promote differential treatment and are open to
 24 all individuals irrespective of race, color, ethnicity, or any
 25 other protected status under state or federal law.

26 Sec. 3. As used in this chapter, "DEI office" means any division,
 27 office, center, or other unit of an agency with duties that include
 28 coordinating, creating, developing, designing, implementing,
 29 organizing, planning, or promoting policies, programming,
 30 training, practices, activities, or procedures relating to DEI.

31 Sec. 4. As used in this chapter, "DEI officer" means an
 32 individual:

33 (1) who is:

34 (A) a full-time or part-time employee of an agency; or

35 (B) an independent contractor of an agency; and

36 (2) whose duties for the agency include coordinating, creating,
 37 developing, designing, implementing, organizing, planning, or
 38 promoting policies, programming, training, practices,
 39 activities, or procedures relating to DEI.

40 Sec. 5. (a) An agency may not expend appropriated funds or
 41 otherwise expend any funds derived from bequests, charges,
 42 deposits, donations, grants, gifts, income, receipts, or any other



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source to:

- (1) establish, sustain, support, or staff a DEI office; or
- (2) contract, employ, engage, or hire an individual to serve as a DEI officer.

(b) Nothing in this section prohibits consideration of bona fide qualifications based on sex that are reasonably necessary to the normal operation of government functions.

Sec. 6. (a) Any person may notify the attorney general of a violation or alleged violation of this chapter.

(b) The attorney general may file an action for mandate to compel an agency to comply with this chapter.

SECTION 2. IC 5-14-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 8. Access to Training and Curricular Materials

Sec. 1. As used in this chapter, "charter school" has the meaning set forth in IC 20-24-1-4.

Sec. 2. As used in this chapter, "governing body" has the meaning set forth in IC 20-18-2-5.

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13, but the term does not include a school corporation.

Sec. 4. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1.4-2.

Sec. 6. (a) Each governing body of a school corporation and equivalent authority for a charter school shall post on the website of each school maintained by the school corporation or charter school the following information:

- (1) All training materials used for staff and faculty training, including materials for instructors, concerning any of the following concepts:
 - (A) Nondiscrimination.
 - (B) Diversity.
 - (C) Equity.
 - (D) Inclusion.
 - (E) Race.
 - (F) Ethnicity.
 - (G) Sex.
 - (H) Bias.
 - (I) Any combination of the concepts described in clauses



- 1 (A) through (H) with other concepts.
- 2 (2) In accordance with subsection (b), all instructional or
- 3 curricular materials concerning any of the concepts listed in
- 4 subdivision (1).
- 5 (3) Any procedures for the documentation, review, or
- 6 approval of the materials described in subdivisions (1) and
- 7 (2), including documentation, review, or approval conducted
- 8 by the principal, a curriculum administrator, or a teacher.
- 9 (b) Any instructional or curricular materials published under
- 10 subsection (a)(2) must identify, at a minimum, the following:
- 11 (1) The title, the author, the organization, and any website
- 12 associated with the material.
- 13 (2) A brief description of the material.
- 14 (3) A link to the material, if publicly available on the Internet,
- 15 or information on how to request review of a copy of the
- 16 material.
- 17 Sec. 7. (a) Except as provided in subsection (b), each state
- 18 agency and political subdivision shall post on the website of the
- 19 state agency or political subdivision all training materials used for
- 20 employee training, including materials for instructors, concerning
- 21 any of the following concepts:
- 22 (1) Nondiscrimination.
- 23 (2) Diversity.
- 24 (3) Equity.
- 25 (4) Inclusion.
- 26 (5) Race.
- 27 (6) Ethnicity.
- 28 (7) Sex.
- 29 (8) Bias.
- 30 (9) Any combination of the concepts described in subdivisions
- 31 (1) through (8) with other concepts.
- 32 (b) A state agency or political subdivision is not required to post
- 33 training material that is confidential under IC 5-14-3-4.
- 34 Sec. 8. This chapter may not be construed to require the digital
- 35 reproduction or posting of copies of material if the reproduction or
- 36 posting would infringe on copyrighted material. However, if
- 37 reproduction or posting would infringe on copyrighted material,
- 38 the original materials must be:
- 39 (1) linked, if possible; or
- 40 (2) provided upon request.
- 41 SECTION 3. IC 20-26-22.5 IS ADDED TO THE INDIANA CODE
- 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]:

2 **Chapter 22.5. Nondiscrimination in Education**

3 **Sec. 1. As used in this chapter, "stereotypes" means character**
 4 **traits ascribed to:**

5 (1) a particular race, sex, ethnicity, religion, or national
 6 origin; or

7 (2) an individual because of the individual's race, sex,
 8 ethnicity, religion, or national origin.

9 **Sec. 2. (a) A school corporation or charter school may not:**

10 (1) require or otherwise compel a student, teacher,
 11 administrator, or other employee to affirm, adopt, or adhere
 12 to any belief or concept that:

13 (A) a particular race, sex, ethnicity, religion, or national
 14 origin is inherently superior or inferior to another race,
 15 sex, ethnicity, religion, or national origin;

16 (B) an individual, by virtue of the individual's race, sex,
 17 ethnicity, religion, or national origin should be blamed for
 18 actions committed in the past by other members of the
 19 same race, sex, ethnicity, religion, or national origin; or

20 (C) an individual's moral character is necessarily
 21 determined, in whole or in part, by the individual's race,
 22 sex, ethnicity, religion, or national origin; or

23 (2) use public funds to contract with, hire, or otherwise
 24 engage consultants, trainers, or other persons to:

25 (A) direct or otherwise compel a student, teacher,
 26 administrator, or other employee to affirm, adopt, or
 27 adhere to any belief or concept described in subdivision

28 (1);

29 (B) advocate any belief or concept described in subdivision
 30 (1) unless:

31 (i) the school corporation or charter school expressly
 32 makes clear that it does not sponsor, approve, or endorse
 33 the beliefs or concepts; and

34 (ii) the school corporation or charter school affords
 35 students, teachers, administrators, and other employees
 36 the opportunity to opt out of any speeches by or sessions
 37 with the consultants, trainers, or other persons; or

38 (C) require a student, teacher, administrator, or other
 39 employee to attend or participate in a training session,
 40 seminar, continuing education, orientation, or therapy that
 41 promotes any belief or concept described in subdivision
 42 (1).



1 (b) This section may not be construed to prohibit:

2 (1) speech protected by the First Amendment of the
3 Constitution of the United States;

4 (2) voluntary attendance at a training session, seminar,
5 continuing education, orientation, or therapy if there is no
6 inducement or coercion for attendance;

7 (3) access to sources on an individual basis that advocate
8 beliefs or concepts described in subsection (a)(1) for the
9 purpose of research or independent study; or

10 (4) discussion or teaching of beliefs or concepts described in
11 subsection (a)(1) or the assignment of materials that
12 incorporate the beliefs or concepts for educational purposes,
13 if the school corporation or charter school expressly makes
14 clear that it does not sponsor, approve, or endorse the beliefs,
15 concepts, or materials.

16 Sec. 3. (a) In the course or scope of public service or
17 employment:

18 (1) a school corporation;

19 (2) a charter school; or

20 (3) an employee of a school corporation or charter school;

21 may not promote, embrace, or endorse stereotypes.

22 (b) This section may not be construed to prohibit the discussion
23 or teaching of:

24 (1) how stereotypes have been or are wrongfully embraced or
25 used to discriminate on the basis of race, sex, ethnicity,
26 religion, or national origin; or

27 (2) data or scientific studies that:

28 (A) categorize people based on race, sex, ethnicity, religion,
29 or national origin; or

30 (B) reveal disparities between different groups within any
31 of the categories described in clause (A).

32 Sec. 4. (a) The department shall develop a complaint form, in a
33 manner prescribed by the department, to be used by an employee,
34 a parent, or an emancipated student to file a complaint with the
35 principal of a school in a school corporation or a charter school for
36 a violation of this chapter. The department shall maintain a copy
37 of the complaint form on the department's website. In addition,
38 each school corporation and charter school must maintain, and
39 conspicuously display, a link to the complaint form on the school
40 corporation's or charter school's website.

41 (b) An employee, a parent, or an emancipated student may file
42 a complaint with a principal of a school in a school corporation or



1 a charter school, alleging a violation of this chapter. The principal
2 shall:

- 3 (1) investigate the complaint; and
4 (2) respond to the complaint by:
5 (A) acknowledging a violation of this chapter;
6 (B) denying a violation of this chapter; or
7 (C) determining that the evidence obtained during the
8 investigation of the complaint was inconclusive;

9 within five (5) days of receiving the complaint. If the principal
10 acknowledges a violation of this chapter, the principal shall include
11 a description of how the school will remedy the violation.

12 (c) If an employee, a parent, or an emancipated student is not
13 satisfied with the principal's response under subsection (b), the
14 employee, parent, or emancipated student may submit an appeal
15 of the principal's response to the superintendent of the school
16 corporation, or the equivalent for a charter school, within ten (10)
17 business days from the date of the principal's initial response. The
18 superintendent, or the equivalent for a charter school, shall
19 respond to the appeal by:

- 20 (1) acknowledging a violation of this chapter;
21 (2) denying a violation of this chapter; or
22 (3) determining that the evidence of a violation is
23 inconclusive;

24 within ten (10) business days of the receipt of the appeal.

25 (d) An employee, a parent, or an emancipated student may
26 submit a request to review the decision of the superintendent, or
27 the equivalent authority for a charter school, under subsection (c)
28 to the governing body of the school corporation or the equivalent
29 authority for a charter school. The request to review a decision
30 under subsection (c) must be submitted to the governing body or
31 equivalent authority in a manner prescribed by the department.
32 The governing body or equivalent authority shall review the
33 request and issue a final order within thirty (30) days of receipt of
34 the request which shall be included on the school corporation's or
35 charter school's website. If the governing body or the equivalent
36 authority determines that a violation of this chapter occurred, the
37 governing body or equivalent authority shall provide a description
38 of the remedy for the violation.

39 Sec. 5. An employee, a parent, or an emancipated student may
40 submit a request to the department to review a governing body's
41 or equivalent authority's final order under section 4(d) of this
42 chapter. The department shall review the request and issue



1 findings within thirty (30) days of receipt of the request. If the
 2 department determines that a violation of this chapter occurred,
 3 the department shall provide a description of the remedy for the
 4 violation.

5 **Sec. 6. The attorney general may file an action for mandate to**
 6 **compel a school corporation or charter school to comply with this**
 7 **chapter.**

8 SECTION 4. IC 21-38-10-0.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 0.5. As used in this chapter,**
 10 **"diversity, equity, and inclusion" or "DEI" has the meaning set**
 11 **forth in IC 4-10-24-2.**

12 SECTION 5. IC 21-38-10-1, AS ADDED BY P.L.113-2024,
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2025]: **Sec. 1. A state educational institution that establishes;**
 15 **supports; sustains; or employs may establish, support, sustain, or**
 16 **employ an office or individual whose primary duties include**
 17 **coordinating, creating, developing, designing, implementing,**
 18 **organizing, planning, or promoting noncredit earning diversity**
 19 **programming shall include within the mission of the office or position**
 20 **programming that substantially promotes both cultural and intellectual**
 21 **diversity.**

22 SECTION 6. IC 21-38-10-2 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2025]: **Sec. 2. A state educational institution may not establish,**
 25 **support, sustain, or employ an office or individual whose primary**
 26 **duties include coordinating, creating, developing, designing,**
 27 **implementing, organizing, planning, or promoting noncredit**
 28 **earning diversity programming that includes DEI.**

29 SECTION 7. IC 21-38-10-3 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2025]: **Sec. 3. A state educational institution may not conduct**
 32 **internal DEI audits or engage DEI consultants.**

33 SECTION 8. IC 21-38-10-4 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2025]: **Sec. 4. (a) The attorney general may investigate**
 36 **allegations of violations of section 2 or 3 of this chapter, and,**
 37 **subject to subsection (b), the attorney general may bring a civil**
 38 **action concerning each violation.**

39 **(b) Before the attorney general brings an action against a state**
 40 **educational institution under subsection (c), the attorney general**
 41 **shall send the state educational institution a notice of violation. The**
 42



1 notice sent under this subsection must describe the violation of
 2 section 2 or 3 of this chapter. The state educational institution has
 3 thirty (30) days from the date on the notice to cure the violation
 4 and provide documentation to prove that the violation has been
 5 remedied.

6 (c) The attorney general may petition a court with jurisdiction
 7 to impose a civil penalty of not more than two hundred fifty
 8 thousand dollars (\$250,000) for each violation of section 2 or 3 of
 9 this chapter committed by a state educational institution. The
 10 attorney general shall transfer all civil penalties collected under
 11 this chapter to the treasurer of state for deposit in the state general
 12 fund.

13 (d) The attorney general may file an action for mandate to
 14 compel a state educational institution to comply with this chapter.

15 (e) The attorney general may adopt rules under IC 4-22-2 to
 16 establish procedures for investigating violations of this chapter.

17 SECTION 9. IC 21-44-1-10, AS AMENDED BY P.L.126-2009,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2025]: Sec. 10. "Eligible institution", for purposes of:

20 (1) sections 2 and 11 of this chapter and IC 21-44-2, means a
 21 university, college, or other educational institution that:

22 (A) operates in the United States; and

23 (B) offers a health education program leading to a
 24 baccalaureate, graduate, or postgraduate degree in a health
 25 related field including:

26 (i) medicine;

27 (ii) dentistry;

28 (iii) optometry;

29 (iv) nursing;

30 (v) physical therapy;

31 (vi) occupational therapy; or

32 (vii) other allied health fields; ~~and~~

33 (2) IC 21-44-3, refers to a postsecondary educational institution
 34 that qualifies as an eligible institution under IC 21-44-3-1(4); **and**

35 **(3) IC 21-44-3.5, means a state educational institution that**
 36 **offers a health education program leading to a graduate or**
 37 **postgraduate degree in a health related field, including:**

38 **(A) medicine;**

39 **(B) dentistry;**

40 **(C) optometry;**

41 **(D) nursing;**

42 **(E) physical therapy;**



1 **(F) occupational therapy; or**
 2 **(G) other allied health fields.**
 3 SECTION 10. IC 21-44-3.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2025]:
 6 **Chapter 3.5. Eligible Institution Requirements**
 7 **Sec. 1. If an eligible institution requires a standardized**
 8 **admissions test for admission to a graduate or postgraduate health**
 9 **education program, the standardized test shall be:**
 10 **(1) required of all students seeking admission to the graduate**
 11 **or postgraduate health education program; and**
 12 **(2) focused on knowledge and critical thinking.**
 13 **Sec. 2. All eligible institutions that are not open enrollment**
 14 **eligible institutions shall require:**
 15 **(1)"A" through "F" grade based assessments for each course**
 16 **required to graduate; or**
 17 **(2) another merit based system that:**
 18 **(A) assesses a student based on the quality of the student's**
 19 **academic work; and**
 20 **(B) is applied uniformly and equally to all students.**
 21 SECTION 11. IC 21-49-4-3, AS ADDED BY P.L.113-2024,
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2025]: Sec. 3. Not later than ~~September 1, 2024,~~ and
 24 September 1 of each year, ~~thereafter,~~ a state educational institution
 25 shall submit to the state budget committee a report with the following
 26 information for the preceding state fiscal year:
 27 (1) The total number of state educational institution:
 28 (A) full-time and tenured professors;
 29 (B) adjunct instructors;
 30 (C) other contingent faculty; and
 31 (D) nonacademic support or administrative employees.
 32 ~~(2) The total number of employees at the state educational~~
 33 ~~institution whose primary or secondary job duties or job titles~~
 34 ~~include diversity, equity, and inclusion.~~
 35 ~~(3) (2) The total number of state educational institution~~
 36 ~~adjudications or proceedings regarding violations of policies~~
 37 ~~regarding diversity, equity, and inclusion or harassment.~~
 38 ~~(4) (3) A list and description of what the state educational~~
 39 ~~institution did to ensure free speech rights of students.~~
 40 ~~(5) (4) A list and description of what the state educational~~
 41 ~~institution did to ensure intellectual freedom for professors.~~
 42 ~~(6) (5) A list and description of what the state educational~~



1 institution did to ensure intellectual and ideological diversity of
2 professors.

3 ~~(7)~~ **(6)** The institution's budget allocations for diversity, equity,
4 and inclusion initiatives.

5 SECTION 12. IC 22-5-9.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2025]:

8 **Chapter 9.5. Nondiscrimination in Public Employment**

9 **Sec. 1.** As used in this chapter, "department", for purposes of
10 section 7 of this chapter, refers to the department of labor created
11 by IC 22-1-1-1.

12 **Sec. 2.** As used in this chapter, "political subdivision" has the
13 meaning set forth in IC 36-1-2-13, but the term does not include a
14 school corporation.

15 **Sec. 3.** As used in this chapter, "state agency" has the meaning
16 set forth in IC 4-13-1.4-2.

17 **Sec. 4.** As used in this chapter, "stereotypes" means character
18 traits ascribed to:

19 (1) a particular race, sex, ethnicity, religion, or national
20 origin; or

21 (2) an individual because of the individual's race, sex,
22 ethnicity, religion, or national origin.

23 **Sec. 5. (a)** A state agency or political subdivision may not:

24 (1) require or otherwise compel an employee to affirm, adopt,
25 or adhere to any belief or concept that:

26 (A) a particular race, sex, ethnicity, religion, or national
27 origin is inherently superior or inferior to another race,
28 sex, ethnicity, religion, or national origin;

29 (B) an individual, by virtue of the individual's race, sex,
30 ethnicity, religion, or national origin should be blamed for
31 actions committed in the past by other members of the
32 same race, sex, ethnicity, religion, or national origin; or

33 (C) an individual's moral character is necessarily
34 determined, in whole or in part, by the individual's race,
35 sex, ethnicity, religion, or national origin; or

36 (2) use public funds to contract with, hire, or otherwise
37 engage consultants, trainers, or other persons to:

38 (A) direct or otherwise compel an employee to affirm,
39 adopt, or adhere to any belief or concept described in
40 subdivision (1);

41 (B) advocate any belief or concept described in subdivision
42 (1) unless:



- 1 (i) the state agency or political subdivision expressly
- 2 makes clear that it does not sponsor, approve, or endorse
- 3 the beliefs or concepts; and
- 4 (ii) the state agency or political subdivision affords
- 5 employees the opportunity to opt out of any speeches by
- 6 or sessions with the consultants, trainers, or other
- 7 persons; or
- 8 (C) require an employee to attend or participate in a
- 9 training session, seminar, continuing education,
- 10 orientation, or therapy that promotes any belief or concept
- 11 described in subdivision (1).

12 (b) This section may not be construed to prohibit:

- 13 (1) speech protected by the First Amendment of the
- 14 Constitution of the United States;
- 15 (2) voluntary attendance at a training session, seminar,
- 16 continuing education, orientation, or therapy if there is no
- 17 inducement or coercion for attendance;
- 18 (3) access to sources on an individual basis that advocate
- 19 beliefs or concepts described in subsection (a)(1) for the
- 20 purpose of research or independent study; or
- 21 (4) discussion or teaching of beliefs or concepts described in
- 22 subsection (a)(1) if the state agency or political subdivision
- 23 expressly makes clear that it does not sponsor, approve, or
- 24 endorse the beliefs or concepts.

25 Sec. 6. (a) In the course or scope of public service or

26 employment:

- 27 (1) a state agency;
- 28 (2) a political subdivision; or
- 29 (3) an employee of a state agency or political subdivision;
- 30 may not promote, embrace, or endorse stereotypes.

31 (b) This section may not be construed to prohibit the discussion

32 or teaching of:

- 33 (1) how stereotypes have been or are wrongfully embraced or
- 34 used to discriminate on the basis of race, sex, ethnicity,
- 35 religion, or national origin; or
- 36 (2) data or scientific studies that:
 - 37 (A) categorize people based on race, sex, ethnicity, religion,
 - 38 or national origin; or
 - 39 (B) reveal disparities between different groups within any
 - 40 of the categories described in clause (A).

41 Sec. 7. (a) The department shall develop a complaint form, in a

42 manner prescribed by the department, to be used by an employee



1 of a state agency or political subdivision to file a complaint with the
 2 state agency or political subdivision for a violation of this chapter.
 3 The department shall maintain a copy of the complaint form on the
 4 department's website. In addition, each state agency and political
 5 subdivision must maintain, and conspicuously display, a link to the
 6 complaint form on the state agency's or political subdivision's
 7 website.

8 (b) An employee of a state agency or political subdivision may
 9 file a complaint with the state agency or political subdivision
 10 alleging a violation of this chapter. The state agency or political
 11 subdivision shall:

12 (1) investigate the complaint; and

13 (2) respond to the complaint by:

14 (A) acknowledging a violation of this chapter;

15 (B) denying a violation of this chapter; or

16 (C) determining that the evidence obtained during the
 17 investigation of the complaint was inconclusive;

18 within five (5) days of receiving the complaint. If the state agency
 19 or political subdivision acknowledges a violation of this chapter,
 20 the response must include a description of how the state agency or
 21 political subdivision will remedy the violation.

22 **Sec. 8.** The attorney general may file an action for mandate to
 23 compel a state agency or political subdivision to comply with this
 24 chapter.

25 SECTION 13. IC 25-1-23 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2025]:

28 **Chapter 23. Diversity, Equity, and Inclusion in Health
 29 Profession Licensing**

30 **Sec. 1.** As used in this chapter, "board" means any of the boards
 31 listed in IC 25-0.5-11, except for the Indiana board of veterinary
 32 medicine.

33 **Sec. 2.** As used in this chapter, "diversity, equity, and inclusion"
 34 or "DEI" has the meaning set forth in IC 4-10-24-2.

35 **Sec. 3.** A board may not adopt or impose, as a condition of
 36 obtaining or renewing a license, certification, registration, or
 37 permit, any incentives or requirements that applicants for a
 38 license, certification, registration, or permit undergo, demonstrate
 39 familiarity with, or support any DEI training, education, material,
 40 or program.

41 **Sec. 4.** Any board that issues a state required health related
 42 professional license, certification, registration, or permit may not



1 use DEI material or require DEI training as part of the license or
2 certification process.
3 Sec. 5. A board may not conduct internal DEI audits or engage
4 DEI consultants.



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 31 through 32.

Page 6, delete lines 21 through 28, begin a new paragraph and insert:

"Sec. 6. The attorney general may file an action for mandate to compel a school corporation or charter school to comply with this chapter."

Page 9, delete lines 4 through 12, begin a new paragraph and insert:

"Sec. 8. The attorney general may file an action for mandate to compel a state agency or political subdivision to comply with this chapter."

and when so amended that said bill do pass.

(Reference is to SB 289 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 7, Nays 3.

 SENATE MOTION

Mr. President: I move that Senate Bill 289 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 24. Prohibition of Diversity, Equity, and Inclusion Expenditures

Sec. 1. As used in this chapter, "agency" has the meaning set forth in IC 4-15-10.5-4.

Sec. 2. (a) As used in this chapter, "diversity, equity, and

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inclusion" or "DEI" means any effort to do any of the following:

(1) Manipulate or otherwise influence the composition of employees with reference to race, sex, color, or ethnicity, which does not include ensuring color blind and race neutral hiring in accordance with state and federal antidiscrimination laws.

(2) Promote differential treatment of or provide special benefits to individuals on the basis of race, sex, color, or ethnicity.

(3) Promote or promulgate policies or procedures designed or implemented with reference to race, sex, color, or ethnicity that are not policies or procedures approved in writing by the attorney general for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(4) Promote or promulgate training, programming, or activities designed or implemented with reference to race, sex, color, or ethnicity that are not training, programming, or activities developed by an attorney and approved in writing by the attorney general for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(b) The term does not include:

(1) equal opportunity or equal employment opportunity materials or efforts designed to inform individuals about the prohibition of discrimination based on protected status under state or federal law; or

(2) programs, services, activities, or other efforts to attract, retain, or support:

(A) students; or

(B) employees;

provided that such programs, services, activities, or other efforts do not promote differential treatment and are open to all individuals irrespective of race, color, ethnicity, or any other protected status under state or federal law.

Sec. 3. As used in this chapter, "DEI office" means any division, office, center, or other unit of an agency with duties that include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures relating to DEI.

Sec. 4. As used in this chapter, "DEI officer" means an individual:

(1) who is:



- (A) a full-time or part-time employee of an agency; or
- (B) an independent contractor of an agency; and
- (2) whose duties for the agency include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures relating to DEI.

Sec. 5. (a) An agency may not expend appropriated funds or otherwise expend any funds derived from bequests, charges, deposits, donations, grants, gifts, income, receipts, or any other source to:

- (1) establish, sustain, support, or staff a DEI office; or
- (2) contract, employ, engage, or hire an individual to serve as a DEI officer.

(b) Nothing in this section prohibits consideration of bona fide qualifications based on sex that are reasonably necessary to the normal operation of government functions.

Sec. 6. (a) Any person may notify the attorney general of a violation or alleged violation of this chapter.

(b) The attorney general may file an action for mandate to compel an agency to comply with this chapter."

Page 3, line 27, delete "one (1)" and insert "a particular".

Page 4, line 24, after "discussion" insert "or teaching".

Page 4, line 36, after "discussion" insert "or teaching".

Page 6, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 4. IC 21-38-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 0.5. As used in this chapter, "diversity, equity, and inclusion" or "DEI" has the meaning set forth in IC 4-10-24-2.

SECTION 5. IC 21-38-10-1, AS ADDED BY P.L.113-2024, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. A state educational institution ~~that establishes, supports, sustains, or employs~~ **may establish, support, sustain, or employ** an office or individual whose primary duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting noncredit earning diversity programming ~~shall include within the mission of the office or position programming~~ that substantially promotes both cultural and intellectual diversity.

SECTION 6. IC 21-38-10-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. A state educational institution may not establish,



support, sustain, or employ an office or individual whose primary duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting noncredit earning diversity programming that includes DEI.

SECTION 7. IC 21-38-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 3. A state educational institution may not conduct internal DEI audits or engage DEI consultants.**

SECTION 8. IC 21-38-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 4. (a) The attorney general may investigate allegations of violations of section 2 or 3 of this chapter, and, subject to subsection (b), the attorney general may bring a civil action concerning each violation.**

(b) Before the attorney general brings an action against a state educational institution under subsection (c), the attorney general shall send the state educational institution a notice of violation. The notice sent under this subsection must describe the violation of section 2 or 3 of this chapter. The state educational institution has thirty (30) days from the date on the notice to cure the violation and provide documentation to prove that the violation has been remedied.

(c) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than two hundred fifty thousand dollars (\$250,000) for each violation of section 2 or 3 of this chapter committed by a state educational institution. The attorney general shall transfer all civil penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

(d) The attorney general may file an action for mandate to compel a state educational institution to comply with this chapter.

(e) The attorney general may adopt rules under IC 4-22-2 to establish procedures for investigating violations of this chapter.

SECTION 9. IC 21-44-1-10, AS AMENDED BY P.L.126-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 10. "Eligible institution", for purposes of:**

(1) sections 2 and 11 of this chapter and IC 21-44-2, means a university, college, or other educational institution that:

(A) operates in the United States; and

(B) offers a health education program leading to a baccalaureate, graduate, or postgraduate degree in a health related field including:



- (i) medicine;
- (ii) dentistry;
- (iii) optometry;
- (iv) nursing;
- (v) physical therapy;
- (vi) occupational therapy; or
- (vii) other allied health fields; ~~and~~

(2) IC 21-44-3, refers to a postsecondary educational institution that qualifies as an eligible institution under IC 21-44-3-1(4); **and**

(3) IC 21-44-3.5, means a state educational institution that offers a health education program leading to a graduate or postgraduate degree in a health related field, including:

- (A) medicine;**
- (B) dentistry;**
- (C) optometry;**
- (D) nursing;**
- (E) physical therapy;**
- (F) occupational therapy; or**
- (G) other allied health fields.**

SECTION 10. IC 21-44-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 3.5. Eligible Institution Requirements

Sec. 1. If an eligible institution requires a standardized admissions test for admission to a graduate or postgraduate health education program, the standardized test shall be:

- (1) required of all students seeking admission to the graduate or postgraduate health education program; and**
- (2) focused on knowledge and critical thinking.**

Sec. 2. All eligible institutions that are not open enrollment eligible institutions shall require:

- (1) "A" through "F" grade based assessments for each course required to graduate; or**
- (2) another merit based system that:**
 - (A) assesses a student based on the quality of the student's academic work; and**
 - (B) is applied uniformly and equally to all students.**

SECTION 11. IC 21-49-4-3, AS ADDED BY P.L.113-2024, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. Not later than ~~September 1, 2024,~~ and September 1 of each year, ~~thereafter,~~ a state educational institution shall submit to the state budget committee a report with the following



information for the preceding state fiscal year:

- (1) The total number of state educational institution:
 - (A) full-time and tenured professors;
 - (B) adjunct instructors;
 - (C) other contingent faculty; and
 - (D) nonacademic support or administrative employees.
- ~~(2)~~ The total number of employees at the state educational institution whose primary or secondary job duties or job titles include diversity, equity, and inclusion.
- ~~(3)~~ (2) The total number of state educational institution adjudications or proceedings regarding violations of policies regarding diversity, equity, and inclusion or harassment.
- ~~(4)~~ (3) A list and description of what the state educational institution did to ensure free speech rights of students.
- ~~(5)~~ (4) A list and description of what the state educational institution did to ensure intellectual freedom for professors.
- ~~(6)~~ (5) A list and description of what the state educational institution did to ensure intellectual and ideological diversity of professors.
- ~~(7)~~ (6) The institution's budget allocations for diversity, equity, and inclusion initiatives."

Page 7, line 1, delete "one (1)" and insert "**a particular**".

Page 7, line 38, after "discussion" insert "**or teaching**".

Page 8, line 6, after "discussion" insert "**or teaching**".

Page 8, after line 41, begin a new paragraph and insert:

"SECTION 13. IC 25-1-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 23. Diversity, Equity, and Inclusion in Health Profession Licensing

Sec. 1. As used in this chapter, "board" means any of the boards listed in IC 25-0.5-11, except for the Indiana board of veterinary medicine.

Sec. 2. As used in this chapter, "diversity, equity, and inclusion" or "DEI" has the meaning set forth in IC 4-10-24-2.

Sec. 3. A board may not adopt or impose, as a condition of obtaining or renewing a license, certification, registration, or permit, any incentives or requirements that applicants for a license, certification, registration, or permit undergo, demonstrate familiarity with, or support any DEI training, education, material, or program.

Sec. 4. Any board that issues a state required health related



professional license, certification, registration, or permit may not use DEI material or require DEI training as part of the license or certification process.

Sec. 5. A board may not conduct internal DEI audits or engage DEI consultants."

Renumber all SECTIONS consecutively.

(Reference is to SB 289 as printed January 24, 2025.)

JOHNSON T

