

# SENATE BILL No. 323

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-2.

**Synopsis:** Minimum wage and employment benefits. After December 31, 2022, increases the minimum wage paid to certain employees from \$7.25 per hour to \$12 per hour, then annually increases the minimum wage in \$1 increments to \$15 per hour through January 1, 2026. Repeals the prohibition of local units from establishing, mandating, or requiring: (1) a minimum wage that exceeds the state or federal minimum wage; and (2) certain employee benefits. Makes conforming amendments and a technical correction.

**Effective:** July 1, 2022.

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## Melton

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January 11, 2022, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 323

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

1 SECTION 1. IC 22-2-2-3, AS AMENDED BY P.L.7-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 3. As used in this chapter:  
4 "Commissioner" means the commissioner of labor or the  
5 commissioner's authorized representative.  
6 "Department" means the department of labor.  
7 "Occupation" means an industry, trade, business, or class of work  
8 in which employees are gainfully employed.  
9 "Employer" means any individual, partnership, association, limited  
10 liability company, corporation, business trust, the state, or other  
11 governmental agency or political subdivision during any work week in  
12 which they have two (2) or more employees. However, **except as**  
13 **provided in section 14 of this chapter**, it shall not include any  
14 employer who is subject to the minimum wage provisions of the federal  
15 Fair Labor Standards Act of 1938, as amended (~~29 U.S.C. 201-209~~).  
16 **(29 U.S.C. 201 et. seq.)**.  
17 "Employee" means any person employed or permitted to work or



1 perform any service for remuneration or under any contract of hire,  
2 written or oral, express or implied by an employer in any occupation,  
3 but shall not include any of the following:

4 (a) Persons less than sixteen (16) years of age.

5 (b) Persons engaged in an independently established trade,  
6 occupation, profession, or business who, in performing the  
7 services in question, are free from control or direction both under  
8 a contract of service and in fact.

9 (c) Persons performing services not in the course of the  
10 employing unit's trade or business.

11 (d) Persons employed on a commission basis.

12 (e) Persons employed by their own parent, spouse, or child.

13 (f) Members of any religious order performing any service for that  
14 order, any ordained, commissioned, or licensed minister, priest,  
15 rabbi, sexton, or Christian Science reader, and volunteers  
16 performing services for any religious or charitable organization.

17 (g) Persons performing services as student nurses in the employ  
18 of a hospital or nurses training school while enrolled and  
19 regularly attending classes in a nurses training school chartered  
20 or approved under law, or students performing services in the  
21 employ of persons licensed as both funeral directors and  
22 embalmers as a part of their requirements for apprenticeship to  
23 secure an embalmer's license or a funeral director's license from  
24 the state, or during their attendance at any schools required by law  
25 for securing an embalmer's or funeral director's license.

26 (h) Persons who have completed a four (4) year course in a  
27 medical school approved by law when employed as interns or  
28 resident physicians by any accredited hospital.

29 (i) Students performing services for any school, college, or  
30 university in which they are enrolled and are regularly attending  
31 classes.

32 (j) Persons with physical or mental disabilities performing  
33 services for nonprofit organizations organized primarily for the  
34 purpose of providing employment for persons with disabilities or  
35 for assisting in their therapy and rehabilitation.

36 (k) Persons employed as insurance producers, insurance  
37 solicitors, and outside salesmen, if all their services are performed  
38 for remuneration solely by commission.

39 (l) Persons performing services for any camping, recreational, or  
40 guidance facilities operated by a charitable, religious, or  
41 educational nonprofit organization.

42 (m) Persons engaged in agricultural labor. The term shall include



- 1 only services performed:
- 2 (1) on a farm, in connection with cultivating the soil, or in
- 3 connection with raising or harvesting any agricultural or
- 4 horticultural commodity, including the raising, shearing,
- 5 feeding, caring for, training, and management of livestock,
- 6 bees, poultry, and furbearing animals and wildlife;
- 7 (2) in the employ of the owner or tenant or other operator of a
- 8 farm, in connection with the operation, management,
- 9 conservation, improvement, or maintenance of the farm and its
- 10 tools and equipment if the major part of the service is
- 11 performed on a farm;
- 12 (3) in connection with:
- 13 (A) the production or harvesting of maple sugar or maple
- 14 syrup or any commodity defined as an agricultural
- 15 commodity in the Agricultural Marketing Act, as amended
- 16 (12 U.S.C. 1141j);
- 17 (B) the raising or harvesting of mushrooms;
- 18 (C) the hatching of poultry; or
- 19 (D) the operation or maintenance of ditches, canals,
- 20 reservoirs, or waterways used exclusively for supplying and
- 21 storing water for farming purposes; and
- 22 (4) in handling, planting, drying, packing, packaging,
- 23 processing, freezing, grading, storing, or delivering to storage,
- 24 to market, or to a carrier for transportation to market, any
- 25 agricultural or horticultural commodity, but only if service is
- 26 performed as an incident to ordinary farming operation or, in
- 27 the case of fruits and vegetables, as an incident to the
- 28 preparation of fruits and vegetables for market. However, this
- 29 exception shall not apply to services performed in connection
- 30 with any agricultural or horticultural commodity after its
- 31 delivery to a terminal market or processor for preparation or
- 32 distribution for consumption.
- 33 As used in this subdivision, "farm" includes stock, dairy, poultry,
- 34 fruit, furbearing animals, and truck farms, nurseries, orchards, or
- 35 greenhouses or other similar structures used primarily for the
- 36 raising of agricultural or horticultural commodities.
- 37 (n) Those persons employed in executive, administrative, or
- 38 professional occupations who have the authority to employ or
- 39 discharge and who earn one hundred fifty dollars (\$150) or more
- 40 a week, and outside salesmen.
- 41 (o) Any person not employed for more than four (4) weeks in any
- 42 four (4) consecutive three (3) month periods.



1 (p) Any employee with respect to whom the Interstate Commerce  
 2 Commission has power to establish qualifications and maximum  
 3 hours of service under the federal Motor Carrier Act of 1935 (49  
 4 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

5 (q) A person engaged in services as a direct seller. The term shall  
 6 include only services performed:

7 (1) by a person that is in the trade or business of:

8 (A) selling, or soliciting the sale of, consumer products or  
 9 services to any buyer on a buy-sell basis,  
 10 deposit-commission basis, or similar basis, in any place  
 11 other than in a permanent retail establishment; or

12 (B) selling, or soliciting the sale of, consumer products or  
 13 services in any place other than in a permanent retail  
 14 establishment;

15 (2) when substantially all the remuneration, whether or not  
 16 paid in cash, for the performance of the services is directly  
 17 related to sales or other output, including the performance of  
 18 services, rather than the number of hours worked; and

19 (3) when the services performed by the person are performed  
 20 pursuant to a written contract and the contract provides that  
 21 the person who performs the services will not be treated as an  
 22 employee for tax purposes under the contract.

23 SECTION 2. IC 22-2-2-4, AS AMENDED BY P.L.147-2020,  
 24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2022]: Sec. 4. (a) No employer having employees subject to  
 26 any provisions of this section shall discriminate, within any  
 27 establishment in which employees are employed, between employees  
 28 on the basis of sex by paying to employees in such establishment a rate  
 29 less than the rate at which the employer pays wages to employees of the  
 30 opposite sex in such establishment for equal work on jobs the  
 31 performance of which requires equal skill, effort, and responsibility,  
 32 and which are performed under similar working conditions, except  
 33 where such payment is made pursuant to:

34 (1) a seniority system;

35 (2) a merit system;

36 (3) a system which measures earnings by quantity or quality of  
 37 production; or

38 (4) a differential based on any other factor other than sex.

39 (b) An employer who is paying a wage rate differential in violation  
 40 of subsection (a) shall not, in order to comply with subsection (a),  
 41 reduce the wage rate of any employee, and no labor organization, or its  
 42 agents, representing employees of an employer having employees



1 subject to subsection (a) shall cause or attempt to cause such an  
 2 employer to discriminate against an employee in violation of  
 3 subsection (a).

4 (c) Except as provided in subsection ~~(d)~~; **(e)**, every employer  
 5 employing at least two (2) employees during a work week shall, in any  
 6 work week in which the employer is subject to this chapter, pay each  
 7 of the employees in any work week beginning on or after June 30,  
 8 2007, **and before January 1, 2023**, wages of not less than the  
 9 minimum wage payable under the federal Fair Labor Standards Act of  
 10 1938, as amended (29 U.S.C. 201 et seq.).

11 **(d) Except as provided in subsection (e), every employer**  
 12 **employing at least two (2) employees during a work week shall, in**  
 13 **any work week in which the employer is subject to this chapter,**  
 14 **pay each of the employees the following in any work week:**

15 **(1) Beginning on or after January 1, 2023, and before January**  
 16 **1, 2024, wages of not less than twelve dollars (\$12) per hour.**

17 **(2) Beginning on or after January 1, 2024, and before January**  
 18 **1, 2025, wages of not less than thirteen dollars (\$13) per hour.**

19 **(3) Beginning on or after January 1, 2025, and before January**  
 20 **1, 2026, wages of not less than fourteen dollars (\$14) per hour.**

21 **(4) Beginning on or after January 1, 2026, wages of not less**  
 22 **than fifteen dollars (\$15) per hour.**

23 ~~(d)~~ **(e)** An employer subject to ~~subsection (e)~~ **subsections (c) and**  
 24 **(d) (whichever is applicable)** is permitted to apply a tip credit in  
 25 determining the amount of cash wage paid to tipped employees. In  
 26 determining the wage an employer is required to pay a tipped  
 27 employee, the amount paid the employee by the employee's employer  
 28 must be an amount equal to:

29 (1) the cash wage paid the employee, which for purposes of the  
 30 determination may be not less than the cash wage required to be  
 31 paid to employees covered under the federal Fair Labor Standards  
 32 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,  
 33 1996, which amount is two dollars and thirteen cents (\$2.13) an  
 34 hour; and

35 (2) an additional amount on account of the tips received by the  
 36 employee, which amount is equal to the difference between the  
 37 wage specified in subdivision (1) and the wage in effect under  
 38 ~~subsection (e)~~; **subsections (c) and (d) (whichever is**  
 39 **applicable).**

40 An employer is responsible for supporting the amount of tip credit  
 41 taken through reported tips by the employees.

42 ~~(e)~~ **(f)** This section does not apply if an employee:



1 (1) provides companionship services to the aged and infirm (as  
2 defined in 29 CFR 552.6); and

3 (2) is employed by an employer or agency other than the family  
4 or household using the companionship services, as provided in 29  
5 CFR 552.109 (a).

6 ~~(f)~~ (g) Except as otherwise provided in this section, no employer  
7 shall employ any employee for a work week longer than forty (40)  
8 hours unless the employee receives compensation for employment in  
9 excess of forty (40) hours at a rate not less than one and one-half (1.5)  
10 times the regular rate at which the employee is employed.

11 ~~(g)~~ (h) For purposes of this section the following apply:

12 (1) "Overtime compensation" means the compensation required  
13 by subsection ~~(f)~~: (g).

14 (2) "Compensatory time" and "compensatory time off" mean  
15 hours during which an employee is not working, which are not  
16 counted as hours worked during the applicable work week or  
17 other work period for purposes of overtime compensation, and for  
18 which the employee is compensated at the employee's regular  
19 rate.

20 (3) "Regular rate" means the rate at which an employee is  
21 employed is considered to include all remuneration for  
22 employment paid to, or on behalf of, the employee, but is not  
23 considered to include the following:

24 (A) Sums paid as gifts, payments in the nature of gifts made at  
25 Christmas time or on other special occasions, as a reward for  
26 service, the amounts of which are not measured by or  
27 dependent on hours worked, production, or efficiency.

28 (B) Payments made for occasional periods when no work is  
29 performed due to vacation, holiday, illness, failure of the  
30 employer to provide sufficient work, or other similar cause,  
31 reasonable payments for traveling expenses, or other expenses,  
32 incurred by an employee in the furtherance of the employer's  
33 interests and properly reimbursable by the employer, and other  
34 similar payments to an employee which are not made as  
35 compensation for the employee's hours of employment.

36 (C) Sums paid in recognition of services performed during a  
37 given period if:

38 (i) both the fact that payment is to be made and the amount  
39 of the payment are determined at the sole discretion of the  
40 employer at or near the end of the period and not pursuant  
41 to any prior contract, agreement, or promise causing the  
42 employee to expect the payments regularly;



- 1 (ii) the payments are made pursuant to a bona fide profit  
 2 sharing plan or trust or bona fide thrift or savings plan,  
 3 meeting the requirements of the administrator set forth in  
 4 appropriately issued regulations, having due regard among  
 5 other relevant factors, to the extent to which the amounts  
 6 paid to the employee are determined without regard to hours  
 7 of work, production, or efficiency; or  
 8 (iii) the payments are talent fees paid to performers,  
 9 including announcers, on radio and television programs.
- 10 (D) Contributions irrevocably made by an employer to a  
 11 trustee or third person pursuant to a bona fide plan for  
 12 providing old age, retirement, life, accident, or health  
 13 insurance or similar benefits for employees.
- 14 (E) Extra compensation provided by a premium rate paid for  
 15 certain hours worked by the employee in any day or work  
 16 week because those hours are hours worked in excess of eight  
 17 (8) in a day or in excess of the maximum work week  
 18 applicable to the employee under subsection ~~(f)~~ (g) or in  
 19 excess of the employee's normal working hours or regular  
 20 working hours, as the case may be.
- 21 (F) Extra compensation provided by a premium rate paid for  
 22 work by the employee on Saturdays, Sundays, holidays, or  
 23 regular days of rest, or on the sixth or seventh day of the work  
 24 week, where the premium rate is not less than one and one-half  
 25 (1.5) times the rate established in good faith for like work  
 26 performed in nonovertime hours on other days.
- 27 (G) Extra compensation provided by a premium rate paid to  
 28 the employee, in pursuance of an applicable employment  
 29 contract or collective bargaining agreement, for work outside  
 30 of the hours established in good faith by the contract or  
 31 agreement as the basic, normal, or regular workday (not  
 32 exceeding eight (8) hours) or work week (not exceeding the  
 33 maximum work week applicable to the employee under  
 34 subsection ~~(f)~~ (g) where the premium rate is not less than one  
 35 and one-half (1.5) times the rate established in good faith by  
 36 the contract or agreement for like work performed during the  
 37 workday or work week.
- 38 ~~(h)~~ (i) No employer shall be considered to have violated subsection  
 39 ~~(f)~~ (g) by employing any employee for a work week in excess of that  
 40 specified in subsection ~~(f)~~ (g) without paying the compensation for  
 41 overtime employment prescribed therein if the employee is so  
 42 employed:





1 (1) in pursuance of an agreement, made as a result of collective  
 2 bargaining by representatives of employees certified as bona fide  
 3 by the National Labor Relations Board, which provides that no  
 4 employee shall be employed more than one thousand forty (1,040)  
 5 hours during any period of twenty-six (26) consecutive weeks; or  
 6 (2) in pursuance of an agreement, made as a result of collective  
 7 bargaining by representatives of employees certified as bona fide  
 8 by the National Labor Relations Board, which provides that  
 9 during a specified period of fifty-two (52) consecutive weeks the  
 10 employee shall be employed not more than two thousand two  
 11 hundred forty (2,240) hours and shall be guaranteed not less than  
 12 one thousand eight hundred forty (1,840) hours (or not less than  
 13 forty-six (46) weeks at the normal number of hours worked per  
 14 week, but not less than thirty (30) hours per week) and not more  
 15 than two thousand eighty (2,080) hours of employment for which  
 16 the employee shall receive compensation for all hours guaranteed  
 17 or worked at rates not less than those applicable under the  
 18 agreement to the work performed and for all hours in excess of  
 19 the guaranty which are also in excess of the maximum work week  
 20 applicable to the employee under subsection ~~(f)~~ **(g)** or two  
 21 thousand eighty (2,080) in that period at rates not less than one  
 22 and one-half (1.5) times the regular rate at which the employee is  
 23 employed.

24 ~~(f)~~ **(j)** No employer shall be considered to have violated subsection  
 25 ~~(f)~~ **(g)** by employing any employee for a work week in excess of the  
 26 maximum work week applicable to the employee under subsection ~~(f)~~  
 27 **(g)** if the employee is employed pursuant to a bona fide individual  
 28 contract, or pursuant to an agreement made as a result of collective  
 29 bargaining by representatives of employees, if the duties of the  
 30 employee necessitate irregular hours of work, and the contract or  
 31 agreement includes the following:

32 (1) Specifies a regular rate of pay of not less than the minimum  
 33 hourly rate provided in subsections (c) ~~and (d)~~ **through (e)**  
 34 (whichever is applicable) and compensation at not less than one  
 35 and one-half (1.5) times that rate for all hours worked in excess  
 36 of the maximum work week.

37 (2) Provides a weekly guaranty of pay for not more than sixty (60)  
 38 hours based on the rates so specified.

39 ~~(f)~~ **(k)** No employer shall be considered to have violated subsection  
 40 ~~(f)~~ **(g)** by employing any employee for a work week in excess of the  
 41 maximum work week applicable to the employee under that subsection  
 42 if, pursuant to an agreement or understanding arrived at between the



1 employer and the employee before performance of the work, the  
 2 amount paid to the employee for the number of hours worked by the  
 3 employee in the work week in excess of the maximum work week  
 4 applicable to the employee under that subsection:

5 (1) in the case of an employee employed at piece rates, is  
 6 computed at piece rates not less than one and one-half (1.5) times  
 7 the bona fide piece rates applicable to the same work when  
 8 performed during nonovertime hours;

9 (2) in the case of an employee performing two (2) or more kinds  
 10 of work for which different hourly or piece rates have been  
 11 established, is computed at rates not less than one and one-half  
 12 (1.5) times those bona fide rates applicable to the same work  
 13 when performed during nonovertime hours; or

14 (3) is computed at a rate not less than one and one-half (1.5) times  
 15 the rate established by the agreement or understanding as the  
 16 basic rate to be used in computing overtime compensation  
 17 thereunder, provided that the rate so established shall be  
 18 substantially equivalent to the average hourly earnings of the  
 19 employee, exclusive of overtime premiums, in the particular work  
 20 over a representative period of time;

21 and if the employee's average hourly earnings for the work week  
 22 exclusive of payments described in this section are not less than the  
 23 minimum hourly rate required by applicable law, and extra overtime  
 24 compensation is properly computed and paid on other forms of  
 25 additional pay required to be included in computing the regular rate.

26 ~~(k)~~ **(l)** Extra compensation paid as described in this section shall be  
 27 creditable toward overtime compensation payable pursuant to this  
 28 section.

29 ~~(h)~~ **(m)** No employer shall be considered to have violated subsection  
 30 ~~(f)~~ **(g)** by employing any employee of a retail or service establishment  
 31 for a work week in excess of the applicable work week specified  
 32 therein, if:

33 (1) the regular rate of pay of the employee is in excess of one and  
 34 one-half (1.5) times the minimum hourly rate applicable to the  
 35 employee under section 2 of this chapter; and

36 (2) more than half of the employee's compensation for a  
 37 representative period (not less than one (1) month) represents  
 38 commissions on goods or services.

39 In determining the proportion of compensation representing  
 40 commissions, all earnings resulting from the application of a bona fide  
 41 commission rate shall be considered commissions on goods or services  
 42 without regard to whether the computed commissions exceed the draw



1 or guarantee.

2 ~~(m)~~ **(n)** No employer engaged in the operation of a hospital or an  
 3 establishment which is an institution primarily engaged in the care of  
 4 the sick, the aged, or individuals with a mental illness or defect who  
 5 reside on the premises shall be considered to have violated subsection  
 6 ~~(f)~~ **(g)** if, pursuant to an agreement or understanding arrived at between  
 7 the employer and the employee before performance of the work, a work  
 8 period of fourteen (14) consecutive days is accepted in lieu of the work  
 9 week of seven (7) consecutive days for purposes of overtime  
 10 computation and if, for the employee's employment in excess of eight  
 11 (8) hours in any workday and in excess of eighty (80) hours in that  
 12 fourteen (14) day period, the employee receives compensation at a rate  
 13 not less than one and one-half (1.5) times the regular rate at which the  
 14 employee is employed.

15 ~~(n)~~ **(o)** No employer shall employ any employee in domestic service  
 16 in one (1) or more households for a work week longer than forty (40)  
 17 hours unless the employee receives compensation for that employment  
 18 in accordance with subsection ~~(f)~~ **(g)**.

19 ~~(o)~~ **(p)** In the case of an employee of an employer engaged in the  
 20 business of operating a street, a suburban or interurban electric railway,  
 21 or a local trolley or motorbus carrier (regardless of whether or not the  
 22 railway or carrier is public or private or operated for profit or not for  
 23 profit), in determining the hours of employment of such an employee  
 24 to which the rate prescribed by subsection ~~(f)~~ **(g)** applies, there shall be  
 25 excluded the hours the employee was employed in charter activities by  
 26 the employer if both of the following apply:

27 (1) The employee's employment in the charter activities was  
 28 pursuant to an agreement or understanding with the employer  
 29 arrived at before engaging in that employment.

30 (2) If employment in the charter activities is not part of the  
 31 employee's regular employment.

32 ~~(p)~~ **(q)** Any employer may employ any employee for a period or  
 33 periods of not more than ten (10) hours in the aggregate in any work  
 34 week in excess of the maximum work week specified in subsection ~~(f)~~  
 35 **(g)** without paying the compensation for overtime employment  
 36 prescribed in subsection ~~(f)~~ **(g)**, if during that period or periods the  
 37 employee is receiving remedial education that:

38 (1) is provided to employees who lack a high school diploma or  
 39 educational attainment at the eighth grade level;

40 (2) is designed to provide reading and other basic skills at an  
 41 eighth grade level or below; and

42 (3) does not include job specific training.



1       ~~(r)~~ **(r)** Subsection ~~(f)~~ **(g)** does not apply to an employee of a motion  
2 picture theater.

3       ~~(s)~~ **(s)** Subsection ~~(f)~~ **(g)** does not apply to an employee of a seasonal  
4 amusement or recreational establishment, an organized camp, or a  
5 religious or nonprofit educational conference center that is exempt  
6 under the federal Fair Labor Standards Act of 1938, as amended (29  
7 U.S.C. 213).

8       ~~(t)~~ **(t)** Subsection ~~(f)~~ **(g)** does not apply to an employee of an air  
9 carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.  
10 181 et seq.) to the extent that the hours worked by the employee during  
11 a work week in excess of forty (40) hours are not required by the air  
12 carrier but are arranged through a voluntary agreement between  
13 employees to trade or reassign their scheduled work hours.

14       SECTION 3. IC 22-2-2-10.5 IS REPEALED [EFFECTIVE JULY  
15 1, 2022]. ~~Sec. 10.5: (a) As used in this section, "unit" has the meaning~~  
16 ~~set forth in IC 36-1-2-23.~~

17       ~~(b) Unless federal or state law provides otherwise, a unit may not:~~  
18       ~~(1) establish;~~  
19       ~~(2) mandate; or~~  
20       ~~(3) otherwise require;~~

21 a minimum wage that exceeds the minimum wage required by section  
22 4 of this chapter or by the federal minimum hourly wage prescribed by  
23 29 U.S.C. 206(a)(1):

24       ~~(c) Except as provided in IC 5-16-7.2, this section does not limit the~~  
25 ~~authority of a unit to establish wage rates in a contract to which the unit~~  
26 ~~is a party.~~

27       SECTION 4. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE  
28 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
29 1, 2022]: **Sec. 14. (a) This section applies to an employer that is**  
30 **subject to the minimum wage provisions of the federal Fair Labor**  
31 **Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).**

32       **(b) If the minimum hourly wage required under section 4 of this**  
33 **chapter is higher than the minimum wage provisions of the federal**  
34 **Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et**  
35 **seq.), an employer shall pay the minimum hourly wage required**  
36 **under section 4 of this chapter.**

37       SECTION 5. IC 22-2-16 IS REPEALED [EFFECTIVE JULY 1,  
38 2022]. (Employee Benefits).

