



Insights

Indiana Earned Wage Access Act: Key Compliance Considerations for Employers and Providers

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Effective January 1, 2026, Indiana joined a growing number of states regulating earned wage access (“EWA”) services with the enactment of the Indiana Earned Wage Access Act codified at Indiana Code 28-8-6 (the “Act”). The legislation establishes a formal framework governing providers that allows employees to access earned but unpaid wages prior to payday while preserving consumer protections.

Though the Act is intended to provide a regulatory framework for EWA services, participation is not mandatory for employees, and employers may choose whether to offer EWA as an optional workplace benefit subject to certain statutory and compliance requirements.

What Does This Impact?

The Act primarily applies to:

- Earned wage access providers offering services to Indiana residents
- Employers that partner with or facilitate access to EWA services for their workforce
- Employee/consumers who utilize EWA services and products

Importantly, while the Act regulates providers directly, employers should be aware of compliance implications when integrating EWA programs into payroll or benefits offerings.

What Does the Act Do?

The Act creates a regulatory structure for EWA services and clarifies that compliant EWA products are not considered loans under Indiana law, provided they meet specific statutory criteria. It distinguishes EWA services from traditional credit by emphasizing (1) access only to earned, unpaid wages; (2) no mandatory repayment obligations beyond the consumer’s earned wages; and (3) no interest charges, though certain fees may be permitted.

How Does It Work?

To operate in Indiana, EWA providers must comply with statutory requirements, including:

- Registration and oversight requirements with the state
- Providing clear disclosures, including any fees



- Ensuring no credit reporting or use of credit scores
- Structuring services so that repayment is non-recourse (i.e., no debt collection if wages are insufficient)
- Offering at least one no-cost method was accessing earned wages

Employers offering EWA as a benefit should ensure their vendors are compliant and that payroll systems align with the Act's structure. Multi-state employers should note that EWA laws vary significantly by jurisdiction, which may require tailored compliance strategies.

If your organization is considering implementing an earned wage access program, or already offers one, now is the time to confirm compliance with Indiana's new framework and assess how it fits into your broader wage and hour and employee benefits strategy. Please contact any member of the Labor and Employment team as Krieg DeVault, LLP for any additional insight or assistance.

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