

# HOUSE BILL No. 1013

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** Numerous citations throughout the Indiana Code.

**Synopsis:** Indiana department of health. Changes references from the state department of health to the Indiana department of health. Provides directions for publication of affected provisions. Makes technical corrections. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** Upon passage; July 1, 2023.

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## Snow, Engleman, DeLaney, Boy

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January 9, 2023, read first time and referred to Committee on Public Health.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1013

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 3-7-15-2, AS AMENDED BY P.L.44-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 2. The general assembly finds that the following  
4 offices in Indiana provide public assistance within the scope of NVRA:  
5 (1) Each county office established under IC 12-19-1-1 that  
6 administers:  
7 (A) the Temporary Assistance for Needy Families program  
8 (TANF) under IC 12-14; or  
9 (B) the Medicaid program under IC 12-15.  
10 (2) Each office of the division of family resources that administers  
11 the food stamp program under federal law.  
12 (3) Each office of the ~~state~~ **Indiana** department of health that  
13 administers the Special Supplemental Nutrition Program for the  
14 Women, Infants, and Children Program (WIC) under  
15 IC 16-35-1.5.  
16 SECTION 2. IC 3-7-26.3-13, AS AMENDED BY P.L.128-2015,  
17 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 13. As required under 52 U.S.C. 21083, the  
2 election division shall coordinate the computerized list with the ~~state~~  
3 **Indiana** department of health concerning individuals identified as  
4 deceased under IC 3-7-45.

5 SECTION 3. IC 3-7-45-2.1, AS AMENDED BY P.L.138-2019,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2023]: Sec. 2.1. (a) As required under 52 U.S.C. 21083, the  
8 election division shall coordinate the computerized list generated by  
9 the statewide voter registration system under IC 3-7-26.3 with the ~~state~~  
10 **Indiana** department of health to permit a county voter registration  
11 office to cancel the registration records of deceased individuals on an  
12 expedited basis.

13 (b) The ~~state~~ **Indiana** department of health shall report to the  
14 election division, by county, the names, ages, and known residence  
15 addresses of all persons who:

- 16 (1) died within Indiana but outside the county of residence; and  
17 (2) maintained a residence address within the county during the  
18 two (2) years preceding the date of death.

19 (c) Each county health officer and municipal health officer shall  
20 report to the ~~state~~ **Indiana** department of health the names, ages, and  
21 known voting addresses in the county of all persons:

- 22 (1) who have died within the jurisdiction of the officer; or  
23 (2) for whom burial permits have been issued by the officer.

24 The ~~state~~ **Indiana** department of health shall report this information to  
25 the election division.

26 (d) The ~~state~~ **Indiana** department of health shall report to the  
27 election division, by county, the names, ages, and known residence  
28 addresses of all persons:

- 29 (1) who died outside Indiana;  
30 (2) who maintained a residence address within the county during  
31 the two (2) years preceding the date of death; and  
32 (3) whose names were supplied to the ~~state~~ **Indiana** department  
33 of health under an agreement made under section 5 of this  
34 chapter.

35 (e) The county voter registration office shall request a copy of the  
36 death records filed quarterly by the local health department with the  
37 county auditor under IC 16-37-3-9(d). If a voter is identified as  
38 deceased in the death records, the county voter registration office shall  
39 cancel the voter registration record of that individual in conformity  
40 with section 3 of this chapter.

41 SECTION 4. IC 3-7-45-5, AS AMENDED BY P.L.258-2013,  
42 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 5. (a) The **state Indiana** department of health shall  
 2 acquire information regarding the deaths of Indiana residents occurring  
 3 in each of the other states from those states or from the State and  
 4 Territorial Exchange of Vital Events (STEVE) System and Electronic  
 5 Verification of Vital Events (EVVE) System, administered by the  
 6 National Association for Public Health Statistics and Information  
 7 Systems. The **state Indiana** department of health may offer to share  
 8 with each other state information regarding the deaths of the other  
 9 state's residents in Indiana.

10 (b) At least once each month, the **state Indiana** department of health  
 11 shall forward that information as provided in section 2.1 of this chapter.

12 SECTION 5. IC 3-10-8-4.5, AS AMENDED BY P.L.10-2010,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2023]: Sec. 4.5. Whenever the election division receives a  
 15 notice under section 4 of this chapter, the election division shall notify  
 16 the following offices and agencies that a special election will be  
 17 conducted within all or part of Indiana:

18 (1) Each agency serving persons with disabilities and designated  
 19 as a voter registration site under IC 3-7-16.

20 (2) Armed forces recruitment offices in accordance with  
 21 procedures established under IC 3-7-17.

22 (3) Each agency designated as a voter registration site and subject  
 23 to IC 3-7-18.

24 (4) The bureau of motor vehicles for voter registration purposes  
 25 under IC 9-24-2.5.

26 (5) The adjutant general for purposes of enforcing IC 10-16-7-17.

27 (6) The division of family resources for voter registration  
 28 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

29 (7) The **state Indiana** department of health for voter registration  
 30 purposes under IC 16-35-1.6.

31 (8) The Federal Voting Assistance Program of the United States  
 32 Department of Defense, for notification of absent uniformed  
 33 services voters and overseas voters.

34 SECTION 6. IC 4-1-8-1, AS AMENDED BY P.L.58-2019,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2023]: Sec. 1. (a) No individual may be compelled by any  
 37 state agency, board, commission, department, bureau, or other entity of  
 38 state government (referred to as "state agency" in this chapter) to  
 39 provide the individual's Social Security number to the state agency  
 40 against the individual's will, absent federal requirements to the  
 41 contrary. However, the provisions of this chapter do not apply to the  
 42 following:



- 1 (1) Department of state revenue.  
 2 (2) Department of workforce development.  
 3 (3) The programs administered by:  
 4 (A) the division of family resources;  
 5 (B) the division of mental health and addiction;  
 6 (C) the division of disability and rehabilitative services;  
 7 (D) the division of aging; and  
 8 (E) the office of Medicaid policy and planning;  
 9 of the office of the secretary of family and social services.  
 10 (4) Auditor of state.  
 11 (5) State personnel department.  
 12 (6) Secretary of state, with respect to the registration of  
 13 broker-dealers, agents, and investment advisors.  
 14 (7) The lobby registration commission, with respect to the  
 15 registration of lobbyists.  
 16 (8) Indiana department of administration, with respect to bidders  
 17 on contracts.  
 18 (9) Indiana department of transportation, with respect to bidders  
 19 on contracts.  
 20 (10) Indiana professional licensing agency.  
 21 (11) Department of insurance, with respect to licensing of  
 22 insurance producers.  
 23 (12) The department of child services.  
 24 (13) A pension fund administered by the board of trustees of the  
 25 Indiana public retirement system.  
 26 (14) The state police benefit system.  
 27 (15) The alcohol and tobacco commission.  
 28 (16) The **state Indiana** department of health, for purposes of  
 29 licensing radiologic technologists under IC 16-41-35-29(c).  
 30 (b) The bureau of motor vehicles may, notwithstanding this chapter,  
 31 require the following:  
 32 (1) That an individual include the individual's Social Security  
 33 number in an application for an official certificate of title for any  
 34 vehicle required to be titled under IC 9-17.  
 35 (2) That an individual include the individual's Social Security  
 36 number on an application for registration.  
 37 (3) That a corporation, limited liability company, firm,  
 38 partnership, or other business entity include its federal tax  
 39 identification number on an application for registration.  
 40 (4) That an individual include the individual's Social Security  
 41 number on an application for a license, a permit, or an  
 42 identification card.



1 (c) The Indiana department of administration, the Indiana  
2 department of transportation, and the Indiana professional licensing  
3 agency may require an employer to provide its federal employer  
4 identification number.

5 (d) The department of correction may require a committed offender  
6 to provide the offender's Social Security number for purposes of  
7 matching data with the Social Security Administration to determine  
8 benefit eligibility.

9 (e) The Indiana gaming commission may, notwithstanding this  
10 chapter, require the following:

11 (1) That an individual include the individual's Social Security  
12 number:

13 (A) in any application for a riverboat owner's license,  
14 supplier's license, or occupational license; or

15 (B) in any document submitted to the commission in the  
16 course of an investigation necessary to ensure that gaming  
17 under IC 4-32.3, IC 4-33, and IC 4-35 is conducted with  
18 credibility and integrity.

19 (2) That a sole proprietorship, a partnership, an association, a  
20 fiduciary, a corporation, a limited liability company, or any other  
21 business entity include its federal tax identification number on an  
22 application for a riverboat owner's license or supplier's license.

23 (f) Notwithstanding this chapter, the department of education  
24 established by IC 20-19-3-1 may require an individual who applies to  
25 the department for a license or an endorsement to provide the  
26 individual's Social Security number. The Social Security number may  
27 be used by the department only for conducting a background  
28 investigation, if the department is authorized by statute to conduct a  
29 background investigation of an individual for issuance of the license or  
30 endorsement.

31 SECTION 7. IC 4-3-22-18, AS ADDED BY P.L.109-2012,  
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2023]: Sec. 18. Before July 1, 2013, the office of management  
34 and budget, in consultation with the Indiana School for the Deaf, the  
35 department of education, the **state Indiana** department of health, and  
36 the office of the secretary of family and social services, shall  
37 recommend to the general assembly through the budget process an  
38 appropriate agency to provide office space and staff support for the  
39 center for deaf and hard of hearing education established under  
40 IC 20-35-11. Until the center for deaf and hard of hearing education is  
41 established and operating, the Indiana School for the Deaf shall  
42 continue to provide those services that will be transferred from the



1 Indiana School for the Deaf to the center for deaf and hard of hearing  
 2 education or local education agencies at the time the center is  
 3 established and operating.

4 SECTION 8. IC 4-12-4-9, AS AMENDED BY P.L.6-2012,  
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 9. (a) The Indiana tobacco use prevention and  
 7 cessation executive board is abolished July 1, 2011. On July 1, 2011:

8 (1) all assets, obligations, powers, and duties of the executive  
 9 board are transferred to the **state Indiana** department of health;  
 10 and

11 (2) all appropriations made to the Indiana tobacco use prevention  
 12 and cessation executive board are transferred to the **state Indiana**  
 13 department of health and are considered appropriations made to  
 14 the **state Indiana** department of health.

15 (b) In addition to any other power granted by this chapter, the **state**  
 16 **Indiana** department of health may:

17 (1) adopt rules under IC 4-22-2 to carry out this chapter;

18 (2) accept gifts, devises, bequests, grants, loans, appropriations,  
 19 revenue sharing, other financing and assistance, and any other aid  
 20 from any source and agree to and comply with conditions attached  
 21 to that aid;

22 (3) make, execute, and effectuate any and all contracts,  
 23 agreements, or other documents with any governmental agency or  
 24 any person, corporation, limited liability company, association,  
 25 partnership, or other organization or entity necessary or  
 26 convenient to accomplish the purposes of this chapter, including  
 27 contracts for the provision of all or any portion of the services the  
 28 **state Indiana** department of health considers necessary;

29 (4) recommend legislation to the governor and general assembly;

30 (5) make recommendations to the governor, the budget agency,  
 31 and the general assembly concerning the priorities for  
 32 appropriation and distribution of money from the Indiana health  
 33 care account established by IC 4-12-5-3; and

34 (6) do any and all acts and things necessary, proper, or convenient  
 35 to carry out this chapter.

36 SECTION 9. IC 4-12-4-10, AS AMENDED BY P.L.35-2012,  
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2023]: Sec. 10. (a) The Indiana tobacco use prevention and  
 39 cessation trust fund is established. The **state Indiana** department of  
 40 health may expend money from the fund and make grants from the fund  
 41 to implement the long range state plan established under this chapter.  
 42 Administrative expenses necessary to carry out this chapter are also



- 1 payable from the fund.
- 2 (b) The fund consists of:
- 3 (1) amounts, if any, that another statute requires to be distributed
- 4 to the fund from the Indiana tobacco master settlement agreement
- 5 fund;
- 6 (2) appropriations to the fund from other sources;
- 7 (3) grants, gifts, and donations intended for deposit in the fund;
- 8 and
- 9 (4) interest that accrues from money in the fund.
- 10 (c) The fund shall be administered by the **state Indiana** department
- 11 of health. Notwithstanding IC 5-13, the treasurer of state shall invest
- 12 the money in the fund not currently needed to meet the obligations of
- 13 the fund in the same manner as money is invested by the Indiana public
- 14 retirement system under IC 5-10.3-5. The treasurer of state may
- 15 contract with investment management professionals, investment
- 16 advisors, and legal counsel to assist in the investment of the fund and
- 17 may pay the expenses incurred under those contracts from the fund.
- 18 Money in the fund at the end of a state fiscal year does not revert to the
- 19 state general fund.
- 20 (d) All income and assets of the executive board deposited in the
- 21 fund are for the use of the **state Indiana** department of health after
- 22 appropriation.
- 23 SECTION 10. IC 4-12-4-11, AS AMENDED BY P.L.229-2011,
- 24 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2023]: Sec. 11. (a) The **state Indiana** department of health
- 26 shall develop:
- 27 (1) a mission statement concerning prevention and reduction of
- 28 the usage of tobacco and tobacco products in Indiana, including:
- 29 (A) emphasis on prevention and reduction of tobacco use by
- 30 minorities, pregnant women, children, and youth, including
- 31 youth with serious and emotional disturbances;
- 32 (B) encouragement of smoking cessation;
- 33 (C) production and distribution of information concerning the
- 34 dangers of tobacco use and tobacco related diseases;
- 35 (D) providing research on issues related to reduction of
- 36 tobacco use;
- 37 (E) enforcement of laws concerning sales of tobacco to youth
- 38 and use of tobacco by youth; and
- 39 (F) other activities that the **state Indiana** department of health
- 40 considers necessary and appropriate for inclusion in the
- 41 mission statement; and
- 42 (2) a long range state plan, based on Best Practices for Tobacco





1 Control Programs as published by the Centers for Disease Control  
2 and Prevention, for:

3 (A) the provision of services by the **state Indiana** department  
4 of health, public or private entities, and individuals to  
5 implement the **state Indiana** department of health's mission  
6 statement; and

7 (B) the coordination of state efforts to reduce usage of tobacco  
8 and tobacco products.

9 The **state Indiana** department of health shall update the mission  
10 statement and long range state plan as necessary to carry out the  
11 purposes of this chapter.

12 (b) The long range state plan described in subsection (a) must:

13 (1) cover a period of at least five (5) years;

14 (2) include base line data concerning tobacco usage;

15 (3) set forth specific goals for prevention and reduction of tobacco  
16 usage in Indiana; and

17 (4) be made available to the governor, the general assembly, and  
18 any other appropriate state or federal agency.

19 SECTION 11. IC 4-12-4-12, AS AMENDED BY P.L.229-2011,  
20 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2023]: Sec. 12. A public or private entity or an individual may  
22 submit an application to the **state Indiana** department of health for a  
23 grant from the fund. Each application must be in writing and contain  
24 the following information:

25 (1) A clear objective to be achieved with the grant.

26 (2) A plan for implementation of the specific program.

27 (3) A statement of the manner in which the proposed program will  
28 further the goals of the **state Indiana** department of health's  
29 mission statement and long range state plan.

30 (4) The amount of the grant requested.

31 (5) An evaluation and assessment component to determine the  
32 program's performance.

33 (6) Any other information required by the **state Indiana**  
34 department of health.

35 The **state Indiana** department of health may adopt written guidelines  
36 to establish procedures, forms, additional evaluation criteria, and  
37 application deadlines.

38 SECTION 12. IC 4-12-4-13, AS AMENDED BY P.L.229-2011,  
39 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2023]: Sec. 13. The expenditure of state funds (other than a  
41 grant awarded under this chapter) for a program concerning prevention  
42 or reduction of tobacco usage that is operated by a state agency or a



1 public or private entity is subject to the approval of the **state Indiana**  
 2 department of health. The state agency or public or private entity shall  
 3 submit a description of the proposed expenditure to the **state Indiana**  
 4 department of health for the **state Indiana** department of health's  
 5 review and approval. The description submitted under this section must  
 6 include the following:

- 7 (1) The objective to be achieved through the expenditure.
- 8 (2) The plan for implementation of the expenditure.
- 9 (3) The extent to which the expenditure will supplement or  
 10 duplicate existing expenditures of other state agencies, public or  
 11 private entities, or the **state Indiana** department of health.

12 SECTION 13. IC 4-12-4-14, AS AMENDED BY P.L.229-2011,  
 13 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2023]: Sec. 14. The **state Indiana** department of health shall  
 15 prepare an annual financial report and an annual report concerning the  
 16 **state Indiana** department of health's activities under this chapter and  
 17 promptly transmit the annual reports to the governor and, in an  
 18 electronic format under IC 5-14-6, to the legislative council. The **state**  
 19 **Indiana** department of health shall make the annual reports available  
 20 to the public upon request.

21 SECTION 14. IC 4-12-4-15, AS AMENDED BY P.L.181-2015,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 15. The funds, accounts, management, and  
 24 operations of the **state Indiana** department of health under this chapter  
 25 are subject to audit by the state board of accounts.

26 SECTION 15. IC 4-12-5-4, AS AMENDED BY P.L.109-2015,  
 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2023]: Sec. 4. Subject to appropriation by the general  
 29 assembly, review by the budget committee, and approval by the budget  
 30 agency, the auditor of state shall distribute money from the account to  
 31 public or private entities or individuals for the implementation of  
 32 programs concerning one (1) or more of the following purposes:

- 33 (1) The children's health insurance program established under  
 34 IC 12-17.6.
- 35 (2) Cancer detection tests and cancer education programs.
- 36 (3) Heart disease and stroke education programs.
- 37 (4) Assisting community health centers in providing:
  - 38 (A) vaccinations against communicable diseases, with an  
 39 emphasis on service to youth and senior citizens;
  - 40 (B) health care services and preventive measures that address  
 41 the special health care needs of minorities (as defined in  
 42 IC 16-46-6-2); and



- 1 (C) health care services and preventive measures in rural
- 2 areas.
- 3 (5) Promoting health and wellness activities.
- 4 (6) Encouraging the prevention of disease, particularly tobacco
- 5 related diseases.
- 6 (7) Addressing the special health care needs of those who suffer
- 7 most from tobacco related diseases, including end of life and long
- 8 term care alternatives.
- 9 (8) Addressing minority health disparities.
- 10 (9) Addressing the impact of tobacco related diseases, particularly
- 11 on minorities and females.
- 12 (10) Promoting community based health care, particularly in areas
- 13 with a high percentage of underserved citizens, including
- 14 individuals with disabilities, or with a shortage of health care
- 15 professionals.
- 16 (11) Enhancing local health department services.
- 17 (12) Expanding community based minority health infrastructure.
- 18 (13) Other purposes recommended by the **state Indiana**
- 19 department of health.

20 SECTION 16. IC 4-12-5-6, AS AMENDED BY P.L.109-2015,  
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 6. A public or private entity or an individual may  
 23 submit an application to the **state Indiana** department of health for a  
 24 grant from the account. Each application must be in writing and contain  
 25 the following information:

- 26 (1) A clear objective to be achieved with the grant.
- 27 (2) A plan for implementation of the specific program.
- 28 (3) A statement of the manner in which the proposed program will
- 29 further the goals of the **state Indiana** department of health's
- 30 mission statement and long range state plan under IC 4-12-4.
- 31 (4) The amount of the grant requested.
- 32 (5) An evaluation and assessment component to determine the
- 33 program's performance.
- 34 (6) Any other information required by the **state Indiana**
- 35 department of health.

36 The **state Indiana** department of health may adopt written guidelines  
 37 to establish procedures, forms, additional evaluation criteria, and  
 38 application deadlines.

39 SECTION 17. IC 4-12-7-4, AS AMENDED BY P.L.191-2013,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 4. (a) The Indiana local health department account  
 42 is established within the Indiana tobacco master settlement agreement



1 fund for the purpose of providing funding for services provided by  
2 local boards of health in each county. The account consists of:

- 3 (1) money required to be distributed to the account under  
4 subsection (b);  
5 (2) additional amounts, if any, that another statute requires to be  
6 distributed to the account from the Indiana tobacco master  
7 settlement agreement fund;  
8 (3) appropriations to the account from other sources; and  
9 (4) grants, gifts, and donations intended for deposit in the  
10 account.

11 (b) Three million dollars (\$3,000,000) of the money received by the  
12 state under the master settlement agreement during each calendar year  
13 beginning on or after January 1, 2001, shall be distributed to the  
14 account from the Indiana tobacco master settlement agreement fund.

15 (c) The account shall be administered by the **state Indiana**  
16 department of health. Money in the account at the end of the state fiscal  
17 year does not revert to the state general fund but remains available for  
18 expenditure.

19 SECTION 18. IC 4-12-7-5, AS AMENDED BY P.L.191-2013,  
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2023]: Sec. 5. (a) Except as provided in subsection (e), a local  
22 board of health seeking to receive funding from the account established  
23 by section 4 of this chapter must file an application with the **state**  
24 **Indiana** department of health before October 1 of each year:

- 25 (1) specifying the planned use for the funds; and  
26 (2) in a manner specified by the **state Indiana** department of  
27 health.

28 The **state Indiana** department of health may extend the deadline for  
29 filing the application required by this subsection upon a showing of  
30 good cause by the local board of health.

31 (b) Subject to subsection (d) and subject to review by the budget  
32 committee and approval by the budget agency, before June 1 of each  
33 year the **state Indiana** department of health shall allocate money in the  
34 account to each county that has at least one (1) local board of health  
35 that has submitted an application that has been approved by the **state**  
36 **Indiana** department of health.

37 (c) The **state Indiana** department of health shall make two (2)  
38 distributions of the money allocated for a county described in  
39 subsection (b) to the local board of health not later than January 1 and  
40 July 1 of the year following the year in which the allocation is made  
41 under subsection (b). Each distribution must be one-half (1/2) of the  
42 amount determined under STEP FOUR of the following formula:



- 1 STEP ONE: Determine the amount of money, if any, available for  
 2 distribution from the account.
- 3 STEP TWO: Subtract nine hundred twenty thousand dollars  
 4 (\$920,000) from the amount determined under STEP ONE.
- 5 STEP THREE: Multiply the STEP TWO remainder by a fraction.  
 6 The numerator of the fraction is the population of the county. The  
 7 denominator of the fraction is the population of the state.
- 8 STEP FOUR: Add ten thousand dollars (\$10,000) to the STEP  
 9 THREE product.
- 10 (d) If less than nine hundred twenty thousand dollars (\$920,000) is  
 11 available for distribution from the account on July 1 of any year, the  
 12 amount of each distribution from the account to each county must be  
 13 one-half (1/2) of the amount determined under STEP TWO of the  
 14 following formula:
- 15 STEP ONE: Determine the amount of money, if any, available for  
 16 distribution from the account.
- 17 STEP TWO: Multiply the STEP ONE amount by a fraction. The  
 18 numerator of the fraction is the population of the county. The  
 19 denominator of the fraction is the population of the state.
- 20 (e) Notwithstanding subsection (a), the application due in 2013  
 21 covers a period of eighteen (18) months starting July 1, 2013, and must  
 22 be submitted by a local board of health by June 1, 2013, instead of  
 23 October 1, 2013. The **state Indiana** department of health may extend  
 24 the deadline described in this subsection upon a showing of good cause  
 25 by the local board of health. Distribution for applications described in  
 26 this subsection that are approved by the **state Indiana** department of  
 27 health shall be made as follows:
- 28 (1) An amount equal to one-half (1/2) of the amount determined  
 29 under STEP FOUR of the formula in subsection (c), not later than  
 30 July 1, 2013.
- 31 (2) An amount equal to one-half (1/2) of the amount determined  
 32 under STEP FOUR of the formula in subsection (c), not later than  
 33 January 1, 2014.
- 34 (3) An amount equal to one-half (1/2) of the amount determined  
 35 under STEP FOUR of the formula in subsection (c), not later than  
 36 July 1, 2014.
- 37 SECTION 19. IC 4-12-7-6, AS AMENDED BY P.L.191-2013,  
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 6. (a) If only one (1) local board of health in a  
 40 county has an application approved by the **state Indiana** department of  
 41 health under this chapter, the **state Indiana** department of health shall  
 42 make the distributions for the county under this chapter to that local



1 board of health.

2 (b) If more than one (1) local board of health in a county has an  
3 application approved by the **state Indiana** department of health under  
4 this chapter, the **state Indiana** department of health shall make the  
5 distributions for the county to those local boards of health in amounts  
6 determined by the **state Indiana** department of health based on the  
7 population of the county served by the local boards of health.

8 SECTION 20. IC 4-12-7-7, AS AMENDED BY P.L.229-2011,  
9 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2023]: Sec. 7. In using money distributed under this chapter,  
11 a local board of health shall give priority to:

- 12 (1) programs that share common goals with the mission statement  
13 and long range state plan established by the **state Indiana**  
14 department of health;  
15 (2) preventive health measures; and  
16 (3) support for community health centers that treat low income  
17 persons and senior citizens.

18 SECTION 21. IC 4-20.5-1-12 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. "State institution"  
20 refers to any of the following:

- 21 (1) A state institution (as defined in IC 12-7-2-184).  
22 (2) An institution under the administrative control of the **state**  
23 **Indiana** department of health.  
24 (3) A correctional facility under the administrative control of the  
25 department of correction.

26 SECTION 22. IC 4-20.5-4-2 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) This section  
28 applies only to the following agencies:

- 29 (1) A division (as defined in IC 12-7-2-69(c)), for a state  
30 institution under the administrative control of the division.  
31 (2) The **state Indiana** department of health, for an institution  
32 under the administrative control of the **state Indiana** department  
33 of health.  
34 (3) The department of correction, for a correctional facility under  
35 the administrative control of the department of correction.

36 (b) An agency may acquire property by eminent domain.

37 (c) Before an agency may acquire property under this section, the  
38 governor must approve the acquisition in writing.

39 SECTION 23. IC 4-20.5-10-1 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies  
41 only to the following agencies:

- 42 (1) A division (as defined in IC 12-7-2-69(c)), for a state



1 institution under the administrative control of the division.

2 (2) The **state Indiana** department of health, for an institution  
3 under the administrative control of the **state Indiana** department  
4 of health.

5 (3) The department of correction, for a correctional facility under  
6 the administrative control of the department of correction.

7 SECTION 24. IC 4-20.5-11-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies  
9 only to the following agencies:

10 (1) A division (as defined in IC 12-7-2-69(c)), for a state  
11 institution under the administrative control of the division.

12 (2) The **state Indiana** department of health, for an institution  
13 under the administrative control of the **state Indiana** department  
14 of health.

15 (3) The department of correction, for a correctional facility under  
16 the administrative control of the department of correction.

17 SECTION 25. IC 4-21.5-2.5-2, AS ADDED BY P.L.215-2017,  
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2023]: Sec. 2. This chapter does not apply:

20 (1) if the agency conducting the inspection determines that the  
21 alleged violation:

22 (A) represents intentional misconduct or an act of fraud by a  
23 responsible person or an agent of the responsible person;

24 (B) is not correctable within a reasonable time, as determined  
25 by the agency;

26 (C) demonstrates, by a continuing pattern of conduct, a willful  
27 disregard by the responsible person of the person's obligation  
28 to remedy the errors after the responsible person becomes  
29 aware of the errors;

30 (D) constitutes an immediate risk to:

31 (i) any person;

32 (ii) the public health, safety, or welfare; or

33 (iii) the environment; or

34 (E) constitutes a major violation of the agency's rules as  
35 expressly provided by the rules of the agency;

36 (2) if another statute (including IC 13-30) provides a substantially  
37 similar procedure for correction of an alleged violation of a rule  
38 or state statute before the agency:

39 (A) imposes a sanction on a person; or

40 (B) terminates a legal right, duty, privilege, immunity, or other  
41 legal interest of a person;

42 (3) if application of this chapter to a violation would violate a



- 1 federal law or regulation;
- 2 (4) if the alleged violation is a violation of:
- 3 (A) a rule or state statute governing the conduct of an agency
- 4 employee or contractor in the procurement or performance of
- 5 services or the delivery of property to a governmental entity;
- 6 or
- 7 (B) an ethics code;
- 8 (5) if the alleged violation was discovered as part of the
- 9 preparation of a health care licensing and certification survey by
- 10 the **state Indiana** department of health;
- 11 (6) if the alleged violation constitutes an act or omission that is
- 12 charged by a state law enforcement agency as a crime or
- 13 delinquent act or the agency forwards notice of the alleged
- 14 violation to the attorney general, a state or local law enforcement
- 15 agency, or a prosecuting attorney for investigation or prosecution
- 16 as a crime or delinquent act;
- 17 (7) to a day care regulation under IC 12-17.2; or
- 18 (8) to the responsibilities of the department of child services
- 19 under IC 31.

20 SECTION 26. IC 4-21.5-3-6, AS AMENDED BY P.L.35-2016,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 6. (a) Notice shall be given under this section  
 23 concerning the following:

- 24 (1) A safety order under IC 22-8-1.1.
- 25 (2) Any order that:
- 26 (A) imposes a sanction on a person or terminates a legal right,
- 27 duty, privilege, immunity, or other legal interest of a person;
- 28 (B) is not described in section 4 or 5 of this chapter or
- 29 IC 4-21.5-4; and
- 30 (C) by statute becomes effective without a proceeding under
- 31 this chapter if there is no request for a review of the order
- 32 within a specified period after the order is issued or served.
- 33 (3) A notice of program reimbursement or equivalent
- 34 determination or other notice regarding a hospital's
- 35 reimbursement issued by the office of Medicaid policy and
- 36 planning or by a contractor of the office of Medicaid policy and
- 37 planning regarding a hospital's year end cost settlement.
- 38 (4) A determination of audit findings or an equivalent
- 39 determination by the office of Medicaid policy and planning or by
- 40 a contractor of the office of Medicaid policy and planning arising
- 41 from a Medicaid postpayment or concurrent audit of a hospital's
- 42 Medicaid claims.





- 1 (5) A license suspension or revocation under:  
 2 (A) IC 24-4.4-2;  
 3 (B) IC 24-4.5-3;  
 4 (C) IC 28-1-29;  
 5 (D) IC 28-7-5;  
 6 (E) IC 28-8-4; or  
 7 (F) IC 28-8-5.
- 8 (6) An order issued by the secretary or the secretary's designee  
 9 against providers regulated by the division of aging or the bureau  
 10 of developmental disabilities services and not licensed by the  
 11 **state Indiana** department of health under IC 16-27 or IC 16-28.
- 12 (b) When an agency issues an order described by subsection (a), the  
 13 agency shall give notice to the following persons:  
 14 (1) Each person to whom the order is specifically directed.  
 15 (2) Each person to whom a law requires notice to be given.
- 16 A person who is entitled to notice under this subsection is not a party  
 17 to any proceeding resulting from the grant of a petition for review  
 18 under section 7 of this chapter unless the person is designated as a  
 19 party in the record of the proceeding.
- 20 (c) The notice must include the following:  
 21 (1) A brief description of the order.  
 22 (2) A brief explanation of the available procedures and the time  
 23 limit for seeking administrative review of the order under section  
 24 7 of this chapter.  
 25 (3) Any other information required by law.
- 26 (d) An order described in subsection (a) is effective fifteen (15) days  
 27 after the order is served, unless a statute other than this article specifies  
 28 a different date or the agency specifies a later date in its order. This  
 29 subsection does not preclude an agency from issuing, under  
 30 IC 4-21.5-4, an emergency or other temporary order concerning the  
 31 subject of an order described in subsection (a).
- 32 (e) If a petition for review of an order described in subsection (a) is  
 33 filed within the period set by section 7 of this chapter and a petition for  
 34 stay of effectiveness of the order is filed by a party or another person  
 35 who has a pending petition for intervention in the proceeding, an  
 36 administrative law judge shall, as soon as practicable, conduct a  
 37 preliminary hearing to determine whether the order should be stayed in  
 38 whole or in part. The burden of proof in the preliminary hearing is on  
 39 the person seeking the stay. The administrative law judge may stay the  
 40 order in whole or in part. The order concerning the stay may be issued  
 41 after an order described in subsection (a) becomes effective. The  
 42 resulting order concerning the stay shall be served on the parties and



1 any person who has a pending petition for intervention in the  
 2 proceeding. It must include a statement of the facts and law on which  
 3 it is based.

4 SECTION 27. IC 4-21.5-3-10, AS AMENDED BY P.L.205-2019,  
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 10. (a) An administrative law judge is subject to  
 7 disqualification for:

- 8 (1) bias, prejudice, or interest in the outcome of a proceeding;  
 9 (2) failure to dispose of the subject of a proceeding in an orderly  
 10 and reasonably prompt manner after a written request by a party;  
 11 (3) unless waived or extended with the written consent of all  
 12 parties or for good cause shown, failure to issue an order not later  
 13 than ninety (90) days after the latest of:  
 14 (A) the filing of a motion to dismiss or a motion for summary  
 15 judgment under section 23 of this chapter that is filed after  
 16 June 30, 2011;  
 17 (B) the conclusion of a hearing that begins after June 30, 2011;  
 18 or  
 19 (C) the completion of any schedule set for briefing or for  
 20 submittal of proposed findings of fact and conclusions of law  
 21 for a disposition under clauses (A) or (B); or  
 22 (4) any cause for which a judge of a court may be disqualified.

23 Before July 1, 2020, nothing in this subsection prohibits an individual  
 24 who is an employee of an agency from serving as an administrative law  
 25 judge.

26 (b) This subsection does not apply to a proceeding concerning a  
 27 regulated occupation (as defined in IC 25-1-7-1), except for a  
 28 proceeding concerning a water well driller (as described in IC 25-39-3)  
 29 or an out of state mobile health care entity regulated by the ~~state~~  
 30 **Indiana** department of health. An individual who is disqualified under  
 31 subsection (a)(2) or (a)(3) shall provide the parties a list of at least  
 32 three (3) special administrative law judges who meet the requirements  
 33 of:

- 34 (1) IC 4-21.5-7-6, if the case is pending in the office of  
 35 environmental adjudication.  
 36 (2) IC 14-10-2-2, if the case is pending before the division of  
 37 hearings of the natural resources commission; or  
 38 (3) subject to subsection (d), any other statute or rule governing  
 39 qualification to serve an agency other than those described in  
 40 subdivision (1) or (2).

41 Subject to subsection (c), the parties may agree to the selection of one  
 42 (1) individual from the list.



1 (c) If the parties do not agree to the selection of an individual as  
 2 provided in subsection (b) not later than ten (10) days after the parties  
 3 are provided a list of judges under subsection (b), a special  
 4 administrative law judge who meets the requirements of subsection (b)  
 5 shall be selected under the procedure set forth in Trial Rule 79(D),  
 6 79(E), or 79(F).

7 (d) This subsection applies after June 30, 2020, to an agency whose  
 8 proceedings are subject to the jurisdiction of the office of  
 9 administrative law proceedings. If an administrative law judge is  
 10 disqualified under this section, the director of the office of  
 11 administrative law proceedings shall assign another administrative law  
 12 judge.

13 SECTION 28. IC 4-21.5-3-34, AS AMENDED BY P.L.32-2011,  
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 34. (a) An agency is encouraged to develop  
 16 informal procedures that are consistent with this article and make  
 17 unnecessary more elaborate proceedings under this article.

18 (b) An agency may adopt rules, under IC 4-22-2, setting specific  
 19 procedures to facilitate informal settlement of matters. The procedures  
 20 must be consistent with this article.

21 (c) This section does not require any person to settle a matter under  
 22 the agency's informal procedures.

23 (d) This subsection does not apply to a proceeding before the state  
 24 ethics commission (created by IC 4-2-6-2) or a proceeding concerning  
 25 a regulated occupation (as defined in IC 25-1-7-1), except for a  
 26 proceeding concerning a water well driller (as described in IC 25-39-3)  
 27 or an out of state mobile health care entity regulated by the ~~state~~  
 28 **Indiana** department of health. When a matter is settled without the  
 29 need for more elaborate proceedings under this section, the ultimate  
 30 authority or its designee shall issue the order agreed to by the parties  
 31 as a final order under this article.

32 (e) When the final order referred to in subsection (d) involves the  
 33 modification of a permit issued under IC 13, the administrative law  
 34 judge:

- 35 (1) shall remand the permit to the issuing agency with instructions
- 36 to modify the permit in accordance with the final order; and
- 37 (2) retains jurisdiction over any appeals of the modified permit.

38 Only those terms of the permit that are the subject of the final order  
 39 shall be modified and subject to public notice and comment.

40 (f) Any petition for administrative review under this chapter  
 41 concerning permit modification under subsection (e) is limited to only  
 42 those terms of the permit modified in accordance with the final order



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issued under subsection (d).  
SECTION 29. IC 4-23-6-5, AS AMENDED BY P.L.215-2016,  
SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2023]: Sec. 5. (a) The powers of the commission shall be as  
follows:

- (1) To establish and maintain a scientific laboratory for research and experimentation. The commission shall not duplicate adequate facilities for experimentation, research, or information which are available to the citizens of the state.
- (2) To appoint an administrative director who shall be a physician and should be a pathologist certified by the American Board of Pathology and to select and appoint or accept the loan of other personnel as it deems necessary to carry out its purposes.
- (3) To establish and maintain a system of records and to collect data pertinent to the objectives of the commission.
- (4) To correlate information concerning forensic science facilities and make this information available to coroners, law enforcement officers, attorneys, and others.
- (5) To contract from time to time for the services or opinion of experts in connection with a particular problem or a program of research.
- (6) To engage in research and experimentation consistent with the objectives of the commission.
- (7) To establish and maintain a forensic sciences library either alone or in cooperation with any other agency of the state, the use of which shall be available to any interested persons.
- (8) To engage in and foster programs of information in forensic sciences for interested groups.
- (9) To establish from time to time and to promulgate a schedule of reasonable fees and to collect the same for the services of the commission. The considerations in formulating a schedule shall be:
  - (A) uniformity;
  - (B) recovery of at least a portion of the cost of furnishing the major services of the commission; and
  - (C) availability of the services without burdensome expense to officers, agencies, and others in need of the services.

All money received by the commission under this subdivision shall be paid to the commission, which shall give a proper receipt for the same, and shall at the end of each month report to the auditor of state the total amount received by it under the provisions of this subsection, from all sources, and shall at the



1 same time, deposit the entire amount of the receipts with the  
 2 treasurer of state, who shall place them to the credit of a special  
 3 fund to be created and known as the forensic sciences commission  
 4 laboratory expense fund. The commission shall, by its chairperson  
 5 from time to time, certify to the auditor of state any necessary  
 6 laboratory expenses incurred by the commission, and the auditor  
 7 shall issue the auditor's warrant for the same, which shall be paid  
 8 out of any funds collected and appropriated to the commission.  
 9 Payments made by the auditor of state from the forensic sciences  
 10 commission laboratory expense fund shall be limited so as not to  
 11 exceed the amounts allotted from this fund by the budget  
 12 committee.

13 (10) To accept gifts and grants of money, services, or property  
 14 and to use the same for any given purpose consistent with the  
 15 objectives of the commission.

16 (11) To use the services and facilities of the **state Indiana**  
 17 department of health, state educational institutions, and hospitals  
 18 and other agencies supported in whole or in part by public funds.

19 (12) To establish and maintain branch offices as it considers  
 20 necessary.

21 (13) To cooperate with any state or local agency or with any  
 22 hospital or postsecondary educational institution in any scientific  
 23 program consistent with the objectives of the commission.

24 SECTION 30. IC 4-23-6.5-4 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The board  
 26 consists of seven (7) members. The board must include the following:

27 (1) The commissioner of the **state Indiana** department of health  
 28 or the commissioner's designee.

29 (2) The chairman of the commission on forensic sciences or the  
 30 chairman's designee.

31 (3) The superintendent of the state police department or the  
 32 superintendent's designee.

33 (4) Four (4) county coroners appointed by the governor, who shall  
 34 consider appointing coroners who are women or members of  
 35 minority groups.

36 (b) Not more than two (2) of the county coroner members of the  
 37 board may be from the same political party.

38 SECTION 31. IC 4-23-6.5-5 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The  
 40 commissioner of the **state Indiana** department of health or the  
 41 commissioner's designee shall serve as chairman of the board.

42 (b) The board shall annually elect a vice chairman from among the



1 members of the board.

2 SECTION 32. IC 4-23-6.5-11, AS ADDED BY P.L.193-2018,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2023]: Sec. 11. The **state Indiana** department of health shall  
5 contract with a third party for testing services under this chapter.

6 SECTION 33. IC 4-23-28-4, AS AMENDED BY P.L.43-2021,  
7 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 4. (a) The commission consists of twenty (20)  
9 members appointed as follows:

10 (1) Two (2) members of the senate who may not be affiliated with  
11 the same political party, to be appointed by the president pro  
12 tempore of the senate.

13 (2) Two (2) members of the house of representatives who may not  
14 be affiliated with the same political party, to be appointed by the  
15 speaker of the house of representatives.

16 (3) Four (4) members of the Hispanic/Latino community who are  
17 not members of the general assembly, to be appointed by the  
18 president pro tempore of the senate.

19 (4) Four (4) members of the Hispanic/Latino community who are  
20 not members of the general assembly, to be appointed by the  
21 speaker of the house of representatives.

22 (5) The secretary of family and social services or a designee of the  
23 secretary who is a Hispanic or Latino employee of the office of  
24 the secretary of family and social services.

25 (6) The commissioner of the **state Indiana** department of health  
26 or a designee of the commissioner who is a Hispanic or Latino  
27 employee of the **state Indiana** department of health.

28 (7) The secretary of education or a designee of the secretary who  
29 is a Hispanic or Latino employee of the department of education.

30 (8) The commissioner of the department of correction or a  
31 designee of the commissioner who is a Hispanic or Latino  
32 employee of the department of correction.

33 (9) The director of the civil rights commission or a designee of the  
34 director who is a Hispanic or Latino employee of the civil rights  
35 commission.

36 (10) The lieutenant governor or a designee of the lieutenant  
37 governor who is a Hispanic or Latino employee of the lieutenant  
38 governor.

39 (11) A Hispanic or Latino business person, appointed by the  
40 governor.

41 (12) The commissioner of workforce development or a designee  
42 of the commissioner who is a Hispanic or Latino employee of the



1 department of workforce development, who shall serve as an ex  
2 officio member of the commission.

3 In making their appointments under this section, the president pro  
4 tempore of the senate and the speaker of the house of representatives  
5 shall attempt to have the greatest possible number of counties  
6 represented on the commission.

7 (b) If a legislative member of the commission ceases to be a  
8 member of the chamber from which the member was appointed, the  
9 member also ceases to be a member of the commission.

10 (c) A member of the commission may be removed at any time by the  
11 appointing authority who appointed the member.

12 (d) If a vacancy on the commission occurs, the appointing authority  
13 who appointed the former member whose position has become vacant  
14 shall appoint an individual to fill the vacancy.

15 SECTION 34. IC 4-23-29-8, AS AMENDED BY P.L.43-2021,  
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2023]: Sec. 8. (a) The board of directors of the council is  
18 established.

19 (b) The following ex officio members are nonvoting members of the  
20 board:

- 21 (1) The secretary of education or the secretary's designee.
- 22 (2) The secretary of family and social services or the secretary's  
23 designee.
- 24 (3) The commissioner of the **state Indiana** department of health  
25 or the commissioner's designee.

26 (c) The following ex officio members are voting members of the  
27 board:

- 28 (1) The executive director of the Indiana protection and advocacy  
29 services commission.
- 30 (2) The executive director of the university center for excellence  
31 as designated under the act.

32 (d) The governor shall appoint the following fifteen (15) members  
33 to the board for terms of three (3) years or until a successor is  
34 appointed:

- 35 (1) Three (3) individuals with developmental disabilities.
- 36 (2) Three (3) individuals who are:
  - 37 (A) parents of children with developmental disabilities; or
  - 38 (B) immediate relatives or guardians of adults with  
39 developmental disabilities.
- 40 (3) Two (2) individuals who may be:
  - 41 (A) individuals with developmental disabilities; or
  - 42 (B) parents, immediate relatives, or guardians of individuals



- 1 with developmental disabilities.
- 2 (4) One (1) individual who is institutionalized or was previously
- 3 institutionalized or the parent, immediate relative, or guardian of
- 4 an individual who is institutionalized or was previously
- 5 institutionalized.
- 6 (5) Two (2) individuals with disabilities representing local
- 7 community or statewide organizations whose stated mission
- 8 includes fostering the productivity, inclusion, and independence
- 9 of people with developmental disabilities.
- 10 (6) Two (2) individuals who represent:
- 11 (A) the community; or
- 12 (B) a business that has demonstrated a commitment to
- 13 implementing the federal Americans with Disabilities Act (42
- 14 U.S.C. 12101 et seq.).
- 15 (7) Two (2) individuals who represent providers of services to
- 16 persons with disabilities, including the following:
- 17 (A) Special education programs.
- 18 (B) Independent living centers.
- 19 (C) Community based programs.
- 20 (D) Health care.
- 21 (E) Preschool, early intervention programs, or area agencies on
- 22 aging.
- 23 (e) Of the individuals initially appointed by the governor, at least
- 24 seven (7) must be chosen from names submitted by the council for
- 25 consideration.
- 26 (f) Individuals appointed by the governor under subsection (d)(1)
- 27 through (d)(5) serve at the pleasure of the governor and must have
- 28 demonstrated an active involvement in the development of disability
- 29 policy by:
- 30 (1) serving on boards or commissions; or
- 31 (2) advocating;
- 32 on behalf of persons with disabilities.
- 33 (g) A member may not serve more than two (2) consecutive three
- 34 (3) year terms. The governor shall make appointments not later than
- 35 October 1 of each year.
- 36 (h) Each member of the board who is not a state employee is entitled
- 37 to the minimum salary per diem provided by IC 4-10-11-2.1(b).
- 38 Members are also entitled to reimbursement for traveling expenses as
- 39 provided under IC 4-13-1-4 and other expenses actually incurred in
- 40 connection with the member's duties as provided in the state policies
- 41 and procedures established by the Indiana department of administration
- 42 and approved by the budget agency.





1 (i) The governor shall appoint a chairperson of the board, who has  
 2 at least one (1) year of experience as a board member, from among the  
 3 members appointed by the governor.

4 (j) The board shall adopt policies and procedures to carry out the  
 5 board's duties under:

- 6 (1) the act; and
- 7 (2) this chapter.

8 (k) The affirmative votes of a majority of the voting members  
 9 appointed to the board are required for the board to take action on any  
 10 measure.

11 SECTION 35. IC 4-23-31-3, AS AMENDED BY P.L.43-2021,  
 12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]: Sec. 3. The commission consists of nineteen (19)  
 14 members appointed as follows:

- 15 (1) Two (2) members of the senate, who are not members of the  
 16 same political party, appointed by the president pro tempore of  
 17 the senate with the advice of the minority leader of the senate.
- 18 (2) Two (2) members of the house of representatives, who are not  
 19 members of the same political party, appointed by the speaker of  
 20 the house of representatives with the advice of the minority leader  
 21 of the house of representatives.
- 22 (3) The director of the division of family resources or the  
 23 director's designee.
- 24 (4) The director of the division of mental health and addiction or  
 25 the director's designee.
- 26 (5) The commissioner of the ~~state~~ **Indiana** department of health  
 27 or the commissioner's designee.
- 28 (6) The secretary of education or the secretary's designee.
- 29 (7) The commissioner of the department of correction or the  
 30 commissioner's designee.
- 31 (8) The director of the civil rights commission or the director's  
 32 designee.
- 33 (9) The commissioner of the Indiana department of administration  
 34 or the commissioner's designee.
- 35 (10) The lieutenant governor or the lieutenant governor's  
 36 designee.
- 37 (11) A minority business person, appointed by the governor.
- 38 (12) Three (3) persons appointed by the president pro tempore of  
 39 the senate who are not members of the general assembly. Not  
 40 more than two (2) persons appointed under this subdivision may  
 41 be members of the same political party.
- 42 (13) Three (3) persons appointed by the speaker of the house of



1 representatives who are not members of the general assembly. Not  
 2 more than two (2) persons appointed under this subdivision may  
 3 be members of the same political party.

4 SECTION 36. IC 4-23-32-4, AS AMENDED BY P.L.137-2021,  
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 4. (a) The commission consists of fifteen (15)  
 7 voting members and four (4) nonvoting members. The voting members  
 8 of the commission consist of the following:

9 (1) Eight (8) Native American Indians, each from a different  
 10 geographic region of Indiana.

11 (2) The commissioner of the department of correction or the  
 12 commissioner's designee.

13 (3) The director of the department of child services or the  
 14 director's designee.

15 (4) The commissioner of the **state Indiana** department of health  
 16 or the commissioner's designee.

17 (5) The secretary of family and social services or the secretary's  
 18 designee.

19 (6) The director of the department of natural resources or the  
 20 director's designee.

21 (7) The secretary of education or the secretary's designee.

22 (8) The commissioner of the department of workforce  
 23 development or the commissioner's designee.

24 (b) The nonvoting members of the commission consist of the  
 25 following:

26 (1) One (1) member of the house of representatives appointed by  
 27 the speaker of the house of representatives.

28 (2) One (1) member of the senate appointed by the president pro  
 29 tempore of the senate.

30 (3) One (1) member of the house of representatives appointed by  
 31 the minority leader of the house of representatives.

32 (4) One (1) member of the senate appointed by the minority  
 33 leader of the senate.

34 (c) The governor shall appoint each Native American Indian  
 35 member of the commission to a term of four (4) years, and any vacancy  
 36 occurring shall be filled by the governor for the unexpired term. Before  
 37 appointing a Native American Indian member to the commission, the  
 38 governor shall solicit nominees from Indiana associations that represent  
 39 Native American Indians in the geographic region from which the  
 40 member will be selected. Not more than two (2) members may  
 41 represent the same tribe or Native American Indian organization or  
 42 association.



1 (d) A member of the commission may be removed by the member's  
2 appointing authority.

3 SECTION 37. IC 5-10-8-7.2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.2. (a) As used in this  
5 section, "breast cancer diagnostic service" means a procedure intended  
6 to aid in the diagnosis of breast cancer. The term includes procedures  
7 performed on an inpatient basis and procedures performed on an  
8 outpatient basis, including the following:

- 9 (1) Breast cancer screening mammography.  
10 (2) Surgical breast biopsy.  
11 (3) Pathologic examination and interpretation.

12 (b) As used in this section, "breast cancer outpatient treatment  
13 services" means procedures that are intended to treat cancer of the  
14 human breast and that are delivered on an outpatient basis. The term  
15 includes the following:

- 16 (1) Chemotherapy.  
17 (2) Hormonal therapy.  
18 (3) Radiation therapy.  
19 (4) Surgery.  
20 (5) Other outpatient cancer treatment services prescribed by a  
21 physician.  
22 (6) Medical follow-up services related to the procedures set forth  
23 in subdivisions (1) through (5).

24 (c) As used in this section, "breast cancer rehabilitative services"  
25 means procedures that are intended to improve the results of or to  
26 ameliorate the debilitating consequences of the treatment of breast  
27 cancer and that are delivered on an inpatient or outpatient basis. The  
28 term includes the following:

- 29 (1) Physical therapy.  
30 (2) Psychological and social support services.  
31 (3) Reconstructive plastic surgery.

32 (d) As used in this section, "breast cancer screening mammography"  
33 means a standard, two (2) view per breast, low-dose radiographic  
34 examination of the breasts that is:

- 35 (1) furnished to an asymptomatic woman; and  
36 (2) performed by a mammography services provider using  
37 equipment designed by the manufacturer for and dedicated  
38 specifically to mammography in order to detect unsuspected  
39 breast cancer.

40 The term includes the interpretation of the results of a breast cancer  
41 screening mammography by a physician.

42 (e) As used in this section, "covered individual" means a female



- 1 individual who is:
- 2 (1) covered under a self-insurance program established under
- 3 section 7(b) of this chapter to provide group health coverage; or
- 4 (2) entitled to services under a contract with a health maintenance
- 5 organization (as defined in IC 27-13-1-19) that is entered into or
- 6 renewed under section 7(c) of this chapter.
- 7 (f) As used in this section, "mammography services provider" means
- 8 an individual or facility that:
- 9 (1) has been accredited by the American College of Radiology;
- 10 (2) meets equivalent guidelines established by the **state Indiana**
- 11 department of health; or
- 12 (3) is certified by the federal Department of Health and Human
- 13 Services for participation in the Medicare program (42 U.S.C.
- 14 1395 et seq.).
- 15 (g) As used in this section, "woman at risk" means a woman who
- 16 meets at least one (1) of the following descriptions:
- 17 (1) A woman who has a personal history of breast cancer.
- 18 (2) A woman who has a personal history of breast disease that
- 19 was proven benign by biopsy.
- 20 (3) A woman whose mother, sister, or daughter has had breast
- 21 cancer.
- 22 (4) A woman who is at least thirty (30) years of age and has not
- 23 given birth.
- 24 (h) A self-insurance program established under section 7(b) of this
- 25 chapter to provide health care coverage must provide covered
- 26 individuals with coverage for breast cancer diagnostic services, breast
- 27 cancer outpatient treatment services, and breast cancer rehabilitative
- 28 services. The coverage must provide reimbursement for breast cancer
- 29 screening mammography at a level at least as high as:
- 30 (1) the limitation on payment for screening mammography
- 31 services established in 42 CFR 405.534(b)(3) according to the
- 32 Medicare Economic Index at the time the breast cancer screening
- 33 mammography is performed; or
- 34 (2) the rate negotiated by a contract provider according to the
- 35 provisions of the insurance policy;
- 36 whichever is lower. The costs of the coverage required by this
- 37 subsection may be paid by the state or by the employee or by a
- 38 combination of the state and the employee.
- 39 (i) A contract with a health maintenance organization that is entered
- 40 into or renewed under section 7(c) of this chapter must provide covered
- 41 individuals with breast cancer diagnostic services, breast cancer
- 42 outpatient treatment services, and breast cancer rehabilitative services.



1 (j) The coverage required by subsection (h) and services required by  
 2 subsection (i) may not be subject to dollar limits, deductibles, or  
 3 coinsurance provisions that are less favorable to covered individuals  
 4 than the dollar limits, deductibles, or coinsurance provisions applying  
 5 to physical illness generally under the self-insurance program or  
 6 contract with a health maintenance organization.

7 (k) The coverage for breast cancer diagnostic services required by  
 8 subsection (h) and the breast cancer diagnostic services required by  
 9 subsection (i) must include the following:

10 (1) In the case of a covered individual who is at least thirty-five  
 11 (35) years of age but less than forty (40) years of age, at least one

12 (1) baseline breast cancer screening mammography performed  
 13 upon the individual before she becomes forty (40) years of age.

14 (2) In the case of a covered individual who is:

15 (A) less than forty (40) years of age; and

16 (B) a woman at risk;

17 at least one (1) breast cancer screening mammography performed  
 18 upon the covered individual every year.

19 (3) In the case of a covered individual who is at least forty (40)  
 20 years of age, at least one (1) breast cancer screening  
 21 mammography performed upon the individual every year.

22 (4) Any additional mammography views that are required for  
 23 proper evaluation.

24 (5) Ultrasound services, if determined medically necessary by the  
 25 physician treating the covered individual.

26 (l) The coverage for breast cancer diagnostic services required by  
 27 subsection (h) and the breast cancer diagnostic services required by  
 28 subsection (i) shall be provided in addition to any benefits specifically  
 29 provided for x-rays, laboratory testing, or wellness examinations.

30 SECTION 38. IC 5-14-3-2, AS AMENDED BY P.L.64-2020,  
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 2. (a) The definitions set forth in this section apply  
 33 throughout this chapter.

34 (b) "Copy" includes transcribing by handwriting, photocopying,  
 35 xerography, duplicating machine, duplicating electronically stored data  
 36 onto a disk, tape, drum, or any other medium of electronic data storage,  
 37 and reproducing by any other means.

38 (c) "Criminal intelligence information" means data that has been  
 39 evaluated to determine that the data is relevant to:

40 (1) the identification of; and

41 (2) the criminal activity engaged in by;

42 an individual who or organization that is reasonably suspected of



- 1 involvement in criminal activity.
- 2 (d) "Direct cost" means one hundred five percent (105%) of the sum  
3 of the cost of:
- 4 (1) the initial development of a program, if any;
- 5 (2) the labor required to retrieve electronically stored data; and
- 6 (3) any medium used for electronic output;
- 7 for providing a duplicate of electronically stored data onto a disk, tape,  
8 drum, or other medium of electronic data retrieval under section 8(g)  
9 of this chapter, or for reprogramming a computer system under section  
10 6(c) of this chapter.
- 11 (e) "Electronic map" means copyrighted data provided by a public  
12 agency from an electronic geographic information system.
- 13 (f) "Enhanced access" means the inspection of a public record by a  
14 person other than a governmental entity and that:
- 15 (1) is by means of an electronic device other than an electronic  
16 device provided by a public agency in the office of the public  
17 agency; or
- 18 (2) requires the compilation or creation of a list or report that does  
19 not result in the permanent electronic storage of the information.
- 20 (g) "Facsimile machine" means a machine that electronically  
21 transmits exact images through connection with a telephone network.
- 22 (h) "Inspect" includes the right to do the following:
- 23 (1) Manually transcribe and make notes, abstracts, or memoranda.
- 24 (2) In the case of tape recordings or other aural public records, to  
25 listen and manually transcribe or duplicate, or make notes,  
26 abstracts, or other memoranda from them.
- 27 (3) In the case of public records available:
- 28 (A) by enhanced access under section 3.5 of this chapter; or
- 29 (B) to a governmental entity under section 3(c)(2) of this  
30 chapter;
- 31 to examine and copy the public records by use of an electronic  
32 device.
- 33 (4) In the case of electronically stored data, to manually transcribe  
34 and make notes, abstracts, or memoranda or to duplicate the data  
35 onto a disk, tape, drum, or any other medium of electronic  
36 storage.
- 37 (i) "Investigatory record" means information compiled in the course  
38 of the investigation of a crime.
- 39 (j) "Law enforcement activity" means:
- 40 (1) a traffic stop;
- 41 (2) a pedestrian stop;
- 42 (3) an arrest;



- 1 (4) a search;  
 2 (5) an investigation;  
 3 (6) a pursuit;  
 4 (7) crowd control;  
 5 (8) traffic control; or  
 6 (9) any other instance in which a law enforcement officer is  
 7 enforcing the law.
- 8 The term does not include an administrative activity, including the  
 9 completion of paperwork related to a law enforcement activity, or a  
 10 custodial interrogation conducted in a place of detention as described  
 11 in Indiana Evidence Rule 617, regardless of the ultimate admissibility  
 12 of a statement made during the custodial interrogation.
- 13 (k) "Law enforcement recording" means an audio, visual, or  
 14 audiovisual recording of a law enforcement activity captured by a  
 15 camera or other device that is:  
 16 (1) provided to or used by a law enforcement officer in the scope  
 17 of the officer's duties; and  
 18 (2) designed to be worn by a law enforcement officer or attached  
 19 to the vehicle or transportation of a law enforcement officer.
- 20 (l) "Offender" means a person confined in a prison, county jail,  
 21 detention facility, penal institution, or in a community corrections  
 22 program as the result of the person's arrest or conviction for a crime.
- 23 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 24 (n) "Person" means an individual, a corporation, a limited liability  
 25 company, a partnership, an unincorporated association, or a  
 26 governmental entity.
- 27 (o) "Private university police department" means the police officers  
 28 appointed by the governing board of a private university under  
 29 IC 21-17-5.
- 30 (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and  
 31 includes employees of the ~~state~~ **Indiana** department of health or local  
 32 boards of health who create patient records at the request of another  
 33 provider or who are social workers and create records concerning the  
 34 family background of children who may need assistance.
- 35 (q) "Public agency", except as provided in section 2.1 of this  
 36 chapter, means the following:  
 37 (1) Any board, commission, department, division, bureau,  
 38 committee, agency, office, instrumentality, or authority, by  
 39 whatever name designated, exercising any part of the executive,  
 40 administrative, judicial, or legislative power of the state.  
 41 (2) Any:  
 42 (A) county, township, school corporation, city, or town, or any



- 1 board, commission, department, division, bureau, committee,  
 2 office, instrumentality, or authority of any county, township,  
 3 school corporation, city, or town;  
 4 (B) political subdivision (as defined by IC 36-1-2-13); or  
 5 (C) other entity, or any office thereof, by whatever name  
 6 designated, exercising in a limited geographical area the  
 7 executive, administrative, judicial, or legislative power of the  
 8 state or a delegated local governmental power.
- 9 (3) Any entity or office that is subject to:
- 10 (A) budget review by either the department of local  
 11 government finance or the governing body of a county, city,  
 12 town, township, or school corporation; or  
 13 (B) an audit by the state board of accounts that is required by  
 14 statute, rule, or regulation.
- 15 (4) Any building corporation of a political subdivision that issues  
 16 bonds for the purpose of constructing public facilities.
- 17 (5) Any advisory commission, committee, or body created by  
 18 statute, ordinance, or executive order to advise the governing  
 19 body of a public agency, except medical staffs or the committees  
 20 of any such staff.
- 21 (6) Any law enforcement agency, which means an agency or a  
 22 department of any level of government that engages in the  
 23 investigation, apprehension, arrest, or prosecution of alleged  
 24 criminal offenders, such as the state police department, the police  
 25 or sheriff's department of a political subdivision, prosecuting  
 26 attorneys, members of the excise police division of the alcohol  
 27 and tobacco commission, conservation officers of the department  
 28 of natural resources, gaming agents of the Indiana gaming  
 29 commission, gaming control officers of the Indiana gaming  
 30 commission, and the security division of the state lottery  
 31 commission.
- 32 (7) Any license branch operated under IC 9-14.1.
- 33 (8) The state lottery commission established by IC 4-30-3-1,  
 34 including any department, division, or office of the commission.
- 35 (9) The Indiana gaming commission established under IC 4-33,  
 36 including any department, division, or office of the commission.
- 37 (10) The Indiana horse racing commission established by IC 4-31,  
 38 including any department, division, or office of the commission.
- 39 (11) A private university police department. The term does not  
 40 include the governing board of a private university or any other  
 41 department, division, board, entity, or office of a private  
 42 university.





1 (r) "Public record" means any writing, paper, report, study, map,  
 2 photograph, book, card, tape recording, or other material that is  
 3 created, received, retained, maintained, or filed by or with a public  
 4 agency and which is generated on paper, paper substitutes,  
 5 photographic media, chemically based media, magnetic or machine  
 6 readable media, electronically stored data, or any other material,  
 7 regardless of form or characteristics.

8 (s) "Standard-sized documents" includes all documents that can be  
 9 mechanically reproduced (without mechanical reduction) on paper  
 10 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
 11 and one-half (8 1/2) inches by fourteen (14) inches.

12 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

13 (u) "Work product of an attorney" means information compiled by  
 14 an attorney in reasonable anticipation of litigation. The term includes  
 15 the attorney's:

- 16 (1) notes and statements taken during interviews of prospective  
 17 witnesses; and
- 18 (2) legal research or records, correspondence, reports, or  
 19 memoranda to the extent that each contains the attorney's  
 20 opinions, theories, or conclusions.

21 This definition does not restrict the application of any exception under  
 22 section 4 of this chapter.

23 SECTION 39. IC 5-20-9-6, AS AMENDED BY P.L.114-2022,  
 24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: Sec. 6. (a) The Indiana housing first program is  
 26 established to provide housing and support services for eligible  
 27 persons. The program shall be administered by the authority. The  
 28 Indiana commission to combat substance use disorder established  
 29 under IC 4-3-25-3 may award grants to the authority for the purposes  
 30 of the program. Not later than January 1, 2018, the authority shall  
 31 establish policies and procedures to implement and administer the  
 32 program. The policies and procedures established by the authority  
 33 under this section must ensure that the program does the following:

- 34 (1) Provides eligible program participants with affordable and  
 35 safe housing through program rental assistance to be used in  
 36 dedicated supportive housing units and in existing market units in  
 37 the community.
- 38 (2) Includes a plan for the:
  - 39 (A) initial leasing of; and
  - 40 (B) management of rental assistance through the affordability  
 41 period for;
  - 42 supportive housing developed under the program.



- 1 (3) Provides eligible program participants with support services,  
 2 including:  
 3 (A) employment assistance and job training;  
 4 (B) substance abuse and addiction treatment;  
 5 (C) educational assistance;  
 6 (D) life skills assistance; and  
 7 (E) treatment for, and the management of, mental and physical  
 8 health problems;  
 9 that are predicated on assertive engagement rather than coercion.  
 10 Support services described in clause (B) must be predicated on a  
 11 harm reduction approach to addiction, rather than mandating  
 12 abstinence, while supporting a program participant's commitment  
 13 to recovery.
- 14 (4) Grants eligible persons who have a high degree of medical  
 15 vulnerability priority as participants in the program.
- 16 (5) Provides program participants with leases and tenant  
 17 protections as provided by law.
- 18 (6) Establishes annual goals to:  
 19 (A) reduce the number of individuals cycling through  
 20 chemical addiction programs;  
 21 (B) provide long term supports for individuals dually  
 22 diagnosed with:  
 23 (i) a serious and persistent mental illness; and  
 24 (ii) a chronic chemical addiction;  
 25 (C) increase the housing stability of persons with mental  
 26 illness or other behavioral health issues; and  
 27 (D) increase positive health indicators for all program  
 28 participants;  
 29 in Indiana as a whole and in particular regions, communities, and  
 30 metropolitan statistical areas within Indiana, through the program  
 31 and support services provided under the program. The goals  
 32 required by this subdivision must be based on data collected by  
 33 the authority and the authority's partners.
- 34 (7) Includes partnerships with public entities and private entities,  
 35 including any of the following, to provide support services and a  
 36 continuum of care for eligible program participants:  
 37 (A) Nonprofit or faith based organizations providing services  
 38 to individuals and families in the program's target population.  
 39 (B) Units of local government.  
 40 (C) School corporations and schools.  
 41 (D) Businesses.  
 42 (E) Public housing agencies.



- 1 (F) Social service providers.
- 2 (G) Mental health providers.
- 3 (H) Hospitals.
- 4 (I) Affordable housing developers and providers.
- 5 (J) Law enforcement agencies and correctional facilities.
- 6 (K) Organizations serving homeless veterans.
- 7 (L) Organizations serving victims of domestic violence.
- 8 (M) Universities.
- 9 (N) Other public or private entities the authority considers
- 10 appropriate to partner with to accomplish the purposes of the
- 11 program.

12 (b) In establishing the policies and procedures required by this  
 13 section, the authority may collaborate with or seek guidance from:

- 14 (1) other appropriate state agencies, including the department of
- 15 correction, the **state Indiana** department of health, and the office
- 16 of the secretary of family and social services (and the appropriate
- 17 divisions within the office of the secretary of family and social
- 18 services);
- 19 (2) officials in other states or municipalities that have
- 20 implemented housing first programs or other similar programs;
- 21 and
- 22 (3) any of the entities listed in subsection (a)(7).

23 SECTION 40. IC 6-2.5-5-25, AS AMENDED BY P.L.137-2022,  
 24 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: Sec. 25. (a) Transactions involving tangible personal  
 26 property, accommodations, or service are exempt from the state gross  
 27 retail tax, if the person acquiring the property, accommodations, or  
 28 service:

- 29 (1) is any of the following types of organizations:
- 30 (A) A fraternity, a sorority, or a student cooperative housing
- 31 organization that is connected with and under the supervision
- 32 of a postsecondary educational institution if no part of its
- 33 income is used for the private benefit or gain of any member,
- 34 trustee, shareholder, employee, or associate.
- 35 (B) Any:
- 36 (i) institution;
- 37 (ii) trust;
- 38 (iii) group;
- 39 (iv) united fund;
- 40 (v) affiliated agency of a united fund;
- 41 (vi) nonprofit corporation;
- 42 (vii) cemetery association; or



- 1 (viii) organization;  
 2 that is organized and operated exclusively for religious,  
 3 charitable, scientific, literary, educational, or civic purposes if  
 4 no part of its income is used for the private benefit or gain of  
 5 any member, trustee, shareholder, employee, or associate.  
 6 (C) A group, an organization, or a nonprofit corporation that  
 7 is organized and operated for fraternal or social purposes, or  
 8 as a business league or association, and not for the private  
 9 benefit or gain of any member, trustee, shareholder, employee,  
 10 or associate.  
 11 (D) A:  
 12 (i) hospital licensed by the ~~state~~ **Indiana** department of  
 13 health;  
 14 (ii) shared hospital services organization exempt from  
 15 federal income taxation by Section 501(c)(3) or 501(e) of  
 16 the Internal Revenue Code;  
 17 (iii) labor union;  
 18 (iv) church;  
 19 (v) monastery;  
 20 (vi) convent;  
 21 (vii) school that is a part of the Indiana public school  
 22 system;  
 23 (viii) parochial school regularly maintained by a recognized  
 24 religious denomination; or  
 25 (ix) trust created for the purpose of paying pensions to  
 26 members of a particular profession or business who created  
 27 the trust for the purpose of paying pensions to each other;  
 28 if the taxpayer is not organized or operated for private profit or  
 29 gain;  
 30 (2) uses the property, accommodations, or service to carry on or  
 31 to raise money to carry on its not-for-profit purpose; and  
 32 (3) is not an organization operated predominantly for social  
 33 purposes.  
 34 (b) Transactions involving tangible personal property or service are  
 35 exempt from the state gross retail tax, if the person acquiring the  
 36 property or service:  
 37 (1) is a fraternity, sorority, or student cooperative housing  
 38 organization described in subsection (a)(1)(A); and  
 39 (2) uses the property or service to carry on its ordinary and usual  
 40 activities and operations as a fraternity, sorority, or student  
 41 cooperative housing organization.  
 42 (c) To obtain the exemption provided by this section, a taxpayer



1 must file an application for exemption with the department not later  
 2 than one hundred twenty (120) days after the taxpayer's formation. In  
 3 addition, the taxpayer must file a report with the department on or  
 4 before the fifteenth day of the fifth month every five (5) years following  
 5 the date of its formation. The report must be filed electronically with  
 6 the department in the manner determined by the department. If a  
 7 taxpayer fails to file the report, the department shall notify the taxpayer  
 8 of the failure. If within sixty (60) days after receiving such notice the  
 9 taxpayer does not provide the report, the taxpayer's exemption shall be  
 10 canceled. However, the department may reinstate the taxpayer's  
 11 exemption if the taxpayer shows by petition that the failure was due to  
 12 reasonable cause.

13 (d) Notwithstanding subsection (c), a taxpayer filing a report under  
 14 this subsection or section 21(d) of this chapter (prior to recodification)  
 15 after December 31, 2021, and before January 1, 2023, will be required  
 16 to file the next required report on or before the following dates:

17 (1) May 15, 2024, if the taxpayer does not have a federal  
 18 employer identification number or has a federal employer  
 19 identification number ending in 00 through 24, inclusive.

20 (2) May 15, 2025, if the taxpayer has a federal employer  
 21 identification number ending in 25 through 49, inclusive.

22 (3) May 15, 2026, if the taxpayer has a federal employer  
 23 identification number ending in 50 through 74, inclusive.

24 (4) May 15, 2027, if the taxpayer has a federal employer  
 25 identification number ending in 75 through 99 inclusive.

26 SECTION 41. IC 6-7-1-30.2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.2. (a) There is  
 28 annually appropriated to the **state Indiana** department of health one  
 29 hundred ninety thousand dollars (\$190,000) from the state general fund  
 30 for the purpose of providing supplementary funding for the WIC  
 31 (Women, Infants, and Children) program (42 U.S.C. 1786) in Indiana.  
 32 The appropriation shall be administered by the nutrition division of the  
 33 **state Indiana** department of health and shall be allocated to fund local  
 34 WIC programs.

35 (b) There is annually appropriated to the **state Indiana** department  
 36 of health one hundred ninety thousand dollars (\$190,000) from the  
 37 state general fund for the purpose of providing supplementary funding  
 38 for maternal and child health services. The appropriation shall be  
 39 administered by the maternal and child health division of the **state**  
 40 **Indiana** department of health. The funds appropriated under this  
 41 subsection must be used to:

42 (1) supplement federal Maternal and Child Health Services Block



1 Grant funds provided under 42 U.S.C. 701 et seq. for the purpose  
 2 of establishing and maintaining programs of pregnancy care in  
 3 underserved areas of Indiana; and

4 (2) provide funding for the hospital and medical expenses  
 5 connected with the delivery of children whose parents are eligible  
 6 for services that may be reimbursed with funds provided under  
 7 the federal Maternal and Child Health Services Block Grant  
 8 Program (42 U.S.C. 701 et seq.).

9 (c) There is annually transferred to the school age child care project  
 10 fund established under IC 12-17-12-7 from the state general fund five  
 11 hundred fifty thousand dollars (\$550,000) for carrying out the purposes  
 12 of the school age child care project.

13 SECTION 42. IC 6-7-1-30.5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.5. (a) There is  
 15 annually appropriated to the local health maintenance fund established  
 16 by IC 16-46-10 two million four hundred thirty thousand dollars  
 17 (\$2,430,000) from the state general fund to provide funds for annual  
 18 distribution to local boards of health in accordance with IC 16-46-10-2  
 19 to enable local boards of health to provide basic health services.

20 (b) The **state Indiana** department of health may retain annually a  
 21 maximum of fifty thousand dollars (\$50,000) of the total appropriation  
 22 to the local health maintenance fund under subsection (a) to pay  
 23 administrative expenses incurred by the **state Indiana** department of  
 24 health in distributing the funds to local health departments.

25 SECTION 43. IC 6-8.1-3-7, AS AMENDED BY P.L.197-2013,  
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 7. (a) The department may enter into reciprocal  
 28 agreements with the taxing officials of the United States government  
 29 or with the taxing officials of other state governments to furnish and  
 30 receive information relevant to the administration and enforcement of  
 31 the listed taxes. However, the department may not furnish information  
 32 obtained from federal returns or schedules to officials of other state  
 33 governments.

34 (b) All agencies of the state of Indiana shall cooperate with the  
 35 department in the administration of the listed taxes and shall, upon  
 36 request and at no charge to the department, furnish to the department  
 37 any information relevant to the administration and collection of the  
 38 listed taxes that the department requests. In addition, a state agency that  
 39 encounters the use of a fraudulent identity shall notify the department  
 40 and provide in electronic format identifying information as specified by  
 41 the department for the department's use in preventing tax fraud. If a  
 42 state agency encounters the use of fraudulent identities on a regular



1 basis, the state agency shall provide to the department a monthly  
 2 electronic report furnishing the identifying information specified by the  
 3 department.

4 (c) Before December 1 each year:

5 (1) the department of correction shall provide to the department  
 6 an electronic file listing the name and Social Security number of  
 7 each individual under the jurisdiction of the department of  
 8 correction as of November 1 of that year; and

9 (2) the **state Indiana** department of health shall provide to the  
 10 department an electronic file listing the name of each individual  
 11 for whom an Indiana death certificate was issued during the  
 12 immediately preceding twelve (12) months.

13 SECTION 44. IC 7.1-2-3-14 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. The commission  
 15 shall have the power to set standards of cleanliness and sanitation for  
 16 a licensed premises and for the apparatus, equipment, utensils,  
 17 accessories, articles, and fixtures used or employed in the licensed  
 18 premises. The commission shall have the power to require the aid of  
 19 the **state Indiana** department of health, any local board of health, and  
 20 any health officer in this state to fix and enforce these standards.

21 SECTION 45. IC 7.1-5-8-11, AS ADDED BY P.L.70-2015,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 11. (a) This section does not apply to the  
 24 possession, purchase, or use of powdered or crystalline alcohol for  
 25 bona fide research purposes by any of the following:

26 (1) A hospital licensed under IC 16-21.

27 (2) The **state Indiana** department of health.

28 (3) A state educational institution (as defined in IC 21-7-13-32).

29 (4) A private college or university.

30 (5) A pharmaceutical or biotechnology company.

31 (b) A person who possesses, purchases, sells, offers to sell, or uses  
 32 powdered or crystalline alcohol commits a Class B infraction.

33 SECTION 46. IC 7.1-5-12-6, AS AMENDED BY P.L.187-2021,  
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2023]: Sec. 6. (a) The commission shall enforce this chapter.

36 (b) This chapter may also be enforced by:

37 (1) the **state Indiana** department of health established by  
 38 IC 16-19-1-1;

39 (2) a local health department, as defined in IC 16-18-2-211;

40 (3) a health and hospital corporation established by IC 16-22-8-6;

41 (4) the department of homeland security established by  
 42 IC 10-19-2-1; and



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(5) a law enforcement officer;  
 in cooperation with the commission.

(c) The commission, the ~~state~~ **Indiana** department of health, a local health department, a health and hospital corporation, the department of homeland security, or a law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.

SECTION 47. IC 7.1-6-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The Richard D. Doyle youth tobacco education and enforcement fund is established. The fund shall be administered by the commission.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) 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.

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

(e) Money in the fund shall be used for the following purposes:

- (1) For youth smoking prevention education. The commission may contract with the ~~state~~ **Indiana** department of health or the office of the secretary of family and social services for youth smoking prevention education programs.
- (2) For education and training of retailers who sell tobacco products. The commission may contract with education and training programs of the office of the secretary of family and social services, the division of mental health and addiction, enforcement officers, or a program approved by the commission.
- (3) For the commission, for enforcement of youth tobacco laws.

SECTION 48. IC 7.1-7-2-7, AS ADDED BY P.L.176-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. "Department" means the Indiana ~~state~~ department of health.

SECTION 49. IC 8-1-2-89, AS AMENDED BY P.L.136-2018, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 89. (a) As used in this section, unless the context otherwise requires, the following terms have the following meanings:

- (1) "Sewage disposal service" means any public utility service whereby liquid and solid waste, sewage, night soil, and industrial waste of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner, and includes all sewage treatment plant or plants, main sewers, submain sewers, local and





- 1 lateral sewers, intercepting sewers, outfall sewers, force mains,  
 2 pumping stations, ejector stations, and all other equipment and  
 3 appurtenances necessary or useful and convenient for the  
 4 rendition of such service.
- 5 (2) "Sewage disposal company" means any natural person, firm,  
 6 association, corporation, or partnership owning, leasing, or  
 7 operating any sewage disposal service within the rural areas of  
 8 Indiana, and all provisions of this chapter pertaining to a public  
 9 utility shall apply with equal force and effect to a sewage disposal  
 10 company, except insofar as said provisions may be inconsistent  
 11 with specific provisions of this section.
- 12 (3) "Rural area" means territory lying within Indiana and lying  
 13 outside the corporate limits of a municipality.
- 14 (4) "Certificate of territorial authority" means a certificate of  
 15 convenience and necessity issued by the commission pursuant to  
 16 this section, which said certificate shall be deemed an  
 17 indeterminate permit, unless expressly conditioned otherwise by  
 18 the commission when issued.
- 19 (5) "Notice of hearing" means notice of the time, place, and  
 20 purpose of a hearing, given by publication in at least one (1)  
 21 newspaper of general circulation in each of the counties in which  
 22 the particular sewage disposal company operates or proposes to  
 23 operate and given also in writing by United States registered mail:
- 24 (A) to each other sewage disposal company operating in  
 25 territory contiguous to the territory in which the particular  
 26 sewage disposal company operates or proposes to operate;
- 27 (B) to each municipality in territory contiguous and nearest to  
 28 the territory in which the particular sewage disposal company  
 29 operates or proposes to operate; and
- 30 (C) to such other persons or entities which the commission  
 31 may from time to time require by its rules and forms;
- 32 all such notices shall be so mailed as to be received by the  
 33 recipients at least ten (10) days prior to any hearing, or as  
 34 otherwise required by the commission.
- 35 (b) It is hereby declared to be in the public interest to provide for the  
 36 orderly development and rendering of sewage disposal service in rural  
 37 areas within Indiana, and such public interest makes it necessary and  
 38 desirable that to the extent provided in this section, the holding of a  
 39 certificate of territorial authority should be required as a condition  
 40 precedent to the rendering of such service, and that such operation be  
 41 under the control, regulation, and supervision of the commission, and  
 42 such sewage disposal companies shall not be subject to regulation by



1 any municipality or county government or metropolitan regulatory  
2 body, or any branch or subdivisions of or substitutes for any  
3 municipality or county government or metropolitan regulatory body, in  
4 the form of special service districts, with the exception that said sewage  
5 disposal company shall be subject to the comprehensive plan, zoning,  
6 and subdivision requirements and regulations of the governmental units  
7 having jurisdiction in the area. However, all functions, powers, and  
8 duties of the **state Indiana** department of health and the environmental  
9 rules board shall remain unaffected by this section.

10 (c) No sewage disposal company shall commence the rendering of  
11 sewage disposal service in any rural area in Indiana in which it is not  
12 actually rendering sewage disposal service, without first obtaining from  
13 the commission a certificate of territorial authority authorizing such  
14 sewage disposal service, finding that public convenience and necessity  
15 require such sewage disposal service within such rural area by such  
16 sewage disposal company, and defining and limiting specifically the  
17 rural area covered by the certificate. No sewage disposal company  
18 required to hold such a certificate under this section shall render any  
19 additional sewage disposal service within such rural area to any extent  
20 greater than that authorized by such certificate or shall continue to  
21 render sewage disposal service within such rural area if and after such  
22 certificate of territorial authority has been revoked or transferred as in  
23 this section provided, unless in such order of revocation or transfer the  
24 commission shall require continued service until a new sewage  
25 disposal company or municipality actually takes over such service. The  
26 commission shall not have the power to require extension of such  
27 service by any sewage disposal company into any additional territory  
28 than that defined and limited in such a certificate without the consent  
29 of such sewage disposal company.

30 (d) Whenever any sewage disposal company proposes to commence  
31 the rendering of sewage disposal service in any rural area, it shall file  
32 with the commission a verified application for a certificate of territorial  
33 authority to cover the proposed service. The commission shall by rule  
34 prescribe the form of the application and the information to be  
35 contained in the application, and such application by any such company  
36 shall conform to such prescribed form. The commission shall set the  
37 matter for hearing and notice of such hearing shall be given to the  
38 parties and in the manner defined in this section. Any city may, and  
39 upon petition to the commission shall, be made a party to any service  
40 proposal if its territorial limits lie within five (5) miles of the area to be  
41 serviced under this section.

42 (e) If, after notice of hearing and hearing on any application for a



1 certificate of territorial authority, the commission shall find from the  
2 evidence introduced at such hearing, including any evidence which the  
3 commission shall have caused to be introduced as a result of any  
4 investigation which it may have made into the matter, that the applicant  
5 has proved:

6 (1) lawful power and authority to apply for said certificate and to  
7 operate said proposed service;

8 (2) financial ability to install, commence, and maintain said  
9 proposed service; and

10 (3) public convenience and necessity require the rendering of the  
11 proposed service in the proposed rural area by this particular  
12 sewage disposal company; however, in the event the service is  
13 proposed for a proposed rural real estate addition, division, or  
14 development, or any part thereof, the reasonably expected sewage  
15 disposal service requirements of the anticipated residents may be  
16 found to constitute such public convenience and necessity;

17 then the certificate of territorial authority, defining and limiting the  
18 rural area to be covered by the certificate, shall be granted to the  
19 applicant, subject to such terms, restrictions, limitations, and  
20 conditions, including but not limited to a reasonable time in which to  
21 commence operations, as the commission shall determine to be  
22 necessary and desirable in the public interest.

23 (f) In cases of applications filed by two (2) or more sewage disposal  
24 companies seeking the issuance of a certificate of territorial authority  
25 for the same area or areas or any conflicting portions thereof, the  
26 commission may either consider such applications separately or by  
27 consolidation of two (2) or more or all within a single hearing at its  
28 discretion and shall have the power to issue its certificate after notice  
29 of hearing and hearing to any single qualified sewage disposal  
30 company for a particular rural area, or, in the event that the commission  
31 determines and finds that two (2) or more or all applicants seeking the  
32 same area or areas or any conflicting portions thereof are both or all  
33 qualified, then the commission shall have the power to determine  
34 which is the better or best qualified, or whether the same area or areas  
35 or any conflicting portions thereof shall be divided between or among  
36 such qualified applicants. However, in no event shall such area or areas  
37 or portions thereof be greater than that for which the particular  
38 applicant applied, unless such sewage disposal company shall consent  
39 and agree in writing to such modification of its application and the  
40 issuance of such modified certificate.

41 (g) After the issuance of such certificate, no other sewage disposal  
42 company shall render sewage disposal service in the area or areas so



1 determined and so defined in any certificate of territorial authority  
2 issued by the commission, except after notice of hearing and hearing,  
3 and the determination and finding by the commission that public  
4 convenience and necessity require that sewage disposal service in said  
5 same area or areas be also rendered or offered by an additional or  
6 another company, and the issuance of a certificate duly granted by the  
7 commission as provided in this section.

8 (h) A sewage disposal company shall be required to furnish  
9 reasonable adequate sewage disposal services and facilities for which  
10 said service and facilities it shall be entitled to charge reasonable,  
11 nondiscriminatory rates, subject to the jurisdiction of the commission  
12 for the purpose of fixing said rates to be charged to patrons of such  
13 sewage disposal company for sewage disposal service, and for such  
14 purpose the commission is given jurisdiction to proceed in the same  
15 manner and with like power as is provided by this chapter in the case  
16 of public utilities.

17 (i) To encourage the installation of sewage treatment plants, and  
18 sewers, mains, stations, and all other equipment and appurtenances for  
19 rendering sewage disposal service in rural areas in close proximity to  
20 municipalities, and to ensure that a sewage disposal company which  
21 had made such installation in such area can recover the cost of its  
22 investment, in the event that the area or areas or any part thereof  
23 included within the territory granted under a certificate of territorial  
24 authority shall be annexed by any municipality at any time within  
25 twelve (12) years from the date that such certificate was granted, a  
26 sewage disposal company operating under such certificate shall  
27 continue to operate under such certificate of territorial authority,  
28 subject to the exclusive jurisdiction and regulation of the commission,  
29 for the unexpired portion of such period of twelve (12) years from the  
30 date of granting such certificate, or, in the case of a determinate permit  
31 specifying a term shorter than twelve (12) years, then for the unexpired  
32 portion of such lesser period as specified by such permit from the date  
33 of granting such permit. However, the foregoing provisions in regard  
34 to continued operation within the corporate limits of a municipality  
35 after annexation shall not affect the right of the sewage disposal  
36 company to cease its operation of providing sewage disposal service  
37 within such annexed territory prior to the termination of said twelve  
38 (12) year or lesser determinate permit period, upon thirty (30) days  
39 written notice to the commission, the municipality, and all patrons.

40 (j) Upon approval by the commission given after notice of hearing  
41 and hearing, but not otherwise, any certificate of territorial authority  
42 may:



1 (1) be sold, assigned, leased, or transferred by the holder of the  
 2 certificate to any sewage disposal company to which a territorial  
 3 certificate might be lawfully issued; or

4 (2) be included in the property and rights encumbered under any  
 5 indenture of mortgage or deed of trust of such holder;

6 or any sewage treatment plant or plants, sewers, mains, stations, and  
 7 equipment and appurtenances for the rendering of sewage disposal  
 8 service or any part of any sewage treatment plant or plants, sewers,  
 9 mains, stations, and equipment and appurtenances may be sold,  
 10 assigned, leased, or transferred by the holder of the certificate to any  
 11 municipality if these assets lie within an area which shall have been  
 12 annexed by such municipality or lie within the given radius of miles  
 13 from the corporate limits of such municipality into which it is  
 14 authorized to render such services, if such municipality is prepared to  
 15 render a comparable sewage disposal service without loss of continuity  
 16 of service, and if the terms of such sale, assignment, lease, or transfer  
 17 are reasonable. However, once the commission has given its approval  
 18 to such transaction and the transaction itself is actually consummated,  
 19 the commission shall have no control over the sewage disposal service  
 20 rendered by such municipality as a municipally owned utility (as  
 21 defined in this chapter).

22 (k) Any certificate of territorial authority may, after notice of  
 23 hearing and hearing, be revoked by the commission, in whole or in  
 24 part, for the failure of the holder of the certificate to furnish reasonably  
 25 adequate sewage disposal service within the area or areas determined  
 26 and defined in such certificate of territorial authority, or for the failure  
 27 of the holder of the certificate to comply with any applicable order or  
 28 rule prescribed by the commission in the exercise of its powers under  
 29 this chapter, or for failure to comply with any term, condition, or  
 30 limitation of such certificate of territorial authority.

31 (l) After the commission revokes any certificate of territorial  
 32 authority under subsection (k) or after the county board of health  
 33 determines the existence of a serious health problem related to the  
 34 sewage disposal facility, the county commissioners of the county in  
 35 which the sewage disposal facility is located may acquire the facility,  
 36 subject to the approval of the acquisition by the county council, except  
 37 that the county commissioners may not acquire any facility already  
 38 acquired by any city or town. The county commissioners shall acquire  
 39 the sewage disposal facility by:

40 (1) gift, grant, purchase, or condemnation that is funded in the  
 41 same manner that cities and towns fund sewage treatment  
 42 acquisitions under IC 36-9; or



1 (2) a lease arrangement that is funded in the same manner that  
 2 cities and towns fund leases of sewage disposal facilities under  
 3 IC 36-9.

4 After acquisition, the county commissioners shall repair, operate, and  
 5 maintain the sewage disposal facility and charge user fees for these  
 6 services.

7 SECTION 50. IC 8-1-2-125, AS AMENDED BY P.L.292-2013,  
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2023]: Sec. 125. (a) As used in this section, "not-for-profit  
 10 utility" means a public water or sewer utility that:

- 11 (1) does not have shareholders;  
 12 (2) does not engage in any activities for the profit of its trustees,  
 13 directors, incorporators, or members; and  
 14 (3) is organized and conducts its affairs for purposes other than  
 15 the pecuniary gain of its trustees, directors, incorporators, or  
 16 members.

17 The term does not include a regional district established under  
 18 IC 13-26, a conservancy district established under IC 14-33, or, for  
 19 purposes of subsections (f), (g), (h), (i), (j), and (k), a utility company  
 20 owned, operated, or held in trust by a consolidated city.

21 (b) As used in this section, "sewage disposal system" means a privy,  
 22 cesspool, septic tank, or other similar structure. The term includes a  
 23 septic tank soil absorption system (as defined in IC 13-11-2-199.5).  
 24 The term does not include a sewer system operated by a not-for-profit  
 25 public sewer utility.

26 (c) A not-for-profit utility shall be required to furnish reasonably  
 27 adequate services and facilities. The charge made by any not-for-profit  
 28 utility for any service rendered or to be rendered, either directly or in  
 29 connection with the service, must be nondiscriminatory, reasonable,  
 30 and just. Each discriminatory, unjust, or unreasonable charge for the  
 31 service is prohibited and unlawful.

32 (d) A reasonable and just charge for water or sewer service within  
 33 the meaning of this section is a charge that will produce sufficient  
 34 revenue to pay all legal and other necessary expense incident to the  
 35 operation of the not-for-profit utility's system, including the following:

- 36 (1) Maintenance and repair costs.  
 37 (2) Operating charges.  
 38 (3) Interest charges on bonds or other obligations.  
 39 (4) Provision for a sinking fund for the liquidation of bonds or  
 40 other evidences of indebtedness.  
 41 (5) Provision for a debt service reserve for bonds or other  
 42 obligations in an amount not to exceed the maximum annual debt



1 service on the bonds or obligations.

2 (6) Provision of adequate funds to be used as working capital.

3 (7) Provision for making extensions and replacements.

4 (8) The payment of any taxes that may be assessed against the  
5 not-for-profit utility or its property.

6 The charges must produce an income sufficient to maintain the  
7 not-for-profit utility's property in sound physical and financial  
8 condition to render adequate and efficient service. A rate too low to  
9 meet these requirements is unlawful.

10 (e) Except as provided in subsections (f) and (h), a not-for-profit  
11 public sewer utility may require connection to its sewer system of  
12 property producing sewage or similar waste and require the  
13 discontinuance of use of a sewage disposal system if:

14 (1) there is an available sanitary sewer within three hundred (300)  
15 feet of:

16 (A) the property line, if the property is:

17 (i) located in a consolidated city;

18 (ii) adjacent to a body of water, including a lake, river, or  
19 reservoir; or

20 (iii) any part of a subdivision, or land that is divided or  
21 proposed to be divided into lots, whether contiguous or  
22 subject to zoning requirements, for the purpose of sale or  
23 lease as part of a larger common plan of development or  
24 sale; or

25 (B) for all other properties, the improvement or other structure  
26 from which the sewage or similar waste is discharged; and

27 (2) the utility has given written notice by certified mail to the  
28 property owner at the address of the property at least ninety (90)  
29 days before the date for connection stated in the notice.

30 The notice given under subdivision (2) must also inform the property  
31 owner, other than an owner of property located in a consolidated city,  
32 that the property owner may qualify for an exemption as set forth in  
33 subsection (f).

34 (f) Subject to subsection (h), a property owner is exempt from the  
35 requirement to connect to a not-for-profit public sewer utility's sewer  
36 system and to discontinue use of a sewage disposal system if the  
37 following conditions are met:

38 (1) The property owner's sewage disposal system is a septic tank  
39 soil absorption system that was new at the time of installation and  
40 approved in writing by the local health department.

41 (2) The property owner, at the property owner's expense, obtains  
42 a written determination from the local health department or the



1 department's designee that the septic tank soil absorption system  
 2 is not failing. The local health department or the department's  
 3 designee shall provide the owner with a written determination not  
 4 later than sixty (60) days after receipt of the owner's request. If the  
 5 local health department or the department's designee fails to  
 6 provide a written determination within the time established in this  
 7 subdivision, the owner, at the owner's expense, may obtain a  
 8 written determination from a qualified inspector. If the local  
 9 health department or the department's designee determines that a  
 10 septic tank soil absorption system is failing, the property owner  
 11 may appeal the determination to the board of the local health  
 12 department. The decision of the board is final and binding.

13 (3) The property owner provides the not-for-profit public sewer  
 14 utility with:

15 (A) the written notification of potential qualification for the  
 16 exemption described in subsection (i); and

17 (B) the written determination described in subdivision (2);  
 18 within the time limits set forth in subsection (i).

19 (g) If a property owner, within the time allowed under subsection  
 20 (i), notifies a not-for-profit public sewer utility in writing that the  
 21 property owner qualifies for the exemption under this section, the  
 22 not-for-profit public sewer utility shall, until the property owner's  
 23 eligibility for an exemption under this section is determined, suspend  
 24 the requirement that the property owner discontinue use of a sewage  
 25 disposal system and connect to the not-for-profit public sewer utility's  
 26 sewer system.

27 (h) A property owner who qualifies for the exemption provided  
 28 under this section may not be required to connect to the not-for-profit  
 29 public sewer utility's sewer system for a period of ten (10) years  
 30 beginning on the date the new sewage disposal system was installed.  
 31 A property owner may apply for two (2) five (5) year extensions of the  
 32 exemption provided under this section by following the procedures set  
 33 forth in subsections (f) and (g). If ownership of an exempt property is  
 34 transferred during a valid exemption period, including during an  
 35 extension of an initial exemption:

36 (1) the exemption applies to the subsequent owner of the property  
 37 for the remainder of the exemption period during which the  
 38 transfer occurred; and

39 (2) the subsequent owner may apply for any remaining  
 40 extensions.

41 However, the total period during which a property may be exempt from  
 42 the requirement to connect to a district's sewer system under this





1 section may not exceed twenty (20) years, regardless of ownership of  
2 the property.

3 (i) To qualify for an exemption under this section, a property owner  
4 must:

5 (1) within sixty (60) days after the date of the written notice given  
6 to the property owner under subsection (e), notify the  
7 not-for-profit public sewer utility in writing that the property  
8 owner qualifies for the exemption under this section; and

9 (2) within one hundred twenty (120) days after the not-for-profit  
10 public sewer utility receives the written notice provided under  
11 subdivision (1), provide the not-for-profit public sewer utility with  
12 the written determination required under subsection (f)(2).

13 (j) When a property owner who qualifies for an exemption under  
14 this section subsequently discontinues use of the property owner's  
15 sewage disposal system and connects to the not-for-profit public sewer  
16 utility's sewer system, the property owner may be required to pay only  
17 the following to connect to the sewer system:

18 (1) The connection fee the property owner would have paid if the  
19 property owner connected to the sewer system on the first date the  
20 property owner could have connected to the sewer system.

21 (2) Any additional costs:

22 (A) considered necessary by; and

23 (B) supported by documentary evidence provided by;  
24 the not-for-profit public sewer utility.

25 (k) A not-for-profit public sewer utility may not require a property  
26 owner to connect to the not-for-profit public sewer utility's sewer  
27 system if:

28 (1) the property is located on at least ten (10) acres;

29 (2) the owner can demonstrate the availability of at least two (2)  
30 areas on the property for the collection and treatment of sewage  
31 that will protect human health and the environment;

32 (3) the waste stream from the property is limited to domestic  
33 sewage from a residence or business;

34 (4) the system used to collect and treat the domestic sewage has  
35 a maximum design flow of seven hundred fifty (750) gallons per  
36 day; and

37 (5) the owner, at the owner's expense, obtains and provides to the  
38 district a certification from the local health department or the  
39 department's designee that the system is not failing.

40 (l) A property owner who connects to a not-for-profit public sewer  
41 utility's sewer system may provide, at the owner's expense, labor,  
42 equipment, materials, or any combination of labor, equipment, and



1 materials from any source to accomplish the connection to the sewer  
2 system, subject to inspection and approval by the not-for-profit public  
3 sewer utility.

4 (m) This section does not affect the authority of the **state Indiana**  
5 department of health, a local health department, or a county health  
6 officer with respect to a sewage disposal system.

7 (n) For purposes of this section, a sewage disposal system is  
8 "failing" if one (1) or more of the following apply:

9 (1) The system refuses to accept sewage at the rate of design  
10 application and interferes with the normal use of plumbing  
11 fixtures.

12 (2) Effluent discharge exceeds the absorptive capacity of the soil  
13 into which the system discharges, resulting in ponding, seepage,  
14 or other discharge of the effluent to the ground surface or to  
15 surface waters.

16 (3) Effluent discharged from the system contaminates a potable  
17 water supply, ground water, or surface waters.

18 (o) As used in this section, "qualified inspector" means any of the  
19 following:

20 (1) An employee of a local health department who is designated  
21 by the local health department as having sufficient knowledge of  
22 onsite sewage systems to determine if an onsite sewage system is  
23 failing.

24 (2) An individual who is certified by the Indiana Onsite  
25 Wastewater Professionals Association as an onsite sewage system  
26 installer or inspector.

27 (3) An individual listed by the **state Indiana** department of health  
28 or the local health department with jurisdiction over the service  
29 area of the property inspected as having sufficient knowledge of  
30 onsite sewage systems to determine if an onsite sewage system is  
31 failing.

32 SECTION 51. IC 8-1-5.5-1 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Within thirty (30)  
34 days before the date that the authority to supply piped drinking water  
35 is transferred from a city or town to a person other than a city or town,  
36 the **state Indiana** department of health shall conduct a test to determine  
37 the quality of the drinking water supplied by the city or town. The **state**  
38 **Indiana** department of health shall adopt rules under IC 4-22-2  
39 concerning the test that is required under this section.

40 SECTION 52. IC 8-1-5.5-2 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. After August 31,  
42 1981, if the authority to supply piped drinking water is transferred from



1 a city or town to a person other than a city or town, the piped drinking  
 2 water must, at the time of transfer, be at least equal in quality to the  
 3 water tested under section 1 of this chapter which was supplied by the  
 4 city or town. A person shall comply with this section within ten (10)  
 5 days of the date on which it is found by the **state Indiana** department  
 6 of health that the person supplies drinking water that does not comply  
 7 with this section.

8 SECTION 53. IC 8-1-10-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Whenever an order  
 10 has been lawfully made upon any public utility by the commission  
 11 under the provisions of IC 8-1-2 or by the **state Indiana** department of  
 12 health under the provisions of IC 16-41-24, it shall be unlawful for  
 13 such public utility, or any officer thereof, to pay any funds from its  
 14 treasury to any other public utility for the purpose of concealing its  
 15 income or assets or otherwise diverting the funds from their proper  
 16 uses.

17 SECTION 54. IC 8-1-32-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. As used in this  
 19 chapter, "health agency" refers to either of the following:

20 (1) The **state Indiana** department of health.

21 (2) A local health department (as defined in IC 16-18-2-211).

22 SECTION 55. IC 8-2.1-27-1, AS ADDED BY P.L.108-2012,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 1. As used in this chapter, "acceptable  
 25 temperature" means a temperature established in a rule or regulation  
 26 adopted by the **state Indiana** department of health with respect to the  
 27 storage and transportation of a particular food and enforced by the **state**  
 28 **Indiana** department of health or a local health department.

29 SECTION 56. IC 8-2.1-27-2, AS ADDED BY P.L.108-2012,  
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 2. As used in this chapter, "health inspector"  
 32 refers to an agent or employee of the **state Indiana** department of  
 33 health or a local health department.

34 SECTION 57. IC 8-2.1-27-6, AS ADDED BY P.L.108-2012,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2023]: Sec. 6. A person may not operate a motor vehicle for  
 37 the transportation of food upon a public highway unless the motor  
 38 vehicle is in compliance with applicable rules adopted by the **state**  
 39 **Indiana** department of health concerning the transportation of food.

40 SECTION 58. IC 8-2.1-27-7, AS ADDED BY P.L.108-2012,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2023]: Sec. 7. (a) A law enforcement officer may inspect a



1 motor vehicle used to transport food to determine compliance with  
2 section 6 of this chapter.

3 (b) This subsection applies if, during the course of an inspection  
4 under subsection (a), a law enforcement officer determines that:

- 5 (1) the temperature of the food is more than two (2) degrees above  
6 the acceptable temperature;  
7 (2) the food exhibits outward signs of contamination, spoilage,  
8 deterioration, putrefaction, or infestation; or  
9 (3) the food is improperly loaded in a manner that increases the  
10 risk of cross-contamination.

11 A person who operates a motor vehicle described in this subsection  
12 commits a Class A infraction.

13 (c) If, during the course of an inspection under subsection (a), a law  
14 enforcement officer determines that the motor vehicle is not in  
15 compliance with applicable rules and regulations adopted by the **state**  
16 **Indiana** department of health concerning the transportation of food, the  
17 law enforcement officer:

- 18 (1) may contact a health inspector to inspect the motor vehicle;  
19 and  
20 (2) may detain the motor vehicle and its operator for purposes of  
21 the inspection.

22 (d) If a health inspector is present to inspect a motor vehicle and  
23 finds a violation of section 6 of this chapter, the health inspector may  
24 order either or both of the following:

- 25 (1) Disposal of part or all of the food.  
26 (2) Impoundment of the vehicle.

27 (e) The penalty under this subsection is in addition to any penalties  
28 provided in IC 9, IC 16, or rules or regulations adopted by the **state**  
29 **Indiana** department of health. This subsection applies if a health  
30 inspector, after inspection of a motor vehicle under subsection (d),  
31 finds a violation of section 6 of this chapter. A person who operates a  
32 motor vehicle described in this subsection commits a Class A  
33 infraction.

34 (f) A person who recklessly, knowingly, or intentionally transports  
35 food that a health inspector ordered to be disposed under subsection  
36 (d)(1), other than for the purpose of disposal, commits a Class A  
37 misdemeanor.

38 (g) A person who operated a motor vehicle impounded under  
39 subsection (d)(2) may not obtain possession of the motor vehicle until  
40 the person complies with the requirements of this chapter, including  
41 paying any costs associated with the disposal of food under subsection  
42 (d)(1).



1 SECTION 59. IC 8-2.1-27-8, AS ADDED BY P.L.108-2012,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 8. The following are not liable in a civil action for  
 4 an official act done or omitted in connection with the performance of  
 5 duties under this chapter:

- 6 (1) An agent or employee of the department.
- 7 (2) An agent or employee of the state police department.
- 8 (3) An agent or employee of the **state Indiana** department of  
 9 health.
- 10 (4) An agent or employee of a local health department.
- 11 (5) Any other individual charged with enforcing:
  - 12 (A) this article; or
  - 13 (B) rules or regulations adopted by the **state Indiana**  
 14 department of health concerning the transportation of food.

15 SECTION 60. IC 9-27-5-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. The director of the  
 17 state department of toxicology may solicit and receive aid from the  
 18 following:

- 19 (1) The office of traffic safety.
- 20 (2) The state police department.
- 21 (3) The commission on forensic sciences.
- 22 (4) The Indiana Coroners Association.
- 23 (5) The **state Indiana** department of health.
- 24 (6) The Indiana State Medical Association.
- 25 (7) Other agencies that may, in the director's opinion, make a  
 26 contribution to the effectiveness of the study.

27 SECTION 61. IC 9-32-8.5-1, AS ADDED BY P.L.20-2022,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 1. (a) To apply for a license under this article, a  
 30 manufactured home dealer must submit an application to the secretary.  
 31 An application for a license must:

- 32 (1) meet the requirements under IC 9-32-11-2; and
- 33 (2) be accompanied by payment of the fee under subsection (d).
- 34 (b) An application for a license as a manufactured home dealer must  
 35 show whether the applicant dealer is a manufactured home community  
 36 or a nonresidential sales lot.
- 37 (c) If the applicant dealer is a manufactured home community, the  
 38 application must contain the following:
  - 39 (1) The name and contact information of the park operator.
  - 40 (2) A copy of the license issued by the **state Indiana** department  
 41 of health.
  - 42 (d) The fee for a license for a manufactured home dealer is thirty



1 dollars (\$30). The fee is nonrefundable and shall be retained by the  
2 secretary.

3 SECTION 62. IC 9-32-8.5-3, AS ADDED BY P.L.20-2022,  
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2023]: Sec. 3. (a) If the manufactured home dealer's  
6 established place of business is a nonresidential sales lot, it must meet  
7 the requirements for new or used motor vehicle dealers as prescribed  
8 by the secretary under rules adopted under IC 4-22-2.

9 (b) If the manufactured home dealer's established place of business  
10 is a manufactured home community, it must meet location standards  
11 required by the ~~state~~ **Indiana** department of health.

12 SECTION 63. IC 9-32-16-11, AS AMENDED BY P.L.20-2022,  
13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 11. (a) All dealers and transport operators  
15 operating as a:

- 16 (1) corporation;
- 17 (2) limited liability company;
- 18 (3) limited partnership; or
- 19 (4) limited liability partnership;

20 shall file and maintain all filings required to remain in good standing  
21 with the secretary of state business services division.

22 (b) The dealer must, for the entire licensing period, have an  
23 established place of business with a physical Indiana address. The  
24 dealer may not have a mailing address that differs from the actual  
25 location of the business. At the discretion of the secretary, an  
26 exemption for the mailing address may be granted for:

- 27 (1) dealers with an established place of business in a location not  
28 serviced by the United States Postal Service to allow a post office  
29 box to be used as a mailing address. A dealer using a post office  
30 box for this reason must notify the division in writing with the  
31 dealer's application; or
- 32 (2) a manufactured home dealer.

33 (c) Before the secretary may issue a license to a dealer or license  
34 plates to a transport operator, the following must occur:

- 35 (1) A dealer or transport operator must disclose to the secretary  
36 the following:
  - 37 (A) Each dealer owner.
  - 38 (B) For a dealer owner that is a business entity, the following:
    - 39 (i) If a corporation, each officer, director, and shareholder  
40 designated in writing by the board of directors.
    - 41 (ii) If a limited liability company, each member of the  
42 company designated in writing by all members.



- 1 (iii) If a partnership, each partner.  
 2 (iv) If a sole proprietorship, the proprietor.  
 3 (C) Except for a transport operator, each dealer manager.  
 4 (2) A person under subdivision (1) must submit to a national  
 5 criminal history background check (as defined in IC 10-13-3-12)  
 6 or expanded criminal history check (as defined in IC 20-26-2-1.5)  
 7 administered by the state police.  
 8 The secretary shall make the determination whether an individual must  
 9 submit to a national criminal history background check or an expanded  
 10 criminal history check under this subsection.  
 11 (d) A national criminal history background check or expanded  
 12 criminal history check conducted under subsection (c):  
 13 (1) is at the expense of the dealer or transport operator, and the  
 14 dealer owners; and  
 15 (2) may be completed not more than sixty (60) days before the  
 16 dealer applies for a license under this article.  
 17 (e) The secretary may deny an application for a license or transport  
 18 operator license plates if the division finds that a dealer owner or a  
 19 dealer manager has been convicted of a:  
 20 (1) felony within the previous ten (10) years;  
 21 (2) felony or misdemeanor involving theft or fraud; or  
 22 (3) felony or misdemeanor concerning an aspect of business  
 23 involving the offer, sale, financing, repair, modification, or  
 24 manufacture of a motor vehicle or watercraft.  
 25 (f) If a dealer or transport operator adds, removes, or changes a  
 26 dealer owner or dealer manager after issuance of the initial license, the  
 27 dealer or transport operator must submit an application for a change in  
 28 ownership in a manner prescribed by the secretary not later than ten  
 29 (10) days after the change. The new dealer owner or dealer manager  
 30 shall submit to a national criminal history background check or  
 31 expanded criminal history check as set forth in subsection (c).  
 32 (g) Following licensure under this article, a dealer or transport  
 33 operator shall, not later than ninety (90) days after the entry of an order  
 34 or judgment, notify the division in writing if the dealer owner or dealer  
 35 manager has been convicted of a:  
 36 (1) felony within the past ten (10) years;  
 37 (2) felony or misdemeanor involving theft or fraud; or  
 38 (3) felony or misdemeanor concerning an aspect of business  
 39 involving the:  
 40 (A) offer;  
 41 (B) sale;  
 42 (C) financing;



1 (D) repair;  
 2 (E) modification; or  
 3 (F) manufacture;  
 4 of a motor vehicle or watercraft.  
 5 (h) The dealer or transport operator, and the corporation, company,  
 6 or partnership must be in good standing with the bureau, the  
 7 department of state revenue, the department of financial institutions,  
 8 and the state police department during the entire period for which a  
 9 license is valid. A manufactured home dealer that owns a manufactured  
 10 home community must be in good standing with the **state Indiana**  
 11 department of health during the entire period for which a license is  
 12 valid.

13 SECTION 64. IC 10-11-2-31.1, AS AMENDED BY P.L.30-2019,  
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 31.1. (a) The following definitions apply  
 16 throughout this section:

17 (1) "Controlled substance" has the meaning set forth in  
 18 IC 35-48-1-9.

19 (2) "Property" has the meaning set forth in section 31.2 of this  
 20 chapter.

21 (b) The superintendent shall adopt:

22 (1) guidelines; and

23 (2) a reporting form or a specified electronic format, or both;

24 for receiving an approved certificate of cleanup from the **state Indiana**  
 25 department of health that property used for the illegal manufacture of  
 26 a controlled substance or polluted by waste from the illegal  
 27 manufacture of a controlled substance has been certified as  
 28 decontaminated by a qualified inspector certified under IC 16-19-3.1-1.

29 (c) Guidelines adopted under this section must require that the  
 30 department remove, in accordance with the time periods described in  
 31 section 31.2 of this chapter, the decontaminated property from any  
 32 publicly available list of properties used for the illegal manufacture of  
 33 a controlled substance compiled or made available by the department.

34 SECTION 65. IC 10-11-11-4, AS ADDED BY P.L.102-2019,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2023]: Sec. 4. (a) If a physician is selected, the physician shall  
 37 serve a two (2) year term as an employee or contractor of the state  
 38 police department. During the two (2) year term, the physician shall  
 39 assist the state police department in creating a comprehensive report.  
 40 The report shall be presented to the state police superintendent, the  
 41 **state Indiana** department of health, and the legislative council. The  
 42 report must detail the findings of the state police department, or of the





1 physician, if applicable, including:

- 2 (1) the need for a state medical examiner's office;  
 3 (2) various staffing models for the office;  
 4 (3) contracting options for assistant medical examiners;  
 5 (4) state forensic laboratory needs;  
 6 (5) contracting models for forensic laboratory facilities;  
 7 (6) certification and training standards for the state medical  
 8 examiner and assistant examiners;  
 9 (7) accreditation considerations for the state medical examiner's  
 10 office;  
 11 (8) under what circumstances the state medical examiner's office  
 12 may be used; and  
 13 (9) under what circumstances the state medical examiner's office  
 14 must be used.

15 (b) The report shall be:

- 16 (1) submitted on or before July 15, 2021; and  
 17 (2) in an electronic format under IC 5-14-6.

18 (c) The report may include any other information that the state  
 19 police department or physician believes would be helpful.

20 SECTION 66. IC 10-13-3-38.5, AS AMENDED BY P.L.137-2022,  
 21 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2023]: Sec. 38.5. (a) Under federal P.L.92-544  
 23 (86 Stat. 1115), the department may use an individual's fingerprints  
 24 submitted by the individual for the following purposes:

- 25 (1) Determining the individual's suitability for employment with  
 26 the state, or as an employee of a contractor of the state, in a  
 27 position:  
 28 (A) that has a job description that includes contact with, care  
 29 of, or supervision over a person less than eighteen (18) years  
 30 of age;  
 31 (B) that has a job description that includes contact with, care  
 32 of, or supervision over an endangered adult (as defined in  
 33 IC 12-10-3-2), except the individual is not required to meet the  
 34 standard for harmed or threatened with harm set forth in  
 35 IC 12-10-3-2(a)(3);  
 36 (C) at a state institution managed by the office of the secretary  
 37 of family and social services or **state Indiana** department of  
 38 health;  
 39 (D) at the Indiana School for the Deaf established by  
 40 IC 20-22-2-1;  
 41 (E) at the Indiana School for the Blind and Visually Impaired  
 42 established by IC 20-21-2-1;



- 1 (F) at a juvenile detention facility;  
 2 (G) with the Indiana gaming commission under IC 4-33-3-16;  
 3 (H) with the department of financial institutions under  
 4 IC 28-11-2-3; or  
 5 (I) that has a job description that includes access to or  
 6 supervision over state financial or personnel data, including  
 7 state warrants, banking codes, or payroll information  
 8 pertaining to state employees.
- 9 (2) Determining the individual's suitability for employment with  
 10 state or local government, or as an employee of a contractor of  
 11 state or local government, in a position in which the individual's  
 12 duties include access to confidential tax information obtained  
 13 from the United States Internal Revenue Service under Section  
 14 6103(d) of the Internal Revenue Code or from an authorized  
 15 secondary source.
- 16 (3) Identification in a request related to an application for a  
 17 teacher's license submitted to the department of education  
 18 established by IC 20-19-3-1.
- 19 (4) Use by the gaming commission established under IC 4-33-3-1  
 20 for licensure of a promoter (as defined in IC 4-33-22-6) under  
 21 IC 4-33-22.
- 22 (5) Use by the Indiana board of pharmacy in determining the  
 23 individual's suitability for a position or employment with a  
 24 wholesale drug distributor, as specified in IC 25-26-14-16(b),  
 25 IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.
- 26 (6) Identification in a request related to an individual applying for  
 27 or renewing a license or certificate described in IC 25-1-1.1-4 and  
 28 a conviction described in IC 25-1-1.1-2 or IC 25-1-1.1-3.
- 29 An applicant shall submit the fingerprints in an appropriate format or  
 30 on forms provided for the employment, license, or certificate  
 31 application. The department shall charge each applicant the fee  
 32 established under section 28 of this chapter and by federal authorities  
 33 to defray the costs associated with a search for and classification of the  
 34 applicant's fingerprints. The department may forward fingerprints  
 35 submitted by an applicant to the Federal Bureau of Investigation or any  
 36 other agency for processing. The state personnel department, the  
 37 Indiana professional licensing agency, or the agency to which the  
 38 applicant is applying for employment or a license may receive the  
 39 results of all fingerprint investigations.
- 40 (b) An applicant who is an employee of the state may not be charged  
 41 under subsection (a).
- 42 (c) Subsection (a)(1) does not apply to an employee of a contractor



1 of the state if the contract involves the construction or repair of a  
2 capital project or other public works project of the state.

3 (d) Each current or new state or local government employee whose  
4 duties include access to confidential tax information described in  
5 subsection (a)(2) must submit to a fingerprint based criminal history  
6 background check of both national and state records data bases before  
7 being granted access to the confidential tax information. In addition to  
8 the initial criminal history background checks, each state or local  
9 government employee whose duties include access to confidential tax  
10 information described in subsection (a)(2) must submit to such  
11 criminal history background checks at least once every five (5) years  
12 thereafter. The appointing authority of such a state or local government  
13 employee may pay any fee charged for the cost of fingerprinting or  
14 conducting the criminal history background checks for the state or local  
15 government employee. Only the state or local government agency in its  
16 capacity as the individual's employer or to which the applicant is  
17 applying for employment is entitled to receive the results of all  
18 fingerprint investigations.

19 (e) Each current or new contractor or subcontractor whose contract  
20 or subcontract grants access to confidential tax information described  
21 in subsection (a)(2) must submit to a fingerprint based criminal history  
22 background check of both national and state records data bases at least  
23 once every five (5) years before being granted access to the  
24 confidential tax information. Only the state or local government agency  
25 is entitled to receive the results of all fingerprint investigations  
26 conducted under this subsection.

27 (f) Each contract entered into by the state in which access to  
28 confidential tax information described in subsection (a)(2) is granted  
29 to a contractor or a subcontractor shall include:

30 (1) terms regarding which party is responsible for payment of any  
31 fee charged for the cost of the fingerprinting or the criminal  
32 history background checks; and

33 (2) terms regarding the consequences if one (1) or more  
34 disqualifying records are discovered through the criminal history  
35 background checks.

36 (g) The department:

37 (1) may permanently retain an applicant's fingerprints submitted  
38 under this section; and

39 (2) shall retain the applicant's fingerprints separately from  
40 fingerprints collected under section 24 of this chapter.

41 SECTION 67. IC 10-13-5-7, AS AMENDED BY P.L.43-2009,  
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2023]: Sec. 7. (a) The clearinghouse shall do the following:
- 2 (1) Collect, process, and maintain identification and investigative
- 3 information to aid in finding missing children and missing
- 4 endangered adults.
- 5 (2) Establish a statewide, toll free telephone line for the reporting:
- 6 (A) of missing children and missing endangered adults; and
- 7 (B) of sightings of missing children and missing endangered
- 8 adults.
- 9 (3) Prescribe a uniform reporting form concerning missing
- 10 children and missing endangered adults for use by law
- 11 enforcement agencies within Indiana.
- 12 (4) Assist in training law enforcement and other professionals on
- 13 issues relating to missing children and missing endangered adults.
- 14 (5) Operate a resource center of information regarding the
- 15 prevention of:
- 16 (A) the abduction of children; and
- 17 (B) the sexual exploitation of children.
- 18 (6) Distribute the quarterly directory prepared under section
- 19 6(b)(7) of this chapter to schools and hospitals.
- 20 (7) Distribute the quarterly directory described in subdivision (6)
- 21 to child care centers and child care homes that make an annual
- 22 contribution of four dollars (\$4) to the clearinghouse. The
- 23 contributions must be used to help defray the cost of publishing
- 24 the quarterly directory.
- 25 (b) For a missing child who was born in Indiana, the clearinghouse
- 26 shall notify the vital statistics division of the **state Indiana** department
- 27 of health:
- 28 (1) within fifteen (15) days after receiving a report under
- 29 IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child
- 30 less than thirteen (13) years of age; and
- 31 (2) promptly after the clearinghouse is notified that a missing
- 32 child has been found.
- 33 (c) Upon receiving notification under subsection (b) that a child is
- 34 missing or has been found, the vital statistics division of the **state**
- 35 **Indiana** department of health shall notify the local health department
- 36 or the health and hospital corporation that has jurisdiction over the area
- 37 where the child was born.
- 38 (d) Information collected, processed, or maintained by the
- 39 clearinghouse under subsection (a) is confidential and is not subject to
- 40 IC 5-14-3, but may be disclosed by the clearinghouse for purposes of
- 41 locating missing children and missing endangered adults.
- 42 SECTION 68. IC 10-13-5-11 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Upon receiving  
 2 notification under section 7 of this chapter, the vital statistics division  
 3 of the **state Indiana** department of health and the appropriate local  
 4 health department or health and hospital corporation shall attach a  
 5 notice to the child's birth certificate stating that the child has been  
 6 reported missing. The notice must remain attached to the birth  
 7 certificate until notification is received under section 7 of this chapter  
 8 that the missing child has been found.

9 (b) If a request for a copy of the birth certificate of a child is  
 10 received, the vital statistics division and the appropriate local health  
 11 department or health and hospital corporation shall require the person  
 12 making the request to submit an application for the birth certificate that  
 13 includes:

- 14 (1) the date of the request;
- 15 (2) the name, address, and telephone number of the person  
 16 making the request; and
- 17 (3) the signature of the person making the request.

18 (c) If a notice that the child is missing has been attached to the birth  
 19 certificate, the vital statistics division and the appropriate local health  
 20 department or health and hospital corporation shall immediately notify  
 21 the clearinghouse of the information contained in the application.

22 (d) A copy of the birth certificate of a missing child to which a  
 23 notice has been attached under subsection (a) may not be issued  
 24 without authorization from the clearinghouse.

25 SECTION 69. IC 10-14-3-11, AS AMENDED BY P.L.99-2021,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 11. (a) The governor has general direction and  
 28 control of the agency and is responsible for carrying out this chapter.  
 29 In the event of disaster or emergency beyond local control, the  
 30 governor may assume direct operational control over all or any part of  
 31 the emergency management functions within Indiana.

32 (b) In performing the governor's duties under this chapter, the  
 33 governor may, subject to sections 12.5 and 12.7 of this chapter, do the  
 34 following:

- 35 (1) Make, amend, and rescind the necessary orders, rules, and  
 36 regulations to carry out this chapter with due consideration of the  
 37 plans of the federal government.
- 38 (2) Cooperate with the President of the United States and the  
 39 heads of the armed forces, the Federal Emergency Management  
 40 Agency, and the officers and agencies of other states in matters  
 41 pertaining to emergency management and disaster preparedness,  
 42 response, and recovery of the state and nation. In cooperating



1 under this subdivision, the governor may take any measures that  
 2 the governor considers proper to carry into effect any request of  
 3 the President of the United States and the appropriate federal  
 4 officers and agencies for any emergency management action,  
 5 including the direction or control of disaster preparations,  
 6 including the following:

7 (A) Mobilizing emergency management forces and other tests  
 8 and exercises.

9 (B) Providing warnings and signals for drills, actual  
 10 emergencies, or disasters.

11 (C) Shutting off water mains, gas mains, and electric power  
 12 connections and suspending any other utility service.

13 (D) Conducting civilians and the movement and cessation of  
 14 movement of pedestrians and vehicular traffic during, before,  
 15 and after drills, actual emergencies, or other disasters.

16 (E) Holding public meetings or gatherings.

17 (F) Evacuating and receiving the civilian population.

18 (3) Take any action and give any direction to state and local law  
 19 enforcement officers and agencies as may be reasonable and  
 20 necessary for securing compliance with this chapter and with any  
 21 orders, rules, and regulations made under this chapter.

22 (4) Employ any measure and give any direction to the **state**  
 23 **Indiana** department of health or local boards of health as is  
 24 reasonably necessary for securing compliance with this chapter or  
 25 with the findings or recommendations of the **state Indiana**  
 26 department of health or local boards of health because of  
 27 conditions arising from actual or threatened:

28 (A) national security emergencies; or

29 (B) manmade or natural disasters or emergencies.

30 (5) Use the services and facilities of existing officers, agencies of  
 31 the state, and of political subdivisions. All officers and agencies  
 32 of the state and of political subdivisions shall cooperate with and  
 33 extend services and facilities to the governor as the governor may  
 34 request.

35 (6) Establish agencies and offices and appoint executive,  
 36 technical, clerical, and other personnel necessary to carry out this  
 37 chapter, including the appointment of full-time state and area  
 38 directors.

39 SECTION 70. IC 10-14-8-4, AS AMENDED BY P.L.26-2010,  
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 4. (a) The director shall consult with:

42 (1) the state health commissioner of the **state Indiana** department



- 1 of health;
- 2 (2) the commissioner of the Indiana department of transportation;
- 3 (3) the commissioner of the department of environmental
- 4 management;
- 5 (4) the director of the department of natural resources;
- 6 (5) the superintendent of the state police department;
- 7 (6) representatives of the:
- 8 (A) United States Nuclear Regulatory Commission;
- 9 (B) Federal Emergency Management Agency;
- 10 (C) United States Department of Energy; and
- 11 (D) United States Department of Transportation; and
- 12 (7) a representative of a local emergency management agency
- 13 designated by the director;
- 14 to prepare a plan for emergency response to a radioactive waste
- 15 transportation accident in Indiana. The plan must include provisions for
- 16 evacuation, containment, and cleanup and must designate the role of
- 17 each state or local government agency involved in the emergency
- 18 response plan.
- 19 (b) The director shall report to the general assembly each year on
- 20 the:
- 21 (1) status of the plan prepared under subsection (a); and
- 22 (2) ability of the state to respond adequately to a radioactive waste
- 23 transportation accident in Indiana.
- 24 A report under this subsection to the general assembly must be in an
- 25 electronic format under IC 5-14-6.
- 26 SECTION 71. IC 10-14-8-5, AS AMENDED BY P.L.26-2010,
- 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2023]: Sec. 5. (a) Under 49 CFR Part 177, the director may
- 29 require preferred highway routes for transporting high level radioactive
- 30 waste in Indiana if the director determines under United States
- 31 Department of Transportation "Guidelines for Selecting Preferred
- 32 Highway Routes for Highway Route Controlled Quantity Shipments of
- 33 Radioactive Materials" that alternative routes are safer than proposed
- 34 routes.
- 35 (b) The director shall:
- 36 (1) annually review federally approved highway and railway
- 37 routes for transporting high level radioactive waste in Indiana;
- 38 and
- 39 (2) select new state designated routes in accordance with 49 CFR
- 40 Part 172.80 if safety considerations indicate the alternate routes
- 41 would be preferable.
- 42 (c) Before the director may require alternative routes under



1 subsection (a) or select new state designated routes under subsection  
2 (b), the director must do the following:

3 (1) Consult with all of the persons described in section 4(a) of this  
4 chapter.

5 (2) Conduct or engage in substantial consultation with the  
6 affected local county authorities.

7 (3) Notify the:

8 (A) state health commissioner of the ~~state~~ **Indiana** department  
9 of health;

10 (B) commissioner of the department of environmental  
11 management;

12 (C) superintendent of the state police department; and

13 (D) local emergency management agency and applicable local  
14 fire and law enforcement agencies in each affected county;

15 of the director's final decision concerning an alternative route or  
16 a new state designated route before the date upon which the  
17 alternative route or new state designated route takes effect.

18 (d) The state is not liable by requiring alternate routes to be used as  
19 provided under this section.

20 SECTION 72. IC 10-17-9-8, AS AMENDED BY P.L.85-2017,  
21 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2023]: Sec. 8. (a) Each member, the estate of a deceased  
23 member, or the estate of a member under guardianship is liable for the  
24 costs of maintenance of the member in an amount up to one hundred  
25 percent (100%) of the daily per capita cost of personal services and all  
26 other operating expenses for the preceding fiscal year. The per capita  
27 charge may be adjusted to reflect the level of care provided.

28 (b) The level of care must be as consistent as possible with:

29 (1) the care category of the facility in which the member is  
30 placed;

31 (2) the rules of the ~~state~~ **Indiana** department of health adopted  
32 under IC 16-28; and

33 (3) the applicable code of the federal government covering  
34 reimbursement from the United States Department of Veterans'  
35 Affairs or another department of the federal government.

36 (c) The liability created for the costs of maintenance of a member  
37 constitutes a lien upon the real property of the member if the lien is  
38 recorded as provided in this chapter. The lien has priority over all liens  
39 subsequently acquired.

40 SECTION 73. IC 10-17-9-21, AS ADDED BY P.L.220-2011,  
41 SECTION 239, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2023]: Sec. 21. The ~~state~~ **Indiana** department





1 of health established by IC 16-19-1-1 may develop a plan and seek  
 2 federal approval to qualify the Indiana Veterans' Home for  
 3 reimbursement of services and other expenses that could be eligible  
 4 under Medicaid. A plan developed under this section must be  
 5 structured to maximize federal Medicaid reimbursement for the Indiana  
 6 Veterans' Home. Subject to approval of the budget agency, any revenue  
 7 accruing to the Indiana Veterans' Home from the receipt of Medicaid  
 8 reimbursement may be used to augment appropriations made to the  
 9 office for use in funding long term care.

10 SECTION 74. IC 10-17-13.5-4, AS AMENDED BY P.L.155-2018,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 4. (a) The department may make grants to  
 13 qualified entities to be used for the purpose of providing services to  
 14 veterans, including the following:

15 (1) Programs focused on eliminating homelessness, preventing  
 16 near term homelessness, and providing safe and secure living  
 17 conditions.

18 (2) Assisting veterans in moving from public housing assistance  
 19 programs to:

20 (A) home ownership; or

21 (B) stable, long term rental status.

22 A grant under this chapter for the purpose specified in clause (B)  
 23 may include up to nine (9) months of rental assistance.

24 (3) Assisting veterans in finding and using available federal and  
 25 state resources.

26 (4) Providing therapeutic services.

27 (5) Providing job training and job search assistance.

28 (b) The department may make grants to the provider chosen by the  
 29 **state Indiana** department of health under section 6 of this chapter to be  
 30 used for the purpose of providing assistance to the provider to provide  
 31 diagnostic testing and hyperbaric oxygen treatment to veterans  
 32 receiving treatment under the pilot program established under section  
 33 6 of this chapter. However, a grant under this chapter may not be  
 34 awarded for the purposes specified in this subsection unless the **state**  
 35 **Indiana** department of health has adopted the rules required by section  
 36 6(g) of this chapter. In addition, a grant may not be awarded for the  
 37 purposes specified in this subsection after the expiration of the pilot  
 38 program established under section 6 of this chapter.

39 SECTION 75. IC 10-17-13.5-6, AS AMENDED BY P.L.23-2021,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 6. (a) As used in this section, "hyperbaric oxygen  
 42 treatment" means treatment for traumatic brain injury or posttraumatic



1 stress disorder that is ordered by a health care provider and delivered  
2 in a hyperbaric chamber.

3 (b) The department shall establish a pilot program for the purpose  
4 of providing assistance for each provider that has been approved by the  
5 **state Indiana** department of health to provide diagnostic testing and  
6 hyperbaric oxygen treatment to veterans receiving treatment under  
7 section 4(b) of this chapter.

8 (c) The **state Indiana** department of health shall issue a request for  
9 proposals within Indiana to offer the treatment described in section 4(b)  
10 of this chapter.

11 (d) An individual veteran is eligible to begin treatment if the service  
12 related event that caused the traumatic brain injury or posttraumatic  
13 stress disorder is documented by a licensed physician.

14 (e) An individual veteran may not be required to pay a co-pay under  
15 the pilot program.

16 (f) A grant under the pilot program established under subsection (b)  
17 may be provided only to the provider chosen by the **state Indiana**  
18 department of health to provide diagnostic testing and hyperbaric  
19 oxygen treatment to veterans.

20 (g) The **state Indiana** department of health, after consulting with the  
21 department, shall adopt rules under IC 4-22-2 to implement section  
22 4(b) of this chapter, including standards for the following:

23 (1) Determination by a provider that an individual is a veteran  
24 eligible for participation in the pilot program.

25 (2) Determination by the **state Indiana** department of health that  
26 a provider is eligible to participate in the pilot program, including:

27 (A) a requirement that the provider must maintain compliance  
28 with applicable fire codes, treatment protocols, and **state**  
29 **Indiana** department of health oversight; and

30 (B) other facility standards determined by the **state Indiana**  
31 department of health.

32 (3) Treatment plan requirements, including the following:

33 (A) A provider's submission to the **state Indiana** department  
34 of health, before providing hyperbaric oxygen treatment to a  
35 veteran, of a treatment plan that includes:

36 (i) a health care provider's prescription for hyperbaric  
37 oxygen treatment;

38 (ii) verification by the provider that the veteran is eligible  
39 for participation in the pilot program and voluntarily accepts  
40 treatment through the pilot program;

41 (iii) an estimate of the cost of the veteran's treatment; and

42 (iv) any other information required by the **state Indiana**



- 1 department of health.
- 2 (B) A reasonable time frame for:
- 3 (i) approval or disapproval by the **state Indiana** department
- 4 of health of a treatment plan described in clause (A); and
- 5 (ii) notice to the provider of approval or disapproval of the
- 6 treatment plan.
- 7 (C) Contingent on sufficient funding available in the fund,
- 8 approval of each treatment plan that meets the requirements
- 9 established by the **state Indiana** department of health under
- 10 this section.
- 11 (D) The sources of funding for the estimated treatment cost for
- 12 each veteran whose treatment plan is approved under this
- 13 section.
- 14 (4) Criteria for approval of payment for treatment that has been
- 15 verified by the **state Indiana** department of health to have been
- 16 provided under a treatment plan approved under subdivision (3),
- 17 including:
- 18 (A) whether a drug or device used in the treatment plan has
- 19 been approved for any purpose by the federal Food and Drug
- 20 Administration; and
- 21 (B) verification of the veteran receiving the treatment, as
- 22 demonstrated through:
- 23 (i) billing documentation from the provider of the hyperbaric
- 24 oxygen therapy treatments; or
- 25 (ii) attendance documentation signed by the provider and
- 26 treatment recipient attesting to the receipt of the prescribed
- 27 treatments.
- 28 (5) Confidentiality of all individually identifiable patient
- 29 information of a veteran. However, subject to the requirements of
- 30 the federal Health Insurance Portability and Accountability Act
- 31 and any other applicable medical record laws, all data and
- 32 information from which the identity of an individual veteran
- 33 cannot be reasonably ascertained must be available to the general
- 34 assembly, participating institutional review boards, participating
- 35 health care providers, medical researchers, and other
- 36 governmental agencies.
- 37 (h) A provider under this section, including a physician who
- 38 supervises treatment, shall bill the pilot program and be paid at cost out
- 39 of the grant amount awarded to the provider. No providers may profit
- 40 from services provided under the pilot program. Services offered under
- 41 the pilot program are provided as a service to veterans.
- 42 (i) Each provider shall quarterly file a status report concerning the



1 services provided by the provider under the pilot program with the  
2 following:

3 (1) The department.

4 (2) The ~~state~~ **Indiana** department of health.

5 (j) At the conclusion of the pilot program, the department, in  
6 collaboration with the ~~state~~ **Indiana** department of health, shall prepare  
7 a written final report and transmit it to the following:

8 (1) The governor.

9 (2) The leadership of the legislative council in electronic format  
10 under IC 5-14-6.

11 (3) The chairperson of the house committee on veterans affairs  
12 and public safety.

13 (4) The chairperson of the senate committee on veterans affairs  
14 and the military.

15 The report required under this subsection must be made available on  
16 the department's ~~Internet web site:~~ **website**.

17 (k) This section expires June 30, 2025.

18 SECTION 76. IC 10-19-3-3, AS AMENDED BY P.L.28-2022,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2023]: Sec. 3. The executive director shall do the following:

21 (1) Serve as the chief executive and administrative officer of the  
22 department.

23 (2) Serve as the director of the council.

24 (3) Administer the application for, and disbursement of, federal  
25 and state homeland security money for all Indiana state and local  
26 governments.

27 (4) Develop a single strategic plan for preparing and responding  
28 to homeland security emergencies in consultation with the  
29 council.

30 (5) Serve as the state coordinating officer under federal law for all  
31 matters relating to emergency and disaster mitigation,  
32 preparedness, response, and recovery.

33 (6) Use and allocate the services, facilities, equipment, personnel,  
34 and resources of any state agency, on the governor's behalf, as is  
35 reasonably necessary in the preparation for, response to, or  
36 recovery from an emergency or disaster situation that threatens or  
37 has occurred in Indiana.

38 (7) Develop a plan to protect key state assets and public  
39 infrastructure from a disaster or terrorist attack.

40 (8) Partner with state agencies, including the ~~state~~ **Indiana**  
41 department of health and state educational institutions, to develop  
42 public safety education and outreach programs.



1 (9) Appoint an individual to serve as the state emergency medical  
 2 services medical director as provided in section 3.5 of this  
 3 chapter.

4 (10) Carry out the provisions of IC 10-19-12.

5 SECTION 77. IC 10-19-3-3.5, AS ADDED BY P.L.187-2021,  
 6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2023]: Sec. 3.5. (a) For purposes of this section, "EMS" means  
 8 emergency medical services.

9 (b) For purposes of this section, "state EMS medical director" refers  
 10 to the state emergency medical services medical director appointed  
 11 under subsection (c).

12 (c) The executive director shall appoint an individual to serve as the  
 13 state emergency medical services medical director. The individual must  
 14 have the following qualifications:

15 (1) Thorough knowledge of state EMS laws and administrative  
 16 rules and regulations.

17 (2) At least five (5) years experience in the following:

18 (A) Medical direction of out of hospital EMS.

19 (B) Emergency department treatment of acutely ill and injured  
 20 patients.

21 (3) Significant experience and familiarity with the following:

22 (A) The design and operation of statewide EMS systems.

23 (B) Working with national and other state EMS committees.

24 (4) At the time of the individual's appointment, has a valid and  
 25 unrestricted license to practice medicine in Indiana.

26 (5) Be certified by the American Board of Emergency Medicine.

27 (6) Other areas of knowledge and expertise that the executive  
 28 director determines essential.

29 The state EMS medical director shall be an employee of the  
 30 department.

31 (d) The executive director shall submit the name of the individual  
 32 whom the executive director would like to appoint as state EMS  
 33 medical director to the Indiana emergency medical services  
 34 commission created by IC 16-31-2-1. The commission may, by a  
 35 majority of the members, vote not later than thirty (30) days after the  
 36 submission on whether to approve the appointment. If the commission:

37 (1) does not take any action; or

38 (2) by a majority of the commission votes to approve the  
 39 appointment of the individual;

40 not later than thirty (30) days after, the appointment shall become  
 41 effective. If a majority of the commission votes not later than thirty (30)  
 42 days after the submission of the appointment to not approve the



1 appointment, the executive director shall restart the appointment  
2 process and submit an alternative individual for appointment.

3 (e) The state EMS medical director shall oversee all pre-hospital  
4 aspects of the statewide EMS system, including the following:

5 (1) Medical components for systems of care that interface or  
6 integrate with the statewide EMS system, including the following:

7 (A) Statewide planning for trauma, burn, cardiac, and stroke  
8 care.

9 (B) Domestic preparedness.

10 (C) EMS for children.

11 (2) For all levels of emergency responders, establishment of the  
12 following:

13 (A) Statewide model guidelines and best practices for all  
14 patient care activities to ensure delivery of medical care  
15 consistent with professionally recognized standards.

16 (B) A statewide EMS continuous quality improvement  
17 program.

18 (C) A statewide EMS advocacy program.

19 (3) In cooperation with appropriate state and local agencies,  
20 training and certification of all EMS providers.

21 (f) The state EMS medical director shall assist the executive director  
22 on all issues related to statewide EMS, including the following:

23 (1) Consulting with EMS medical directors.

24 (2) In consultation with the Indiana emergency medical services  
25 commission created by IC 16-31-2-1, providing guidance and  
26 assistance on the following matters:

27 (A) Scope of practice for EMS providers.

28 (B) Restrictions placed on EMS certifications.

29 (C) Appropriate corrective and disciplinary actions for EMS  
30 personnel.

31 (D) Education and training on emerging issues in EMS.

32 (3) EMS system research.

33 (4) Coordination of all medical activities for disaster planning and  
34 response.

35 (5) Improving quality of care, research, and injury prevention  
36 programs.

37 (6) Partnering with state agencies, including the **state Indiana**  
38 department of health and state educational institutions, to develop  
39 public safety education and outreach programs.

40 SECTION 78. IC 10-19-7-3, AS AMENDED BY P.L.187-2021,  
41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2023]: Sec. 3. (a) The state fire marshal appointed under



- 1 IC 22-14-2-2 shall manage the department's administration of the  
 2 following:
- 3 (1) IC 16-31.
  - 4 (2) IC 22-11.
  - 5 (3) IC 22-12.
  - 6 (4) IC 22-13.
  - 7 (5) IC 22-14.
  - 8 (6) IC 22-15.
- 9 (b) In carrying out the duties under subsection (a), the state fire  
 10 marshal shall do the following:
- 11 (1) Provide department staff to support the fire prevention and  
 12 building safety commission established by IC 22-12-2-1.
  - 13 (2) Partner with state agencies, including the **state Indiana**  
 14 department of health and state educational institutions, to develop  
 15 public safety education and outreach programs.
  - 16 (c) The state fire marshal may not exercise any powers or perform  
 17 any duties specifically assigned to either of the following:
    - 18 (1) The fire prevention and building safety commission.
    - 19 (2) The state building commissioner.  - 20 (d) The state fire marshal may delegate the state fire marshal's  
 21 authority to the appropriate department staff.
- 22 SECTION 79. IC 11-10-3-2.5, AS AMENDED BY P.L.130-2018,  
 23 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 2.5. (a) As used in this section, "confirmatory test"  
 25 means a laboratory test or a series of tests approved by the **state**  
 26 **Indiana** department of health and used in conjunction with a screening  
 27 test to confirm or refute the results of the screening test for the human  
 28 immunodeficiency virus (HIV) antigen or antibodies to the human  
 29 immunodeficiency virus (HIV).
- 30 (b) As used in this section, "screening test" means a laboratory  
 31 screening test or a series of tests approved by the **state Indiana**  
 32 department of health to determine the possible presence of the human  
 33 immunodeficiency virus (HIV) antigen or antibodies to the human  
 34 immunodeficiency virus (HIV).
  - 35 (c) For an individual who is committed to the department after June  
 36 30, 2001, the examination required under section 2(a) of this chapter  
 37 must include the following:
    - 38 (1) A blood test for hepatitis C.
    - 39 (2) A screening test for the human immunodeficiency virus (HIV)  
 40 antigen or antibodies to the human immunodeficiency virus  
 41 (HIV).
    - 42 (d) If the screening test required under subsection (c)(2) indicates



1 the presence of antibodies to the human immunodeficiency virus  
 2 (HIV), the department shall administer a confirmatory test to the  
 3 individual.

4 (e) The department may require an individual who:

5 (1) was committed to the department before July 1, 2001; and

6 (2) is in the custody of the department after June 30, 2001;

7 to undergo the tests required by subsection (c) and, if applicable,  
 8 subsection (d).

9 (f) Except as otherwise provided by state or federal law, the results  
 10 of a test administered under this section are confidential.

11 (g) The department shall include statistical information on the  
 12 number of individuals tested and the number of positive test results  
 13 determined under this section in the annual report made under  
 14 IC 11-8-2-5(a)(16).

15 SECTION 80. IC 11-10-3-4, AS AMENDED BY P.L.117-2015,  
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2023]: Sec. 4. (a) The department shall establish directives  
 18 governing:

19 (1) medical care to be provided to committed individuals,  
 20 including treatment for intellectual disabilities, alcoholism, and  
 21 drug addiction;

22 (2) administration of medical facilities and health centers  
 23 operated by the department;

24 (3) medical equipment, supplies, and devices to be available for  
 25 medical care;

26 (4) provision of special diets to committed individuals;

27 (5) acquisition, storage, handling, distribution, and dispensing of  
 28 all medication and drugs;

29 (6) the return of unused medications that meet the requirements  
 30 of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6) to the  
 31 pharmacy that dispensed the medication;

32 (7) training programs and first aid emergency care for committed  
 33 individuals and department personnel;

34 (8) medical records of committed individuals; and

35 (9) professional staffing requirements for medical care.

36 (b) The **state Indiana** department of health shall make an annual  
 37 inspection of every health facility, health center, or hospital:

38 (1) operated by the department; and

39 (2) not accredited by a nationally recognized accrediting  
 40 organization;

41 and report to the commissioner whether that facility, center, or hospital  
 42 meets the requirements established by the **state Indiana** department of





1 health. Any noncompliance with those requirements must be stated in  
2 writing to the commissioner, with a copy to the governor.

3 (c) For purposes of IC 4-22-2, the term "directive" as used in this  
4 section relates solely to internal policy and procedure not having the  
5 force of law.

6 (d) For purposes of subsection (a)(6), the department:

7 (1) shall return medication that belonged to a Medicaid recipient;  
8 and

9 (2) may return other unused medication;

10 to the pharmacy that dispensed the medication if the unused medication  
11 meets the requirements of IC 25-26-13-25(k)(1) through  
12 IC 25-26-13-25(k)(6).

13 (e) The department may establish directives concerning the return  
14 of unused medical devices or medical supplies that are used for  
15 prescription drug therapy and that meet the requirements of  
16 IC 25-26-13-25(l).

17 (f) A pharmacist or pharmacy that enters into an agreement with the  
18 department to accept the return of:

19 (1) unused medications that meet the requirements of  
20 IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6); or

21 (2) unused medical devices or medical supplies that are used for  
22 prescription drug therapy and that meet the requirements of  
23 IC 25-26-13-25(l);

24 may negotiate with the department a fee for processing the returns.

25 SECTION 81. IC 11-11-6-2, AS AMENDED BY P.L.156-2011,  
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2023]: Sec. 2. (a) The facilities of the department must  
28 comply with federal and state health, sanitation, safety, and fire laws  
29 applicable to dwellings, food establishments, eating facilities, and  
30 public buildings.

31 (b) Each department facility shall be inspected at least annually by:

32 (1) the **state Indiana** department of health if the facility is not  
33 accredited by a nationally recognized accrediting organization;  
34 and

35 (2) the state fire marshal;

36 who shall, within fifteen (15) days of the inspection, file a written  
37 report with the commissioner listing all unsafe, unsanitary, or  
38 unhealthy conditions within a facility that constitute a menace to the  
39 health, safety, and welfare of committed persons or department  
40 employees. In determining whether conditions are unsafe, unsanitary,  
41 or unhealthy, the **state Indiana** department of health and the state fire  
42 marshal shall consider the degree of overcrowding, the light, air, and



1 space available to offenders within a facility, the size and arrangement  
 2 of rooms and cells, the sanitary facilities, and the extent to which  
 3 conditions in a facility endanger life or property.

4 (c) The commissioner shall correct all unsafe, unsanitary, or  
 5 unhealthy conditions reported by the **state Indiana** department of  
 6 health or the state fire marshal with reasonable promptness. Failure by  
 7 the department to initiate and continue action to correct unsafe,  
 8 unsanitary, or unhealthy conditions within thirty (30) days of receiving  
 9 a report of those conditions from the **state Indiana** department of  
 10 health or the state fire marshal constitutes noncompliance with this  
 11 subsection. Upon such noncompliance, the commissioner shall submit  
 12 to the reporting agency and the governor a written statement  
 13 explaining:

- 14 (1) why the reported condition or conditions have not been  
 15 remedied;
- 16 (2) what the estimated cost of remedying the reported condition  
 17 or conditions would be in terms of construction, renovation,  
 18 manpower, space, and equipment;
- 19 (3) whether the reported condition or conditions can be corrected  
 20 by using facilities of other governmental entities;
- 21 (4) whether additional state financing is required and, if so, the  
 22 estimated amount needed; and
- 23 (5) the probable consequences of not remedying each reported  
 24 unsafe, unsanitary, or unhealthy condition.

25 (d) Notwithstanding other provisions of this section, the **state**  
 26 **Indiana** department of health and state fire marshal retain authority to  
 27 correct unhealthy, unsanitary, or unsafe conditions within a facility as  
 28 provided by law.

29 SECTION 82. IC 11-12-4-1, AS AMENDED BY P.L.78-2022,  
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 1. (a) The department shall adopt under IC 4-22-2  
 32 minimum standards for county jails governing:

- 33 (1) general physical and environmental conditions;
- 34 (2) services and programs to be provided to confined persons;
- 35 (3) procedures for the care and control of confined persons that  
 36 are necessary to ensure the health and safety of confined persons,  
 37 the security of the jail, and public safety; and
- 38 (4) the restraint of pregnant inmates. Rules adopted under this  
 39 subdivision must be consistent with IC 11-10-3.5.

40 However, the department may not adopt any standard that prohibits the  
 41 placement of more than one (1) prisoner in a prisoner cell that has  
 42 thirty-five (35) square feet or more of floor space per prisoner.



1 (b) The standards must be sufficiently flexible to foster the  
 2 development of new and improved practices and to accommodate local  
 3 needs and circumstances. The standards must be consistent with the  
 4 laws of Indiana and the rules of the **state Indiana** department of health  
 5 and the fire prevention and building safety commission.

6 (c) The commissioner shall select a committee of not less than five  
 7 (5) county sheriffs to consult with the department before and during the  
 8 drafting of the proposed minimum standards. County sheriffs shall be  
 9 selected from the various classes of counties to ensure that densely,  
 10 moderately, and sparsely populated counties are represented. Each  
 11 county sheriff is entitled to the minimum salary per diem as provided  
 12 in IC 4-10-11-2.1 for each day engaged in the official business of the  
 13 committee and to reimbursement for traveling and other expenses, as  
 14 provided in the state travel policies and procedures established by the  
 15 Indiana department of administration and approved by the budget  
 16 agency.

17 (d) At least sixty (60) days before setting the date for a public  
 18 hearing under IC 4-22-2, the department shall forward copies of the  
 19 proposed minimum standards to each county sheriff and each board of  
 20 county commissioners and shall solicit their views and suggestions.

21 SECTION 83. IC 12-7-2-151, AS AMENDED BY P.L.99-2007,  
 22 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 151. "Psychiatric hospital", for purposes of section  
 24 82 of this chapter, means any of the following:

25 (1) A state institution.

26 (2) A general hospital:

27 (A) licensed by the **state Indiana** department of health; and

28 (B) that maintains and operates facilities for the observation,  
 29 care, treatment, and detention of individuals who have a  
 30 mental illness.

31 (3) A private psychiatric hospital licensed by the division of  
 32 mental health and addiction.

33 SECTION 84. IC 12-8-1.5-6, AS AMENDED BY P.L.202-2018,  
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2023]: Sec. 6. (a) The secretary and the commissioner of the  
 36 **state Indiana** department of health shall cooperate to coordinate family  
 37 and social services programs with related programs administered by the  
 38 **state Indiana** department of health.

39 (b) The secretary, in cooperation with the commissioner of the **state**  
 40 **Indiana** department of health, is accountable for the following:

41 (1) Resolving administrative, jurisdictional, or policy conflicts  
 42 between a division and the **state Indiana** department of health.



- 1 (2) Formulating overall policy for family, health, and social  
 2 services in Indiana.
- 3 (3) Coordinating activities between the programs of the division  
 4 of family resources and the maternal and child health programs of  
 5 the **state Indiana** department of health.
- 6 (4) Coordinating activities concerning long term care between the  
 7 division of disability and rehabilitative services and the **state**  
 8 **Indiana** department of health.
- 9 (5) Developing and implementing a statewide family, health, and  
 10 social services plan that includes a set of goals and priorities.
- 11 (c) The office shall cooperate with the **state Indiana** department of  
 12 health in providing the information required for the commissioner of  
 13 the **state Indiana** department of health or the commissioner's designee  
 14 to complete the:
- 15 (1) state comprehensive care bed need rate calculation under  
 16 IC 16-29-7-8; and
- 17 (2) county comprehensive care bed need calculation under  
 18 IC 16-29-7-9.
- 19 SECTION 85. IC 12-8-10-1, AS AMENDED BY P.L.143-2022,  
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 1. This chapter applies only to the indicated  
 22 money of the following state agencies to the extent that the money is  
 23 used by the agency to obtain services from grantee agencies to carry  
 24 out the program functions of the agency:
- 25 (1) Money appropriated or allocated to a state agency from money  
 26 received by the state under the federal Social Services Block  
 27 Grant Act (42 U.S.C. 1397 et seq.).
- 28 (2) The division of aging, except this chapter does not apply to  
 29 money expended under the following:
- 30 (A) The following statutes, unless application of this chapter  
 31 is required by another subdivision of this section:
- 32 (i) IC 12-10-6.
- 33 (ii) IC 12-10-12 (before its expiration).
- 34 (B) Epilepsy services.
- 35 (3) The division of family resources, for money expended under  
 36 the following programs:
- 37 (A) The child development associate scholarship program.
- 38 (B) The dependent care program.
- 39 (C) Migrant day care.
- 40 (D) The commodities program.
- 41 (E) The migrant nutrition program.
- 42 (F) Any emergency shelter program.



- 1 (G) The energy weatherization program.
- 2 (4) The **state Indiana** department of health, for money expended
- 3 under IC 16-19-10.
- 4 (5) The group.
- 5 (6) All state agencies, for any other money expended for the
- 6 purchase of services if all the following apply:
- 7 (A) The purchases are made under a contract between the state
- 8 agency and the office of the secretary.
- 9 (B) The contract includes a requirement that the office of the
- 10 secretary perform the duties and exercise the powers described
- 11 in this chapter.
- 12 (C) The contract is approved by the budget agency.
- 13 (7) The division of mental health and addiction.
- 14 SECTION 86. IC 12-9-5-5, AS AMENDED BY P.L.141-2006,
- 15 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2023]: Sec. 5. (a) Notwithstanding any other law:
- 17 (1) home health agencies licensed under IC 16-27-1 are approved
- 18 to provide home health services; and
- 19 (2) personal services agencies licensed under IC 16-27-4 are
- 20 approved to provide personal services;
- 21 under any federal waiver granted to the state under 42 U.S.C. 1315 or
- 22 42 U.S.C. 1396n.
- 23 (b) In determining whether to approve an entity described in
- 24 subsection (a) to provide services for a program administered by the
- 25 office of the secretary, the office of the secretary may use the survey
- 26 performed by the **state Indiana** department of health in licensing the
- 27 entity.
- 28 SECTION 87. IC 12-10-3-17 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. If an adult
- 30 protective services unit receives a report alleging that an individual
- 31 who is a resident of a facility licensed under IC 16-28 is an endangered
- 32 adult, the adult protective services unit shall immediately communicate
- 33 the report to the **state Indiana** department of health under
- 34 IC 16-28-4-1.
- 35 SECTION 88. IC 12-10-6-5, AS AMENDED BY P.L.85-2017,
- 36 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2023]: Sec. 5. (a) An individual who is determined under
- 38 section 2.1(a)(2) of this chapter to be incapable of residing in the
- 39 individual's own home because of mental illness may be admitted to a
- 40 home or facility that provides residential care to the extent that money
- 41 is available for the care.
- 42 (b) Within thirty (30) days after an individual with a mental illness



1 is placed in a home or facility that provides residential care, a  
2 comprehensive care plan must be developed for the individual.

3 (c) The residential care facility, in cooperation with the community  
4 mental health center or an individual's managed care provider (as  
5 defined in IC 12-7-2-127(b)) serving the area in which the residential  
6 care facility is located, shall develop the comprehensive care plan for  
7 the individual. The plan must include the following:

8 (1) Psychosocial rehabilitation services that are provided within  
9 the community.

10 (2) A comprehensive range of activities to meet multiple levels of  
11 need, including the following:

12 (A) Recreational and socialization activities.

13 (B) Social skills.

14 (C) Educational, training, occupational, and work programs.

15 (D) Opportunities for progression into less restrictive and  
16 more independent living arrangements.

17 (3) Appropriate alternate placement if the individual's needs  
18 cannot be met by the facility.

19 (d) The **state Indiana** department of health shall, in coordination  
20 with the division of mental health and addiction and the division, adopt  
21 rules under IC 4-22-2 to govern:

22 (1) residential care; and

23 (2) the comprehensive care plan;

24 provided to individuals with a mental illness who reside under this  
25 chapter in a home or facility that provides residential care.

26 SECTION 89. IC 12-10-11.5-8, AS AMENDED BY P.L.10-2019,  
27 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2023]: Sec. 8. (a) As used in this section, "assisted living  
29 services" refers to services covered under a waiver and provided in any  
30 of the following entities:

31 (1) A residential care facility licensed under IC 16-28.

32 (2) Any other housing with services establishment.

33 (b) Under a Medicaid waiver that provides services to an individual  
34 who is aged or disabled, the office shall reimburse for assisted living  
35 services.

36 (c) The office may reimburse for any home and community based  
37 services provided to a Medicaid recipient beginning on the date of the  
38 individual's Medicaid application.

39 (d) The office may not do any of the following concerning assisted  
40 living services provided in a home and community based services  
41 program:

42 (1) Require the installation of a sink in the kitchenette within any



1 living unit of an entity that participated in the Medicaid home and  
 2 community based service program before July 1, 2018.

3 (2) Require all living units within a setting that provides assisted  
 4 living services to comply with physical plant requirements that  
 5 are applicable to individual units occupied by a Medicaid  
 6 recipient.

7 (3) Require a provider to offer only private rooms.

8 (4) Require a housing with services establishment provider to  
 9 provide housing when:

10 (A) the provider is unable to meet the health needs of a  
 11 resident without:

12 (i) undue financial or administrative burden; or

13 (ii) fundamentally altering the nature of the provider's  
 14 operations; and

15 (B) the resident is unable to arrange for services to meet the  
 16 resident's health needs.

17 (5) Require a housing with services establishment provider to  
 18 separate an agreement for housing from an agreement for  
 19 services.

20 (6) Prohibit a housing with services establishment provider from  
 21 offering studio apartments with only a single sink in the unit.

22 (7) Preclude the use of a shared bathroom between adjoining or  
 23 shared units if the participants consent to the use of a shared  
 24 bathroom.

25 (e) The division may adopt rules under IC 4-22-2 that establish the  
 26 right, and an appeals process, for a resident to appeal a provider's  
 27 determination that the provider is unable to meet the health needs of  
 28 the resident as described in subsection (d)(4). The process:

29 (1) must require an objective third party to review the provider's  
 30 determination in a timely manner; and

31 (2) may not be required if the provider is licensed by the ~~state~~  
 32 **Indiana** department of health and the licensure requirements  
 33 include an appellate procedure for such a determination.

34 (f) Before December 31, 2018, the office shall:

35 (1) implement a process for; and

36 (2) resume enrollment of;

37 a provider with specialized and secure settings for individuals with  
 38 Alzheimer's disease or other dementia, within a portion of or  
 39 throughout the setting, to become a provider under a home and  
 40 community based services program. At least forty-five (45) days before  
 41 the adoption of an enrollment process under this subsection, the office  
 42 shall consult with home and community based services providers, case



1 managers, care managers, and persons with expertise in Alzheimer's  
 2 disease or other dementia. The office's failure to adopt an enrollment  
 3 process under this subsection shall not prevent the office from  
 4 processing a provider application.

5 SECTION 90. IC 12-10-13-16.8, AS AMENDED BY P.L.168-2018,  
 6 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2023]: Sec. 16.8. The office shall do the following:

8 (1) Promote effective coordination between the office and the  
 9 following:

10 (A) Programs that provide legal services for the elderly.

11 (B) The adult protective services program.

12 (C) The attorney general's division of Medicaid fraud.

13 (D) The **state Indiana** department of health.

14 (E) Indiana protection and advocacy services.

15 (F) The state's legal assistance developer.

16 (2) Establish a statewide toll free telephone line to receive reports  
 17 of residents' complaints concerning long term care facilities.

18 (3) Ensure that the identity of a complainant or resident will not  
 19 be disclosed without:

20 (A) the complainant's or resident's written consent; or

21 (B) a court order.

22 SECTION 91. IC 12-10-13-19, AS AMENDED BY P.L.168-2018,  
 23 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 19. (a) The office shall prepare a report each year  
 25 on the operations of the office.

26 (b) A copy of the report shall be provided to the following:

27 (1) The governor.

28 (2) The general assembly. The report must be in an electronic  
 29 format under IC 5-14-6.

30 (3) The division.

31 (4) The secretary.

32 (5) The Assistant Secretary for Aging of the Administration for  
 33 Community Living.

34 (6) Each area agency on aging within Indiana.

35 (7) The **state Indiana** department of health.

36 SECTION 92. IC 12-10-15-13 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. This chapter does  
 38 not preclude the authority of the **state Indiana** department of health to  
 39 regulate:

40 (1) a home health agency, as provided in IC 16-27 and rules  
 41 adopted under IC 16-27; or

42 (2) a health facility, as provided in IC 16-28 and rules adopted





- 1 under IC 16-28.
- 2 SECTION 93. IC 12-10-17.1-12, AS AMENDED BY P.L. 133-2018,  
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2023]: Sec. 12. (a) The division shall register an individual  
 5 who provides the following:
- 6 (1) A personal resume containing information concerning the  
 7 individual's qualifications, work experience, and any credentials  
 8 the individual may hold. The individual must certify that the  
 9 information contained in the resume is true and accurate.
  - 10 (2) The individual's:
    - 11 (A) limited criminal history check from the Indiana central  
 12 repository for criminal history information under IC 10-13-3;
    - 13 (B) expanded criminal history check under IC 20-26-2-1.5; or
    - 14 (C) criminal history check from another source allowed by  
 15 law.
  - 16 (3) If applicable, the individual's state nurse aide registry report  
 17 from the **state Indiana** department of health. This subdivision  
 18 does not require an individual to be a nurse aide.
  - 19 (4) Three (3) letters of reference.
  - 20 (5) A registration fee. The division shall establish the amount of  
 21 the registration fee.
  - 22 (6) Proof that the individual is at least eighteen (18) years of age.
  - 23 (7) Any other information required by the division.
- 24 (b) A registration is valid for two (2) years. A personal services  
 25 attendant may renew the personal services attendant's registration by  
 26 updating any information in the file that has changed and by paying the  
 27 fee required under subsection (a)(5). The limited criminal history check  
 28 and report required under subsection (a)(2) and (a)(3) must be updated  
 29 every two (2) years.
- 30 (c) The division and any organization designated under section 11  
 31 of this chapter shall maintain a file for each personal services attendant  
 32 that contains:
- 33 (1) comments related to the provision of attendant care services  
 34 submitted by an individual in need of self-directed in-home care  
 35 who has employed the personal services attendant; and
  - 36 (2) the items described in subsection (a)(1) through (a)(4).
- 37 (d) Upon request, the division shall provide to an individual in need  
 38 of self-directed in-home care the following:
- 39 (1) Without charge, a list of personal services attendants who are  
 40 registered with the division and available within the requested  
 41 geographic area.
  - 42 (2) A copy of the information of a specified personal services



1 attendant who is on file with the division under subsection (c).  
 2 The division may charge a fee for shipping, handling, and copying  
 3 expenses.

4 (e) The limited criminal history check requirement described in  
 5 subsection (a)(2) may be satisfied by fulfilling the components of an  
 6 expanded criminal history check under IC 20-26-2-1.5 and is subject  
 7 to the conditions described in IC 16-27-2-4(c).

8 SECTION 94. IC 12-11-2.1-1, AS AMENDED BY P.L.85-2017,  
 9 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 1. (a) The bureau shall determine whether or not  
 11 an individual has a developmental disability. For individuals for whom  
 12 there is not enough current information available to make a  
 13 determination of eligibility, the bureau shall use the results of a  
 14 diagnostic assessment in determining whether an individual has a  
 15 developmental disability. A diagnostic assessment must include the  
 16 following:

- 17 (1) Diagnostic information concerning the individual's  
 18 functioning level and medical and habilitation needs.
- 19 (2) All information necessary for the use of the office of Medicaid  
 20 policy and planning, the **state Indiana** department of health, and  
 21 the division.
- 22 (3) The use of all appropriate assessments conducted under rules  
 23 adopted under IC 16-28.

24 (b) An individual who is found not to have a developmental  
 25 disability may appeal the bureau's finding under IC 4-21.5.

26 (c) If an individual is determined to have a developmental disability,  
 27 the office shall determine whether the individual meets the appropriate  
 28 federal level of care requirements.

29 SECTION 95. IC 12-11-8-3, AS AMENDED BY P.L.210-2015,  
 30 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 3. (a) The Indiana resource center for autism in  
 32 cooperation with the appropriate state agencies shall do the following:

- 33 (1) Provide informational services about autism.
- 34 (2) Provide an information system for services provided to  
 35 individuals with autism and their families by federal, state, local,  
 36 and private agencies.
- 37 (3) Develop a data base from information received by the  
 38 division, the division of mental health and addiction, the  
 39 department of education, and the **state Indiana** department of  
 40 health relative to the services provided to individuals with autism  
 41 and their families.
- 42 (4) Offer training and technical assistance to providers of services



- 1 and families of individuals with autism.
- 2 (5) Research methods for assessing, planning, implementing, and
- 3 evaluating programs for individuals with autism and their
- 4 families.
- 5 (6) Develop model curricula and resource materials for providers
- 6 of services and families of individuals with autism.
- 7 (7) Conduct one (1) time every three (3) years a statewide needs
- 8 assessment study designed to determine the following:
- 9 (A) The status of services provided to individuals with autism
- 10 and their families.
- 11 (B) The need for additional or alternative services for
- 12 individuals with autism and their families.
- 13 (b) The Indiana resource center for autism shall deliver to the
- 14 general assembly in an electronic format under IC 5-14-6 the results of
- 15 the needs assessment study required by subsection (a)(7) before
- 16 December 1 of each year in which the study is conducted.
- 17 SECTION 96. IC 12-11-15.5-2, AS ADDED BY P.L.262-2019,
- 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2023]: Sec. 2. (a) The services for individuals with intellectual
- 20 and other developmental disabilities task force is established.
- 21 (b) The task force consists of twenty-one (21) members as follows:
- 22 (1) One (1) member representing the division of disability and
- 23 rehabilitative services.
- 24 (2) One (1) member representing the office of Medicaid policy
- 25 and planning.
- 26 (3) One (1) member representing the division of mental health
- 27 and addiction.
- 28 (4) One (1) member representing the governor's council for
- 29 people with disabilities.
- 30 (5) One (1) member representing the department of education.
- 31 (6) One (1) member representing the ~~state~~ **Indiana** department of
- 32 health.
- 33 (7) One (1) member representing the division of aging.
- 34 (8) One (1) member representing the department of child services.
- 35 (9) One (1) member representing a statewide, nonprofit
- 36 organization that advocates for people with intellectual and other
- 37 developmental disabilities.
- 38 (10) One (1) member representing a trade association of providers
- 39 that deliver services to people with intellectual and other
- 40 developmental disabilities.
- 41 (11) Two (2) members who are family members of people with
- 42 intellectual or other developmental disabilities.



- 1 (12) Two (2) members who are consumers of services for people  
 2 with intellectual and other developmental disabilities.  
 3 (13) Two (2) members who are employees of organizations that  
 4 provide services to people with intellectual and other  
 5 developmental disabilities.  
 6 (14) One (1) member who is the secretary or the secretary's  
 7 designee.  
 8 (15) One (1) member who:  
 9 (A) represents the house of representatives;  
 10 (B) is appointed by the speaker of the house of representatives;  
 11 and  
 12 (C) is not a member of the same political party as the member  
 13 appointed under subdivision (16).  
 14 (16) One (1) member who:  
 15 (A) represents the house of representatives;  
 16 (B) is appointed by the minority leader of the house of  
 17 representatives; and  
 18 (C) is not a member of the same political party as the member  
 19 appointed under subdivision (15).  
 20 (17) One (1) member who:  
 21 (A) represents the senate;  
 22 (B) is appointed by the president pro tempore of the senate;  
 23 and  
 24 (C) is not a member of the same political party as the member  
 25 appointed under subdivision (18).  
 26 (18) One (1) member who:  
 27 (A) represents the senate;  
 28 (B) is appointed by the minority leader of the senate; and  
 29 (C) is not a member of the same political party as the member  
 30 appointed under subdivision (17).  
 31 (c) The governor shall appoint the members described in subsection  
 32 (b)(1) through (b)(13) and these members serve at the pleasure of the  
 33 governor.  
 34 (d) The governor or the governor's designee:  
 35 (1) is a nonvoting member of the task force; and  
 36 (2) shall serve as the chairperson.  
 37 (e) The expenses of the task force shall be paid by the office of the  
 38 secretary of family and social services.  
 39 (f) A quorum consists of the majority of the members of the task  
 40 force.  
 41 (g) The affirmative votes of a majority of the voting members  
 42 appointed to the task force are required for the task force to take action



1 on any measure.

2 (h) The appointing authority shall fill any vacancy on the task force  
3 not later than forty-five (45) days after the vacancy occurs.

4 SECTION 97. IC 12-12-9-2, AS AMENDED BY P.L.141-2006,  
5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2023]: Sec. 2. The office of the secretary shall, on the first  
7 business day of each month, send a copy of a report filed under section  
8 1 of this chapter to the following persons:

9 (1) For persons less than seventeen (17) years of age, to the  
10 following:

- 11 (A) The Indiana School for the Blind and Visually Impaired.
- 12 (B) The division of disability and rehabilitative services.
- 13 (C) The division of special education of the department of  
14 education.

15 (2) For persons at least seventeen (17) years of age, to the  
16 following:

- 17 (A) The division of disability and rehabilitative services.
- 18 (B) On request, organizations serving the blind or visually  
19 impaired and the **state Indiana** department of health.

20 SECTION 98. IC 12-12.7-2-1, AS ADDED BY P.L.93-2006,  
21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2023]: Sec. 1. As used in this chapter, "agency" means a  
23 department, a commission, a council, a board, a bureau, a division, a  
24 service, an office, or an administration that is responsible for providing  
25 services to infants and toddlers with disabilities and their families,  
26 including the following:

- 27 (1) The division of mental health and addiction.
- 28 (2) The **state Indiana** department of health.
- 29 (3) The division of family resources.
- 30 (4) The division of disability, aging, and rehabilitative services.
- 31 (5) The department of education.
- 32 (6) The department of child services.

33 SECTION 99. IC 12-13-15.2-2, AS AMENDED BY P.L.160-2012,  
34 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2023]: Sec. 2. The division shall collaborate with the office of  
36 Medicaid policy and planning established by IC 12-8-6.5-1 and the  
37 **state Indiana** department of health established by IC 16-19-1-1 to  
38 establish programs that facilitate children's access to oral health  
39 services.

40 SECTION 100. IC 12-15-15-6 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) In addition to a  
42 payment due to a hospital for the delivery of a newborn infant, the



1 office shall tender a payment to the hospital for the hospital's  
 2 collection, handling, and delivery of a specimen for testing under  
 3 IC 16-41-17-2(a)(10).

4 (b) Payment to a hospital required under subsection (a) must be in  
 5 an amount equal to the total of the following costs:

6 (1) The cost incurred by the hospital to collect, handle, and  
 7 deliver the specimen obtained for testing under  
 8 IC 16-41-17-2(a)(10).

9 (2) Any fee assessed against the hospital for a laboratory's testing  
 10 of the specimen under IC 16-41-17-2(a)(10).

11 (3) Any newborn screening fee or other fee assessed against the  
 12 hospital by the **state Indiana** department of health in connection  
 13 with the testing of the specimen under IC 16-41-17-2(a)(10).

14 SECTION 101. IC 12-15-36-7 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The office of  
 16 Medicaid policy and planning may not approve more than one hundred  
 17 (100) beds for special skilled services under this chapter without the  
 18 agreement of the commissioner of the **state Indiana** department of  
 19 health and the administrator of the office of Medicaid policy and  
 20 planning.

21 SECTION 102. IC 12-15-37-1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. The **state Indiana**  
 23 department of health, with guidance and input from the office, shall  
 24 review Medicaid recipient populations to determine which populations  
 25 might benefit from transfer to an insurance product. Populations to  
 26 review include participants in:

27 (1) the IMPACT program; and

28 (2) certain geographic populations, including rural populations;  
 29 to determine the fiscal and other effects of a demonstration project  
 30 established for the benefit of these recipients.

31 SECTION 103. IC 12-15-37-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. After completing the  
 33 review under section 1 of this chapter, the office, under the guidance  
 34 of the **state Indiana** department of health, may seek waivers from the  
 35 United States Department of Health and Human Services to establish  
 36 one (1) or more of the following demonstration projects, the goal of  
 37 each of which is to provide a more cost effective means of providing  
 38 health care coverage for certain Medicaid eligible individuals:

39 (1) Enrolling the designated recipients in prepaid health care  
 40 delivery plans.

41 (2) Establishing medical savings accounts for designated  
 42 recipients.



1 (3) Purchasing a private insurance product for designated  
2 recipients.

3 (4) Notwithstanding IC 12-15-5, redesigning the package of  
4 Medicaid benefits and services offered to designated recipients.  
5 Any package offered to designated recipients under this  
6 subdivision must include those services that may be provided  
7 within the scope of a provider's license if the service is covered  
8 under IC 12-15-12.

9 (5) Integrating the designated recipients into an already  
10 established risk pool.

11 SECTION 104. IC 12-15-37-3 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The ~~state~~ **Indiana**  
13 department of health and the office may not implement any of the  
14 demonstration projects under section 2 of this chapter until the office,  
15 under the guidance of the ~~state~~ **Indiana** department of health, files an  
16 affidavit with the governor that attests that the federal waivers applied  
17 for under section 2 of this chapter are in effect. The ~~state~~ **Indiana**  
18 department of health and the office shall file the affidavit under this  
19 section not later than five (5) days after the ~~state~~ **Indiana** department  
20 of health or the office are notified that the waiver is approved.

21 SECTION 105. IC 12-15-37-4 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. If a waiver is  
23 received from the United States Department of Health and Human  
24 Services and the governor receives the affidavit filed under section 3  
25 of this chapter, the ~~state~~ **Indiana** department of health, with guidance  
26 and input from the office, shall implement the demonstration project  
27 for which the waiver was granted not more than ninety (90) days after  
28 the governor receives the affidavit.

29 SECTION 106. IC 12-15-37-5 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. The ~~state~~ **Indiana**  
31 department of health, with guidance and input from the office, shall  
32 adopt rules under IC 4-22-2 to implement a demonstration project for  
33 which a waiver is granted under this chapter.

34 SECTION 107. IC 12-15-37-6 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. If the ~~state~~ **Indiana**  
36 department of health and the office seek a waiver under this chapter to  
37 establish a managed care program or other demonstration project, the  
38 ~~state~~ **Indiana** department of health and the office shall not seek a  
39 waiver of:

40 (1) federally qualified health centers and rural health clinic  
41 services as mandatory Medicaid services under:

42 (A) 42 U.S.C. 1396a(10)(A);



- 1 (B) 42 U.S.C. 1396d(a)(2)(B); and  
 2 (C) 42 U.S.C. 1396d(a)(2)(C); or  
 3 (2) reasonable cost reimbursement for federally qualified health  
 4 centers and rural health clinics under 42 U.S.C. 1396a(a)(13)(C).  
 5 SECTION 108. IC 12-15-37-7 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The office and the  
 7 **state Indiana** department of health may collaborate with the American  
 8 Heart Association to reduce the cost of stroke treatment and improve  
 9 the outcome of stroke patients in the state. The collaboration may  
 10 include the following:
- 11 (1) The development and implementation of a comprehensive  
 12 statewide public education program on stroke prevention that is  
 13 targeted at high-risk populations and at geographical areas that  
 14 have a high incidence of stroke.
  - 15 (2) The recommendation and dissemination of guidelines on the  
 16 treatment of stroke patients, including emergency stroke care.
  - 17 (3) The development of a program that would ensure that the  
 18 public and health care providers are informed concerning the  
 19 most effective stroke prevention strategies.
  - 20 (4) The dissemination of information concerning public and  
 21 private grant opportunities available for hospitals and providers  
 22 of emergency medical services for the purposes of improving  
 23 stroke patient care.
- 24 SECTION 109. IC 12-15-38-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The **state Indiana**  
 26 department of health, with guidance and input from the office, shall  
 27 examine and study the availability of funds that require a waiver and  
 28 funds that do not require a waiver from the United States Secretary of  
 29 Health and Human Services that may be:
- 30 (1) used to fund a demonstration project to provide health care to  
 31 individuals who do not qualify for coverage under IC 12-15-2 on  
 32 July 1, 1995; and
  - 33 (2) eligible for federal financial participation, other matching  
 34 funds from the federal government, or grants from the federal  
 35 government.
- 36 (b) The examination of funds under this section is restricted to  
 37 funding sources not used in the Medicaid program on June 30, 1995,  
 38 and may not include funds authorized for planning and starting  
 39 nonprofit community based primary health care centers.
- 40 SECTION 110. IC 12-15-38-2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. If the **state Indiana**  
 42 department of health, with guidance and input from the office,





1 identifies funds under section 1 of this chapter, the **state Indiana**  
 2 department of health may develop a health care plan and delivery  
 3 system that uses the funds under the Medicaid program to provide  
 4 health insurance for individuals who would not qualify for coverage  
 5 under IC 12-15-2. The plan may include providing insurance through  
 6 the private health insurance system.

7 SECTION 111. IC 12-15-38-3 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. If the **state Indiana**  
 9 department of health and the office develop a plan that requires a  
 10 waiver from federal Medicaid law, the office may apply for the  
 11 necessary waiver from the appropriate authority to implement the  
 12 program under section 2 of this chapter.

13 SECTION 112. IC 12-15-38-4 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Before July 1, 1996,  
 15 the **state Indiana** department of health and the office shall submit a  
 16 report to the general assembly summarizing the study conducted under  
 17 section 1 of this chapter and any health care plans developed under  
 18 section 2 of this chapter.

19 SECTION 113. IC 12-15-38-5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. The **state Indiana**  
 21 department of health and the office shall enter into an interagency  
 22 agreement to allow the **state Indiana** department of health to carry out  
 23 the department's responsibilities under this chapter in accordance with  
 24 federal requirements.

25 SECTION 114. IC 12-16-1-1, AS AMENDED BY P.L.141-2006,  
 26 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 1. As used in this chapter, "affected agency"  
 28 means any of the following:

- 29 (1) The department of correction.
- 30 (2) The **state Indiana** department of health.
- 31 (3) The division of mental health and addiction.
- 32 (4) The division of disability and rehabilitative services.

33 SECTION 115. IC 12-16-2.5-5, AS AMENDED BY P.L.141-2006,  
 34 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2023]: Sec. 5. The hospital care for the indigent program does  
 36 not apply to inmates and patients of institutions of the department of  
 37 correction, the **state Indiana** department of health, the division of  
 38 mental health and addiction, the division of aging, or the division of  
 39 disability and rehabilitative services.

40 SECTION 116. IC 12-17.2-1-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This article does not  
 42 apply to the following:



- 1 (1) A child care center or child care home licensed or operated by
- 2 any of the following:
- 3 (A) Programs for children in grades kindergarten through 12
- 4 that are operated under the authority of the department of
- 5 education or that are operated with the assistance of the
- 6 department of education.
- 7 (B) The division of mental health and addiction.
- 8 (C) The **state Indiana** department of health.
- 9 (D) The department of correction.
- 10 (2) A county jail or detention center.

11 SECTION 117. IC 12-17.2-2-2 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. The division may do  
 13 the following:

- 14 (1) Prescribe forms for reports, statements, notices, and other
- 15 documents required by this article or by the rules adopted under
- 16 this article.
- 17 (2) Increase public awareness of this article and the rules adopted
- 18 under this article by preparing and publishing manuals and guides
- 19 explaining this article and the rules adopted under this article.
- 20 (3) Facilitate compliance with and enforcement of this article
- 21 through the publication of materials under subdivision (2).
- 22 (4) Prepare reports and studies to advance the purpose of this
- 23 article.
- 24 (5) Seek the advice and recommendations of state agencies whose
- 25 information and knowledge would be of assistance in writing,
- 26 revising, or monitoring rules developed under this article. These
- 27 agencies, including the office of the attorney general, **state**
- 28 **Indiana** department of health, division of mental health and
- 29 addiction, bureau of criminal identification and investigation, and
- 30 fire prevention and building safety commission, shall upon
- 31 request supply necessary information to the division.
- 32 (6) Make the directory of licensees available to the public for a
- 33 charge not to exceed the cost of reproducing the directory.
- 34 (7) Charge a reasonable processing fee for each license
- 35 application and renewal as follows:
- 36 (A) For a child care center license, a fee of two dollars (\$2) per
- 37 licensed child capacity.
- 38 (B) For a child care center new inquiry application packet, a
- 39 fee not to exceed five dollars (\$5).
- 40 (C) For a child care home license new inquiry application
- 41 packet, a fee not to exceed five dollars (\$5).
- 42 (D) For a child care home annual inspection, a fee not to



- 1           exceed twenty-five dollars (\$25).
- 2           (8) Exercise any other regulatory and administrative powers
- 3           necessary to carry out the functions of the division.
- 4           SECTION 118. IC 12-17.2-2-4, AS AMENDED BY P.L.210-2015,
- 5           SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6           JULY 1, 2023]: Sec. 4. (a) The division shall adopt rules under
- 7           IC 4-22-2 concerning the licensing and inspection of child care centers
- 8           and child care homes after consultation with the following:
- 9           (1) **State Indiana** department of health.
- 10          (2) Fire prevention and building safety commission.
- 11          (b) The rules adopted under subsection (a) shall be applied by the
- 12          division and state fire marshal in the licensing and inspection of
- 13          applicants for a license and licensees under this article.
- 14          SECTION 119. IC 12-17.2-3.5-11.1 IS AMENDED TO READ AS
- 15          FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11.1. (a) After
- 16          December 31, 2002, a provider shall maintain and annually update
- 17          documentation provided by the physician of each child who is cared for
- 18          in a facility where the provider operates a child care program that the
- 19          child has received complete age appropriate immunizations, including:
- 20          (1) conjugated pneumococcal vaccine; and
- 21          (2) varicella vaccine or a demonstrated immunity to varicella.
- 22          The **state Indiana** department of health shall determine for each age
- 23          level the immunizations that constitute complete age appropriate
- 24          immunizations.
- 25          (b) A provider meets the requirement of subsection (a) if:
- 26          (1) a child's parent:
- 27                  (A) objects to immunizations for religious reasons; and
- 28                  (B) provides documentation of the parent's objection;
- 29          (2) the child's physician provides documentation of a medical
- 30          reason the child should not be immunized; or
- 31          (3) the child's physician provides documentation that the child is
- 32          currently in the process of receiving complete age appropriate
- 33          immunizations;
- 34          and the provider maintains and annually updates the documentation
- 35          provided by the parent or physician under this subsection.
- 36          SECTION 120. IC 12-17.2-4-18.1 IS AMENDED TO READ AS
- 37          FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.1. (a) After
- 38          December 31, 2002, a licensee shall maintain and annually update
- 39          documentation provided by the physician of each child who is cared for
- 40          in a child care center where the licensee provides child care that the
- 41          child has received complete age appropriate immunizations, including:
- 42          (1) conjugated pneumococcal vaccine; and



1 (2) varicella vaccine or a demonstrated immunity to varicella.  
 2 The ~~state~~ **Indiana** department of health shall determine for each age  
 3 level the immunizations that constitute complete age appropriate  
 4 immunizations.

- 5 (b) A licensee meets the requirement of subsection (a) if:  
 6 (1) a child's parent:  
 7 (A) objects to immunizations for religious reasons; and  
 8 (B) provides documentation of the parent's objection;  
 9 (2) the child's physician provides documentation of a medical  
 10 reason the child should not be immunized; or  
 11 (3) the child's physician provides documentation that the child is  
 12 currently in the process of receiving complete age appropriate  
 13 immunizations;

14 and the licensee maintains and annually updates the documentation  
 15 provided by the parent or physician under this subsection.

16 SECTION 121. IC 12-17.2-5-18.1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.1. (a) After  
 18 December 31, 2002, a licensee shall maintain and annually update  
 19 documentation provided by the physician of each child who is cared for  
 20 in a child care home where the licensee provides child care that the  
 21 child has received complete age appropriate immunizations, including:

- 22 (1) conjugated pneumococcal vaccine; and  
 23 (2) varicella vaccine or a demonstrated immunity to varicella.

24 The ~~state~~ **Indiana** department of health shall determine for each age  
 25 level the immunizations that constitute complete age appropriate  
 26 immunizations.

- 27 (b) A licensee meets the requirement of subsection (a) if:  
 28 (1) a child's parent:  
 29 (A) objects to immunizations for religious reasons; and  
 30 (B) provides documentation of the parent's objection;  
 31 (2) the child's physician provides documentation of a medical  
 32 reason the child should not be immunized; or  
 33 (3) the child's physician provides documentation that the child is  
 34 currently in the process of receiving complete age appropriate  
 35 immunizations;

36 and the licensee maintains and annually updates the documentation  
 37 provided by the parent or physician under this subsection.

38 SECTION 122. IC 12-18-8-8, AS AMENDED BY P.L.258-2017,  
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 8. (a) To complete its review of a death or near  
 41 fatality that it believes to have resulted from domestic violence, the  
 42 local domestic violence fatality review team may review all applicable



1 records and information related to the death or near fatality, including  
2 the following:

3 (1) Records held by the:

4 (A) **Indiana department of health or local or state health**  
5 department; and

6 (B) department of child services, subject to IC 31-33-18-2.

7 (2) Medical records.

8 (3) Law enforcement, court, and probation records.

9 (4) Autopsy reports.

10 (5) Records of the coroner.

11 (6) Mental health reports.

12 (b) Subject to IC 34-30-15, if the local domestic violence fatality  
13 review team requests records from a hospital, physician, coroner, law  
14 enforcement officer, or mental health professional regarding a death or  
15 near fatality that the local domestic violence fatality review team is  
16 investigating, the hospital, physician, coroner, law enforcement officer,  
17 or mental health professional shall provide the requested records to the  
18 local domestic violence fatality review team.

19 (c) A person who provides records in accordance with subsection  
20 (b) in good faith is not subject to liability in:

21 (1) a civil;

22 (2) an administrative;

23 (3) a disciplinary; or

24 (4) a criminal;

25 action that might otherwise be imposed as a result of the disclosure of  
26 the records.

27 (d) Except as otherwise provided in this article, information and  
28 records acquired by the local domestic violence fatality review team in  
29 the exercise of its duties under this chapter are confidential and exempt  
30 from disclosure.

31 (e) Records, information, documents, and reports acquired or  
32 produced by the local domestic violence fatality review team are not:

33 (1) subject to subpoena or discovery; or

34 (2) admissible as evidence;

35 in any judicial or administrative proceeding. Information that is  
36 otherwise discoverable or admissible from original sources is not  
37 immune from discovery or use in any proceeding merely because the  
38 information was presented during proceedings before the local  
39 domestic violence fatality review team.

40 SECTION 123. IC 12-18-9-4, AS ADDED BY P.L.258-2017,  
41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2023]: Sec. 4. (a) The statewide domestic violence fatality



- 1 review committee consists of the following members:
- 2 (1) A coroner or deputy coroner.
- 3 (2) A representative from the ~~state~~ **Indiana** department of health
- 4 who specializes in injury prevention.
- 5 (3) A medical practitioner with expertise in domestic violence.
- 6 (4) A representative of law enforcement who has experience in
- 7 responding to and investigating domestic violence.
- 8 (5) The director of the department of child services or the
- 9 director's designee.
- 10 (6) The executive director of the Indiana prosecuting attorneys
- 11 council or the executive director's designee.
- 12 (7) A mental health provider.
- 13 (8) A representative of a domestic violence prevention program.
- 14 (9) The state domestic violence fatality review coordinator.
- 15 (10) The director of the Indiana criminal justice institute or the
- 16 director's designee.
- 17 (11) A family violence specialist of the Indiana supreme court
- 18 appointed by the chief justice of the Indiana supreme court.
- 19 (b) The governor shall appoint the members described in subsection
- 20 (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), and (a)(8). Members appointed
- 21 under subsection (a)(1), (a)(3), and (a)(7) shall serve initial terms of
- 22 three (3) years. Members appointed under subsection (a)(2), (a)(4), and
- 23 (a)(8) shall serve initial terms of two (2) years. After the expiration of
- 24 the initial terms specified by this subsection, each member appointed
- 25 by the governor shall serve a two (2) year term. A member may be
- 26 reappointed to serve a subsequent term.
- 27 (c) The member appointed under subsection (a)(11) shall serve at
- 28 the pleasure of the chief justice of the Indiana supreme court.
- 29 SECTION 124. IC 12-18-9-7, AS ADDED BY P.L.258-2017,
- 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2023]: Sec. 7. (a) Upon request by a local domestic violence
- 32 fatality review team, the statewide domestic violence fatality review
- 33 committee shall assist the local domestic violence fatality review team
- 34 or conduct a review of a death or near fatality that occurred in Indiana
- 35 as permitted by subsection (c).
- 36 (b) In the absence of a county or regional domestic violence fatality
- 37 review team established under IC 12-18-8, the statewide domestic
- 38 violence fatality review committee may conduct a review of a death or
- 39 near fatality that occurred in Indiana as permitted by subsection (c).
- 40 (c) A death or near fatality occurring in Indiana may be reviewed by
- 41 the statewide domestic violence fatality review committee under
- 42 subsection (a) or (b) if:



- 1 (1) the death results from:  
 2 (A) domestic violence; or  
 3 (B) suicide, in a case of domestic violence; or  
 4 (2) the near fatality occurs when a victim of domestic violence  
 5 suffers a life threatening injury.
- 6 (d) In conducting a domestic violence fatality review under this  
 7 section, the statewide domestic violence fatality review committee may  
 8 review all applicable records and information related to the death,  
 9 including the following:
- 10 (1) Records held by the:  
 11 (A) **Indiana department of health** or local ~~or state~~ health  
 12 department; and  
 13 (B) department of child services, subject to IC 31-33-18-2.  
 14 (2) Medical records.  
 15 (3) Law enforcement, court, and probation records.  
 16 (4) Autopsy reports.  
 17 (5) Records of the coroner.  
 18 (6) Mental health reports.
- 19 (e) Subject to IC 34-30-15, if the statewide domestic violence  
 20 fatality review committee requests records from a hospital, physician,  
 21 coroner, law enforcement officer, or mental health professional  
 22 regarding a death that the statewide domestic violence fatality review  
 23 committee is investigating, the hospital, physician, coroner, law  
 24 enforcement officer, or mental health professional shall provide the  
 25 requested records to the statewide domestic violence fatality review  
 26 committee.
- 27 (f) A person who provides records in accordance with subsection (d)  
 28 in good faith is not subject to liability in:  
 29 (1) a civil;  
 30 (2) an administrative;  
 31 (3) a disciplinary; or  
 32 (4) a criminal;  
 33 action that might otherwise be imposed as a result of the disclosure of  
 34 the records.
- 35 (g) Except as otherwise provided in this article, information and  
 36 records acquired by the statewide domestic violence fatality review  
 37 committee in the exercise of its duties under this chapter are  
 38 confidential and exempt from disclosure.
- 39 (h) Records, information, documents, and reports acquired or  
 40 produced by the statewide domestic violence fatality review committee  
 41 are not:  
 42 (1) subject to subpoena or discovery; or



1 (2) admissible as evidence;  
 2 in any judicial or administrative proceeding. Information that is  
 3 otherwise discoverable or admissible from original sources is not  
 4 immune from discovery or use in any proceeding merely because the  
 5 information was presented during proceedings before the statewide  
 6 domestic violence fatality review committee.

7 SECTION 125. IC 12-20-16-12, AS AMENDED BY P.L.73-2005,  
 8 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2023]: Sec. 12. (a) This section does not apply if the county  
 10 coroner assumes jurisdiction of an unclaimed body under  
 11 IC 36-2-14-16.

12 (b) If:

13 (1) an individual dies in a township without leaving:

14 (A) money;

15 (B) real or personal property;

16 (C) other assets that may be liquidated; or

17 (D) other means necessary to defray funeral expenses; and

18 (2) the individual is not a resident of another township in Indiana;  
 19 the township trustee, as administrator of township assistance, shall  
 20 provide a person to superintend and authorize either the funeral and  
 21 burial or cremation of the deceased individual. If the township trustee  
 22 determines that the deceased individual is a resident of another  
 23 township in Indiana, the township trustee shall notify the trustee of that  
 24 township, who shall then provide a person to superintend and authorize  
 25 either the funeral and burial or cremation of the deceased individual.

26 (c) The necessary and reasonable expenses of the funeral and burial  
 27 or cremation, including a burial plot, shall be paid in the same manner  
 28 as other claims for township assistance. A trustee shall determine the  
 29 cost for the items and services required by law for the funeral and  
 30 burial of an individual, including a burial plot, and for the cremation of  
 31 an individual, and include in the township's township assistance  
 32 standards the maximum funeral and burial or cremation amount to be  
 33 paid from township assistance funds. The trustee may deduct from the  
 34 maximum amount the following:

35 (1) Any monetary benefits that the deceased individual is entitled  
 36 to receive from a state or federal program.

37 (2) Any money that another person provides on behalf of the  
 38 deceased individual.

39 (d) If an individual described in subsection (b) is a resident of a  
 40 state institution at the time of the individual's death, the division that  
 41 has administrative control of the state institution shall reimburse the  
 42 township trustee for the necessary and reasonable expenses of the





1 funeral and burial or cremation of the deceased individual. The  
 2 township trustee shall submit to the division that has administrative  
 3 control of the state institution an itemized claim for reimbursement of  
 4 the necessary and reasonable funeral and burial or cremation expenses  
 5 incurred by the township trustee.

6 (e) If an individual described in subsection (b) is a resident of a  
 7 special institution governed by IC 16-33 at the time of the individual's  
 8 death, the **state Indiana** department of health shall reimburse the  
 9 township trustee for the necessary and reasonable expenses of the  
 10 funeral and burial or cremation of the deceased individual. The  
 11 township trustee shall submit to the **state Indiana** department of health  
 12 an itemized claim for reimbursement of the necessary and reasonable  
 13 funeral and burial or cremation expenses incurred by the township  
 14 trustee.

15 (f) A township trustee who provides funeral and burial or cremation  
 16 benefits to a deceased individual is entitled to a first priority claim, to  
 17 the extent of the cost of the funeral and burial or cremation benefits  
 18 paid by the township trustee, against any money or other personal  
 19 property held by the coroner under IC 36-2-14-11.

20 (g) The township trustee may not cremate a deceased individual if:

21 (1) the deceased individual; or

22 (2) a surviving family member of the deceased individual;

23 has objected in writing to cremation.

24 (h) If a township trustee provides a funeral under this section, the  
 25 cost of the funeral may not be more than the cost of the least expensive  
 26 funeral, including any necessary merchandise and embalming,  
 27 available from the funeral director under the funeral director's price list  
 28 disclosed to the Federal Trade Commission.

29 SECTION 126. IC 12-23-21.5-2, AS ADDED BY P.L.145-2019,  
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 2. (a) The division may award a grant in  
 32 accordance with this chapter to an eligible entity or group of entities  
 33 working in cooperation to establish or operate a comprehensive  
 34 addiction recovery center. In order for an entity to be certified as a  
 35 comprehensive addiction recovery center and be eligible for a grant  
 36 under this chapter, the entity must apply for the certification or grant  
 37 in the manner set forth by the division and meet the following  
 38 requirements:

39 (1) Be credentialed to accept reimbursement through all of the  
 40 following:

41 (A) A policy of accident and sickness insurance (as defined in  
 42 IC 27-8-5-1).



- 1 (B) A contract with a health maintenance organization under  
 2 IC 27-13.  
 3 (C) The Medicaid program (IC 12-15).  
 4 (D) Mental health and addiction forensic treatment services  
 5 under IC 12-23-19.
- 6 (2) Determine that the applicant carries out or is capable of  
 7 coordinating with other entities to carry out the following:
- 8 (A) Community outreach as follows:  
 9 (i) Train and supervise outreach staff to work with schools,  
 10 workplaces, faith based organizations, the **state Indiana**  
 11 department of health, local health departments, law  
 12 enforcement, and first responders to ensure awareness of the  
 13 center's services.  
 14 (ii) Disseminate and make available online evidence based  
 15 resources that educate professionals and the public on opioid  
 16 use disorder and other substance use disorders.
- 17 (B) Treatment and recovery services as follows:  
 18 (i) Intake evaluation that determines the clinical needs of  
 19 patients.  
 20 (ii) Full continuum of treatment services including all drugs  
 21 approved by the Food and Drug Administration for  
 22 medication assisted treatment, including withdrawal  
 23 management and maintenance of substance use disorders.  
 24 (iii) Treatment services include either partial hospitalization  
 25 or intensive outpatient, at least one (1) level of residential  
 26 care, at least one (1) level of inpatient or acute  
 27 hospitalization, peer support services, and outpatient  
 28 services, including medication management and behavioral  
 29 therapies, recovery residences, and other services as defined  
 30 by the division.  
 31 (iv) Administration of an onsite pharmacy and provision of  
 32 toxicology services.
- 33 (C) Establishment and operation of a secure and confidential  
 34 electronic health information system that is capable of  
 35 measuring recovery outcomes, including measures of:  
 36 (i) housing and employment; and  
 37 (ii) any other measures determined by the division.
- 38 (D) Partnering with community or faith based entities to offer  
 39 family support services, including child care, family  
 40 counseling, and other services as defined by the division.  
 41 (E) Partnering with entities to deliver job training and  
 42 workforce readiness services.



- 1 (3) Use the grant funds to establish or operate a comprehensive  
 2 addiction recovery center.  
 3 (b) The division shall give priority to applications by eligible  
 4 entities that:  
 5 (1) are geographically distributed around the state and at least in  
 6 the:  
 7 (A) north;  
 8 (B) central; and  
 9 (C) south;  
 10 regions; and  
 11 (2) meet other criteria or need, as determined by the division.  
 12 (c) The division may award at least three (3) grants under this  
 13 chapter.

14 SECTION 127. IC 13-14-10-1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Whenever the  
 16 commissioner concludes, in consultation with the commissioner of the  
 17 **state Indiana** department of health, that contamination of air, water, or  
 18 land in any area has reached the point where the contamination  
 19 constitutes a clear and present danger to the health and safety of  
 20 persons in any area, the commissioner's determination shall be  
 21 immediately communicated to the governor. The commissioner, in  
 22 concert with the commissioner of the **state Indiana** department of  
 23 health, shall request the governor to declare that an emergency exists.

24 (b) The governor may:

- 25 (1) proclaim the existence of an emergency; and  
 26 (2) order all persons causing or contributing to the causing of the  
 27 contamination to reduce or discontinue immediately the emission  
 28 or discharge of contaminants.

29 (c) Notice of an emergency order must be in writing wherever  
 30 practicable. However, if the governor considers that written notice is  
 31 not practicable, the governor may give notice in the manner determined  
 32 by the governor.

33 (d) A person against whom an emergency order of the governor has  
 34 been issued shall, upon receiving notice of the order, immediately  
 35 comply with the provisions of the order.

36 (e) The governor may enforce an order by any appropriate action.

37 (f) The procedures for emergency orders provided for in this section  
 38 are governed by IC 4-21.5-4.

39 SECTION 128. IC 13-17-4-2 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Air pollution may  
 41 at certain times and places so seriously affect the public health and so  
 42 threaten the population as to warrant emergency powers to prevent or



1 minimize disasters of unforeseen proportions. If the commissioner  
 2 determines, in consultation with the commissioner of the **state Indiana**  
 3 department of health, that air pollution in an area constitutes an  
 4 unreasonable and emergency risk to the health and safety of those in  
 5 the area, that determination shall be immediately communicated to the  
 6 governor.

7 (b) The governor may, by proclamation, do the following:

8 (1) Declare that an emergency exists.

9 (2) Order all persons causing or contributing to the air pollution  
 10 to reduce or discontinue immediately the emission of air  
 11 contaminants.

12 SECTION 129. IC 13-18-17-5, AS AMENDED BY P.L.187-2021,  
 13 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2023]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2  
 15 establishing groundwater quality standards that include numeric and  
 16 narrative criteria, a groundwater classification plan, and a method of  
 17 determining where the groundwater quality standards must apply. The  
 18 standards established under this subsection shall be used for the  
 19 following purposes:

20 (1) To establish minimum compliance levels for groundwater  
 21 quality monitoring at regulated facilities.

22 (2) To ban the discharge of effluents into potable groundwater.

23 (3) To establish health protection goals for untreated water in  
 24 water supply wells.

25 (4) To establish concentration limits for contaminants in ambient  
 26 groundwater.

27 (b) Except as provided in subsection (c) and subject to subsection  
 28 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
 29 the groundwater quality standards established under this section to  
 30 activities regulated by the agencies:

31 (1) The department.

32 (2) The department of natural resources.

33 (3) The **state Indiana** department of health.

34 (4) The office of the state chemist.

35 (5) The department of homeland security.

36 (c) The executive board of the **state Indiana** department of health  
 37 may not adopt rules to apply the nitrate and nitrite numeric criteria  
 38 included in groundwater quality standards established in rules adopted  
 39 by the board under subsection (a) to onsite sewage systems.

40 (d) Any rule adopted by the executive board of the **state Indiana**  
 41 department of health is void to the extent that the rule applies the  
 42 nitrate and nitrite numeric criteria included in groundwater quality



1 standards established in rules adopted by the board under subsection  
2 (a) to onsite sewage systems.

3 SECTION 130. IC 13-18-17-5.5, AS ADDED BY P.L.61-2007,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2023]: Sec. 5.5. (a) The department shall pay the costs of well  
6 water testing if:

7 (1) the testing is required by state law, federal law, or both; and

8 (2) the costs are incurred:

9 (A) after June 30, 2007;

10 (B) by a nontransient noncommunity water system operated by  
11 a nonprofit center for advocacy for abused and neglected  
12 children that does not provide overnight care on site; and

13 (C) for testing of water from a well operated by the entity as  
14 part of the system.

15 (b) To receive payment from the department for the costs described  
16 in subsection (a), an entity described in subsection (a)(2)(B) shall do  
17 the following:

18 (1) Conduct or cause to be conducted the testing required by state  
19 law, federal law, or both, by:

20 (A) submitting samples from the nontransient noncommunity  
21 water system to the ~~state~~ **Indiana** department of health for  
22 testing; and

23 (B) arranging for a private laboratory to perform any tests not  
24 performed by the ~~state~~ **Indiana** department of health.

25 (2) Submit to the department a request for reimbursement of the  
26 amount paid for the testing by the entity described in subsection  
27 (a)(2)(B). A request under this subdivision must include the  
28 following:

29 (A) The name or type of testing conducted.

30 (B) The date of the testing.

31 (C) The name of each laboratory conducting the testing.

32 (D) The cost of each test conducted.

33 (E) A paid invoice from each laboratory conducting the  
34 testing, indicating:

35 (i) the amount paid by the entity described in subsection  
36 (a)(2)(B); and

37 (ii) the date paid.

38 (F) The name of the facility served by the nontransient  
39 noncommunity water system.

40 (c) The department shall establish any additional procedures  
41 necessary for an entity referred to in subsection (a)(2)(B) to apply to  
42 the department for payments under subsection (a).



1 SECTION 131. IC 13-26-5-2.5, AS AMENDED BY P.L.167-2022,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 2.5. (a) As used in this section, "septic tank soil  
4 absorption system" has the meaning set forth in IC 13-11-2-199.5.

5 (b) Subject to subsection (d), a property owner is exempt from the  
6 requirement to connect to a district's sewer system and to discontinue  
7 use of a septic tank soil absorption system if the following conditions  
8 are met:

9 (1) The property owner's septic tank soil absorption system was  
10 new at the time of installation and was approved in writing by the  
11 local health department, the department's designee, or a qualified  
12 inspector.

13 (2) The property owner, at the property owner's own expense,  
14 obtains a written determination from the local health department  
15 or the department's designee that the septic tank soil absorption  
16 system is not failing. The local health department or the  
17 department's designee shall provide the owner with a written  
18 determination not later than sixty (60) days after receipt of the  
19 owner's request. If the local health department or the department's  
20 designee fails to provide a written determination within the time  
21 established in this subdivision, the owner, at the owner's expense,  
22 may obtain a written determination from a qualified inspector. If  
23 the local health department or the department's designee  
24 determines that a septic tank soil absorption system is failing, the  
25 property owner may appeal the determination to the board of the  
26 local health department. The decision of the board is final and  
27 binding.

28 (3) The property owner provides the district with:

29 (A) the written notification of potential qualification for the  
30 exemption described in subsection (f); and

31 (B) the written determination described in subdivision (2);  
32 within the time limits set forth in subsection (f).

33 (c) If a property owner, within the time allowed under subsection  
34 (f), notifies a district in writing that the property owner qualifies for the  
35 exemption under this section, the district shall, until the property  
36 owner's eligibility for an exemption under this section is determined,  
37 suspend the requirement that the property owner discontinue use of a  
38 septic tank soil absorption system and connect to the district's sewer  
39 system.

40 (d) A property owner who qualifies for the exemption provided  
41 under this section may not be required to connect to the district's sewer  
42 system for a period of ten (10) years beginning on the date of the



1 written determination of the local health department, the department's  
 2 designee, or a qualified inspector under subsection (b)(2) that the  
 3 property owner's septic tank soil absorption system is not failing. A  
 4 property owner may apply for two (2) five (5) year extensions of the  
 5 exemption provided under this section by following the procedures set  
 6 forth in subsections (b) and (c). If ownership of an exempt property is  
 7 transferred during a valid exemption period, including during an  
 8 extension of an initial exemption:

- 9 (1) the exemption applies to the subsequent owner of the property  
 10 for the remainder of the exemption period during which the  
 11 transfer occurred; and  
 12 (2) the subsequent owner may apply for any remaining  
 13 extensions.

14 However, the total period during which a property may be exempt from  
 15 the requirement to connect to a district's sewer system under this  
 16 section may not exceed twenty (20) years, regardless of ownership of  
 17 the property.

18 (e) A district that has filed plans with the department to create or  
 19 expand a sewage district shall, within ten (10) days after filing the  
 20 plans, provide written notice to affected property owners:

- 21 (1) that the property owner may be required to discontinue the use  
 22 of a septic tank soil absorption system;  
 23 (2) that the property owner may qualify for an exemption from the  
 24 requirement to discontinue the use of the septic tank soil  
 25 absorption system; and  
 26 (3) of the procedures to claim an exemption.

27 (f) To qualify for an exemption under this section, a property owner  
 28 must:

- 29 (1) within sixty (60) days after the date of the written notice given  
 30 to the property owner under subsection (e), notify the district in  
 31 writing that the property owner qualifies for the exemption under  
 32 this section; and  
 33 (2) within one hundred twenty (120) days after the district  
 34 receives the written notice provided under subdivision (1),  
 35 provide the district with the written determination required under  
 36 subsection (b)(2).

37 (g) When a property owner who qualifies for an exemption under  
 38 this section subsequently discontinues use of the property owner's  
 39 septic tank soil absorption system and connects to the district's sewer  
 40 system, the property owner may be required to pay only the following  
 41 to connect to the sewer system:

- 42 (1) The connection fee the property owner would have paid if the



1 property owner connected to the sewer system on the first date the  
 2 property owner could have connected to the sewer system.  
 3 (2) Any additional costs:  
 4 (A) considered necessary by; and  
 5 (B) supported by documentary evidence provided by;  
 6 the district.  
 7 (h) A property owner who connects to a district's sewer system may  
 8 provide, at the owner's expense, labor, equipment, materials, or any  
 9 combination of labor, equipment, and materials from any source to  
 10 accomplish the connection to the sewer system, subject to inspection  
 11 and approval by the board or a designee of the board.  
 12 (i) This section does not affect the authority of the **state Indiana**  
 13 department of health, a local health department, or a county health  
 14 officer with respect to a septic tank soil absorption system.  
 15 (j) For purposes of this section, a septic tank soil absorption system  
 16 is "failing" if one (1) or more of the following apply:  
 17 (1) The system refuses to accept sewage at the rate of design  
 18 application and interferes with the normal use of plumbing  
 19 fixtures.  
 20 (2) Effluent discharge exceeds the absorptive capacity of the soil  
 21 into which the system discharges, resulting in ponding, seepage,  
 22 or other discharge of the effluent to the ground surface or to  
 23 surface waters.  
 24 (3) Effluent discharged from the system contaminates a potable  
 25 water supply, ground water, or surface waters.  
 26 (k) As used in this section, "qualified inspector" means any of the  
 27 following:  
 28 (1) An employee of a local health department who is designated  
 29 by the local health department as having sufficient knowledge of  
 30 onsite sewage systems to determine if an onsite sewage system is  
 31 failing.  
 32 (2) An individual who is certified by the Indiana Onsite  
 33 Wastewater Professionals Association as an onsite sewage system  
 34 installer or inspector.  
 35 (3) An individual listed by the **state Indiana** department of health  
 36 or a local health department with jurisdiction over the service area  
 37 of the property inspected as having sufficient knowledge of onsite  
 38 sewage systems to determine if an onsite sewage system is failing.  
 39 SECTION 132. IC 14-21-1-27, AS AMENDED BY P.L.26-2008,  
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 27. (a) A person who disturbs buried human  
 42 remains or burial grounds shall do the following:





1 (1) Notify the department within two (2) business days of the time  
2 of the disturbance.  
3 (2) Treat or rebury the human remains in a manner and place  
4 according to rules adopted by the commission or a court order and  
5 permit issued by the **state Indiana** department of health under  
6 IC 23-14-57.  
7 (b) A person who recklessly, knowingly, or intentionally violates  
8 this section commits a Class A misdemeanor.  
9 SECTION 133. IC 14-22-9-7, AS AMENDED BY P.L.155-2015,  
10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2023]: Sec. 7. (a) This section does not apply to the sale of  
12 fish produced in private ponds for sale or for breeding and stocking  
13 purposes, or for roe bearing species listed in IC 14-22-13-2.5(a), if the  
14 owner obtains a permit from the director under the rules adopted by the  
15 department and conditions provided in the permit.  
16 (b) A person may not sell, barter, or exchange, offer to sell, barter,  
17 or exchange, or purchase or offer to purchase fish protected by law,  
18 whether taken in Indiana, the boundary waters of the state, or some  
19 other state and brought into Indiana, except as otherwise provided in  
20 this article. Restaurants, hotels, boardinghouses, or eating houses may  
21 prepare and serve during the open season to:  
22 (1) a guest, patron, or boarder; and  
23 (2) the family of the guest, patron, or boarder;  
24 fish legally taken in open season in Indiana by the guest, patron, or  
25 boarder.  
26 (c) Except for roe bearing species listed in IC 14-22-13-2.5(a) or as  
27 specifically prohibited by law, a person may sell a species of hatchery  
28 reared fish or fish legally taken outside Indiana under a valid  
29 commercial fishing license or regulation, dead or alive, dressed or  
30 undressed, or partly dressed under the rules that the department and the  
31 **state Indiana** department of health prescribe if the fish are tagged or  
32 labeled in a manner that specifically identifies the following:  
33 (1) The name and address of the seller.  
34 (2) The hatchery.  
35 (3) The commercial fishing license or regulation.  
36 (d) A person may not import and sell a live species of fish that has  
37 not been approved by the director without a permit from the director for  
38 this activity.  
39 SECTION 134. IC 14-33-6-4, AS AMENDED BY P.L.113-2014,  
40 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2023]: Sec. 4. (a) The commission shall do the following:  
42 (1) Review each district plan.



- 1 (2) Request the technical assistance of any other state agency,  
 2 including:  
 3 (A) the environmental rules board;  
 4 (B) the **state Indiana** department of health; and  
 5 (C) the department of environmental management;  
 6 having administrative jurisdiction over any of the purposes of the  
 7 district.  
 8 (b) The commission may also request technical assistance of any  
 9 federal agency.  
 10 (c) The commission shall approve a plan if the following conditions  
 11 are met:  
 12 (1) Any other state agency having authority over certain purposes  
 13 of the district has approved that part of the plan.  
 14 (2) The commission finds that the plan accomplishes in an  
 15 economical manner the purpose for which the district is  
 16 established.  
 17 (d) The commission may reject a plan or any part of a plan.  
 18 The board may make the changes that are necessary to secure the  
 19 approval of the commission.  
 20 SECTION 135. IC 15-16-4-42, AS AMENDED BY P.L.99-2012,  
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 42. (a) The Indiana pesticide review board is  
 23 established. The board consists of the following members:  
 24 (1) One (1) representative of the **state Indiana** department of  
 25 health.  
 26 (2) One (1) representative of the department of natural resources.  
 27 (3) One (1) representative of the department of environmental  
 28 management.  
 29 (4) One (1) representative of the Purdue University office of  
 30 agricultural research programs.  
 31 (5) One (1) representative of the Purdue University cooperative  
 32 extension service.  
 33 (6) Two (2) ecologists:  
 34 (A) one (1) a terrestrial ecologist; and  
 35 (B) one (1) an aquatic ecologist.  
 36 Not more than one (1) ecologist may be a plant ecologist.  
 37 (7) One (1) public representative.  
 38 (8) One (1) representative of the pesticide producing or  
 39 manufacturing industry.  
 40 (9) Two (2) representatives of producers of agricultural crops or  
 41 products on which pesticides are applied or that may be affected  
 42 by the application of pesticides:



- 1 (A) one (1) of whom represents producers of agronomic crops;  
 2 and  
 3 (B) one (1) of whom represents producers of specialty crops.
- 4 (10) One (1) public representative from a conservation  
 5 organization.  
 6 (11) Three (3) qualified scientists, one (1) each in the fields of  
 7 entomology, plant pathology, and weed science. One (1) scientist  
 8 must be the representative of either the Purdue University office  
 9 of agricultural research programs or the Purdue University  
 10 cooperative extension service.  
 11 (12) Three (3) certified and licensed commercial applicators of  
 12 pesticides who must represent three (3) different certificate or  
 13 license categories established under IC 15-16-5-45.  
 14 (13) The state chemist, who is an ex officio member and shall  
 15 serve as a nonvoting member.  
 16 (14) The pesticide administrator for the office of the state  
 17 chemist, who shall serve as a nonvoting member.  
 18 (15) The pesticide training coordinator, who shall serve as a  
 19 nonvoting member.
- 20 (b) The voting members shall be appointed by the governor for  
 21 terms of four (4) years and, subject to subsection (d), continue until the  
 22 member's successor is approved and qualified. Appointments shall be  
 23 made so that not more than five (5) terms expire annually.
- 24 (c) Voting members may be appointed for successive terms at the  
 25 discretion of the governor.
- 26 (d) The governor may remove a voting member of the board prior  
 27 to the expiration of the member's term for cause.
- 28 SECTION 136. IC 15-17-3-0.3, AS ADDED BY P.L.220-2011,  
 29 SECTION 302, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2023]: Sec. 0.3. (a) Rules adopted by the **state**  
 31 **Indiana** department of health before July 1, 1996, under IC 16-42-12  
 32 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on  
 33 July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are  
 34 considered rules of the Indiana state board of animal health after June  
 35 30, 1996.
- 36 (b) On July 1, 1996, all records, powers, duties, and liabilities of the  
 37 **state Indiana** department of health under IC 16-42-12 (before its repeal  
 38 on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and  
 39 IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the  
 40 Indiana state board of animal health under:  
 41 (1) IC 15-2.1-22 (as added by P.L.137-1996 and before its  
 42 repeal);



- 1 (2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal),  
 2 now codified at IC 15-18-1; and  
 3 (3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal),  
 4 now codified at IC 15-17-5.
- 5 (c) All matters pending before and judgments entered by the **state**  
 6 **Indiana** department of health under IC 16-42-12 (before its repeal on  
 7 July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and  
 8 IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the  
 9 Indiana state board of animal health under:
- 10 (1) IC 15-2.1-22 (as added by P.L.137-1996 and before its  
 11 repeal);  
 12 (2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal),  
 13 now codified at IC 15-18-1; and  
 14 (3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal),  
 15 now codified at IC 15-17-5.
- 16 SECTION 137. IC 15-17-6-13, AS ADDED BY P.L.2-2008,  
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2023]: Sec. 13. The **state Indiana** department of health and  
 19 the local health officers shall cooperate with the state veterinarian in  
 20 the rabies control program.
- 21 SECTION 138. IC 15-17-11-24, AS ADDED BY P.L.2-2008,  
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 24. (a) A disposal plant must maintain the  
 24 following complete and accurate records concerning the disposal  
 25 plant's nonedible meats:
- 26 (1) The amount denatured.  
 27 (2) The amount sold.  
 28 (3) To whom the meat was sold.  
 29 (4) The address of the consignee.  
 30 (5) How and by whom the meat was hauled.
- 31 (b) The records under subsection (a) must be open for inspection  
 32 during the disposal plant's normal working hours to the state  
 33 veterinarian, the commissioner of the **state Indiana** department of  
 34 health, or the state veterinarian's or commissioner's agent.
- 35 SECTION 139. IC 15-17-11-34, AS ADDED BY P.L.2-2008,  
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2023]: Sec. 34. (a) The state veterinarian may suspend or  
 38 revoke a license issued under this chapter after receiving written  
 39 certification of specific charges from the **state Indiana** department of  
 40 health that allege:
- 41 (1) a particular disposal plant;  
 42 (2) the operation of a particular disposal plant; or



1 (3) the operator of a byproducts collection service;  
 2 is a menace to the public health.  
 3 (b) If a hearing on the license suspension or revocation is requested  
 4 under this section, the hearing must be held not later than thirty (30)  
 5 days after the charges of the **state Indiana** department of health are  
 6 filed.  
 7 SECTION 140. IC 15-17-14-10, AS ADDED BY P.L.2-2008,  
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2023]: Sec. 10. (a) Scales used by a dealer licensed under this  
 10 chapter are subject to inspection and testing by a scale inspector who  
 11 may be any weights and measures inspector appointed by the **state**  
 12 **Indiana** department of health. Scales are subject to the applicable  
 13 requirements of the code of specifications, tolerances, and rules for  
 14 scales adopted by the **state Indiana** department of health.  
 15 (b) If, after proper inspection and testing, a scale fails to meet the  
 16 applicable requirements of subsection (a), the scale inspector may  
 17 condemn the scale to prevent its further use until the scale is brought  
 18 into conformance with the requirements.  
 19 (c) A dealer licensed under this chapter, after a hearing under this  
 20 chapter, shall have the dealer's license revoked if the hearing  
 21 establishes that the dealer is guilty of fraudulent, deceptive, or  
 22 dishonest practices in the weighing of livestock.  
 23 SECTION 141. IC 16-18-2-69, AS AMENDED BY P.L.164-2013,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: Sec. 69. (a) "Consent", for purposes of IC 16-34,  
 26 means a written agreement to submit to an abortion:  
 27 (1) after the consenting party has had a full explanation of the  
 28 abortion procedure to be performed, including disclosures and  
 29 information required by IC 16-34-2-1.1; and  
 30 (2) as evidenced by the signature of the consenting party on a  
 31 consent form prescribed by the state department. ~~of health.~~  
 32 (b) "Consent", for purposes of IC 16-36-6, has the meaning set forth  
 33 in IC 16-36-6-1.  
 34 SECTION 142. IC 16-18-2-120, AS AMENDED BY P.L.2-2007,  
 35 SECTION 184, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2023]: Sec. 120. (a) "Executive board", except  
 37 as provided in subsection (b), refers to the executive board of the **state**  
 38 **Indiana** department of health.  
 39 (b) "Executive board", for purposes of IC 16-23.5, has the meaning  
 40 set forth in IC 16-23.5-1-7.  
 41 SECTION 143. IC 16-18-2-340, AS AMENDED BY P.L.2-2008,  
 42 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 340. (a) "State health commissioner" or  
 2 "commissioner", except as otherwise provided, means the state health  
 3 commissioner of the **state Indiana** department of health.

4 (b) For purposes of IC 16-21, IC 16-28, and IC 16-29, the term  
 5 includes a deputy or an assistant state health commissioner appointed  
 6 by the state health commissioner, or an agent expressly authorized by  
 7 the state health commissioner.

8 (c) For purposes of IC 16-42-1 through IC 16-42-4, the term means  
 9 the state veterinarian when impounding or disposing of adulterated or  
 10 misbranded products under IC 15-17-5 and IC 15-18-1.

11 SECTION 144. IC 16-19-1-1, AS AMENDED BY P.L.9-2022,  
 12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]: Sec. 1. The **state Indiana** department of health is  
 14 established. The **state** department may officially be known as the  
 15 Indiana department of health **or the state department of health.**

16 SECTION 145. IC 16-19-2-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The executive  
 18 board of the **state Indiana** department of health is established.

19 (b) The executive board consists of eleven (11) members appointed  
 20 by the governor as follows:

- 21 (1) Three (3) licensed physicians.
- 22 (2) One (1) sanitary engineer.
- 23 (3) One (1) pharmacist.
- 24 (4) One (1) dentist.
- 25 (5) One (1) veterinarian.
- 26 (6) One (1) registered nurse.
- 27 (7) One (1) hospital administrator.
- 28 (8) One (1) health facility administrator.
- 29 (9) One (1) other person.

30 SECTION 146. IC 16-19-3-27, AS AMENDED BY P.L.104-2022,  
 31 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 27. (a) The state department of ~~health~~ shall:

- 33 (1) study the use of:
  - 34 (A) effluent filters;
  - 35 (B) recirculation media filters;
  - 36 (C) aeration treatment units;
  - 37 (D) drip irrigation;
  - 38 (E) graveless trenches; and
  - 39 (F) new technologies;

40 for residential septic systems that will cause systems to perform  
 41 satisfactorily as alternatives to currently operating systems that do  
 42 not perform satisfactorily because of soil characteristics, lot sizes,



- 1 topographical conditions, or high water tables; and
- 2 (2) take all actions necessary to develop plans and specifications
- 3 for use of the technologies listed in subdivision (1) in residential
- 4 septic systems.
- 5 (b) The executive board shall adopt reasonable rules under
- 6 IC 4-22-2 to:
- 7 (1) promulgate the plans and specifications developed under
- 8 subsection (a); and
- 9 (2) allow for the issuance of operating permits for:
- 10 (A) residential septic systems that are installed in compliance
- 11 with the plans and specifications promulgated under
- 12 subdivision (1); and
- 13 (B) onsite residential sewage discharging disposal systems in
- 14 a county having a population of more than three hundred fifty
- 15 thousand (350,000) and less than four hundred thousand
- 16 (400,000) that comply with IC 13-18-12-9.

17 SECTION 147. IC 16-19-10-4 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. The center shall do  
 19 the following:

- 20 (1) Collect and process health data.
- 21 (2) Maintain statistics concerning gender and ethnicity and
- 22 provide the information to the state department of health annually.
- 23 (3) Improve the quality, timeliness, and comparability of health
- 24 statistics.
- 25 (4) Analyze and disseminate information about the health status
- 26 of Indiana residents.
- 27 (5) Provide access to health data to persons who are permitted to
- 28 obtain the data under this chapter.
- 29 (6) Support the goals and objectives of the Cooperative Health
- 30 Statistics System established by the federal National Center for
- 31 Health Statistics.

32 SECTION 148. IC 16-21-2-11, AS AMENDED BY  
 33 P.L.179-2022(ss), SECTION 13, IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) An applicant  
 35 must submit an application for a license on a form prepared by the state  
 36 department showing that:

- 37 (1) the applicant is of reputable and responsible character;
- 38 (2) the applicant is able to comply with the minimum standards
- 39 for a hospital, an ambulatory outpatient surgical center, or a
- 40 birthing center, and with rules adopted under this chapter; and
- 41 (3) the applicant has complied with section 15.4 of this chapter.
- 42 (b) The application must contain the following additional



- 1 information:
- 2 (1) The name of the applicant.
- 3 (2) The type of institution to be operated.
- 4 (3) The location of the institution.
- 5 (4) The name of the person to be in charge of the institution.
- 6 (5) If the applicant is a hospital, the range and types of services to
- 7 be provided under the general hospital license, including any
- 8 service that would otherwise require licensure by the state
- 9 department under the authority of IC 16-19.
- 10 (6) Other information the state department requires.
- 11 (c) If the department of state revenue notifies the **state** department
- 12 that a person is on the most recent tax warrant list, the **state** department
- 13 shall not issue or renew the person's license until:
- 14 (1) the person provides to the **state** department a statement from
- 15 the department of state revenue that the person's tax warrant has
- 16 been satisfied; or
- 17 (2) the **state** department receives a notice from the commissioner
- 18 of the department of state revenue under IC 6-8.1-8-2(k).
- 19 SECTION 149. IC 16-21-2-15 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. A hospital with at
- 21 least one hundred (100) beds shall have on duty at all times at least one
- 22 (1) physician licensed under IC 25-22.5. Implementation of this section
- 23 shall be subject to rules promulgated by the state department of ~~health~~
- 24 to ensure continuous coverage by physicians licensed under IC 25-22.5
- 25 for inpatient emergencies.
- 26 SECTION 150. IC 16-22-8-34, AS AMENDED BY P.L.229-2019,
- 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2023]: Sec. 34. (a) The board or corporation may do all acts
- 29 necessary or reasonably incident to carrying out the purposes of this
- 30 chapter, including the following:
- 31 (1) As a municipal corporation, sue and be sued in any court with
- 32 jurisdiction.
- 33 (2) To serve as the exclusive local board of health and local
- 34 department of health within the county with the powers and duties
- 35 conferred by law upon local boards of health and local
- 36 departments of health.
- 37 (3) To adopt and enforce ordinances consistent with Indiana law
- 38 and administrative rules for the following purposes:
- 39 (A) To protect property owned or managed by the corporation.
- 40 (B) To determine, prevent, and abate public health nuisances.
- 41 (C) To establish isolation and quarantine regulations in
- 42 accordance with IC 16-41-9.





- 1 (D) To license, regulate, and establish minimum sanitary
- 2 standards for the operation of a business handling, producing,
- 3 processing, preparing, manufacturing, packing, storing,
- 4 selling, distributing, or transporting articles used for food,
- 5 drink, confectionery, or condiment in the interest of the public
- 6 health.
- 7 (E) To control:
- 8 (i) rodents, mosquitos, and other animals, including insects,
- 9 capable of transmitting microorganisms and disease to
- 10 humans and other animals; and
- 11 (ii) the animals' breeding places.
- 12 (F) Subject to subsection (c), to require persons to connect to
- 13 available sewer systems and to regulate the disposal of
- 14 domestic or sanitary sewage by private methods. However, the
- 15 board and corporation have no jurisdiction over publicly
- 16 owned or financed sewer systems or sanitation and disposal
- 17 plants.
- 18 (G) To control rabies.
- 19 (H) For the sanitary regulation of water supplies for domestic
- 20 use.
- 21 (I) To protect, promote, or improve public health. For public
- 22 health activities and to enforce public health laws, the state
- 23 health data center described in IC 16-19-10 shall provide
- 24 health data, medical information, and epidemiological
- 25 information to the corporation.
- 26 (J) To detect, report, prevent, and control disease affecting
- 27 public health.
- 28 (K) To investigate and diagnose health problems and health
- 29 hazards.
- 30 (L) To regulate the sanitary and structural conditions of
- 31 residential and nonresidential buildings and unsafe premises.
- 32 (M) To regulate the remediation of lead hazards.
- 33 (N) To license and regulate the design, construction, and
- 34 operation of public pools, spas, and beaches.
- 35 (O) To regulate the storage, containment, handling, use, and
- 36 disposal of hazardous materials.
- 37 (P) To license and regulate tattoo and body piercing facilities.
- 38 (Q) To regulate the storage and disposal of waste tires.
- 39 (4) To manage the corporation's hospitals, medical facilities, and
- 40 mental health facilities.
- 41 (5) To furnish health and nursing services to elementary and
- 42 secondary schools within the county.



- 1 (6) To furnish medical care to insured and uninsured residents of
- 2 the county.
- 3 (7) To furnish dental services to the insured and uninsured
- 4 residents of the county.
- 5 (8) To establish public health programs.
- 6 (9) To adopt an annual budget ordinance and levy taxes.
- 7 (10) To incur indebtedness in the name of the corporation.
- 8 (11) To organize the corporation into divisions.
- 9 (12) To acquire and dispose of property.
- 10 (13) To receive charitable contributions and gifts as provided in
- 11 26 U.S.C. 170.
- 12 (14) To make charitable contributions and gifts.
- 13 (15) To establish a charitable foundation as provided in 26 U.S.C.
- 14 501.
- 15 (16) To receive and distribute federal, state, local, or private
- 16 grants.
- 17 (17) To receive and distribute grants from charitable foundations.
- 18 (18) To establish corporations and enter into partnerships and
- 19 joint ventures to carry out the purposes of the corporation. This
- 20 subdivision does not authorize the merger of the corporation with
- 21 a hospital licensed under IC 16-21.
- 22 (19) To erect, improve, remodel, or repair corporation buildings.
- 23 (20) To determine operating procedures.
- 24 (21) To do the following:
- 25 (A) Adopt a schedule of reasonable charges for nonresidents
- 26 of the county for medical and mental health services.
- 27 (B) Collect the charges from the patient, the patient's insurance
- 28 company, or a government program.
- 29 (C) Require security for the payment of the charges.
- 30 (22) To adopt a schedule of and to collect reasonable charges for
- 31 medical and mental health services.
- 32 (23) To enforce Indiana laws, administrative rules, ordinances,
- 33 and the code of the health and hospital corporation of the county.
- 34 (24) To purchase supplies, materials, and equipment.
- 35 (25) To employ personnel and establish personnel policies.
- 36 (26) To employ attorneys admitted to practice law in Indiana.
- 37 (27) To acquire, erect, equip, and operate the corporation's
- 38 hospitals, medical facilities, and mental health facilities.
- 39 (28) To dispose of surplus property in accordance with a policy by
- 40 the board.
- 41 (29) To determine the duties of officers and division directors.
- 42 (30) To fix the compensation of the officers and division



- 1 directors.
- 2 (31) To carry out the purposes and object of the corporation.
- 3 (32) To obtain loans for hospital expenses in amounts and upon
- 4 terms agreeable to the board. The board may secure the loans by
- 5 pledging accounts receivable or other security in hospital funds.
- 6 (33) To establish fees for licenses, services, and records. The
- 7 corporation may accept payment by credit card for fees.
- 8 IC 5-14-3-8(d) does not apply to fees established under this
- 9 subdivision for certificates of birth, death, or stillbirth
- 10 registration.
- 11 (34) To use levied taxes or other funds to make intergovernmental
- 12 transfers to the state to fund governmental health care programs,
- 13 including Medicaid and Medicaid supplemental programs.
- 14 (b) The board shall exercise the board's powers and duties in a
- 15 manner consistent with Indiana law, administrative rules, and the code
- 16 of the health and hospital corporation of the county.
- 17 (c) This subsection does not affect a septic tank elimination program
- 18 approved by the commission. Except as provided in subsection (d), if
- 19 within a county containing a consolidated city:
- 20 (1) a main sewer line is extended for the purpose of connecting
- 21 one (1) or more residential or commercial properties to a sanitary
- 22 sewer system; and
- 23 (2) the extension connecting the residential or commercial
- 24 property or properties referred to in subdivision (1) to the sanitary
- 25 sewer system, when completed, will be located close enough to
- 26 the property line of a residential property served by a septic
- 27 system to authorize the board or corporation to order the
- 28 connection of the residential property to the extension under the
- 29 ordinances adopted under section 6(b)(4) of this chapter;
- 30 the board or corporation may not exercise its power under subsection
- 31 (a)(3)(F) to require the residential property served by the septic system
- 32 to be connected to the extension referred to in subdivision (1).
- 33 (d) The board or corporation may exercise its power under
- 34 subsection (a)(3)(F) to require a residential property served by a septic
- 35 system to be connected to an extension described in subsection (c) if:
- 36 (1) the state department; ~~of health;~~ or
- 37 (2) the board or corporation;
- 38 determines that the septic system serving the residential property is
- 39 failing, as described in IC 36-9-23-30.1(b).
- 40 SECTION 151. IC 16-31-2-7.1, AS ADDED BY P.L.100-2017,
- 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2023]: Sec. 7.1. (a) Not later than July 1, 2018, the



- 1 commission shall:
- 2 (1) evaluate the use in Indiana of air ambulance services on
- 3 patient outcomes; and
- 4 (2) develop and recommend statewide standards for the activation
- 5 and use of air ambulance services;
- 6 not including air ambulance services used for transferring patients
- 7 between health facilities. In performing its duties under this section, the
- 8 commission shall reevaluate Indiana's adopted triage and transportation
- 9 protocols for the transportation of trauma patients. The division of
- 10 trauma and injury prevention of the state department of ~~health~~ shall
- 11 assist the commission.
- 12 (b) The goal of the standards for activation and use of air ambulance
- 13 services developed by the commission must be to:
- 14 (1) prevent the overuse of air ambulance services for emergency
- 15 scene response and patient transport;
- 16 (2) provide consistent and appropriate criteria for emergency
- 17 medical responders to use when determining whether to:
- 18 (A) request an emergency scene response by an air ambulance
- 19 provider; and
- 20 (B) transport patients by air or by ground transport from the
- 21 emergency scene to appropriate hospitals or trauma centers;
- 22 and
- 23 (3) provide appropriate, quality prehospital or pretrauma center
- 24 patient care.
- 25 (c) The commission shall review and update the standards at least
- 26 once every three (3) years.
- 27 SECTION 152. IC 16-32-2-3, AS AMENDED BY P.L.37-2018,
- 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2023]: Sec. 3. The committee shall be composed of the
- 30 following members:
- 31 (1) The director of the division of disability and rehabilitative
- 32 services or the director's designee.
- 33 (2) The commissioner of the Indiana department of administration
- 34 or the commissioner's designee.
- 35 (3) The executive director of the governor's planning council on
- 36 people with disabilities.
- 37 (4) The director of the division of mental health and addiction or
- 38 the director's designee.
- 39 (5) The commissioner of the state department of ~~health~~ or the
- 40 commissioner's designee.
- 41 (6) Three (3) members appointed by the governor to represent the
- 42 public at large.



1 (7) A representative of the central coordinating agency described  
2 in section 7(8) of this chapter.

3 SECTION 153. IC 16-34-2-1.1, AS AMENDED BY  
4 P.L.179-2022(ss), SECTION 22, IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.1. (a) An abortion  
6 shall not be performed except with the voluntary and informed consent  
7 of the pregnant woman upon whom the abortion is to be performed.  
8 Except in the case of a medical emergency, consent to an abortion is  
9 voluntary and informed only if the following conditions are met:

10 (1) At least eighteen (18) hours before the abortion and in the  
11 private, not group, presence of the pregnant woman, the physician  
12 who is to perform the abortion, the referring physician or a  
13 physician assistant (as defined in IC 25-27.5-2-10), an advanced  
14 practice registered nurse (as defined in IC 25-23-1-1(b)), or a  
15 certified nurse midwife (as defined in IC 34-18-2-6.5) to whom  
16 the responsibility has been delegated by the physician who is to  
17 perform the abortion or the referring physician has informed the  
18 pregnant woman orally and in writing of the following:

19 (A) The name of the physician performing the abortion, the  
20 physician's medical license number, and an emergency  
21 telephone number where the physician or the physician's  
22 designee may be contacted on a twenty-four (24) hour a day,  
23 seven (7) day a week basis.

24 (B) That follow-up care by the physician or the physician's  
25 designee (if the designee is licensed under IC 25-22.5) is  
26 available on an appropriate and timely basis when clinically  
27 necessary.

28 (C) The nature of the proposed procedure or information  
29 concerning the abortion inducing drug that includes the  
30 following statement: "Some evidence suggests that effects of  
31 Mifepristone may be avoided, ceased, or reversed if the  
32 second pill, Misoprostol, has not been taken. Immediately  
33 contact the following for more information at (insert  
34 applicable abortion inducing drug reversal ~~Internet web site~~  
35 **website** and corresponding hotline number)."

36 (D) Objective scientific information of the risks of and  
37 alternatives to the procedure or the use of an abortion inducing  
38 drug, including:

- 39 (i) the risk of infection and hemorrhage;  
40 (ii) the potential danger to a subsequent pregnancy; and  
41 (iii) the potential danger of infertility.

42 (E) That human physical life begins when a human ovum is



- 1 fertilized by a human sperm.  
 2 (F) The probable gestational age of the fetus at the time the  
 3 abortion is to be performed, including:  
 4 (i) a picture of a fetus;  
 5 (ii) the dimensions of a fetus; and  
 6 (iii) relevant information on the potential survival of an  
 7 unborn fetus;  
 8 at this stage of development.  
 9 (G) That objective scientific information shows that a fetus  
 10 can feel pain at or before twenty (20) weeks of postfertilization  
 11 age.  
 12 (H) The medical risks associated with carrying the fetus to  
 13 term.  
 14 (I) The availability of fetal ultrasound imaging and  
 15 auscultation of fetal heart tone services to enable the pregnant  
 16 woman to view the image and hear the heartbeat of the fetus  
 17 and how to obtain access to these services.  
 18 (J) That the pregnancy of a child less than fifteen (15) years of  
 19 age may constitute child abuse under Indiana law if the act  
 20 included an adult and must be reported to the department of  
 21 child services or the local law enforcement agency under  
 22 IC 31-33-5.  
 23 (K) That Indiana does not allow a fetus to be aborted solely  
 24 because of the fetus's race, color, national origin, ancestry, sex,  
 25 or diagnosis or potential diagnosis of the fetus having Down  
 26 syndrome or any other disability.  
 27 (L) That no one has the right to coerce the pregnant woman to  
 28 have an abortion.  
 29 (2) At least eighteen (18) hours before the abortion, the pregnant  
 30 woman will be informed orally and in writing of the following:  
 31 (A) That medical assistance benefits may be available for  
 32 prenatal care, childbirth, and neonatal care from the county  
 33 office of the division of family resources.  
 34 (B) That the father of the unborn fetus is legally required to  
 35 assist in the support of the child. In the case of rape, the  
 36 information required under this clause may be omitted.  
 37 (C) That adoption alternatives are available and that adoptive  
 38 parents may legally pay the costs of prenatal care, childbirth,  
 39 and neonatal care.  
 40 (D) That there are physical risks to the pregnant woman in  
 41 having an abortion, both during the abortion procedure and  
 42 after.



- 1 (E) That Indiana has enacted the safe haven law under
- 2 IC 31-34-2.5.
- 3 (F) The:
- 4 (i) ~~Internet web site website~~ address of the state ~~department~~
- 5 ~~of health's web site; department's website;~~ and
- 6 (ii) description of the information that will be provided on
- 7 the ~~web site website~~ and that is;
- 8 described in section 1.5 of this chapter.
- 9 (G) For the facility in which the abortion is to be performed,
- 10 an emergency telephone number that is available and
- 11 answered on a twenty-four (24) hour a day, seven (7) day a
- 12 week basis.
- 13 (H) On a form developed by the state department and as
- 14 described in IC 16-34-3, that the pregnant woman has a right
- 15 to determine the final disposition of the remains of the aborted
- 16 fetus.
- 17 (I) On a form developed by the state department, that the
- 18 pregnant woman has a right, after a surgical abortion, to:
- 19 (i) dispose of the remains of the aborted fetus by interment
- 20 in compliance with IC 23-14-54, or cremation through a
- 21 licensee (as defined in IC 25-15-2-19) and in compliance
- 22 with IC 23-14-31; or
- 23 (ii) have the health care facility dispose of the remains of the
- 24 aborted fetus by interment in compliance with IC 23-14-54,
- 25 or cremation through a licensee (as defined in
- 26 IC 25-15-2-19) and in compliance with IC 23-14-31, and ask
- 27 which method of disposition will be used by the health care
- 28 facility.
- 29 (J) On a form developed by the state department:
- 30 (i) that a pregnant woman, after an abortion induced by an
- 31 abortion inducing drug, will expel an aborted fetus; and
- 32 (ii) the disposition policy of the health care facility
- 33 concerning the disposition of the aborted fetus. The
- 34 disposition policy must allow the pregnant woman to return
- 35 the aborted fetus to the health care facility for disposition by
- 36 interment in compliance with IC 23-14-54, or cremation
- 37 through a licensee (as defined in IC 25-15-2-19) and in
- 38 compliance with IC 23-14-31.
- 39 (K) On a form developed by the state department, information
- 40 concerning any counseling that is available to a pregnant
- 41 woman after having an abortion.
- 42 The state department shall develop and distribute the forms



1 required by clauses (H) through (K).

2 (3) The pregnant woman certifies in writing, on a form developed  
3 by the state department, before the abortion is performed, that:

4 (A) the information required by subdivisions (1) and (2) has  
5 been provided to the pregnant woman;

6 (B) the pregnant woman has been offered by the provider the  
7 opportunity to view the fetal ultrasound imaging and hear the  
8 auscultation of the fetal heart tone if the fetal heart tone is  
9 audible and that the woman has:

10 (i) viewed or refused to view the offered fetal ultrasound  
11 imaging; and

12 (ii) listened to or refused to listen to the offered auscultation  
13 of the fetal heart tone if the fetal heart tone is audible; and

14 (C) the pregnant woman has been given a written copy of the  
15 printed materials described in section 1.5 of this chapter.

16 (4) At least eighteen (18) hours before the abortion and in the  
17 presence of the pregnant woman, the physician who is to perform  
18 the abortion, the referring physician or a physician assistant (as  
19 defined in IC 25-27.5-2-10), an advanced practice registered  
20 nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife  
21 (as defined in IC 34-18-2-6.5) to whom the responsibility has  
22 been delegated by the physician who is to perform the abortion or  
23 the referring physician has provided the pregnant woman with a  
24 color copy of the informed consent brochure described in section  
25 1.5 of this chapter by printing the informed consent brochure from  
26 the state department's ~~internet web site~~ **website** and including the  
27 following information on the back cover of the brochure:

28 (A) The name of the physician performing the abortion and the  
29 physician's medical license number.

30 (B) An emergency telephone number where the physician or  
31 the physician's designee may be contacted twenty-four (24)  
32 hours a day, seven (7) days a week.

33 (C) A statement that follow-up care by the physician or the  
34 physician's designee who is licensed under IC 25-22.5 is  
35 available on an appropriate and timely basis when clinically  
36 necessary.

37 (5) At least eighteen (18) hours before an abortion is performed  
38 and at the same time that the pregnant woman receives the  
39 information required by subdivision (1), the provider shall  
40 perform, and the pregnant woman shall view, the fetal ultrasound  
41 imaging and hear the auscultation of the fetal heart tone if the  
42 fetal heart tone is audible unless the pregnant woman certifies in





1 writing, on a form developed by the state department, before the  
2 abortion is performed, that the pregnant woman:

3 (A) does not want to view the fetal ultrasound imaging; and

4 (B) does not want to listen to the auscultation of the fetal heart  
5 tone if the fetal heart tone is audible.

6 A pregnant woman must be advised, prior to the pregnant  
7 woman's decision concerning fetal ultrasound imaging, that an  
8 ultrasound image of the fetus will be provided to the pregnant  
9 woman to keep at no charge to the pregnant woman if the fetal  
10 ultrasound is performed.

11 (6) At least eighteen (18) hours before the abortion, the physician  
12 who is to perform the abortion, the referring physician or a  
13 physician assistant (as defined in IC 25-27.5-2-10), an advanced  
14 practice registered nurse (as defined in IC 25-23-1-1(b)), or a  
15 certified nurse midwife (as defined in IC 34-18-2-6.5) to whom  
16 the responsibility has been delegated by the physician who is to  
17 perform the abortion or the referring physician shall, in the  
18 private, not group, presence of the pregnant woman, verbally ask  
19 the pregnant woman if she is being coerced to have an abortion.

20 (b) This subsection applies to a pregnant woman whose unborn  
21 child has been diagnosed with a lethal fetal anomaly. The requirements  
22 of this subsection are in addition to the other requirements of this  
23 section. At least eighteen (18) hours before an abortion is performed on  
24 the pregnant woman, the physician who will perform the abortion shall:

25 (1) orally and in person, inform the pregnant woman of the  
26 availability of perinatal hospice services; and

27 (2) provide the pregnant woman copies of the perinatal hospice  
28 brochure developed by the state department under IC 16-25-4.5-4  
29 and the list of perinatal hospice providers and programs  
30 developed under IC 16-25-4.5-5, by printing the perinatal hospice  
31 brochure and list of perinatal hospice providers from the state  
32 department's ~~Internet web site:~~ **website.**

33 (c) If a pregnant woman described in subsection (b) chooses to have  
34 an abortion rather than continuing the pregnancy in perinatal hospice  
35 care, the pregnant woman shall certify in writing, on a form developed  
36 by the state department under IC 16-25-4.5-6, at least eighteen (18)  
37 hours before the abortion is performed, that the pregnant woman has  
38 been provided the information described in subsection (b) in the  
39 manner required by subsection (b).

40 (d) For any abortion performed under this article, the physician who  
41 is to perform the abortion, the referring physician or a physician  
42 assistant (as defined in IC 25-27.5-2-10), an advanced practice



1 registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse  
2 midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has  
3 been delegated by the physician who is to perform the abortion or the  
4 referring physician shall include, or ensure the inclusion of, a copy of  
5 a pregnant woman's ultrasound report in the pregnant woman's patient  
6 file.

7 (e) If the physician who is to perform the abortion, the referring  
8 physician, a physician assistant (as defined in IC 25-27.5-2-10), an  
9 advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or  
10 a certified nurse midwife (as defined in IC 34-18-2-6.5) suspects a  
11 pregnant woman is being coerced to have an abortion after making the  
12 inquiry required under subsection (a)(6), the physician, physician  
13 assistant, advanced practice registered nurse, or certified nurse midwife  
14 shall:

15 (1) inform the pregnant woman that coercing a pregnant woman  
16 to have an abortion is illegal;

17 (2) inform the pregnant woman that a demand by the father to  
18 have an abortion does not relieve him of financial support  
19 responsibilities; and

20 (3) provide the pregnant woman with:

21 (A) information about:

22 (i) assistance;

23 (ii) counseling; and

24 (iii) protective services offered by social programs and local  
25 or state law enforcement agencies;

26 (B) access to a telephone if she needs to make a private  
27 telephone call; and

28 (C) access to an alternate exit from the health care facility.

29 (f) Except as provided in subsection (g), if a physician, physician  
30 assistant (as defined in IC 25-27.5-2-10), advanced practice registered  
31 nurse (as defined in IC 25-23-1-1(b)), or certified nurse midwife (as  
32 defined in IC 34-18-2-6.5) has specific and credible information that  
33 a pregnant woman is being coerced into having an abortion, then an  
34 abortion may not be provided to the pregnant woman during the  
35 twenty-four (24) hour period after the physician, physician assistant (as  
36 defined in IC 25-27.5-2-10), advanced practice registered nurse (as  
37 defined in IC 25-23-1-1(b)), or certified nurse midwife (as defined in  
38 IC 34-18-2-6.5) makes a report under IC 16-34-6-6(b).

39 (g) The twenty-four (24) hour period described in subsection (f) may  
40 be waived if a physician, in the physician's best medical judgment,  
41 determines that an abortion is necessary to prevent the death of the  
42 pregnant woman or to prevent substantial and irreversible injury to a



1 major bodily function of the pregnant woman.

2 SECTION 154. IC 16-34-2-5, AS AMENDED BY  
3 P.L.179-2022(ss), SECTION 27, IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Every health care  
5 provider who performs a surgical abortion or provides, prescribes,  
6 administers, or dispenses an abortion inducing drug for the purposes of  
7 inducing an abortion shall report the performance of the abortion or the  
8 provision, prescribing, administration, or dispensing of an abortion  
9 inducing drug on a form drafted by the state department, the purpose  
10 and function of which shall be the improvement of maternal health and  
11 life through the compilation of relevant maternal life and health factors  
12 and data, and a further purpose and function shall be to monitor all  
13 abortions performed in Indiana to assure the abortions are done only  
14 under the authorized provisions of the law. For each abortion  
15 performed and abortion inducing drug provided, prescribed,  
16 administered, or dispensed, the report shall include, among other  
17 things, the following:

- 18 (1) The age of the patient.
- 19 (2) Whether a waiver of consent under section 4 of this chapter  
20 was obtained.
- 21 (3) Whether a waiver of notification under section 4 of this  
22 chapter was obtained.
- 23 (4) The date and location, including the facility name and city or  
24 town, where the:
- 25 (A) pregnant woman:  
26 (i) provided consent; and  
27 (ii) received all information;  
28 required under section 1.1 of this chapter; and
- 29 (B) abortion was performed or the abortion inducing drug was  
30 provided, prescribed, administered, or dispensed.
- 31 (5) The health care provider's full name and address, including the  
32 name of the physicians performing the abortion or providing,  
33 prescribing, administering, or dispensing the abortion inducing  
34 drug.
- 35 (6) The city and county where the pregnancy termination  
36 occurred.
- 37 (7) The age of the father, or the approximate age of the father if  
38 the father's age is unknown.
- 39 (8) The patient's county and state of residence.
- 40 (9) The marital status of the patient.
- 41 (10) The educational level of the patient.
- 42 (11) The race of the patient.



- 1 (12) The ethnicity of the patient.  
 2 (13) The number of the patient's previous live births.  
 3 (14) The number of the patient's deceased children.  
 4 (15) The number of the patient's spontaneous pregnancy  
 5 terminations.  
 6 (16) The number of the patient's previous induced terminations.  
 7 (17) The date of the patient's last menses.  
 8 (18) The physician's determination of the gestation of the fetus in  
 9 weeks.  
 10 (19) The reason for the abortion.  
 11 (20) Whether the patient indicated that the patient was seeking an  
 12 abortion as a result of being:  
 13 (A) abused;  
 14 (B) coerced;  
 15 (C) harassed; or  
 16 (D) trafficked.  
 17 (21) The following information concerning the abortion or the  
 18 provision, prescribing, administration, or dispensing of the  
 19 abortion inducing drug:  
 20 (A) The postfertilization age of the fetus (in weeks).  
 21 (B) The manner in which the postfertilization age was  
 22 determined.  
 23 (C) The gender of the fetus, if detectable.  
 24 (D) Whether the fetus has been diagnosed with or has a  
 25 potential diagnosis of having Down syndrome or any other  
 26 disability.  
 27 (E) If after the earlier of the time the fetus obtains viability or  
 28 the time the postfertilization age of the fetus is at least twenty  
 29 (20) weeks, the medical reason for the performance of the  
 30 abortion.  
 31 (22) For a surgical abortion, the medical procedure used for the  
 32 abortion and, if the fetus had a postfertilization age of at least  
 33 twenty (20) weeks:  
 34 (A) whether the procedure, in the reasonable judgment of the  
 35 health care provider, gave the fetus the best opportunity to  
 36 survive;  
 37 (B) the basis for the determination that the pregnant woman  
 38 had a condition described in this chapter that required the  
 39 abortion to avert the death of or serious impairment to the  
 40 pregnant woman; and  
 41 (C) the name of the second doctor present, as required under  
 42 IC 16-34-2-3(a)(3).



- 1 (23) For a nonsurgical abortion, the precise drugs provided,  
 2 prescribed, administered, or dispensed, and the means of delivery  
 3 of the drugs to the patient.
- 4 (24) For a nonsurgical abortion, that the manufacturer's  
 5 instructions were provided to the patient and that the patient  
 6 signed the patient agreement.
- 7 (25) For an abortion performed before twenty (20) weeks of  
 8 postfertilization age of the fetus, the medical indication by  
 9 diagnosis code for the fetus and the mother.
- 10 (26) The mother's obstetrical history, including dates of other  
 11 abortions, if any.
- 12 (27) Any preexisting medical conditions of the patient that may  
 13 complicate the abortion.
- 14 (28) The results of pathological examinations if performed.
- 15 (29) For a surgical abortion, whether the fetus was delivered  
 16 alive, and if so, how long the fetus lived.
- 17 (30) Records of all maternal deaths occurring at the location  
 18 where the abortion was performed or the abortion inducing drug  
 19 was provided, prescribed, administered, or dispensed.
- 20 (31) The date the form was transmitted to the state department  
 21 and, if applicable, separately to the department of child services.
- 22 (b) The health care provider shall complete the form provided for in  
 23 subsection (a) and shall transmit the completed form to the state  
 24 department, in the manner specified on the form, within thirty (30) days  
 25 after the date of each abortion. However, if an abortion is for a female  
 26 who is less than sixteen (16) years of age, the health care provider shall  
 27 transmit the form to the state department of health and separately to the  
 28 department of child services within three (3) days after the abortion is  
 29 performed.
- 30 (c) The dates supplied on the form may not be redacted for any  
 31 reason before the form is transmitted as provided in this section.
- 32 (d) Each failure to complete or timely transmit a form, as required  
 33 under this section, for each abortion performed or abortion inducing  
 34 drug that was provided, prescribed, administered, or dispensed, is a  
 35 Class B misdemeanor.
- 36 (e) On a quarterly basis, the state department shall compile a public  
 37 report providing the following:
- 38 (1) Statistics for the previous calendar quarter from the  
 39 information submitted under this section.
- 40 (2) Statistics for previous calendar years compiled by the state  
 41 department under this subsection, with updated information for  
 42 the calendar quarter that was submitted to the state department



1 after the compilation of the statistics.

2 The state department shall ensure that no identifying information of a  
3 pregnant woman is contained in the report.

4 (f) The state department shall:

5 (1) summarize aggregate data from all data submitted under this  
6 section; and

7 (2) submit the data, before July 1 of each year, to the United  
8 States Centers for Disease Control and Prevention for its inclusion  
9 in the annual Vital Statistics Report.

10 SECTION 155. IC 16-37-1-3.1, AS AMENDED BY P.L.131-2020,  
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2023]: Sec. 3.1. (a) The state department shall establish the  
13 Indiana birth registration system (IBRS) for recording in an electronic  
14 format live births in Indiana.

15 (b) The state department shall establish the Indiana death  
16 registration system (IDRS) for recording in an electronic format deaths  
17 in Indiana.

18 (c) Submission of records on births and deaths shall be entered by:

19 (1) funeral directors;

20 (2) physicians;

21 (3) coroners;

22 (4) medical examiners;

23 (5) persons in attendance at birth;

24 (6) local health departments; and

25 (7) for purposes of records on death:

26 (A) physician assistants; or

27 (B) advanced practice registered nurses;

28 using the electronic system created by the state department under this  
29 section.

30 (d) A person in attendance at a live birth shall report a birth to the  
31 local health officer in accordance with IC 16-37-2-2.

32 (e) Except as provided in subsection (f), death records shall be  
33 submitted as follows, using the Indiana death registration system:

34 (1) The:

35 (A) physician last in attendance upon the deceased;

36 (B) physician assistant last in attendance upon the deceased;

37 (C) advanced practice registered nurse last in attendance upon  
38 the deceased; or

39 (D) person in charge of interment;

40 shall initiate the document process. If the person in charge of  
41 interment initiates the process, the person in charge of interment  
42 shall electronically submit the certificate required under



1 IC 16-37-3-5 to the physician, the physician assistant, or the  
 2 advanced practice registered nurse last in attendance upon the  
 3 deceased not later than five (5) days after the death.

4 (2) The physician, the physician assistant, or the advanced  
 5 practice registered nurse last in attendance upon the deceased  
 6 shall electronically certify to the local health department the cause  
 7 of death on the certificate of death not later than five (5) days  
 8 after:

9 (A) initiating the document process; or

10 (B) receiving under IC 16-37-3-5 the electronic notification  
 11 from the person in charge of interment.

12 (3) The local health officer shall submit the reports required under  
 13 IC 16-37-1-5 to the state department not later than five (5) days  
 14 after electronically receiving under IC 16-37-3-5 the completed  
 15 certificate of death from the physician, the physician assistant, or  
 16 the advanced practice registered nurse last in attendance.

17 (f) If the IBRS or IDRS is unavailable for more than forty-eight (48)  
 18 hours, the state registrar may issue a notice permitting the filing of a  
 19 paper record of a live birth, a death, or both, subject to the following:

20 (1) The notice issued by the state registrar must contain a time  
 21 frame for which the notice is in effect and when the notice  
 22 expires. However, the notice automatically expires if the state  
 23 department notifies the local health officers that the IBRS or  
 24 IDRS is available, the notice has expired, and that all future  
 25 submissions must use the IBRS or IDRS.

26 (2) Paper records may not be accepted by the local health  
 27 department or the state department of health on the earlier of the  
 28 following:

29 (A) The expiration date listed in the notice or the expiration  
 30 listed in a renewal notice described in subdivision (3).

31 (B) The state department notifies the local health officers  
 32 when the IBRS or IDRS becomes available.

33 (3) The notice may be renewed by the state registrar until the  
 34 IBRS or IDRS becomes available.

35 (4) Once the IBRS or IDRS becomes available, the local health  
 36 officer shall enter the information contained in the paper record  
 37 into the IBRS or IDRS.

38 SECTION 156. IC 16-38-4-6 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. As used in this  
 40 chapter, "state department" refers to the **state Indiana** department of  
 41 health.

42 SECTION 157. IC 16-40-4-5, AS ADDED BY P.L.95-2005,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 5. The state department of health is authorized to  
3 develop and implement a health care quality indicator program as  
4 provided for in this chapter and to include the following:

- 5 (1) Criteria listed under section 4 of this chapter.  
6 (2) Health care quality indicator data collected from a health  
7 coverage provider or health care provider under this chapter must  
8 be obtainable from electronic records developed and maintained  
9 in the health coverage provider's or health care provider's ordinary  
10 course of business.  
11 (3) Health coverage providers and health care providers are not  
12 required to establish or amend medical record systems or other  
13 systems to conform to the program.

14 SECTION 158. IC 16-41-7-3, AS AMENDED BY P.L.112-2020,  
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2023]: Sec. 3. (a) A licensed physician who diagnoses, treats,  
17 or counsels a patient with a serious communicable disease shall inform  
18 the patient of the patient's duty under section 1 of this chapter.

19 (b) A physician described in subsection (a) may notify the  
20 following:

- 21 (1) A health officer if the physician has reasonable cause to  
22 believe that a patient:  
23 (A) is a serious and present risk to the health of others as  
24 described in section 2(a) of this chapter;  
25 (B) has engaged in noncompliant behavior; or  
26 (C) is suspected of being a person at risk (as defined in section  
27 1 of this chapter).  
28 (2) A person at risk (as defined in section 1 of this chapter) or a  
29 person legally responsible for the patient if the physician:  
30 (A) has medical verification that the patient is an individual  
31 with a communicable disease;  
32 (B) knows the identity of the person at risk;  
33 (C) has a reasonable belief of a significant risk of harm to the  
34 identified person at risk;  
35 (D) has reason to believe the identified person at risk has not  
36 been informed and will not be informed of the risk by the  
37 patient or another person; and  
38 (E) has made reasonable efforts to inform the individual with  
39 a communicable disease of the physician's intent to make or  
40 cause the state department of health to make a disclosure to  
41 the person at risk.

42 (c) A physician who notifies a person at risk under this section shall





- 1 do the following:
- 2 (1) Identify the serious communicable disease.
- 3 (2) Inform the person of available health care measures such as
- 4 counseling and testing.
- 5 (d) A physician who in good faith provides notification under this
- 6 section is not subject to liability in a civil, an administrative, a
- 7 disciplinary, or a criminal action.
- 8 (e) A patient's privilege with respect to a physician under
- 9 IC 34-46-3-1 is waived regarding:
- 10 (1) notification under subsection (b); and
- 11 (2) information provided about a patient's noncompliant behavior
- 12 in an investigation or action under this chapter, IC 16-41-2,
- 13 IC 16-41-3, IC 16-41-5, IC 16-41-6, IC 16-41-8, IC 16-41-9,
- 14 IC 16-41-13, IC 16-41-14, and IC 16-41-16.
- 15 (f) A physician's immunity from liability under subsection (d)
- 16 applies only to the provision of information reasonably calculated to
- 17 protect an identified person who is at epidemiological risk of infection.
- 18 (g) A physician who notifies a person under this section is also
- 19 required to satisfy the reporting requirements under IC 16-41-2-2
- 20 through IC 16-41-2-8.
- 21 SECTION 159. IC 16-41-12-15, AS AMENDED BY P.L.133-2020,
- 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2023]: Sec. 15. (a) A blood center shall require a blood donor
- 24 to provide to the blood center the following information:
- 25 (1) Name.
- 26 (2) Address.
- 27 (3) Date of birth.
- 28 (4) The blood donor's Social Security number, if the blood donor
- 29 is receiving monetary compensation for the donation.
- 30 (b) A blood center shall report the name and address of a blood
- 31 donor to the state department when a confirmatory test of the blood
- 32 donor's blood confirms the presence of antibodies to the human
- 33 immunodeficiency virus (HIV).
- 34 (c) A blood center shall provide to a blood donor information to
- 35 enable the blood donor to give informed consent to the procedures
- 36 required by this chapter or IC 16-36. The information required by this
- 37 subsection must be in the following form:
- 38 NOTICE
- 39 (1) This blood center performs a screening test for the human
- 40 immunodeficiency virus (HIV) on every donor's blood.
- 41 (2) This blood center reports to the ~~state~~ **Indiana** Department of
- 42 Health the name and address of a blood donor when a



1 confirmatory test of the blood donor's blood confirms the presence  
2 of antibodies to the human immunodeficiency virus (HIV).

3 (3) A person who recklessly, knowingly, or intentionally donates  
4 (excluding self-donations for stem cell transplantation, other  
5 autologous donations, or donations not intended by the blood  
6 center for distribution or use), sells, or transfers blood that  
7 contains antibodies for the human immunodeficiency virus (HIV)  
8 commits a criminal offense as described in IC 35-45-21-1.

9 SECTION 160. IC 16-41-14-13, AS AMENDED BY P.L.133-2020,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2023]: Sec. 13. A practitioner shall provide information to a  
12 semen donor to enable the semen donor to give informed consent to the  
13 procedures required by this chapter. The information required by this  
14 section must be in the following form:

15 NOTICE

16 (1) This facility performs a screening test for the human  
17 immunodeficiency virus (HIV) on every donor's blood.

18 (2) This facility reports to the ~~state~~ **Indiana** Department of Health  
19 the name and address of a semen donor or recipient when a  
20 confirmatory test of the semen donor's blood or the recipient's  
21 blood confirms the presence of antibodies to the human  
22 immunodeficiency virus (HIV).

23 (3) A person who, for the purpose of artificial insemination,  
24 recklessly, knowingly, or intentionally donates, sells, or transfers  
25 semen that contains antibodies for the human immunodeficiency  
26 virus (HIV) commits a criminal offense as described in  
27 IC 35-45-21-1.

28 SECTION 161. IC 16-41-14-14 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) A practitioner  
30 shall keep the following:

31 (1) A record of the information required under this chapter.

32 (2) The results of tests required under sections 5 and 7 of this  
33 chapter.

34 (3) A writing required under section 5(e) of this chapter.

35 (b) Records kept under this section shall be made available to the  
36 state department for inspection.

37 (c) The state department may enter and inspect a practitioner's  
38 facility to investigate the premises, books, and records as necessary to  
39 carry out this chapter.

40 (d) A person may not interfere with the performance of the state  
41 department of ~~health~~ under this chapter.

42 SECTION 162. IC 16-41-27-32, AS AMENDED BY P.L.53-2022,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2023]: Sec. 32. (a) As used in this section, "regulation" refers  
 3 to any:

- 4 (1) ordinance, including any:
  - 5 (A) zoning or land use ordinance; or
  - 6 (B) general or specific planning ordinance;
- 7 (2) regulation, including any:
  - 8 (A) zoning or land use regulation; or
  - 9 (B) general or specific planning regulation;
- 10 (3) requirement; or
- 11 (4) restriction;

12 that is adopted or imposed by a unit (as defined in IC 36-1-2-23).

13 (b) A governmental body other than the state department of health  
 14 may not license or regulate mobile home communities, except for the  
 15 following:

- 16 (1) Local boards may enforce the standards of health and  
 17 sanitation prescribed for mobile homes, manufactured homes,  
 18 industrialized residential structures, and mobile home  
 19 communities by the state department.
- 20 (2) Subject to IC 36-7-2-12 and subsections (d) and (f), county  
 21 and municipal authorities within their respective jurisdictions  
 22 have jurisdiction regarding zoning and building codes and  
 23 ordinances pertaining to mobile home communities.
- 24 (3) Local boards may regulate the construction and operation of  
 25 groups of a combined total of not more than four (4) mobile  
 26 homes, manufactured homes, and industrialized residential  
 27 structures in accordance with standards that are compatible with  
 28 standards set by the state department for mobile home  
 29 communities.

30 (c) A governmental body other than the state department of health  
 31 may not regulate mobile homes, manufactured homes, or industrialized  
 32 residential structures regarding habitability or minimum housing  
 33 conditions unless the regulation is applicable in the same manner to  
 34 other forms of residential housing in the jurisdiction.

35 (d) Unless required under IC 36-7-2-9, a governmental body may  
 36 not regulate or restrict, by regulation or otherwise, the installation, use,  
 37 occupancy, movement, relocation, or replacement of a mobile home,  
 38 manufactured home, or industrialized residential structure within a  
 39 mobile home community based upon the age or size of the mobile  
 40 home, manufactured home, or industrialized residential structure,  
 41 regardless of whether:

- 42 (1) the mobile home, manufactured home, or industrialized



1 residential structure within a mobile home community;  
 2 (2) the lot or site, or any part of the lot or site, within a mobile  
 3 home community, on which the mobile home, manufactured  
 4 home, or industrialized residential structure is located or installed,  
 5 or will be located or installed; or  
 6 (3) the mobile home community, or any part of the mobile home  
 7 community, in which the mobile home, manufactured home, or  
 8 industrialized residential structure is located or installed, or will  
 9 be located or installed;  
 10 constitutes a conforming structure or use, or a legal, nonconforming  
 11 structure or use.  
 12 (e) A government body may not regulate or restrict the ability of a:  
 13 (1) mobile home community:  
 14 (A) owner; or  
 15 (B) manager; or  
 16 (2) manufactured home community:  
 17 (A) owner; or  
 18 (B) manager;  
 19 to obtain a dealer's license or to sell a mobile home, manufactured  
 20 home, or industrialized residential structure located within the owner's  
 21 or manager's mobile home community or manufactured housing  
 22 community.  
 23 (f) Unless required under IC 36-7-2-9, after March 14, 2022:  
 24 (1) a unit may not:  
 25 (A) adopt or impose a regulation that violates, or that includes  
 26 a provision that violates, subsection (d);  
 27 (B) amend a regulation so that the regulation, after its  
 28 amendment, includes a provision that violates subsection (d),  
 29 regardless of when the regulation was originally adopted or  
 30 imposed; or  
 31 (C) enforce a provision in a regulation adopted or imposed by  
 32 the unit if the provision violates subsection (d), regardless of  
 33 when the regulation or provision was originally adopted or  
 34 imposed; and  
 35 (2) any provision that:  
 36 (A) is included in a regulation adopted or imposed by a unit;  
 37 and  
 38 (B) violates subsection (d);  
 39 is void and unenforceable regardless of when the regulation or  
 40 provision was originally adopted or imposed.  
 41 SECTION 163. IC 16-42-1-1.1, AS AMENDED BY P.L.2-2008,  
 42 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 1.1. (a) The state veterinarian shall act in place of  
 2 the state health commissioner under this chapter when impounding or  
 3 disposing of adulterated or misbranded products under IC 15-17-5 or  
 4 IC 15-18-1.

5 (b) The Indiana state board of animal health shall act in place of the  
 6 **state Indiana** department of health under this chapter when  
 7 impounding or disposing of adulterated or misbranded products under  
 8 IC 15-17-5 or IC 15-18-1.

9 SECTION 164. IC 16-42-2-1.1, AS AMENDED BY P.L.2-2008,  
 10 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2023]: Sec. 1.1. (a) The state veterinarian shall act in place of  
 12 the state health commissioner under this chapter when impounding or  
 13 disposing of adulterated or misbranded products under IC 15-17-5 or  
 14 IC 15-18-1.

15 (b) The Indiana state board of animal health shall act in place of the  
 16 **state Indiana** department of health under this chapter when  
 17 impounding or disposing of adulterated or misbranded products under  
 18 IC 15-17-5 or IC 15-18-1.

19 SECTION 165. IC 16-42-3-2.5, AS AMENDED BY P.L.2-2008,  
 20 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 2.5. (a) The state veterinarian shall act in place of  
 22 the state health commissioner under this chapter when impounding or  
 23 disposing of adulterated or misbranded products under IC 15-17-5 or  
 24 IC 15-18-1.

25 (b) The Indiana state board of animal health shall act in place of the  
 26 **state Indiana** department of health under this chapter when  
 27 impounding or disposing of adulterated or misbranded products under  
 28 IC 15-17-5 or IC 15-18-1.

29 SECTION 166. IC 16-42-4-1.1, AS AMENDED BY P.L.2-2008,  
 30 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 1.1. (a) The state veterinarian shall act in place of  
 32 the state health commissioner under this chapter when impounding or  
 33 disposing of adulterated or misbranded products under IC 15-17-5 or  
 34 IC 15-18-1.

35 (b) The Indiana state board of animal health shall act in place of the  
 36 **state Indiana** department of health under this chapter when  
 37 impounding or disposing of adulterated or misbranded products under  
 38 IC 15-17-5 or IC 15-18-1.

39 SECTION 167. IC 16-42-5-0.3, AS ADDED BY P.L.220-2011,  
 40 SECTION 323, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2023]: Sec. 0.3. (a) The state department of  
 42 **health** may adopt rules establishing the initial schedule of civil



1 penalties required under section 28 of this chapter, as added by  
 2 P.L.266-2001, at any time after May 11, 2001, in the manner provided  
 3 for the adoption of emergency rules under IC 4-22-2-37.1. An  
 4 emergency rule adopted under this section expires on the later of:

- 5 (1) the date permanent rules are adopted to replace the emergency  
 6 rules; or
- 7 (2) July 1, 2003.

8 (b) A corporation or local health department that, before January 1,  
 9 2001, adopted monetary penalties for the violation of any state or local  
 10 law or rule concerning food handling or food establishments may  
 11 continue to enforce those locally prescribed monetary penalties  
 12 (including the issuance of tickets or citations authorized by local law)  
 13 and deposit the amounts collected as prescribed by local law until the  
 14 later of:

- 15 (1) the date permanent rules are adopted establishing the schedule  
 16 of civil penalties required under section 28 of this chapter, as  
 17 added by P.L.266-2001; or
- 18 (2) July 1, 2003.

19 SECTION 168. IC 16-42-5.2-3.7, AS ADDED BY P.L.45-2020,  
 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 3.7. As used in this chapter, "certificate" means  
 22 a certificate, letter, or other document that verifies that the individual  
 23 has passed an accreditation examination given by an accredited testing  
 24 service recognized by the Conference for Food Protection or an  
 25 equivalent nationally recognized certification program as determined  
 26 by the state department. ~~of health.~~

27 SECTION 169. IC 16-42-5.3-5, AS ADDED BY P.L.49-2022,  
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 5. (a) A home based vendor shall include a label  
 30 for packaged food or a sign for unpackaged food that contains the  
 31 following information:

- 32 (1) The name and address of the producer of the food product.
- 33 (2) The common or usual name of the food product.
- 34 (3) The ingredients of the food product, in descending order by  
 35 predominance by weight.
- 36 (4) The net weight or volume of the food product by standard  
 37 measure or numerical count.
- 38 (5) The date on which the food product was processed.
- 39 (6) The following statement in at least 10 point type: "This  
 40 product is home produced and processed and the production area  
 41 has not been inspected by the ~~state~~ **Indiana** Department of  
 42 Health. NOT FOR RESALE."



1 (b) A home based vendor shall post the label of each food product  
 2 on the vendor's ~~Internet web site:~~ **website.**

3 SECTION 170. IC 16-46-10-2 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Except as  
 5 provided in subsections (b) and (d), the state department shall provide  
 6 funding each year from the local health maintenance fund under the  
 7 following schedule to each local board of health whose application for  
 8 funding is approved by the state department:

9 COUNTY POPULATION	AMOUNT OF GRANT
10 over - 499,999	\$ 60,000
11 100,000 - 499,999	50,000
12 50,000 - 99,999	30,000
13 under - 50,000	20,000

14 (b) For purposes of determining the amount of a grant to a multiple  
 15 county board of health, the state department shall regard each county  
 16 of the multiple county health department as a separate county. A grant  
 17 to a multiple county board of health must equal the total of grants that  
 18 would be made to the separate counties based on the population of each  
 19 county.

20 (c) A local board of health that desires to receive funding from the  
 21 local health maintenance fund must file an application with the state  
 22 department before May 1 of each year. The application must state how  
 23 the funds will be spent. The state department may extend the deadline  
 24 for filing an application upon a showing of good cause by the local  
 25 board of health.

26 (d) If a county has more than one (1) local health department, the  
 27 county fiscal body shall adopt an ordinance to allocate the funds  
 28 provided to the county under subsection (a). This ordinance must  
 29 provide that each local board of health in the county must receive an  
 30 allocation of funds granted under subsection (a). The county fiscal  
 31 body shall file a copy of the ordinance with the state department before  
 32 May 1 of each year.

33 (e) By June 1 of each year, the state department shall:

- 34 (1) allocate money in the local health maintenance fund (for
- 35 distribution the following January) to each local board of health
- 36 whose application is approved in accordance with the schedule in
- 37 subsection (a); and
- 38 (2) determine how much money in the local health maintenance
- 39 fund has not been applied for.

40 The state department may use the money that has not been applied for  
 41 or otherwise allocated to fund joint plans entered into by two (2) or  
 42 more local boards of health or by a multiple county board as provided



1 in subsections (g) and (i).

2 (f) If two (2) or more local boards of health cooperate in providing  
3 any of the services set out in section 3 of this chapter, those boards of  
4 health shall file a joint plan that must be approved by the state  
5 department. The joint plan must specify the following:

- 6 (1) The services to be provided under the plan.  
7 (2) The cost of each service to be provided under the plan.  
8 (3) The percentage of the total cost of services to be provided  
9 under the joint plan by each local board of health.

10 (g) If two (2) or more local boards of health join together to provide  
11 services in accordance with a joint plan filed with the state department  
12 ~~of health~~ under subsection (f), and the state department determines that  
13 the services to be provided under the joint plan are eligible for funding  
14 from the local health maintenance fund, the state department shall  
15 grant (in addition to the funds provided to each county in which the  
16 local boards of health are located under subsection (a)) an amount not  
17 to exceed fifteen thousand dollars (\$15,000) to fund the joint plan. The  
18 state department shall grant money to fund joint plans that most  
19 effectively accomplish the following goals in accordance with  
20 standards adopted by the state department:

- 21 (1) Benefit the greatest number of people.  
22 (2) Provide services in a cost effective manner.  
23 (3) Address the most serious health care needs of the area served.  
24 (4) Provide additional public health services in a medically  
25 underserved or economically distressed area.

26 This money shall be allocated directly to each local board of health  
27 participating in the joint plan in the same percentages specified in the  
28 joint plan under subsection (f)(3).

29 (h) A multiple county health board may file a plan under this section  
30 to provide any of the services set out in section 3 of this chapter. If the  
31 state department determines that the services to be provided under the  
32 plan submitted by a multiple county health board are eligible for  
33 funding from the local health maintenance fund, the state department  
34 shall grant (in addition to the funds provided under subsection (a) to  
35 each county in which the local boards of health are located) an amount  
36 not to exceed fifteen thousand dollars (\$15,000) to fund the plan.

37 (i) Services funded under this section must be in addition to, and not  
38 in place of, services funded at the local level.

39 SECTION 171. IC 16-46-11-1, AS AMENDED BY P.L.38-2010,  
40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2023]: Sec. 1. The office of minority health and the state  
42 department, ~~of health~~, in partnership with the Indiana Minority Health





- 1 Coalition, Inc., shall do the following:
- 2 (1) Staff, coordinate, and assist in the implementation of the
- 3 comprehensive health plan developed by the interagency state
- 4 council on black and minority health established under
- 5 IC 16-46-6.
- 6 (2) Expand, develop, and implement a community based state
- 7 structure that is conducive to addressing the health disparities of
- 8 the minority populations in Indiana.
- 9 (3) Monitor minority health progress.
- 10 (4) Establish policy.
- 11 (5) Fund minority health programs, research, and other initiatives.
- 12 (6) Provide the following through interdepartmental coordination:
- 13 (A) The data and technical assistance needs of the local
- 14 minority health coalitions.
- 15 (B) Measurable minority health objectives to local minority
- 16 health coalitions for the development of health intervention
- 17 programs.
- 18 (7) Provide through the state health data center established by
- 19 IC 16-19-10-3 minority health research and resource information
- 20 addressing the following:
- 21 (A) Research within minority populations.
- 22 (B) A resource database that can be disseminated to local
- 23 organizations interested in minority health.
- 24 (C) Racial and ethnic specific databases including morbidity,
- 25 diagnostic groups, social/economic, education, and population.
- 26 (D) Attitude, knowledge, and belief information.
- 27 (8) Staff a minority health hotline that establishes linkages with
- 28 other health and social service hotlines and local coalitions.
- 29 (9) Develop and implement an aggressive recruitment and
- 30 retention program to increase the number of minorities in the
- 31 health and social services professions.
- 32 (10) Develop and implement an awareness program that will
- 33 increase the knowledge of health and social service providers to
- 34 the special needs of minorities.
- 35 (11) Develop and implement culturally and linguistically
- 36 appropriate health promotion and disease prevention programs
- 37 that would emphasize avoiding the health risk factors for
- 38 conditions affecting minorities and incorporate an accessible,
- 39 affordable, and acceptable early detection and intervention
- 40 component.
- 41 (12) Provide the state support necessary to ensure the continued
- 42 development of the existing minority health coalitions and to



- 1 develop coalitions in other areas targeted for minority health  
 2 intervention.
- 3 (13) Coordinate each of the counties with existing local minority  
 4 health coalitions to:
- 5 (A) provide community planning and needs assessment  
 6 assistance to the local minority health coalitions; and  
 7 (B) assist the local minority health coalitions in the  
 8 development of local minority health intervention plans. The  
 9 plans shall be developed to coincide with the state fiscal year.
- 10 (14) Establish a liaison between the **state** department and the  
 11 Indiana Minority Health Coalition, Inc., to:
- 12 (A) coordinate the state department of ~~health~~ resources needed  
 13 for the development of local coalitions;  
 14 (B) provide assistance to and monitor the local coordinators in  
 15 the development of local intervention plans;  
 16 (C) serve as the barometer to the state department of ~~health~~ on  
 17 the minority health concerns of local coalitions;  
 18 (D) assist in coordinating the minority community input on  
 19 state policies and programs;  
 20 (E) serve as the linkage with the state department of ~~health~~ and  
 21 the local minority health coordinators; and  
 22 (F) monitor the progress of the fulfilling of their  
 23 responsibilities.
- 24 (15) Provide funding, within the limits of appropriations, to  
 25 support preventive health, education, and treatment programs in  
 26 the minority communities that are developed, planned, and  
 27 evaluated by approved organizations.
- 28 (16) Provide assistance to local communities to obtain funding for  
 29 the development of a health care delivery system to meet the  
 30 needs, gaps, and barriers identified in the local plans.
- 31 SECTION 172. IC 16-46-16.5-7, AS ADDED BY P.L.110-2021,  
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2023]: Sec. 7. (a) The state department shall determine  
 34 whether to award a grant under this chapter.
- 35 (b) Subject to subsection (c), if the state department approves a  
 36 proposal:
- 37 (1) the initial grant amount awarded shall not exceed eighty-five  
 38 percent (85%); or  
 39 (2) if the proposal approved by the state department will  
 40 supplement a health initiative that currently receives partial  
 41 funding from another source, including a Medicaid provider, the  
 42 initial grant amount awarded shall not exceed seventy-five



1           percent (75%);  
 2           of the total grant amount approved for the proposal. The state  
 3           department shall distribute the remaining amount of the approved grant  
 4           to the grantee when the state department determines that the grantee  
 5           has achieved the outcome or outcomes in the grant proposal.  
 6           (c) The state department of ~~health~~ may distribute the initial award  
 7           amounts described in subsection (b)(1) and (b)(2) over the course of  
 8           the project that is the subject of the proposal based on achieved  
 9           objectives.  
 10          SECTION 173. IC 16-49-3-3, AS AMENDED BY P.L.29-2016,  
 11          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12          JULY 1, 2023]: Sec. 3. (a) A local child fatality review team:  
 13               (1) shall review the death of a child whose death incident  
 14               occurred in the area served by the local child fatality review team  
 15               and may review the death of a child whose death occurred in the  
 16               area served by the local child fatality review team if:  
 17                     (A) the death of the child is:  
 18                         (i) sudden;  
 19                         (ii) unexpected;  
 20                         (iii) unexplained; or  
 21                         (iv) assessed by the department of child services for alleged  
 22                         abuse or neglect that resulted in the death of the child; or  
 23                     (B) the coroner in the area where the death occurred determines  
 24                     that the cause of the death of the child is:  
 25                         (i) undetermined; or  
 26                         (ii) the result of a homicide, suicide, or accident; and  
 27               (2) may, at its discretion, review the near fatality of a child whose  
 28               incident or injury occurred in the area served by the local child  
 29               fatality review team.  
 30               (b) In conducting a child fatality review under subsection (a), the  
 31               local child fatality review team may review all applicable records and  
 32               information related to the death or near fatality of the child, including  
 33               the following:  
 34                     (1) Records held by the:  
 35                         (A) **state department or** local ~~or state~~ health department; and  
 36                         (B) department of child services.  
 37                     (2) Medical records.  
 38                     (3) Law enforcement records.  
 39                     (4) Autopsy reports.  
 40                     (5) Records of the coroner.  
 41                     (6) Mental health reports.  
 42               (c) Except as otherwise provided under this article, information and



1 records acquired by the local child fatality review team in the exercise  
 2 of its duties under this chapter are confidential and exempt from  
 3 disclosure.

4 (d) Records, information, documents, and reports acquired or  
 5 produced by a local child fatality review team are not:

- 6 (1) subject to subpoena or discovery; or
- 7 (2) admissible as evidence;

8 in any judicial or administrative proceeding. Information that is  
 9 otherwise discoverable or admissible from original sources is not  
 10 immune from discovery or use in any proceeding merely because the  
 11 information was presented during proceedings before a local child  
 12 fatality review team.

13 SECTION 174. IC 16-49-4-5, AS ADDED BY P.L.119-2013,  
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 5. (a) Upon request by a local child fatality review  
 16 team or the department of child services ombudsman established by  
 17 IC 4-13-19-3, the statewide child fatality review committee shall assist  
 18 a local child fatality review team or conduct a review of the death of a  
 19 child that occurred in Indiana if:

20 (1) the death of the child is:

- 21 (A) sudden;
- 22 (B) unexpected;
- 23 (C) unexplained; or
- 24 (D) assessed by the department of child services for alleged  
 25 abuse or neglect that resulted in the death of the child; or

26 (2) the coroner in the area in which the child's death occurred  
 27 determines that the cause of the death of the child is:

- 28 (A) undetermined; or
- 29 (B) the result of a homicide, suicide, or accident.

30 (b) In conducting a child fatality review under subsection (a), the  
 31 statewide child fatality review committee may review all applicable  
 32 records and information related to the death of the child, including the  
 33 following:

34 (1) Records held by the:

- 35 (A) **state department or** local ~~or state~~ health department; and
- 36 (B) department of child services.

- 37 (2) Medical records.
- 38 (3) Law enforcement records.
- 39 (4) Autopsy reports.
- 40 (5) Records of the coroner.
- 41 (6) Mental health reports.

42 (c) Subject to IC 34-30-15, if the statewide child fatality review



1 committee requests records from a hospital, physician, coroner, law  
 2 enforcement officer, or mental health professional regarding a death  
 3 that the statewide child fatality review committee is investigating, the  
 4 hospital, physician, coroner, law enforcement officer, or mental health  
 5 professional shall provide the requested records to the statewide child  
 6 fatality review committee.

7 (d) A person who provides records in accordance with subsection  
 8 (c) in good faith is not subject to liability in:

- 9 (1) a civil;  
 10 (2) an administrative;  
 11 (3) a disciplinary; or  
 12 (4) a criminal;

13 action that might otherwise be imposed as a result of such disclosure.

14 (e) Except as otherwise provided in this article, information and  
 15 records acquired by the statewide child fatality review committee in the  
 16 exercise of its duties under this chapter are confidential and exempt  
 17 from disclosure.

18 (f) Records, information, documents, and reports acquired or  
 19 produced by the statewide child fatality review committee are not:

- 20 (1) subject to subpoena or discovery; or  
 21 (2) admissible as evidence;

22 in any judicial or administrative proceeding. Information that is  
 23 otherwise discoverable or admissible from original sources is not  
 24 immune from discovery or use in any proceeding merely because the  
 25 information was presented during proceedings before the statewide  
 26 child fatality review committee.

27 SECTION 175. IC 16-49.5-2-6, AS ADDED BY P.L.112-2020,  
 28 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 6. (a) The SOFR team shall review the death of  
 30 each person whose death occurred in the area served by the SOFR team  
 31 if one (1) or more of the following conditions are met:

- 32 (1) The person's cause of death is listed as one (1) or more of the  
 33 following:  
 34 (A) Poisoning.  
 35 (B) Intoxication.  
 36 (C) Toxicity.  
 37 (D) Inhalation.  
 38 (E) Ingestion.  
 39 (F) Overdose.  
 40 (G) Exposure.  
 41 (H) Chemical use.  
 42 (I) Neonatal abstinence syndrome (NAS) effects.



- 1 (2) The person's manner of death is classified as one (1) of the  
 2 following:  
 3 (A) Accident.  
 4 (B) Suicide.  
 5 (C) Undetermined.  
 6 (3) The person's manner of death is classified as natural but drug  
 7 intoxication or exposure is listed as a contributing factor.  
 8 (b) When conducting a SOFR fatality review under subsection (a),  
 9 the SOFR team may review the following records if the records pertain  
 10 to a person or incident within the scope of the SOFR team's review:  
 11 (1) Records held by the:  
 12 (A) **state department or local or state** health department;  
 13 (B) INSPECT program (as described under IC 25-26-24); or  
 14 (C) department of child services.  
 15 (2) Medical records.  
 16 (3) Law enforcement records.  
 17 (4) Autopsy reports.  
 18 (5) Coroner records.  
 19 (6) Mental health reports.  
 20 (7) Emergency medical services provider records.  
 21 (8) Fire department run reports.  
 22 (9) Disciplinary or health records generated by a local school  
 23 system.  
 24 (10) Any other record concerning the assessment, care, fatality,  
 25 diagnosis, near fatality, if applicable, or treatment of the person  
 26 subject to a SOFR team review.  
 27 (c) Except as otherwise provided, information and records acquired  
 28 by a SOFR team during the execution of the SOFR team's duties are  
 29 confidential and exempt from disclosure.  
 30 (d) Subject to subsection (e), records, information, documents, and  
 31 reports acquired or produced by a SOFR team are not:  
 32 (1) subject to subpoena or discovery; or  
 33 (2) admissible as evidence;  
 34 in any administrative or judicial proceeding.  
 35 (e) Records, information, documents, and reports that are admissible  
 36 and otherwise discoverable from alternate sources do not become  
 37 immune from discovery or use in any administrative or judicial  
 38 proceeding because of their use by a SOFR team.  
 39 SECTION 176. IC 20-19-2-12, AS AMENDED BY P.L.233-2015,  
 40 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 12. (a) The state board shall, in the manner  
 42 provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines



1 for the selection of school sites and the construction, alteration, and  
 2 repair of school buildings, athletic facilities, and other categories of  
 3 facilities related to the operation and administration of school  
 4 corporations. The nonbinding guidelines must include:

5 (1) preferred location and building practices for school  
 6 corporations, including standards for enhancing health, student  
 7 safety, accessibility, energy efficiency, operating efficiency, and  
 8 instructional efficacy;

9 (2) guidelines concerning minimum acreage, cost per square foot  
 10 or cost per ADM (as defined in IC 20-18-2-2), technology  
 11 infrastructure, building materials, per student square footage, and  
 12 other general space requirements, including space for academics,  
 13 administration and staff support, arts education and auditoriums,  
 14 libraries, cafeterias, athletics and physical education,  
 15 transportation facilities, and maintenance and repair facilities; and

16 (3) additional guidelines that the state board considers necessary  
 17 for efficient and cost effective construction of school facilities.

18 The state building commissioner, the office of management and budget,  
 19 and the department of local government finance shall, upon request of  
 20 the board, provide technical assistance as necessary for the  
 21 development of the guidelines.

22 (b) The state board shall annually compile, in a document capable  
 23 of easy revision, the:

24 (1) guidelines described in subsection (a); and

25 (2) rules of the:

26 (A) fire prevention and building safety commission; and

27 (B) **state Indiana** department of health;

28 that govern site selection and the construction, alteration, and repair of  
 29 school buildings.

30 SECTION 177. IC 20-26-5-6, AS AMENDED BY P.L.43-2021,  
 31 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 6. All powers delegated to the governing body of  
 33 a school corporation under section 1 or 4 of this chapter are subject to  
 34 all laws subjecting the school corporation to regulation by a state  
 35 agency, including the secretary of education, state board of accounts,  
 36 state police department, fire prevention and building safety  
 37 commission, department of local government finance, environmental  
 38 rules board, state school bus committee, **state Indiana** department of  
 39 health, and any local governmental agency to which the state has been  
 40 delegated a specific authority in matters other than educational matters  
 41 and other than finance, including plan commissions, zoning boards, and  
 42 boards concerned with health and safety.



1 SECTION 178. IC 20-26-9-18, AS AMENDED BY P.L.233-2015,  
 2 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) Before July 1, 2007, each  
 4 school board may establish a coordinated school health advisory  
 5 council (referred to as the "advisory council" in this section). The  
 6 advisory council may review the corporation's wellness policies on a  
 7 yearly basis and suggest to the governing body for approval changes to  
 8 the policies that comply with the requirements of federal Public Law  
 9 111-296 and IC 5-22-15-24(c) before July 1 of each year. The advisory  
 10 council must hold at least one (1) hearing at which public testimony  
 11 about the local wellness policy being developed is allowed.

12 (b) The governing body may appoint the members of the advisory  
 13 council, which must include the following:

- 14 (1) Parents.
- 15 (2) Food service directors and staff.
- 16 (3) Students.
- 17 (4) Nutritionists or certified dietitians.
- 18 (5) Health care professionals.
- 19 (6) School board members.
- 20 (7) A school administrator.
- 21 (8) Representatives of interested community organizations.

22 (c) In adopting a school corporation policy on child nutrition and  
 23 physical activity policy under federal Public Law 111-296, the  
 24 governing body may take into consideration recommendations made by  
 25 the advisory council.

26 (d) The department shall, in consultation with the ~~state~~ **Indiana**  
 27 department of health, provide technical assistance to schools, including  
 28 providing information on health, nutrition, and physical activity,  
 29 through educational materials and professional development  
 30 opportunities.

31 SECTION 179. IC 20-30-5-9, AS AMENDED BY P.L.43-2021,  
 32 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2023]: Sec. 9. (a) The principles of hygiene and sanitary  
 34 science must be taught in grade 5 of each public school and may be  
 35 taught in other grades. This instruction must explain the ways that  
 36 dangerous communicable diseases are spread and the sanitary methods  
 37 for disease prevention and restriction.

38 (b) The state health commissioner and the secretary of education  
 39 shall jointly compile a leaflet describing the principles of hygiene,  
 40 sanitary science, and disease prevention and shall supply the leaflets to  
 41 each superintendent, who shall:

- 42 (1) supply the leaflets to each school; and





- 1 (2) require the teachers to comply with this section.
- 2 (c) Each prosecuting attorney to whom the **state Indiana** department  
3 of health or the **state Indiana** department of health's agents report any  
4 violation of this section shall commence proceedings against the  
5 violator.
- 6 (d) Any student who objects in writing, or any student less than  
7 eighteen (18) years of age whose parent or guardian objects in writing,  
8 to health and hygiene courses because the courses conflict with the  
9 student's religious teachings is entitled to be excused from receiving  
10 medical instruction or instruction in hygiene or sanitary science without  
11 penalties concerning grades or graduation.
- 12 SECTION 180. IC 20-30-5-12, AS AMENDED BY P.L.112-2020,  
13 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 12. (a) Each school corporation shall:
- 15 (1) include in the school corporation's curriculum instruction  
16 concerning the human immunodeficiency virus (HIV); and  
17 (2) integrate this effort to the extent possible with instruction on  
18 other serious communicable diseases.
- 19 (b) Literature that is distributed to school children and young adults  
20 under this section must include information required by IC 20-34-3-17.
- 21 (c) The department, in consultation with the **state Indiana**  
22 department of health, shall develop HIV educational materials. The  
23 department shall make the materials developed under this section  
24 available to school corporations.
- 25 SECTION 181. IC 20-30-5-15, AS ADDED BY P.L.1-2005,  
26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2023]: Sec. 15. (a) Each school corporation shall include in  
28 the school corporation's high school health education curriculum  
29 instruction regarding breast cancer and testicular cancer as adopted by  
30 the state board, including the significance of early detection of these  
31 diseases through:
- 32 (1) monthly self-examinations; and  
33 (2) regularly scheduled mammographies in the case of breast  
34 cancer.
- 35 (b) The department shall, in consultation with the **state Indiana**  
36 department of health, develop breast cancer and testicular cancer  
37 educational materials to be made available to school corporations to  
38 assist teachers assigned to teach the material described in this section.
- 39 (c) The:
- 40 (1) department shall develop guidelines; and  
41 (2) state board shall adopt rules under IC 4-22-2;  
42 concerning the instruction required under this section to assist teachers



1 assigned to teach the material described in this section.

2 SECTION 182. IC 20-30-5-16, AS ADDED BY P.L.1-2005,  
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2023]: Sec. 16. (a) Each school corporation shall include in  
5 the school corporation's high school health education curriculum  
6 instruction regarding the human organ donor program and blood donor  
7 program as adopted by the state board, including:

8 (1) the purpose of the human organ donor program and blood  
9 donor program;

10 (2) the statewide and nationwide need for human organ and blood  
11 donations; and

12 (3) the procedure for participation in the human organ donor  
13 program and blood donor program.

14 (b) The department shall, in consultation with the **state Indiana**  
15 department of health or any other appropriate organization, develop  
16 human organ donor program and blood donor program educational  
17 materials to be made available to school corporations to assist teachers  
18 assigned to teach the material described in this section.

19 (c) The:

20 (1) department shall develop guidelines; and

21 (2) state board shall adopt rules under IC 4-22-2;

22 concerning the instruction required under this section to assist teachers  
23 assigned to teach the material described in this section.

24 SECTION 183. IC 20-30-5-18, AS ADDED BY P.L.76-2005,  
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2023]: Sec. 18. (a) The chief administrative officer of each:

27 (1) public school (including a charter school as defined in  
28 IC 20-24-1-4); and

29 (2) nonpublic school;

30 shall ensure that information concerning meningococcal disease and its  
31 vaccines is provided to students and parents or guardians of students  
32 at the beginning of each school year.

33 (b) The information provided under subsection (a) must include  
34 information concerning the:

35 (1) causes;

36 (2) symptoms; and

37 (3) spread;

38 of meningococcal disease and the places where parents and guardians  
39 of students may obtain additional information and vaccinations for their  
40 children.

41 (c) The chief administrative officers and the department shall, in  
42 consultation with the **state Indiana** department of health or any other



1 appropriate entity, develop materials to be made available to schools  
2 to assist schools in providing the information described in this section.

3 (d) The department shall enforce this section.

4 SECTION 184. IC 20-34-3-1, AS ADDED BY P.L.1-2005,  
5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2023]: Sec. 1. (a) When the power to make rules for the  
7 administration of a section of this chapter or IC 20-34-4 is not  
8 specifically granted to a particular board or agency, the **state Indiana**  
9 department of health and the state board shall jointly adopt rules.

10 (b) A rule adopted under this chapter or IC 20-34-4 must comply  
11 with IC 4-22-2. However, the **state Indiana** department of health may  
12 prescribe forms for any reports required under this chapter or  
13 IC 20-34-4 without formal procedures.

14 SECTION 185. IC 20-34-3-9, AS ADDED BY P.L.1-2005,  
15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2023]: Sec. 9. (a) If a student is ill, has a communicable  
17 disease, or is infested with parasites, the school principal may send the  
18 student home with a note to the student's parent. The note must  
19 describe the nature of the illness or infestation and, if appropriate,  
20 recommend that the family physician be consulted.

21 (b) If the parent of a student who is sent home under this section is  
22 financially unable to provide the necessary medical care, the medical  
23 care shall be provided by a public health facility. If a public health  
24 facility is not available, the township trustee or an appropriate  
25 governmental agency shall provide the necessary care.

26 (c) A student who is sent home under this section may be readmitted  
27 to the school:

28 (1) when it is apparent to school officials that the student is no  
29 longer ill, no longer has a communicable disease, or is no longer  
30 infested with parasites;

31 (2) upon certification of a physician that the student is no longer  
32 ill, no longer has a communicable disease, or is no longer infested  
33 with parasites;

34 (3) upon certification of a physician that the student has a  
35 communicable disease, but the disease is not transmissible  
36 through normal school contacts; or

37 (4) upon certification of a Christian Science practitioner, who is  
38 listed in The Christian Science Journal, that based on the  
39 practitioner's observation the student apparently is no longer ill,  
40 no longer has a communicable disease, or is no longer infested  
41 with parasites.

42 If school personnel disagree with the certifying physician or Christian



1 Science practitioner as to whether the student should be readmitted to  
 2 school, the local health officer shall determine whether the student may  
 3 be readmitted to school.

4 (d) An individual who objects to the determination made by the  
 5 local health officer under this section may appeal to the commissioner  
 6 of the **state Indiana** department of health, who is the ultimate authority.  
 7 IC 4-21.5 applies to appeals under this subsection.

8 SECTION 186. IC 20-34-3-10, AS ADDED BY P.L.1-2005,  
 9 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 10. (a) A sickle cell anemia test shall be  
 11 administered to each student when the examining physician or school  
 12 nurse determines that the test is necessary. The physician shall state on  
 13 the examination form whether the test was given and, if it was, the  
 14 result. All positive results shall be filed with the examining physician  
 15 and the **state Indiana** department of health.

16 (b) The **state Indiana** department of health and the state board shall  
 17 adopt joint rules concerning sickle cell anemia testing equipment,  
 18 qualifications for sickle cell anemia testing personnel, and sickle cell  
 19 anemia testing procedures.

20 (c) Records of all tests administered under this section shall be  
 21 made and continuously maintained by the **state Indiana** department of  
 22 health to provide information useful in protecting, promoting, and  
 23 maintaining the health of students.

24 SECTION 187. IC 20-34-3-11, AS ADDED BY P.L.1-2005,  
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2023]: Sec. 11. (a) The governing body of a school  
 27 corporation may require students to be tested for lead poisoning.

28 (b) If a student's parent states in writing that the parent is financially  
 29 unable to pay for a test under this section, the student shall be referred  
 30 to the free clinic or public health facility in the area that provides  
 31 services for indigents.

32 (c) The **state Indiana** department of health and the state board shall  
 33 adopt joint rules concerning lead poisoning testing under this section.

34 (d) Records of all tests administered under this section shall be  
 35 made and continuously maintained by the **state Indiana** department of  
 36 health to provide information useful in protecting, promoting, and  
 37 maintaining the health of students.

38 SECTION 188. IC 20-34-3-12, AS AMENDED BY P.L.89-2013,  
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 12. (a) For purposes of this section, "modified  
 41 clinical technique" means a battery of vision tests that includes:

42 (1) a visual acuity test to determine an individual's ability to see



- 1 at various distances;
- 2 (2) a refractive error test to determine the focusing power of the
- 3 eye;
- 4 (3) an ocular health test to determine any external or internal
- 5 abnormalities of the eye; and
- 6 (4) a binocular coordination test to determine if the eyes are
- 7 working together properly.
- 8 (b) For purposes of this section, "vision screening" means the testing
- 9 of visual acuity to determine an individual's ability to see at various
- 10 distances using:
- 11 (1) the Snellen chart;
- 12 (2) Sloan letters;
- 13 (3) HOTV; or
- 14 (4) LEA symbol optotypes;
- 15 at a distance of either ten (10) or twenty (20) feet for distance vision,
- 16 depending on the calibration of the chart being used, and a distance of
- 17 fourteen (14) inches for near vision.
- 18 (c) The modified clinical technique shall be performed by an
- 19 ophthalmologist licensed as a physician under IC 25-22.5 or an
- 20 optometrist licensed under IC 25-24.
- 21 (d) The governing body of each school corporation shall conduct a
- 22 vision test for each student enrolling in or transferring into:
- 23 (1) either kindergarten or grade 1;
- 24 (2) grade 3;
- 25 (3) grade 5; and
- 26 (4) grade 8;
- 27 and for each student suspected of having a visual defect.
- 28 (e) The vision test for students in kindergarten and grade 1 shall be
- 29 conducted using the modified clinical technique unless a waiver is
- 30 granted under section 13 of this chapter. If a waiver is granted for a
- 31 school corporation, the governing body shall conduct a vision screening
- 32 upon each student's enrollment in kindergarten or grade 1.
- 33 (f) Each student described in subsection (d)(2), (d)(3), and (d)(4),
- 34 and each student suspected of having a visual defect shall be tested
- 35 using a vision screening of the student's visual acuity.
- 36 (g) The following standards apply for a vision screening under
- 37 subsections (e) and (f):
- 38 (1) A student in kindergarten or grade 1 who is unable to read
- 39 with each eye the 20/30 line of the Snellen chart or the 20/32 line
- 40 of the Sloan letters, HOTV, or LEA symbol optotypes shall be
- 41 recommended for further examination based upon the
- 42 recommendation of the individual performing the screening.



- 1 (2) A student:  
2 (A) in grade 3, grade 5, or grade 8; or  
3 (B) suspected of having a visual defect;  
4 who is unable to read with each eye the 20/30 line of the Snellen  
5 chart or the 20/32 line of the Sloan letters shall be recommended  
6 for further examination based upon the recommendation of the  
7 individual performing the screening.
- 8 (h) Records of all tests shall be made and continuously maintained  
9 by the school corporation to provide information useful in protecting,  
10 promoting, and maintaining the health of students. The **state Indiana**  
11 department of health and the state board shall adopt joint rules  
12 concerning vision testing equipment, qualifications of vision testing  
13 personnel, visual screening procedures, and criteria for failure and  
14 referral in the screening tests based on accepted medical practice and  
15 standards.
- 16 (i) The school corporation's governing body and the superintendent  
17 shall receive annually the following information concerning the tests  
18 conducted under this section:
- 19 (1) The number of students tested by grade.  
20 (2) The number of students by grade who were tested using the  
21 modified clinical technique.  
22 (3) The number of students by grade who were tested using a  
23 vision screening.  
24 (4) The number of students by grade who passed a test.  
25 (5) The number of students by grade who failed a test or were  
26 referred for further testing.  
27 (6) The name of the individual or department that supervised the  
28 testing.
- 29 (j) Each school corporation shall annually provide to the  
30 department, for each school within the school corporation, the  
31 following information concerning the tests conducted under this  
32 section:
- 33 (1) the number of students tested by grade;  
34 (2) the number of students by grade who were tested using the  
35 modified clinical technique;  
36 (3) the number of students by grade who were tested using a  
37 vision screening;  
38 (4) the number of students who passed a test by grade; and  
39 (5) the number of students who failed a test or who were referred  
40 for further testing.
- 41 (k) Not later than October 1 each year, the department shall report  
42 for the previous school year:



- 1 (1) a compilation of the information received from school  
 2 corporations under subsection (j);  
 3 (2) information received under section 13 of this chapter,  
 4 including:  
 5 (A) the number of school corporations that applied for a waiver;  
 6 (B) the number of waivers approved;  
 7 (C) the number of waivers denied;  
 8 (D) the name of each school corporation that applied for a  
 9 waiver and whether the waiver was approved or denied; and  
 10 (E) the reason for the approval or denial;  
 11 (3) the total number of students eligible for testing; and  
 12 (4) the total number of students tested;

13 to the legislative council in electronic format under IC 5-14-6.

14 SECTION 189. IC 20-34-4-1, AS AMENDED BY P.L.208-2015,  
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2023]: Sec. 1. (a) Each school shall keep an immunization  
 17 record of the school's students according to procedures prescribed by  
 18 the **state Indiana** department of health.

19 (b) Whenever a student transfers to another school, the school from  
 20 which the student is transferring may furnish, not later than twenty (20)  
 21 days after the transfer, a copy of the student's immunization record to  
 22 the school to which the student is transferring.

23 (c) Whenever a student enrolls in a state educational institution, the  
 24 school from which the student graduated may furnish a copy of the  
 25 student's immunization record to the state educational institution. If the  
 26 student is enrolled in a state educational institution while still attending  
 27 a secondary level school, the secondary level school that the student is  
 28 attending may furnish a copy of the student's immunization record to  
 29 the state educational institution.

30 SECTION 190. IC 20-34-4-2, AS AMENDED BY P.L.208-2015,  
 31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 2. (a) Every child residing in Indiana who is  
 33 enrolled in an accredited elementary school or high school shall be  
 34 immunized as determined by the **state Indiana** department of health  
 35 against:

- 36 (1) diphtheria;  
 37 (2) pertussis (whooping cough);  
 38 (3) tetanus;  
 39 (4) measles;  
 40 (5) rubella;  
 41 (6) poliomyelitis;  
 42 (7) mumps;



- 1 (8) varicella;  
 2 (9) hepatitis A;  
 3 (10) hepatitis B; and  
 4 (11) meningitis.
- 5 (b) The **state Indiana** department of health may expand or otherwise  
 6 modify the list of communicable diseases that require documentation  
 7 of immunity as medical information becomes available that would  
 8 warrant the expansion or modification in the interest of public health.
- 9 (c) Before November 30 of each year, the **state Indiana** department  
 10 of health shall publish a two (2) year calendar of immunization  
 11 requirements and recommendations. The calendar must include:  
 12 (1) the immunization requirements for the following school year;  
 13 and  
 14 (2) recommendations for immunization requirements for the year  
 15 subsequent to the following school year.
- 16 (d) The publishing time frame for the calendar described in  
 17 subsection (c) does not apply in the event of an emergency as  
 18 determined by the state health commissioner.
- 19 (e) The **state Indiana** department of health shall adopt rules under  
 20 IC 4-22-2 specifying the:  
 21 (1) required immunizations;  
 22 (2) child's age for administering each vaccine;  
 23 (3) adequately immunizing doses; and  
 24 (4) method of documentation of proof of immunity.
- 25 SECTION 191. IC 20-34-4-3, AS AMENDED BY P.L.208-2015,  
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 3. (a) Each school shall notify each parent of a  
 28 student who enrolls in the school of the requirement that the student  
 29 must be immunized and that the immunization is required for the  
 30 student's continued enrollment, attendance, or residence at the school  
 31 unless:  
 32 (1) the parent or student provides the appropriate documentation  
 33 of immunity; or  
 34 (2) IC 20-34-3-2 or IC 20-34-3-3 applies.
- 35 (b) A school that enrolls grade 6 students shall provide each parent  
 36 of a student who is entering grade 6 with information prescribed by the  
 37 **state Indiana** department of health under subsection (c) concerning the  
 38 link between cancer and the human papillomavirus (HPV) infection  
 39 and that an immunization against the human papillomavirus (HPV)  
 40 infection is available.
- 41 (c) The **state Indiana** department of health shall provide a school  
 42 described in subsection (b) with the information concerning cancer and





1 the human papillomavirus (HPV) infection required in subsection (b).  
 2 The information must include the following:

3 (1) The latest scientific information on the immunization against  
 4 the human papillomavirus (HPV) infection and the  
 5 immunization's effectiveness against causes of cancer.

6 (2) That a pap smear is still critical for the detection of  
 7 precancerous changes in the cervix to allow for treatment before  
 8 cervical cancer develops.

9 (3) Information concerning the means in which the human  
 10 papillomavirus (HPV) infection is contracted.

11 (4) A statement that any questions or concerns concerning  
 12 immunizing the child against human papillomavirus (HPV) could  
 13 be answered by contacting a health care provider.

14 (d) The **state Indiana** department of health shall provide the  
 15 department of education with material concerning immunizations and  
 16 immunization preventable diseases for distribution to parents and  
 17 guardians. The department of education shall provide these materials  
 18 to schools to be provided to students' parents and guardians. These  
 19 materials may be distributed by a school by posting the required  
 20 information on the school's ~~Internet web site:~~ **website.**

21 SECTION 192. IC 20-34-4-5, AS AMENDED BY P.L.208-2015,  
 22 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 5. (a) Each school shall require the parent of a  
 24 student who has enrolled in the school to furnish, not later than the first  
 25 day of school attendance, proof of the student's immunization status,  
 26 either as a written document from the health care provider who  
 27 administered the immunization or documentation provided from the  
 28 state immunization data registry.

29 (b) The statement must show, except for a student to whom  
 30 IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been  
 31 immunized as required under section 2 of this chapter. The statement  
 32 must include the student's date of birth and the date of each  
 33 immunization.

34 (c) A student may not be permitted to attend school beyond the first  
 35 day of school without furnishing the documentation described in  
 36 subsections (a) and (b) unless:

37 (1) the school gives the parent of the student a waiver; or

38 (2) the local health department or a health care provider  
 39 determines that the student's immunization schedule has been  
 40 delayed due to extreme circumstances and that the required  
 41 immunizations will not be completed before the first day of  
 42 school.



1 The waiver referred to in subdivision (1) may not be granted for a  
2 period that exceeds twenty (20) school days. If subdivision (2) applies,  
3 the parent of the student shall furnish the written statement and a  
4 schedule, approved by a health care provider who is authorized to  
5 administer the immunizations or the local health department, for the  
6 completion of the remainder of the immunizations.

7 (d) The **state Indiana** department of health may commence an  
8 action against a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the  
9 issuance of an order of compliance for failure to enforce this section.

10 (e) Neither a religious objection under IC 20-34-3-2 nor an  
11 exception for the student's health under IC 20-34-3-3 relieves a parent  
12 from the reporting requirements under this section.

13 (f) The **state Indiana** department of health shall adopt rules under  
14 IC 4-22-2 to implement this section.

15 SECTION 193. IC 20-34-4-6, AS AMENDED BY P.L.208-2015,  
16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2023]: Sec. 6. (a) The **state Indiana** department of health shall  
18 collect immunization data on school age children using the state  
19 immunization data registry. Each school corporation shall ensure that  
20 all applicable immunization information is complete in the state  
21 immunization data registry not later than the first Friday in February  
22 each year. The **state Indiana** department of health shall use the data to  
23 create aggregate reports.

24 (b) The **state Indiana** department of health and the local health  
25 department shall, for good cause shown that there exists a substantial  
26 threat to the health and safety of a student or the school community, be  
27 able to validate immunization reports by onsite reviews or  
28 examinations of nonidentifying immunization record data. This section  
29 does not independently authorize the **state Indiana** department of  
30 health, a local department of health, or an agent of the **state Indiana**  
31 department of health or local department of health to have access to  
32 identifying medical or academic record data of individual students  
33 attending nonaccredited nonpublic schools.

34 (c) The **state Indiana** department of health has exclusive power to  
35 adopt rules for the administration of this section.

36 SECTION 194. IC 20-34-5-15, AS ADDED BY P.L.166-2007,  
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2023]: Sec. 15. (a) The department may cooperate with the  
39 **state Indiana** department of health in the development of a diabetes  
40 training program for school nurses. The department, with the assistance  
41 of physicians or registered nurses who are qualified in the area of  
42 diabetes training, shall provide annual diabetes training programs to



1 school nurses. The training must include technological advances,  
 2 current standards of practice for diabetes management and training, and  
 3 instruction in the following:

4 (1) Developing individualized health plans for students with  
 5 diabetes that follow the orders of a licensed health care  
 6 practitioner.

7 (2) Recognizing and treating the symptoms of hypoglycemia and  
 8 hyperglycemia.

9 (3) Understanding the current standards of practice and the proper  
 10 action to take if the blood glucose levels of a student are outside  
 11 the target ranges indicated on the student's diabetes management  
 12 and treatment plan.

13 (4) Performing tests to check glucose and ketone levels, and  
 14 recording the results.

15 (5) Properly administering glucagon, insulin, or other emergency  
 16 treatments prescribed by the licensed health care practitioner, and  
 17 recording the results.

18 (6) Recognizing complications that require emergency medical  
 19 assistance.

20 (7) Understanding recommended schedules and food intake for  
 21 meals and snacks for a student, the effect of physical activity on  
 22 blood glucose levels, and the proper action to be taken if a  
 23 student's schedule referred to in this subdivision is disrupted.

24 (b) The department may cooperate with the **state Indiana**  
 25 department of health in the development of a diabetes training program  
 26 for volunteer health aides. The department, with the assistance of  
 27 physicians and registered nurses who are qualified in the area of  
 28 diabetes training, shall provide a diabetes training program for  
 29 volunteer health aides which includes the most current standards of  
 30 practice and technology for diabetes treatment. The training must  
 31 include the following:

32 (1) Implementing the orders of a licensed health care practitioner.

33 (2) Recognizing and treating the symptoms of hypoglycemia and  
 34 hyperglycemia consistent with the orders of the licensed health  
 35 care practitioner.

36 (3) Performing tests to check glucose and ketone levels, and  
 37 recording the results.

38 (4) Properly administering glucagon, insulin, or other emergency  
 39 treatments as prescribed, and recording the results.

40 (5) Recognizing complications that require emergency medical  
 41 assistance.

42 (6) Understanding:



- 1 (A) recommended schedules and food intake for meals and  
 2 snacks;  
 3 (B) the effect of physical activity on blood glucose levels; and  
 4 (C) the proper action to be taken if a student's schedule is  
 5 disrupted.
- 6 (c) The school nurse shall coordinate:  
 7 (1) the training of school employees acting as volunteer health  
 8 aides, using the training program developed under subsection (b);  
 9 and  
 10 (2) the record keeping and monitoring of a volunteer health aide  
 11 acting under this chapter.
- 12 (d) Training for volunteer health aides must be provided by a health  
 13 care professional with expertise in the care of individuals with diabetes  
 14 or by a school nurse. The training must be provided before the  
 15 beginning of the school year or as soon as practicable following:  
 16 (1) the enrollment; or  
 17 (2) the diagnosis;  
 18 of a student with diabetes at a school that previously had no students  
 19 with diabetes.
- 20 (e) The school nurse or principal shall maintain a copy of the  
 21 training program and the records of training completed by school  
 22 employees.
- 23 SECTION 195. IC 20-35-3-1, AS AMENDED BY P.L.43-2021,  
 24 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The secretary of education  
 26 shall appoint a state advisory council on the education of children with  
 27 disabilities. The state advisory council's duties consist of providing  
 28 policy guidance concerning special education and related services for  
 29 children with disabilities. The secretary of education shall appoint at  
 30 least seventeen (17) members who serve for a term of four (4) years.  
 31 Vacancies shall be filled in the same manner for the unexpired balance  
 32 of the term.
- 33 (b) The members of the state advisory council must be:  
 34 (1) citizens of Indiana;  
 35 (2) representative of the state's population; and  
 36 (3) selected on the basis of their involvement in or concern with  
 37 the education of children with disabilities.
- 38 (c) A majority of the members of the state advisory council must be  
 39 individuals with disabilities or the parents of children with disabilities.  
 40 Members must include the following:  
 41 (1) Parents of children with disabilities.  
 42 (2) Individuals with disabilities.



- 1 (3) Teachers.
- 2 (4) Representatives of postsecondary educational institutions that
- 3 prepare special education and related services personnel.
- 4 (5) State and local education officials.
- 5 (6) Administrators of programs for children with disabilities.
- 6 (7) Representatives of state agencies involved in the financing or
- 7 delivery of related services to children with disabilities, including
- 8 the following:
- 9 (A) The commissioner of the ~~state~~ **Indiana** department of
- 10 health or the commissioner's designee.
- 11 (B) The director of the division of disability and rehabilitative
- 12 services or the director's designee.
- 13 (C) The director of the division of mental health and addiction
- 14 or the director's designee.
- 15 (D) The director of the department of child services or the
- 16 director's designee.
- 17 (8) Representatives of nonpublic schools and freeway schools.
- 18 (9) One (1) or more representatives of vocational, community, or
- 19 business organizations concerned with the provision of
- 20 transitional services to children with disabilities.
- 21 (10) Representatives of the department of correction.
- 22 (11) A representative from each of the following:
- 23 (A) The Indiana School for the Blind and Visually Impaired
- 24 board.
- 25 (B) The Indiana School for the Deaf board.
- 26 (12) A representative from the Arc of Indiana.
- 27 (d) The responsibilities of the state advisory council are as follows:
- 28 (1) To advise the secretary of education and the state board
- 29 regarding all rules pertaining to children with disabilities.
- 30 (2) To recommend approval or rejection of completed
- 31 comprehensive plans submitted by school corporations acting
- 32 individually or on a joint school services program basis with other
- 33 corporations.
- 34 (3) To advise the department of unmet needs within Indiana in the
- 35 education of children with disabilities.
- 36 (4) To provide public comment on rules proposed by the state
- 37 board regarding the education of children with disabilities.
- 38 (5) To advise the department in developing evaluations and
- 39 reporting data to the United States Secretary of Education under
- 40 20 U.S.C. 1418.
- 41 (6) To advise the department in developing corrective action
- 42 plans to address findings identified in federal monitoring reports



- 1 under 20 U.S.C. 1400 et seq.
- 2 (7) To advise the department in developing and implementing
- 3 policies related to the coordination of services for children with
- 4 disabilities.
- 5 (e) The state advisory council shall do the following:
- 6 (1) Organize with a chairperson selected by the secretary of
- 7 education.
- 8 (2) Meet as often as necessary to conduct the council's business
- 9 at the call of the chairperson, upon ten (10) days written notice,
- 10 but not less than four (4) times a year.
- 11 (f) Members of the state advisory council are entitled to reasonable
- 12 amounts for expenses necessarily incurred in the performance of their
- 13 duties.
- 14 (g) The secretary of education shall do the following:
- 15 (1) Designate the director to act as executive secretary of the state
- 16 advisory council.
- 17 (2) Furnish all professional and clerical assistance necessary for
- 18 the performance of the state advisory council's powers and duties.
- 19 (h) The affirmative votes of a majority of the members appointed to
- 20 the state advisory council are required for the state advisory council to
- 21 take action.
- 22 SECTION 196. IC 20-35-6-3, AS ADDED BY P.L.113-2021,
- 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2023]: Sec. 3. (a) As used in this section, "eligible individual"
- 25 means a:
- 26 (1) former student who attended a school and who received a
- 27 certificate of completion or another nondiploma certificate of
- 28 recognition after December 31, 2003; or
- 29 (2) former student who:
- 30 (A) had:
- 31 (i) an individualized education program;
- 32 (ii) a service plan developed under 511 IAC 7-34;
- 33 (iii) a choice scholarship education plan developed under 511
- 34 IAC 7-49; or
- 35 (iv) a plan developed under Section 504 of the federal
- 36 Rehabilitation Act of 1973, 29 U.S.C. 794; and
- 37 (B) withdrew from school after December 31, 2003, and who
- 38 was at least sixteen (16) years of age on the date of withdrawal.
- 39 (b) The Indiana management performance hub established by
- 40 IC 4-3-26-8 shall use its data resources and technology to
- 41 cross-reference with data bases maintained by:
- 42 (1) the department;



- 1 (2) all divisions, offices, and institutions under the authority of the
- 2 office of the secretary of family and social services;
- 3 (3) the department of correction;
- 4 (4) the department of workforce development;
- 5 (5) the department of child services;
- 6 (6) the bureau of motor vehicles; and
- 7 (7) the department of natural resources;
- 8 to identify eligible individuals.
- 9 (c) The Indiana management performance hub shall:
  - 10 (1) establish a list of eligible individuals identified under
  - 11 subsection (b); and
  - 12 (2) coordinate with the ~~state~~ **Indiana** department of health to
  - 13 determine whether eligible individuals identified under subsection
  - 14 (b) are deceased.
- 15 This subsection expires January 1, 2023.
- 16 (d) The ~~state~~ **Indiana** department of health shall, not later than
- 17 November 1, 2021, coordinate with the Indiana management
- 18 performance hub to determine whether individuals identified under
- 19 subsection (b) are deceased. This subsection expires January 1, 2023.
- 20 (e) The Indiana management performance hub shall, not later than
- 21 January 1, 2022, provide the information described in subsections (b)
- 22 and (c) concerning eligible individuals to the department of workforce
- 23 development in order for the department of workforce development to
- 24 provide eligible individuals the communication and resource list as
- 25 required under subsection (h). This subsection expires January 1, 2023.
- 26 (f) Beginning in the 2021 calendar year and each calendar year
- 27 thereafter, the state advisory council on the education of children with
- 28 disabilities appointed under IC 20-35-3-1 shall annually update the
- 29 resource list developed before January 1, 2021, by the state advisory
- 30 council on the education of children with disabilities in accordance
- 31 with P.L.128-2020 that includes the following information:
  - 32 (1) A description of the opportunities that eligible individuals
  - 33 have to earn a diploma, including an alternative diploma
  - 34 described in IC 20-32-4-14 or an Indiana high school equivalency
  - 35 diploma.
  - 36 (2) A list of the following:
    - 37 (A) Resources available to eligible individuals regarding
    - 38 employment services.
    - 39 (B) Vocational training opportunities for eligible individuals.
- 40 (g) Not later than December 31, 2021, and not later than December
- 41 31 each year thereafter, the state advisory council on the education of
- 42 children with disabilities established under IC 20-35-3-1 shall submit



1 the most recently updated resource list described in subsection (f) to  
2 the:

- 3 (1) department; and
- 4 (2) department of workforce development.

5 The department and the department of workforce development shall  
6 post a copy of the most recently updated resource list on the  
7 department's and department of workforce development's ~~Internet web~~  
8 ~~sites:~~ **websites.**

9 (h) The department of workforce development shall do the  
10 following:

11 (1) Not later than March 1, 2022, communicate via mail or  
12 electronic mail with and provide a copy of the resource list  
13 described in subsection (f) to eligible individuals described in  
14 subsection (e).

15 (2) Provide at least four (4) follow-up communications via mail  
16 or electronic mail to an eligible individual described in  
17 subdivision (1) as follows:

18 (A) Provide the first follow-up communication not later than  
19 thirty (30) days after the date that the department of workforce  
20 development initially communicates with the eligible individual  
21 under subdivision (1).

22 (B) Provide the second follow-up communication not earlier  
23 than thirty (30) days and not later than sixty (60) days after the  
24 date that the department of workforce development initially  
25 communicates with the eligible individual under subdivision  
26 (1).

27 (C) Provide the third follow-up communication not earlier than  
28 sixty (60) days and not later than ninety (90) days after the date  
29 that the department of workforce development initially  
30 communicates with the eligible individual under subdivision  
31 (1).

32 (D) Provide the fourth follow-up communication not earlier  
33 than ninety (90) days and not later than one hundred twenty  
34 (120) days after the date that the department of workforce  
35 development initially communicates with the eligible individual  
36 under subdivision (1).

37 (3) Develop, in consultation with the department and The Arc of  
38 Indiana, the content and form of the communications described in  
39 subdivisions (1) and (2).

40 (4) Include in the communications described in subdivisions (1)  
41 and (2) information regarding how to contact the department of  
42 workforce development if an eligible individual is interested in





- 1 additional information.
- 2 However, the department of workforce development is not required to
- 3 communicate with or provide a resource list to an eligible individual if
- 4 the eligible individual requests that the department of workforce
- 5 development not contact the eligible individual. This subsection
- 6 expires January 1, 2023.
- 7 (i) The department, in consultation with the:
- 8 (1) Indiana management performance hub established by
- 9 IC 4-3-26-8;
- 10 (2) office of the secretary of family and social services;
- 11 (3) department of correction;
- 12 (4) department of workforce development;
- 13 (5) department of child services;
- 14 (6) bureau of motor vehicles;
- 15 (7) department of natural resources; and
- 16 (8) ~~state~~ **Indiana** department of health;
- 17 shall ensure that the requirements under this section comply with the
- 18 federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et
- 19 seq.) and any other federal or state privacy legal requirements. This
- 20 subsection expires January 1, 2023.
- 21 (j) Not later than November 1, 2022, the department of workforce
- 22 development, in consultation with the department, shall prepare and
- 23 submit a report to the general assembly, in an electronic format under
- 24 IC 5-14-6, and the state advisory council on the education of children
- 25 with disabilities appointed under IC 20-35-3-1, containing the
- 26 following:
- 27 (1) The number of eligible individuals contacted by the
- 28 department of workforce development under subsection (h).
- 29 (2) The number of eligible individuals who contacted the
- 30 department of workforce development under subsection (h).
- 31 (3) The number of individuals unable to be contacted by the
- 32 department of workforce development under subsection (h).
- 33 (4) The number for each of the following:
- 34 (A) Eligible individuals identified under subsection (b) who are
- 35 deceased.
- 36 (B) Eligible individuals identified under subsection (b) who are
- 37 incarcerated.
- 38 (C) Eligible individuals identified under subsection (b) who
- 39 reside outside of Indiana.
- 40 (D) Eligible individuals identified under subsection (b) who
- 41 meet any other relevant criteria, as determined by the
- 42 department of workforce development.



1 (5) The number of eligible individuals that the department of  
2 workforce development referred to vocational rehabilitation  
3 services.

4 (6) Any recommendations for improving the implementation of  
5 this section.

6 This subsection expires January 1, 2023.

7 SECTION 197. IC 20-35-8-2, AS AMENDED BY P.L.216-2021,  
8 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2023]: Sec. 2. (a) The state board shall adopt rules under  
10 IC 4-22-2 to establish limits on the amount of transportation that may  
11 be provided in the student's individualized education program. Unless  
12 otherwise specially shown to be essential by the child's individualized  
13 education program, in case of residency in a public or private facility,  
14 these rules must limit the transportation required by the student's  
15 individualized education program to the following:

16 (1) The student's first entrance and final departure each school  
17 year.

18 (2) Round trip transportation each school holiday period.

19 (3) Two (2) additional round trips each school year.

20 (b) If a student is a transfer student receiving special education in  
21 a public school, the state or school corporation responsible for the  
22 payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4  
23 shall pay the cost of transportation required by the student's  
24 individualized education program.

25 (c) If a student receives a special education:

26 (1) in a facility operated by:

27 (A) the ~~state~~ **Indiana** department of health;

28 (B) the division of disability and rehabilitative services; or

29 (C) the division of mental health and addiction;

30 (2) at the Indiana School for the Blind and Visually Impaired; or

31 (3) at the Indiana School for the Deaf;

32 the school corporation in which the student has legal settlement shall  
33 pay the cost of transportation required by the student's individualized  
34 education program. However, if the student's legal settlement cannot  
35 be ascertained, the state board shall pay the cost of transportation  
36 required by the student's individualized education program.

37 (d) If a student is placed in a private facility under IC 20-35-6-2 in  
38 order to receive a special education because the student's school  
39 corporation cannot provide an appropriate special education program,  
40 the school corporation in which the student has legal settlement shall  
41 pay the cost of transportation required by the student's individualized  
42 education program. However, if the student's legal settlement cannot



1 be ascertained, the state board shall pay the cost of transportation  
2 required by the student's individualized education program.

3 (e) A student's individualized education program may allow for the  
4 student's transportation by appropriate vehicle. The state board shall  
5 adopt rules under IC 4-22-2 governing transportation of students by  
6 appropriate vehicle.

7 SECTION 198. IC 20-35-11-4, AS ADDED BY P.L.109-2012,  
8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2023]: Sec. 4. The center shall carry out the following duties  
10 in an unbiased manner to ensure that children who are deaf and  
11 children who are hard of hearing acquire optimal language skills and  
12 academic abilities, regardless of the mode of communication used:

13 (1) Monitoring and tracking the identification, early intervention,  
14 education, and successful transitions of children who are deaf and  
15 hard of hearing from birth through twenty-one (21) years of age  
16 and who are enrolled or preparing to enroll in early intervention  
17 services, preschool, elementary, or secondary school.

18 (2) Developing student learning opportunities.

19 (3) Providing family support.

20 (4) Developing child assessment service models, consistent with  
21 federal and state early childhood intervention and special  
22 education law, for the following:

23 (A) Audiological assessments.

24 (B) Social and developmental assessments.

25 (C) Communication (including language) assessments.

26 (D) Academic achievement assessments.

27 (5) Providing classroom assessments of instruction, acoustics, and  
28 other environmental aspects.

29 (6) Assessing professionals who provide students with sign  
30 language interpreting, oral interpreting, cued speech  
31 transliteration, and captioning services.

32 (7) Providing consultation to school corporations in providing  
33 services to students who are deaf and students who are hard of  
34 hearing.

35 (8) Acting as a liaison with all state agencies that provide services  
36 to individuals who are deaf and hard of hearing, including the  
37 department of education, the ~~state~~ **Indiana** department of health,  
38 the family and social services administration, and the Indiana  
39 School for the Deaf.

40 SECTION 199. IC 20-47-2-8, AS ADDED BY P.L.2-2006,  
41 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) A lessor corporation



1 proposing to build a school building or buildings must submit  
 2 preliminary plans, specifications, and estimates for the building or  
 3 buildings to the lessee or lessees before the execution of the lease.  
 4 Final plans and specifications must be submitted to the **state Indiana**  
 5 department of health, state fire marshal, and other agencies designated  
 6 by law to pass on plans and specifications for school buildings. The  
 7 final plans and specifications described in this subsection must be  
 8 approved by the approving agencies in writing and by the lessee or  
 9 lessees before the construction of the school building or school  
 10 buildings.

11 (b) IC 4-21.5 does not apply to the formulation, issuance, or  
 12 administrative review of an approval by an agency under subsection  
 13 (a). However, IC 4-21.5 does apply to the judicial review and civil  
 14 enforcement of an approval by an agency under subsection (a).

15 SECTION 200. IC 20-47-3-6, AS ADDED BY P.L.2-2006,  
 16 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) A lessor corporation  
 18 proposing to build a school building or buildings must submit  
 19 preliminary plans, specifications, and estimates for the building or  
 20 buildings to the lessee or lessees before the execution of the lease.  
 21 Final plans and specifications must be submitted to the **state Indiana**  
 22 department of health, state fire marshal, and other agencies designated  
 23 by law to pass on plans and specifications for school buildings. The  
 24 final plans and specifications must be approved by those agencies in  
 25 writing and by the lessee or lessees before the construction of the  
 26 school building or school buildings.

27 (b) IC 4-21.5 does not apply to the formulation, issuance, or  
 28 administrative review of an approval by an agency under subsection  
 29 (a). However, IC 4-21.5 does apply to the judicial review and civil  
 30 enforcement of an approval by an agency under subsection (a).

31 SECTION 201. IC 21-40-1-4, AS ADDED BY P.L.2-2007,  
 32 SECTION 281, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2023]: Sec. 4. "Department" refers to the **state**  
 34 **Indiana** department of health.

35 SECTION 202. IC 21-44-5-2, AS ADDED BY P.L.2-2007,  
 36 SECTION 285, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The board consists of the  
 38 following members:

- 39 (1) The dean of the Indiana University School of Medicine, who  
 40 serves as an ex officio member of the board. The dean of the  
 41 Indiana University School of Medicine shall serve as the  
 42 chairman of the board.



- 1 (2) The commissioner of the ~~state~~ **Indiana** department of health,  
 2 who serves as an ex officio member of the board.
- 3 (3) Five (5) members appointed by the governor as follows:  
 4 (A) One (1) member appointed by the governor who is a  
 5 director of medical education of an Indiana hospital not owned  
 6 or operated by Indiana University.  
 7 (B) One (1) member who:  
 8 (i) is a hospital administrator in a hospital not owned or  
 9 operated by Indiana University; and  
 10 (ii) is not the hospital administrator for the hospital that  
 11 employs the member appointed under clause (A).  
 12 (C) One (1) member who:  
 13 (i) is a citizen of Indiana; and  
 14 (ii) is not a physician and not a hospital administrator.  
 15 (D) Two (2) members who are physicians holding unlimited  
 16 licenses to practice medicine in Indiana. The two (2) physicians  
 17 appointed under this subdivision may not be directors of  
 18 medical education. One (1) of the members appointed under  
 19 this subdivision must practice in the specialty of family  
 20 practice.
- 21 (b) The terms of the five (5) members appointed to the board by the  
 22 governor are for three (3) years beginning January 1 of the year of  
 23 appointment and continuing until the member's successor is appointed  
 24 and qualified. If a membership on the board becomes vacant before the  
 25 expiration of the term, the governor shall appoint a replacement with  
 26 the same representative status to fill the unexpired term.
- 27 SECTION 203. IC 21-44-6-2, AS AMENDED BY P.L.142-2014,  
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 2. The board consists of the following ten (10)  
 30 members:  
 31 (1) The dean of the Indiana University School of Medicine or the  
 32 dean's designee. The dean of the Indiana University School of  
 33 Medicine or the dean's designee shall serve as the chairperson of  
 34 the board.  
 35 (2) The chairperson of the department of psychiatry of the Indiana  
 36 University School of Medicine or the chairperson's designee.  
 37 (3) The director of the division of mental health and addiction  
 38 created by IC 12-21-1-1 or the director's designee.  
 39 (4) The commissioner of the ~~state~~ **Indiana** department of health  
 40 or the commissioner's designee.  
 41 (5) The dean of the department of family practice of the Marian  
 42 University College of Osteopathic Medicine or the dean's



- 1           designee.
- 2           (6) The administrator of a graduate program in an institution of
- 3           higher education in Indiana engaged in training psychologists.
- 4           (7) The administrator of a program in an institution of higher
- 5           education in Indiana engaged in training advanced practice
- 6           psychiatric nurses.
- 7           (8) One (1) psychiatrist who practices psychiatry in Indiana.
- 8           (9) The administrator of a program in an institution of higher
- 9           education in Indiana engaged in training addiction counselors.
- 10          (10) The director of the Indiana department of veterans' affairs or
- 11          the director's designee.

12          The governor shall appoint the members of the board described in

13          subdivisions (6) through (9).

14          SECTION 204. IC 21-44.5-2-4, AS ADDED BY P.L.45-2014,

15          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16          JULY 1, 2023]: Sec. 4. The ~~state~~ **Indiana** department of health, in

17          consultation with the commission for higher education, shall establish

18          guidelines for the development of a policy by a postsecondary

19          educational institution for the emergency administration of epinephrine

20          to a member of the campus community for anaphylaxis when a medical

21          professional is unavailable. In the emergency administration of

22          epinephrine, the guidelines must address the responsibilities of the

23          following:

- 24                 (1) The postsecondary educational institution.
- 25                 (2) The licensed campus medical professional.
- 26                 (3) The trained designee.

27          SECTION 205. IC 21-45-2-3, AS AMENDED BY P.L.234-2007,

28          SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

29          JULY 1, 2023]: Sec. 3. The school of public health may charge and

30          collect a tuition fee for courses provided under section 2 of this

31          chapter. The amount of the tuition fee for a course may not exceed the

32          actual cost of providing the course. However, if, in the discretion of the

33          board of trustees acting in conjunction with the ~~state~~ **Indiana**

34          department of health, a tuition fee at cost would discourage attendance

35          in any course provided under section 2 of this chapter, the tuition fee

36          may be decreased or waived entirely for all persons taking the course.

37          SECTION 206. IC 22-4-2-30 IS AMENDED TO READ AS

38          FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30. For all purposes of

39          this article, the term "hospital" means:

- 40                 (1) an institution defined in IC 16-18-2-179(b) and licensed by the
- 41                 ~~state~~ **Indiana** department of health; or
- 42                 (2) a state institution (as defined in IC 12-7-2-184).



1 SECTION 207. IC 22-15-3.2-6, AS AMENDED BY P.L.187-2021,  
 2 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) An applicant for a design  
 4 release shall submit an application meeting the requirements of  
 5 IC 22-15-3 to the department.

6 (b) This subsection applies only to an applicant for a design release  
 7 for a project listed in 410 IAC 6-12-7 for which the applicant must  
 8 obtain a construction permit from the **state Indiana** department of  
 9 health under IC 16-19-3.5. After December 31, 2016, an applicant may  
 10 submit a combined application to the department that is an application  
 11 for:

- 12 (1) a construction permit under IC 16-19-3.5; and
- 13 (2) a design release under this chapter.

14 Not later than the next business day after receiving the combined  
 15 application, the department shall provide a copy of the application to  
 16 the **state Indiana** department of health.

17 SECTION 208. IC 23-14-31-44 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 44. (a) Cremated  
 19 remains may be retained by the person having legal control over the  
 20 remains or may be disposed of in any of the following manners:

- 21 (1) Placing the remains in a grave, niche, or crypt.
- 22 (2) Scattering the remains in a scattering area.
- 23 (3) Disposing of the remains in any manner if:
  - 24 (A) the remains are reduced to a particle size of one-eighth  
 25 (1/8) inch or less; and
  - 26 (B) the disposal is made on the property of a consenting owner,  
 27 on uninhabited public land, or on a waterway.

28 (b) The **state Indiana** department of health shall adopt forms for  
 29 recording the following information concerning the disposal of  
 30 cremated human remains on the property of a consenting owner:

- 31 (1) The date and manner of the disposal of the remains.
- 32 (2) The legal description of the property where the remains were  
 33 disposed of.

34 The owner of the property where the cremated remains were disposed  
 35 of and the person having legal control over the remains shall attest to  
 36 the accuracy of the information supplied on the forms. The owner of  
 37 the property where the cremated remains were disposed of shall record  
 38 the forms with the county recorder of the county in which the property  
 39 is located and shall return the form and the burial transit permit  
 40 described in IC 16-37-3, within ten (10) days after the remains are  
 41 disposed of.

42 SECTION 209. IC 23-14-38-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A crypt placed in  
 2 a mausoleum, vault, or other structure shall be so constructed that all  
 3 parts of it may be readily examined by the ~~state~~ **Indiana** department of  
 4 health or any other health officer.

5 (b) All ventilation from a crypt constructed after March 15, 1945,  
 6 may be released at a height of the lowest roof level.

7 SECTION 210. IC 23-14-54-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Subject to the rights  
 9 of transportation and removal of dead human bodies or other  
 10 disposition of dead human bodies, as provided by law, the remains of  
 11 all individuals who die in Indiana or are shipped into Indiana shall be  
 12 deposited:

- 13 (1) in the earth in an established cemetery;
- 14 (2) in a mausoleum;
- 15 (3) in a garden crypt; or
- 16 (4) in a columbarium;

17 within a reasonable time after death, except as ordered by the ~~state~~  
 18 **Indiana** department of health.

19 SECTION 211. IC 23-14-57-1, AS AMENDED BY P.L.26-2021,  
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 1. (a) As used in this section, "removal" or  
 22 "removed" refers to the disinterment, disentombment, or disinurnment  
 23 of the remains of a deceased human.

24 (b) Except as provided in subsection (e) and sections 4 and 5 of this  
 25 chapter, the remains, either cremated or uncremated, of a deceased  
 26 human shall not be removed from a cemetery without:

- 27 (1) a written order:
  - 28 (A) that is issued by the ~~state~~ **Indiana** department of health;
  - 29 and
  - 30 (B) that authorizes the removal of the deceased's remains;
- 31 (2) the written consent of:
  - 32 (A) the owner of the cemetery; or
  - 33 (B) the owner's representative; and
- 34 (3) the written consent of a person or persons referred to in one
  - 35 (1) of the following clauses, which are listed according to priority:
    - 36 (A) The individual who was the spouse of the deceased at the  
 37 time of the deceased's death.
    - 38 (B) The surviving adult child of the deceased. If there is more  
 39 than one (1) surviving adult child of the deceased, the  
 40 requirement for written consent under this subdivision is  
 41 satisfied if:
      - 42 (i) any one (1) of the surviving adult children provides





- 1 written consent to the removal of the deceased's remains;  
 2 (ii) the consent provided under item (i) confirms that all other  
 3 surviving adult children of the deceased have been notified of  
 4 the proposed removal of the deceased's remains; and  
 5 (iii) the **state Indiana** department of health does not receive  
 6 a written objection to the proposed removal from any of the  
 7 deceased's surviving adult children.
- 8 (C) The surviving parent of the deceased. If the deceased is  
 9 survived by both parents, the requirement for written consent  
 10 under this subdivision is satisfied if:  
 11 (i) either surviving parent provides written consent to the  
 12 removal of the deceased's remains; and  
 13 (ii) the **state Indiana** department of health does not receive  
 14 a written objection to the proposed removal from the other  
 15 surviving parent.
- 16 (D) A guardian appointed by a court under IC 29-3-5-3.  
 17 (E) The individual in the next degree of kinship to the deceased  
 18 under IC 29-1-2-1. If more than one (1) individual of the same  
 19 degree of kinship is surviving, the requirement for written  
 20 consent under this subdivision is satisfied if:  
 21 (i) any individual of that degree of kinship provides written  
 22 consent to the removal of the deceased's remains; and  
 23 (ii) the **state Indiana** department of health does not receive  
 24 a written objection to the proposed removal from any other  
 25 surviving individual in the same degree of kinship.
- 26 (c) Before issuing a written authorization under subsection (b), the  
 27 **state Indiana** department of health shall do the following:  
 28 (1) Obtain written evidence that a licensed funeral director has  
 29 agreed to:  
 30 (A) be present at the removal and at the reinterment,  
 31 reentombment, or reinurnment of the remains; and  
 32 (B) cause the completed order of the **state Indiana** department  
 33 of health to be recorded in the office of the county recorder of  
 34 the county where the removal occurs.  
 35 (2) Obtain a copy of:  
 36 (A) the written consent required under subsection (b)(3); or  
 37 (B) a court order obtained by a person under subsection (d).  
 38 (d) If the written consent of an individual authorized under  
 39 subsection (b)(3) to give consent is not available, a person who has  
 40 made a request under this section to the **state Indiana** department of  
 41 health may petition a court to determine whether to waive the consent  
 42 requirement of subsection (b)(3). In determining whether to waive the



1 requirement, the court shall consider the viewpoint of any issue (as  
 2 defined in IC 29-1-1-3) of the deceased. In a proceeding under this  
 3 subsection, the court may not order the disinterment, disentombment,  
 4 or disinurnment of the remains of a deceased human.

5 (e) This subsection applies only if the human remains are on  
 6 property owned or leased by a coal company. The remains, either  
 7 cremated or uncremated, of a deceased human may be removed from  
 8 a cemetery by a coal company if the coal company obtains a court order  
 9 authorizing the disinterment, disentombment, or disinurnment. Before  
 10 issuing a court order under this subsection, a court must conduct a  
 11 hearing and be satisfied as to the following:

12 (1) That the property is owned or leased by the coal company.

13 (2) That the coal company has obtained the written consent of an  
 14 individual authorized to give consent under subsection (b)(3). If  
 15 the consent of an individual authorized to give consent under  
 16 subsection (b)(3) is not available, the court may waive the  
 17 requirement after considering the viewpoint of any issue (as  
 18 defined in IC 29-1-1-3) of the deceased.

19 (3) That the department of natural resources, division of historic  
 20 preservation and archeology, has received at least five (5) days  
 21 written notice of the time, date, and place of any hearing under  
 22 this subsection. The notice must describe the proposed place from  
 23 which the remains will be removed.

24 (4) That a licensed funeral director has agreed to:

25 (A) be present at the removal and at the reinterment,  
 26 reentombment, or reinurnment of the remains; and

27 (B) cause the completed order of the ~~state~~ **Indiana** department  
 28 of health to be recorded in the office of the county recorder of  
 29 the county where the removal occurs.

30 (5) That the coal company has caused a notice of the proposed  
 31 removal to be published at least five (5) days before the hearing  
 32 in a newspaper of general circulation in the county where the  
 33 removal will occur.

34 (6) That the coal company will notify the department of natural  
 35 resources, division of historic preservation and archeology, after  
 36 the hearing of the proposed time and date when the remains will  
 37 be removed.

38 (f) A:

39 (1) licensed funeral director; or

40 (2) cemetery owner;

41 is not liable in an action brought by any person because of the removal  
 42 of a deceased's remains under a written consent described in subsection



1 (b)(3) or (e)(2) unless the licensed funeral director or the cemetery  
2 owner had actual notice before or at the time of the removal that a  
3 representation made in the consent described in subsection (b)(3) or  
4 (e)(2) was untrue.

5 (g) The **state Indiana** department of health may adopt rules under  
6 IC 4-22-2 to implement this section.

7 SECTION 212. IC 23-14-57-2 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) When the **state**  
9 **Indiana** department of health issues a written order authorizing the  
10 removal of human remains from a cemetery, it shall issue the order in  
11 duplicate.

12 (b) The **state Indiana** department of health shall deliver one (1)  
13 copy of the order to the cemetery from which the human remains are  
14 removed and the other copy of the order to the cemetery to which the  
15 human remains are delivered for reinterment, reentombment, or  
16 reinurnment.

17 (c) Each cemetery to which a copy of an order is delivered under  
18 subsection (b) shall retain the copy of the order permanently.

19 SECTION 213. IC 23-14-72-1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter does not  
21 apply to a cemetery:

- 22 (1) in which the interment of dead bodies has been forbidden  
23 before May 31, 1917, by ordinance passed by a city in Indiana; or
- 24 (2) that has been condemned for use for the interment of dead  
25 bodies by the action of:

26 (A) the **state Indiana** department of health; or

27 (B) a local board of health.

28 SECTION 214. IC 24-4-15-4, AS ADDED BY P.L.129-2007,  
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2023]: Sec. 4. As used in this chapter, "state department"  
31 refers to the **state Indiana** department of health.

32 SECTION 215. IC 24-6-3-3 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The board of  
34 commissioners of every county of thirty thousand (30,000) population  
35 or more shall, and the board of commissioners of any county of less  
36 than thirty thousand (30,000) population may appoint a county  
37 inspector of weights and measures. No person shall be appointed as a  
38 county inspector of weights and measures in any county unless such  
39 person shall have been approved by the division of weights and  
40 measures of the **state Indiana** department of health, and no county  
41 inspector of weights and measures in any county shall be removed by  
42 the board of commissioners without the approval and consent of the



1 division of weights and measures. The compensation of a county  
2 inspector of weights and measures shall be determined by the board  
3 and paid out of the county treasury. It shall not be obligatory upon the  
4 board of county commissioners of such counties containing a city or  
5 cities which are already provided with an inspector of weights and  
6 measures or city sealers to make such appointments. The board shall  
7 provide the necessary apparatus and supplies for the said inspector of  
8 weights and measures and the county councils of such counties shall  
9 appropriate such sums of money as are necessary for the salary and  
10 maintenance of the office. Two (2) or more adjoining counties, by  
11 appropriate action of the boards of commissioners of such counties,  
12 may form an inspection district and provide by mutual agreement for  
13 the appointment of a district inspector of weights and measures. The  
14 compensation of such inspector shall be apportioned among the  
15 counties forming the district in proportion to the population thereof.

16 SECTION 216. IC 24-6-3-4 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The legislative  
18 body of a city having a population of at least twenty thousand (20,000)  
19 may provide for the appointment by the board of public safety of an  
20 inspector of weights and measures and provide for the inspector's  
21 compensation and for the necessary apparatus and expenses to be paid  
22 out of the city treasury. The inspector of weights and measures shall  
23 serve continuously during good behavior under the provisions of  
24 IC 36-8-3-4 governing the fire and police force. The inspector of  
25 weights and measures shall not be removed for any political reason and  
26 only for good and sufficient cause after an opportunity for hearing is  
27 given by the board of public safety. However, this subsection does not  
28 affect the power of the division of weights and measures of the **state**  
29 **Indiana** department of health to discharge county or city inspectors of  
30 weights and measures under section 6 of this chapter.

31 (b) A person may not be appointed as a city inspector of weights and  
32 measures unless the person is approved by the division of weights and  
33 measures. A city inspector of weights and measures may not be  
34 removed without the approval and consent of the division of weights  
35 and measures.

36 (c) The same person may be employed as a city and county  
37 inspector of weights and measures. If the same person is so employed,  
38 the compensation and expenses of the inspector shall be divided  
39 between the city and county, as agreed upon under IC 36-1-7.

40 (d) If a city having a population of at least twenty thousand (20,000)  
41 does not provide for the appointment of an inspector of weights and  
42 measures, the executive of the county containing the city shall require



1 the county inspector of weights and measures to perform those duties  
2 for that city.

3 SECTION 217. IC 24-6-3-6 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. Only those persons  
5 shall be eligible to appointment to the position of county or city  
6 inspectors of weights and measures who on March 9, 1925, are county  
7 or city sealers or inspectors of weights and measures or who have  
8 passed an examination which shall be given by the division of weights  
9 and measures of the ~~state~~ **Indiana** department of health to test the  
10 ability of the person so examined to perform satisfactorily the duties of  
11 a county or city inspector of weights and measures. If it is evident to  
12 the division of weights and measures that any county or city inspector  
13 of weights and measures is not properly and faithfully performing the  
14 duties of the office, the division of weights and measures shall have  
15 power to discharge such county or city inspector of weights and  
16 measures. Such removal, however, shall not be made until five (5) days'  
17 notice of the charge or charges shall have been mailed to him by the  
18 division, naming a time and place for a hearing not less than two (2)  
19 weeks later than the time of mailing such notice to the county or city  
20 inspector of weights and measures; provided, however, that any county  
21 or city inspector of weights and measures so removed by the division  
22 of weights and measures shall have the right to appeal from the action  
23 of the division to the circuit or superior court of the county in which  
24 such county or city inspector of weights and measures resides, and  
25 during the pendency of such appeal, such county or city inspector of  
26 weights and measures may serve in the inspector's official capacity.  
27 Any county or city inspector of weights and measures discharged as  
28 provided in this section shall be ineligible to hold the position of  
29 county or city inspector of weights and measures for four (4) years, and  
30 the vacancy shall be filled by the proper authorities as provided in this  
31 chapter.

32 SECTION 218. IC 24-6-3-11 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. No person, firm,  
34 limited liability company, or corporation shall use or retain in the  
35 person's, firm's, company's, or corporation's possession any false scales,  
36 weights, or measures or measuring device or any weight or measure or  
37 weighing or measuring device in the buying or selling of any  
38 commodity or thing or in calculating or measuring service, or dispose  
39 of any condemned scales, weights, measures, or weighing or measuring  
40 device, except in accordance with such rules, specifications, and  
41 tolerances as may be adopted by the division of weights and measures  
42 of the ~~state~~ **Indiana** department of health as provided in section 2 of



1 this chapter, or remove any tag, stamp, or mark placed thereon by the  
 2 inspector; and no person, firm, limited liability company, or  
 3 corporation shall sell or offer or expose for sale or deliver less than the  
 4 quantity the person, firm, limited liability company, or corporation  
 5 represents, or sell, offer for sale, or have in the person's, firm's, limited  
 6 liability company's, or corporation's possession for the purpose of  
 7 selling any false scales, weight, or measure, or any device or instrument  
 8 to be used or calculated to falsify any weight or measure.

9 SECTION 219. IC 24-6-5-12 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. It shall be the duty  
 11 of the division of weights and measures of the **state Indiana**  
 12 department of health to enforce all the provisions of this chapter, and  
 13 it shall prescribe such rules as it may find necessary for carrying into  
 14 effect the provisions of this chapter, and shall cause such examinations  
 15 and tests to be made as may be necessary in order to determine whether  
 16 hampers, round stave baskets, splint baskets, climax baskets, and  
 17 baskets or containers for berries or other small fruits and vegetables, or  
 18 parts thereof, subject to this chapter, meet its requirements. For this  
 19 purpose, the authorized officers and agents of the division of weights  
 20 and measures may visit factories, stock rooms, and other places of  
 21 business where such hampers, baskets, and containers, or parts thereof,  
 22 are manufactured or held for sale or shipment, or offered for sale, and  
 23 may enter cars, vessels, other vehicles, and places under the control of  
 24 carriers engaged in the transportation of such hampers, baskets, and  
 25 containers, or parts thereof, and may take samples of such hampers,  
 26 baskets, and boxes, or parts thereof or, upon written request from the  
 27 division of weights and measures or its authorized agents. Any  
 28 manufacturers, shippers, carriers, or holders of such hampers, baskets,  
 29 and containers or parts thereof shall furnish samples of such hampers,  
 30 baskets, and containers, or parts thereof, as are required for the purpose  
 31 of inspection as in this chapter provided.

32 SECTION 220. IC 24-6-5-13 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. For carrying out the  
 34 purpose of this chapter, the division of weights and measures of the  
 35 **state Indiana** department of health is authorized to cooperate with  
 36 state, county, and municipal authorities, manufacturers, dealers, and  
 37 shippers.

38 SECTION 221. IC 24-6-6-9 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. The **state Indiana**  
 40 department of health, its division of weights and measures, food  
 41 inspectors, sealers of weights and measures, and agents are hereby  
 42 charged with the enforcement of the provisions of this chapter. It shall



1 be the duty of every prosecuting attorney to whom the **state Indiana**  
 2 department of health or any of its agents shall report any violation of  
 3 the provisions of this chapter to cause proceedings to be commenced  
 4 against the person or persons so violating the provisions of this chapter  
 5 and to prosecute the same to final termination.

6 SECTION 222. IC 25-0.5-3-28, AS ADDED BY P.L.3-2014,  
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 28. IC 25-1-2-6(b) applies to the **state Indiana**  
 9 department of health.

10 SECTION 223. IC 25-0.5-8-34, AS ADDED BY P.L.3-2014,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 34. Regarding out-of-state mobile health care  
 13 entities, an occupation for which a person is licensed, certified, or  
 14 registered by the **state Indiana** department of health is a regulated  
 15 occupation under IC 25-1-7.

16 SECTION 224. IC 25-13-1-10, AS AMENDED BY P.L.35-2020,  
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2023]: Sec. 10. (a) A licensed dental hygienist may practice  
 19 dental hygiene in Indiana in the following:

20 (1) A dental office, clinical setting, or health facility where the  
 21 dental hygienist is practicing under the direct supervision or  
 22 prescriptive supervision of a licensed dentist.

23 (2) A dental school or dental hygiene school to teach and  
 24 demonstrate the practice of dental hygiene if direct supervision by  
 25 a licensed dentist is provided for training on providing local  
 26 anesthetics by injection.

27 (3) The dental clinic of any public, parochial, or private school or  
 28 other institution supported by public or private funds in which the  
 29 licensee is employed by the **state Indiana** department of health or  
 30 any county or city board of health or board of education or school  
 31 trustee or parochial authority or the governing body of any private  
 32 school where the dental hygienist is practicing under the direct or  
 33 prescriptive supervision of a licensed dentist.

34 (4) The dental clinic of a bona fide hospital, sanitarium, or  
 35 charitable institution duly established and being operated under  
 36 the laws of Indiana in which the licensee is employed by the  
 37 directors or governing board of such hospital, sanitarium, or  
 38 institution. However, such practice must be under the direct or  
 39 prescriptive supervision at all times of a licensed dentist who is  
 40 a staff member of the hospital or sanitarium or a member of the  
 41 governing board of the institution.

42 (5) A:



- 1 (A) fixed charitable dental care clinic;  
 2 (B) public health setting;  
 3 (C) correctional institution; or  
 4 (D) location other than one described in clauses (A) through  
 5 (C);  
 6 that has been approved by the board and where the dental  
 7 hygienist is under the direct or prescriptive supervision of a  
 8 licensed dentist.  
 9 (6) Settings, other than a private dental practice, allowed under an  
 10 access practice agreement that complies with the requirements  
 11 under IC 25-13-3.  
 12 (b) A licensed dental hygienist may provide without supervision the  
 13 following:  
 14 (1) Dental hygiene instruction and in-service training without  
 15 restriction on location.  
 16 (2) Screening and referrals for any person in a public health  
 17 setting.  
 18 (3) Dental hygiene services under an access practice agreement  
 19 that complies with the requirements under IC 25-13-3.  
 20 (c) A dental hygienist may use a laser, except to cut, ablate, or  
 21 cauterize hard or soft tissue to provide treatment to a patient.  
 22 (d) The board may adopt rules under IC 4-22-2 concerning  
 23 subsection (a)(5)(D).  
 24 (e) If a dental hygienist practices under the prescriptive supervision  
 25 of a licensed dentist, the dentist's written order must be recorded,  
 26 signed, and dated in the patient's records.  
 27 SECTION 225. IC 25-14-5-3, AS ADDED BY P.L.177-2009,  
 28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 3. As used in this chapter, "underserved area"  
 30 means a county, city, town, census tract, or township designated by the  
 31 **state Indiana** department of health under IC 16-46-5-7 or by the  
 32 committee as underserved by general dentists, pediatric dentists, oral  
 33 surgeons, or dental hygienists.  
 34 SECTION 226. IC 25-14-5-4, AS ADDED BY P.L.177-2009,  
 35 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2023]: Sec. 4. (a) The dental recruitment committee is  
 37 established.  
 38 (b) The committee consists of four (4) members as follows:  
 39 (1) One (1) member of the board, who is selected by the board.  
 40 (2) The commissioner of the **state Indiana** department of health,  
 41 or the commissioner's designee.  
 42 (3) The president of the Indiana Dental Association, or the





- 1 president's designee.  
 2 (4) The dean of the Indiana University School of Dentistry, or the  
 3 dean's designee.  
 4 (c) The member selected under subsection (b)(1) shall serve as  
 5 chairperson of the committee.  
 6 SECTION 227. IC 25-14-6-1, AS ADDED BY P.L.31-2021,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 1. (a) A dentist may order and administer an  
 9 immunization that is recommended by the federal Centers for Disease  
 10 Control and Prevention Advisory Committee on Immunization  
 11 Practices for individuals who are not less than eleven (11) years of age,  
 12 if the dentist complies with the following requirements:  
 13 (1) Before administering an immunization to an individual, the  
 14 dentist receives the consent of one (1) of the following:  
 15 (A) If the individual to whom the immunization is to be  
 16 administered is at least (11) years of age and is less than  
 17 eighteen (18) years of age, the parent or legal guardian of the  
 18 individual.  
 19 (B) If the individual to whom the immunization is to be  
 20 administered is at least eighteen (18) years of age and has a  
 21 legal guardian, the legal guardian of the individual.  
 22 (C) If the individual to whom the immunization is to be  
 23 administered is at least eighteen (18) years of age and does not  
 24 have a legal guardian, the individual.  
 25 A parent or legal guardian who is required to give consent under  
 26 this subdivision must be present at the time of immunization.  
 27 (2) Is certified in cardiopulmonary resuscitation.  
 28 (3) Has successfully completed a course of training in  
 29 immunization that meets the requirements set forth in subsection  
 30 (b).  
 31 (4) Administers the immunization in accordance with a protocol  
 32 that meets the requirements set forth in section 2 of this chapter.  
 33 (b) A course of training under subsection (a)(3) must:  
 34 (1) be provided by an accredited provider;  
 35 (2) be approved by the board;  
 36 (3) meet the standards set forth by:  
 37 (A) the Centers for Disease Control and Prevention or a similar  
 38 health authority; or  
 39 (B) a professional body approved by the board; and  
 40 (4) comply with guidelines issued by:  
 41 (A) the Centers for Disease Control and Prevention; and  
 42 (B) the Occupational Safety and Health Administration.



1 (c) A dentist who administers immunizations under this chapter  
2 shall maintain records of the dentist's completion of:

- 3 (1) training in cardiopulmonary resuscitation; and  
4 (2) training described in subsection (b).

5 (d) If the **state Indiana** department of health or the department of  
6 homeland security determines that an emergency exists, subject to  
7 IC 16-41-9-1.7(a)(2), a dentist may administer any immunization in  
8 accordance with any instructions in the emergency determination.

9 SECTION 228. IC 25-15-9-12 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. The **state Indiana**  
11 department of health and local health officers shall cooperate with the  
12 board to enforce the sanitation standards adopted by the board for  
13 funeral homes.

14 SECTION 229. IC 25-15-9-13, AS AMENDED BY P.L.112-2014,  
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2023]: Sec. 13. (a) The funeral service education fund is  
17 established for the following purposes:

- 18 (1) To supplement the funding for a program of inspection  
19 administered by the funeral director, consumer, and **state Indiana**  
20 department of health members of the board under section 9 of this  
21 chapter.  
22 (2) To fund educational projects of the funeral director, consumer,  
23 and **state Indiana** department of health members of the board  
24 directed toward funeral directors and embalmers.  
25 (3) To carry out the duties of the board.

26 (b) The fund shall be administered by the funeral director,  
27 consumer, and **state Indiana** department of health members of the  
28 board.

29 (c) The treasurer of state shall invest the money in the fund not  
30 currently needed to meet the obligations of the fund in the same  
31 manner as other public funds may be invested.

32 (d) Money in the fund at the end of a state fiscal year does not revert  
33 to the state general fund. If the amount of money in the fund at the  
34 close of a fiscal year exceeds forty thousand dollars (\$40,000), the  
35 treasurer of state shall transfer the excess from the fund into the state  
36 general fund.

37 SECTION 230. IC 25-15-9-16 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. All expenses  
39 incurred in the administration of this article shall be paid from the state  
40 general fund. However, expenses approved by the funeral director,  
41 consumer, and **state Indiana** department of health members of the  
42 board for payment from the funeral service education fund shall be paid



1 from that fund.  
 2 SECTION 231. IC 25-15-9-17 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) Each cemetery  
 4 that:  
 5 (1) qualifies for a certificate of authority as a seller under  
 6 IC 30-2-13; or  
 7 (2) is subject to IC 23-14-48;  
 8 must register with the board.  
 9 (b) The cemetery, consumer, and **state Indiana** department of health  
 10 members of the board shall impose a registration fee for each  
 11 geographic location of a cemetery to which this section applies that is  
 12 equal to the combined total of fees charged under IC 25-15 for one (1)  
 13 funeral home license and one (1) individual funeral director's license.  
 14 SECTION 232. IC 25-19-1-5, AS AMENDED BY P.L.197-2011,  
 15 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2023]: Sec. 5. (a) The **state Indiana** department of health,  
 17 pursuant to authority provided by IC 16-28, has, by rule duly  
 18 promulgated, classified health facilities into comprehensive health  
 19 facilities and residential health facilities. The fee for a health facility  
 20 administrator's license in either classification shall be set by the board  
 21 under section 8 of this chapter.  
 22 (b) The fee and application shall be submitted to the board, and the  
 23 board shall transmit all the funds received to the treasurer of state to be  
 24 deposited by the treasurer in the general fund of the state. All expenses  
 25 incurred in the administration of this chapter shall be paid from the  
 26 general fund upon appropriation being made in the manner provided by  
 27 law for making appropriations.  
 28 (c) The administrator of a comprehensive care facility must have a  
 29 comprehensive care facility administrator license issued by the board  
 30 in accordance with rules adopted under section 8 of this chapter.  
 31 (d) The administrator of a residential care facility must have one (1)  
 32 of the following licenses issued by the board under rules adopted under  
 33 section 8 of this chapter:  
 34 (1) A comprehensive care facility administrator license.  
 35 (2) A residential care facility administrator license.  
 36 SECTION 233. IC 25-22.5-2-7, AS AMENDED BY P.L.60-2022,  
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2023]: Sec. 7. (a) The board shall do the following:  
 39 (1) Adopt rules and forms necessary to implement this article that  
 40 concern, but are not limited to, the following areas:  
 41 (A) Qualification by education, residence, citizenship, training,  
 42 and character for admission to an examination for licensure or



- 1 by endorsement for licensure.
- 2 (B) The examination for licensure.
- 3 (C) The license or permit.
- 4 (D) Fees for examination, permit, licensure, and registration.
- 5 (E) Reinstatement of licenses and permits.
- 6 (F) Payment of costs in disciplinary proceedings conducted by
- 7 the board.
- 8 (2) Administer oaths in matters relating to the discharge of the
- 9 board's official duties.
- 10 (3) Enforce this article and assign to the personnel of the agency
- 11 duties as may be necessary in the discharge of the board's duty.
- 12 (4) Maintain, through the agency, full and complete records of all
- 13 applicants for licensure or permit and of all licenses and permits
- 14 issued.
- 15 (5) Make available, upon request, the complete schedule of
- 16 minimum requirements for licensure or permit.
- 17 (6) Issue, at the board's discretion, a temporary permit to an
- 18 applicant for the interim from the date of application until the
- 19 next regular meeting of the board.
- 20 (7) Issue an unlimited license, a limited license, or a temporary
- 21 medical permit, depending upon the qualifications of the
- 22 applicant, to any applicant who successfully fulfills all of the
- 23 requirements of this article.
- 24 (8) Adopt rules establishing standards for the competent practice
- 25 of medicine, osteopathic medicine, or any other form of practice
- 26 regulated by a limited license or permit issued under this article.
- 27 (9) Adopt rules regarding the appropriate prescribing of Schedule
- 28 III or Schedule IV controlled substances for the purpose of weight
- 29 reduction or to control obesity.
- 30 (10) Adopt rules establishing standards for office based
- 31 procedures that require moderate sedation, deep sedation, or
- 32 general anesthesia.
- 33 (11) Adopt rules or protocol establishing the following:
- 34 (A) An education program to be used to educate women with
- 35 high breast density.
- 36 (B) Standards for providing an annual screening or diagnostic
- 37 test for a woman who is at least forty (40) years of age and who
- 38 has been determined to have high breast density.
- 39 As used in this subdivision, "high breast density" means a
- 40 condition in which there is a greater amount of breast and
- 41 connective tissue in comparison to fat in the breast.
- 42 (12) Adopt rules establishing standards and protocols for the



- 1           prescribing of controlled substances.
- 2           (13) Adopt rules as set forth in IC 25-23.4 concerning the
- 3           certification of certified direct entry midwives.
- 4           (14) In consultation with the **state Indiana** department of health
- 5           and the office of the secretary of family and social services, adopt
- 6           rules under IC 4-22-2 or protocols concerning the following for
- 7           providers that are providing office based opioid treatment:
- 8           (A) Requirements of a treatment agreement (as described in
- 9           IC 12-23-20-2) concerning the proper referral and treatment of
- 10          mental health and substance use.
- 11          (B) Parameters around the frequency and types of visits
- 12          required for the periodic scheduled visits required by
- 13          IC 12-23-20-2.
- 14          (C) Conditions on when the following should be ordered or
- 15          performed:
- 16           (i) A urine toxicology screening.
- 17           (ii) HIV, hepatitis B, and hepatitis C testing.
- 18          (D) Required documentation in a patient's medical record when
- 19          buprenorphine is prescribed over a specified dosage.
- 20          (15) Adopt rules as set forth in IC 25-14.5 concerning the
- 21          certification of certified dietitians.
- 22          (16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6
- 23          concerning the licensure of behavior analysts.
- 24          (17) Administer the interstate medical licensure compact under
- 25          IC 25-22.5-16, including appointing members to the interstate
- 26          medical licensure compact commission and adopting any rules
- 27          necessary to administer the compact.
- 28          (b) The board may adopt rules that establish:
- 29           (1) certification requirements for child death pathologists;
- 30           (2) an annual training program for child death pathologists under
- 31           IC 16-35-7-3(b)(2); and
- 32           (3) a process to certify a qualified child death pathologist.
- 33          (c) The board may adopt rules under IC 4-22-2 establishing
- 34          guidelines for the practice of telehealth in Indiana. Adoption of rules
- 35          under this subsection may not delay the implementation and provision
- 36          of telehealth services by a provider under IC 25-1-9.5.
- 37          SECTION 234. IC 25-22.5-8-6, AS AMENDED BY
- 38          P.L.179-2022(ss), SECTION 41, IS AMENDED TO READ AS
- 39          FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) As used in this
- 40          section, "abortion" has the meaning set forth in IC 16-18-2-1.
- 41          (b) Notwithstanding IC 25-1-9, the board:
- 42           (1) may revoke the license of a physician if, after appropriate



1 notice and an opportunity for a hearing, the attorney general  
 2 proves by a preponderance of the evidence that the physician  
 3 failed to transmit the form to the **state Indiana** department of  
 4 health as described in IC 16-34-2-5(b); and

5 (2) shall revoke the license of a physician if, after appropriate  
 6 notice and an opportunity for a hearing, the attorney general  
 7 proves by a preponderance of the evidence that the physician  
 8 performed an abortion in violation of IC 16-34-2-7(a) through  
 9 IC 16-34-2-7(c) with the intent to avoid the requirements of  
 10 **IC 16-34-2-1.**

11 SECTION 235. IC 25-22.5-13-8, AS ADDED BY P.L.182-2017,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]: Sec. 8. The medical licensing board of Indiana shall,  
 14 in consultation with the **state Indiana** department of health, the office  
 15 of the secretary of family and social services, and representatives of  
 16 prescriber stakeholders, adopt:

17 (1) emergency rules under IC 4-22-2-37.1 before December 1,  
 18 2017; and

19 (2) rules under IC 4-22-2;

20 setting forth the conditions the board considers necessary under  
 21 IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations  
 22 set forth in IC 25-1-9.7-2(a).

23 SECTION 236. IC 25-23.4-4-4, AS ADDED BY P.L.232-2013,  
 24 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: Sec. 4. (a) Before March 31 every year, a certified  
 26 direct entry midwife shall provide an annual report to the board  
 27 regarding each birth the previous year that the certified direct entry  
 28 midwife assisted. A report must summarize the following on a form  
 29 prescribed by the board:

30 (1) Vital statistics.

31 (2) Scope of care.

32 (3) Transport information.

33 (4) Physician referral.

34 (b) A certified direct entry midwife may not reveal the identity of  
 35 the clients referred to in a report under subsection (a).

36 (c) The board shall compile the data from the reports collected  
 37 under subsection (a) and submit the data to the **state Indiana**  
 38 department of health.

39 SECTION 237. IC 25-23.6-1-3.9, AS AMENDED BY  
 40 P.L.104-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2023]: Sec. 3.9. (a) "Governmental employee"  
 42 means an individual employed by the office of the secretary of family



1 and social services, the division of family resources, the division of  
 2 mental health and addiction, the division of disability and rehabilitative  
 3 services, the division of aging, the department of correction, the  
 4 department of child services, or the **state Indiana** department of health  
 5 in one (1) of the following classifications:

- 6 (1) 2AA3 Behavioral clinician 3.
- 7 (2) 2AA4 Behavioral clinician 4.
- 8 (3) 2AA5 Clinical associate 5.
- 9 (4) 2FL1 Mental health administrator 1.
- 10 (5) 2FL2 Mental health administrator 2.
- 11 (6) 2FL3 Mental health administrator 3.
- 12 (7) 2AN3 Substance abuse counselor 3.
- 13 (8) 2AN4 Substance abuse counselor 4.
- 14 (9) 2AN5 Substance abuse counselor 5.
- 15 (10) 2AH2 Social services specialist 2.
- 16 (11) 2AH3 Social services specialist 3.
- 17 (12) 2AH4 Social services specialist 4.
- 18 (13) 2AI1 Psychiatric services director 1.
- 19 (14) 2AE2 Psychiatric social services specialist 2.
- 20 (15) 2AE3 Psychiatric social services specialist 3.
- 21 (16) 2AP2 Family case manager 2.
- 22 (17) 2AP3 Family case manager trainee 3.
- 23 (18) 7AP3 Family case manager supervisor 3.
- 24 (19) 7AP4 Family case manager supervisor 4.

25 (b) The term includes any employee of the department of child  
 26 services, regardless of the employee's job title or classification, who, as  
 27 part of the employee's assigned job, is carrying out the duties of the  
 28 department of child services, as set forth in IC 31-25-2-7 and  
 29 IC 31-25-2-8.

30 SECTION 238. IC 25-23.7-5-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. An individual who  
 32 applies for a license as an installer of a manufactured home must do the  
 33 following:

- 34 (1) Furnish evidence satisfactory to the board showing that the  
 35 individual:
  - 36 (A) is at least eighteen (18) years of age;
  - 37 (B) has successfully completed the board approved installation  
 38 training course;
  - 39 (C) has successfully completed a board approved course  
 40 concerning Indiana law regarding:
    - 41 (i) the installation requirements for manufactured homes; and
    - 42 (ii) the **state Indiana** department of health requirements that



- 1 apply to manufactured homes;
- 2 (D) has:
- 3 (i) at least one (1) year of experience installing manufactured
- 4 homes under the direction and supervision of a licensed
- 5 installer; or
- 6 (ii) three (3) references, two (2) of whom are licensed
- 7 installers familiar with the individual's work experience and
- 8 competency; and
- 9 (E) has not been:
- 10 (i) convicted of an act that would constitute a ground for
- 11 disciplinary action under this article; or
- 12 (ii) the subject of a disciplinary action by the licensing or
- 13 certification agency of another state or jurisdiction in
- 14 connection with the installation of manufactured homes.
- 15 (2) Verify the information submitted on the application form.
- 16 (3) Submit proof of insurance or a surety bond:
- 17 (A) issued by an insurance or a surety company authorized to
- 18 transact business in Indiana;
- 19 (B) in an amount determined by the board; and
- 20 (C) with the terms and conditions established by the board.
- 21 (4) Pay the fee established by the board.
- 22 SECTION 239. IC 25-26-13-31.2, AS AMENDED BY
- 23 P.L.207-2021, SECTION 36, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 31.2. (a) A pharmacist
- 25 may administer an immunization to an individual under a drug order or
- 26 prescription.
- 27 (b) Subject to subsection (c), a pharmacist may administer
- 28 immunizations for the following to a group of individuals under a drug
- 29 order, under a prescription, or according to a protocol approved by a
- 30 physician:
- 31 (1) Influenza.
- 32 (2) Shingles (herpes zoster).
- 33 (3) Pneumonia.
- 34 (4) Tetanus, diphtheria, and acellular pertussis (whooping cough).
- 35 (5) Human papillomavirus (HPV) infection.
- 36 (6) Meningitis.
- 37 (7) Measles, mumps, and rubella.
- 38 (8) Varicella.
- 39 (9) Hepatitis A.
- 40 (10) Hepatitis B.
- 41 (11) Haemophilus influenzae type b (Hib).
- 42 (12) Coronavirus disease.





1 (c) A pharmacist may administer an immunization under subsection  
2 (b) if the following requirements are met:

3 (1) The physician specifies in the drug order, prescription, or  
4 protocol the group of individuals to whom the immunization may  
5 be administered.

6 (2) The physician who writes the drug order, prescription, or  
7 protocol is licensed and actively practicing with a medical office  
8 in Indiana and not employed by a pharmacy.

9 (3) The pharmacist who administers the immunization is  
10 responsible for notifying, not later than fourteen (14) days after  
11 the pharmacist administers the immunization, the physician who  
12 authorized the immunization and the individual's primary care  
13 physician that the individual received the immunization.

14 (4) If the physician uses a protocol, the protocol may apply only  
15 to an individual or group of individuals who:

16 (A) except as provided in clause (B), are at least eleven (11)  
17 years of age; or

18 (B) for the pneumonia immunization under subsection (b)(3),  
19 are at least fifty (50) years of age.

20 (5) Before administering an immunization to an individual  
21 according to a protocol approved by a physician, the pharmacist  
22 must receive the consent of one (1) of the following:

23 (A) If the individual to whom the immunization is to be  
24 administered is at least eleven (11) years of age but less than  
25 eighteen (18) years of age, the parent or legal guardian of the  
26 individual.

27 (B) If the individual to whom the immunization is to be  
28 administered is at least eighteen (18) years of age but has a  
29 legal guardian, the legal guardian of the individual.

30 (C) If the individual to whom the immunization is to be  
31 administered is at least eighteen (18) years of age but has no  
32 legal guardian, the individual.

33 A parent or legal guardian who is required to give consent under  
34 this subdivision must be present at the time of immunization.

35 (d) If the **state Indiana** department of health or the department of  
36 homeland security determines that an emergency exists, subject to  
37 IC 16-41-9-1.7(a)(2), a pharmacist may administer any immunization  
38 in accordance with:

39 (1) the requirements of subsection (c)(1) through (c)(3); and

40 (2) any instructions in the emergency determination.

41 (e) A pharmacist or pharmacist's designee shall provide  
42 immunization data to the immunization data registry (IC 16-38-5) in a



1 manner prescribed by the **state Indiana** department of health unless:

- 2 (1) the individual receiving the immunization;  
 3 (2) the parent of the individual receiving the immunization, if the  
 4 individual receiving the immunization is less than eighteen (18)  
 5 years of age; or  
 6 (3) the legal guardian of the individual receiving the  
 7 immunization, if a legal guardian has been appointed;

8 has completed and filed with the pharmacist or pharmacist's designee  
 9 a written immunization data exemption form, as provided in  
 10 IC 16-38-5-2.

11 (f) If an immunization is administered under a protocol, then the  
 12 name, license number, and contact information of the physician who  
 13 wrote the protocol must be posted in the location where the  
 14 immunization is administered. A copy of the protocol must be available  
 15 for inspection by the individual receiving the immunization.

16 (g) A pharmacist may administer an immunization that is provided  
 17 according to a standing order, prescription, or protocol issued under  
 18 this section or IC 16-19-4-11 by the state health commissioner or the  
 19 commissioner's designated public health authority who is a licensed  
 20 prescriber. If a pharmacist has received a protocol to administer an  
 21 immunization from a physician and that specific immunization is  
 22 covered by a standing order, prescription, or protocol issued by the  
 23 state health commissioner or the commissioner's designated public  
 24 health authority, the pharmacist must administer the immunization  
 25 according to the standing order, prescription, or protocol issued by the  
 26 state health commissioner or the commissioner's designated public  
 27 health authority.

28 SECTION 240. IC 25-26-23-6, AS ADDED BY P.L.119-2011,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2023]: Sec. 6. The board shall consult with the following  
 31 agencies and task force in promulgating rules under this chapter:

- 32 (1) The department of environmental management.  
 33 (2) The **state Indiana** department of health.  
 34 (3) The state police department.  
 35 (4) The Indiana hazardous waste task force.

36 SECTION 241. IC 25-26-24-19, AS ADDED BY P.L.51-2019,  
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2023]: Sec. 19. (a) Information received by the INSPECT  
 39 program under section 17 of this chapter is confidential.

40 (b) The board shall carry out a program to protect the confidentiality  
 41 of the information described in subsection (a). The board may disclose  
 42 the information to another person only under subsection (c), (d), or (g).



1 (c) The board may disclose confidential information described in  
 2 subsection (a) to any person who is authorized to engage in receiving,  
 3 processing, or storing the information.

4 (d) Except as provided in subsections (e) and (f), the board may  
 5 release confidential information described in subsection (a) to the  
 6 following persons:

7 (1) A member of the board or another governing body that  
 8 licenses practitioners and is engaged in an investigation, an  
 9 adjudication, or a prosecution of a violation under any state or  
 10 federal law that involves ephedrine, pseudoephedrine, or a  
 11 controlled substance.

12 (2) An investigator for the consumer protection division of the  
 13 office of the attorney general, a prosecuting attorney, the attorney  
 14 general, a deputy attorney general, or an investigator from the  
 15 office of the attorney general, who is engaged in:

16 (A) an investigation;

17 (B) an adjudication; or

18 (C) a prosecution;

19 of a violation under any state or federal law that involves  
 20 ephedrine, pseudoephedrine, or a controlled substance.

21 (3) A law enforcement officer who is an employee of:

22 (A) a local, state, or federal law enforcement agency; or

23 (B) an entity that regulates ephedrine, pseudoephedrine, or  
 24 controlled substances or enforces ephedrine, pseudoephedrine,  
 25 or controlled substances rules or laws in another state;

26 that is certified to receive ephedrine, pseudoephedrine, or  
 27 controlled substance prescription drug information from the  
 28 INSPECT program.

29 (4) A practitioner or practitioner's agent certified to receive  
 30 information from the INSPECT program.

31 (5) An ephedrine, pseudoephedrine, or controlled substance  
 32 monitoring program in another state with which Indiana has  
 33 established an interoperability agreement.

34 (6) The state toxicologist.

35 (7) A certified representative of the Medicaid retrospective and  
 36 prospective drug utilization review program.

37 (8) A substance abuse assistance program for a licensed health  
 38 care provider who:

39 (A) has prescriptive authority under this title; and

40 (B) is participating in the assistance program.

41 (9) An individual who holds a valid temporary medical permit  
 42 issued under IC 25-22.5-5-4 or a noneducational commission for



- 1 foreign medical graduates certified graduate permit issued under
- 2 IC 25-22.5-5-4.6.
- 3 (10) A county coroner conducting a medical investigation of the
- 4 cause of death.
- 5 (11) The management performance hub established by
- 6 IC 4-3-26-8.
- 7 (12) The state epidemiologist under the ~~state~~ **Indiana** department
- 8 of health.
- 9 (e) Information provided to a person under:
- 10 (1) subsection (d)(3) is limited to information:
- 11 (A) concerning an individual or proceeding involving the
- 12 unlawful diversion or misuse of a schedule II, III, IV, or V
- 13 controlled substance; and
- 14 (B) that will assist in an investigation or proceeding;
- 15 (2) subsection (d)(4) may be released only for the purpose of:
- 16 (A) providing medical or pharmaceutical treatment; or
- 17 (B) evaluating the need for providing medical or
- 18 pharmaceutical treatment to a patient; and
- 19 (3) subsection (d)(11) must be released to the extent disclosure of
- 20 the information is not prohibited by applicable federal law.
- 21 (f) Before the board releases confidential information under
- 22 subsection (d), the applicant must be approved by the INSPECT
- 23 program in a manner prescribed by the board.
- 24 (g) The board may release to:
- 25 (1) a member of the board or another governing body that licenses
- 26 practitioners;
- 27 (2) an investigator for the consumer protection division of the
- 28 office of the attorney general, a prosecuting attorney, the attorney
- 29 general, a deputy attorney general, or an investigator from the
- 30 office of the attorney general; or
- 31 (3) a law enforcement officer who is:
- 32 (A) authorized by the state police department to receive
- 33 ephedrine, pseudoephedrine, or controlled substance
- 34 prescription drug information; and
- 35 (B) approved by the board to receive the type of information
- 36 released;
- 37 confidential information generated from computer records that
- 38 identifies practitioners who are prescribing or dispensing large
- 39 quantities of a controlled substance.
- 40 (h) The information described in subsection (g) may not be released
- 41 until it has been reviewed by:
- 42 (1) a member of the board who is licensed in the same profession



- 1 as the prescribing or dispensing practitioner identified by the data;  
 2 or  
 3 (2) the board's designee;  
 4 and until that member or the designee has certified that further  
 5 investigation is warranted. However, failure to comply with this  
 6 subsection does not invalidate the use of any evidence that is otherwise  
 7 admissible in a proceeding described in subsection (i).
- 8 (i) An investigator or a law enforcement officer receiving  
 9 confidential information under subsection (c), (d), or (g) may disclose  
 10 the information to a law enforcement officer or an attorney for the  
 11 office of the attorney general for use as evidence in the following:
- 12 (1) A proceeding under IC 16-42-20.
  - 13 (2) A proceeding under any state or federal law.
  - 14 (3) A criminal proceeding or a proceeding in juvenile court.
- 15 (j) The board may compile statistical reports from the information  
 16 described in subsection (a). The reports must not include information  
 17 that identifies any practitioner, ultimate user, or other person  
 18 administering ephedrine, pseudoephedrine, or a controlled substance.  
 19 Statistical reports compiled under this subsection are public records.
- 20 (k) Except as provided in subsection (q), and in addition to any  
 21 requirements provided in IC 25-22.5-13, the following practitioners  
 22 shall obtain information about a patient from the data base either  
 23 directly or through the patient's integrated health record before  
 24 prescribing an opioid or benzodiazepine to the patient:
- 25 (1) A practitioner who has had the information from the data base  
 26 integrated into the patient's electronic health records.
  - 27 (2) A practitioner who provides services to the patient in:
    - 28 (A) the emergency department of a hospital licensed under  
 29 IC 16-21; or
    - 30 (B) a pain management clinic.
  - 31 (3) Beginning January 1, 2020, a practitioner who provides  
 32 services to the patient in a hospital licensed under IC 16-21.
  - 33 (4) Beginning January 1, 2021, all practitioners.
- 34 However, a practitioner is not required to obtain information about a  
 35 patient who is subject to a pain management contract from the data  
 36 base more than once every ninety (90) days.
- 37 (l) A practitioner who checks the INSPECT program either directly  
 38 through the data base or through the patient's integrated health record  
 39 for the available data on a patient is immune from civil liability for an  
 40 injury, death, or loss to a person solely due to a practitioner:
- 41 (1) seeking information from the INSPECT program; and
  - 42 (2) in good faith using the information for the treatment of the



1 patient.

2 The civil immunity described in this subsection does not extend to a  
3 practitioner if the practitioner receives information directly from the  
4 INSPECT program or through the patient's integrated health record and  
5 then negligently misuses this information. This subsection does not  
6 apply to an act or omission that is a result of gross negligence or  
7 intentional misconduct.

8 (m) The board may review the records of the INSPECT program. If  
9 the board determines that a violation of the law may have occurred, the  
10 board shall notify the appropriate law enforcement agency or the  
11 relevant government body responsible for the licensure, regulation, or  
12 discipline of practitioners authorized by law to prescribe controlled  
13 substances.

14 (n) A practitioner who in good faith discloses information based on  
15 a report from the INSPECT program either directly through the data  
16 base or through the patient's integrated health record to a law  
17 enforcement agency is immune from criminal or civil liability. A  
18 practitioner that discloses information to a law enforcement agency  
19 under this subsection is presumed to have acted in good faith.

20 (o) A practitioner's agent may act as a delegate and check INSPECT  
21 program reports on behalf of the practitioner.

22 (p) A patient may access a report from the INSPECT program that  
23 has been included in the patient's medical file by a practitioner.

24 (q) A practitioner is not required under subsection (k) to obtain  
25 information about a patient from the data base or through the patient's  
26 integrated health record before prescribing an opioid or benzodiazepine  
27 if any of the following apply:

28 (1) The practitioner has obtained a waiver from the board because  
29 the practitioner does not have access to the Internet at the  
30 practitioner's place of business.

31 (2) The patient is:

32 (A) recovering; or

33 (B) in the process of completing a prescription that was  
34 prescribed by another practitioner;  
35 while still being treated as an inpatient or in observation status.

36 (3) The data base described in section 18 of this chapter is  
37 suspended or is not operational if the practitioner documents in  
38 writing or electronically the date and time in the patient's medical  
39 record that the practitioner, dispenser, or delegate attempted to  
40 use the data base.

41 SECTION 242. IC 25-26-24-24, AS ADDED BY P.L.51-2019,  
42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2023]: Sec. 24. (a) The INSPECT oversight committee is
- 2 established.
- 3 (b) The committee consists of the following members:
- 4 (1) The president of the board or the president's designee, who
- 5 shall serve as the chairperson of the committee.
- 6 (2) The commissioner of the ~~state~~ **Indiana** department of health
- 7 or the commissioner's designee.
- 8 (3) The superintendent of the state police department or the
- 9 superintendent's designee.
- 10 (4) The attorney general or the attorney general's designee.
- 11 (5) Two (2) lay members who are authorized users of the
- 12 INSPECT program appointed by the president pro tempore of the
- 13 senate, not more than one (1) of whom may be affiliated with the
- 14 same political party.
- 15 (6) Two (2) lay members who are authorized users of the
- 16 INSPECT program appointed by the speaker of the house of
- 17 representatives, not more than one (1) of whom may be affiliated
- 18 with the same political party.
- 19 (c) The committee shall provide recommendations to the board
- 20 concerning the implementation of policies, standards, and rules that
- 21 promote the effective operation of the program.
- 22 (d) The committee shall meet:
- 23 (1) at least once each calendar year; and
- 24 (2) at the call of the chairperson.
- 25 (e) The term of a member of the committee appointed under this
- 26 section is four (4) years. The term of a member of the committee
- 27 expires July 1, but a member may continue to serve on the committee
- 28 until a successor is appointed.
- 29 SECTION 243. IC 27-1-44.6-6, AS ADDED BY P.L.195-2021,
- 30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2023]: Sec. 6. (a) The advisory board consists of the following
- 32 members, appointed by the governor:
- 33 (1) One (1) individual representing the Indiana Hospital
- 34 Association.
- 35 (2) One (1) individual who is a physician or surgeon and is not
- 36 employed by or contracted to predominantly provide health care
- 37 services at a hospital licensed under IC 16-21-2 or a hospital
- 38 system.
- 39 (3) One (1) individual representing a small employer that
- 40 purchases a group health plan for its employees.
- 41 (4) One (1) individual representing a large employer that
- 42 purchases a group health plan for its employees.



- 1 (5) One (1) individual representing a self-insured employer.
- 2 (6) One (1) individual from a firm that processes claims for health
- 3 plans.
- 4 (7) One (1) individual representing a domestic insurance
- 5 company that issues policies of accident and sickness insurance
- 6 (as defined in IC 27-8-5-1).
- 7 (8) One (1) individual representing pharmacists or an affiliate
- 8 society.
- 9 (9) The executive director.

10 Individuals appointed to represent an employer under subdivisions (3),  
 11 (4), and (5) may not represent an employer who is a health care facility  
 12 or provider or a supplier or broker of health plans.

13 (b) The advisory board consists of the following nonvoting advisory  
 14 members:

- 15 (1) The commissioner of the department or a designee of the
- 16 commissioner.
- 17 (2) The secretary of family and social services or a designee of the
- 18 secretary.
- 19 (3) The commissioner of the **state Indiana** department of health
- 20 or a designee of the commissioner.
- 21 (4) Two (2) members of the senate, who may not be members of
- 22 the same political party, appointed by the president pro tempore
- 23 of the senate with the advice of the minority leader of the senate.
- 24 (5) Two (2) members of the house of representatives, who may
- 25 not be members of the same political party, appointed by the
- 26 speaker of the house of representatives with the advice of the
- 27 minority leader of the house of representatives.

28 SECTION 244. IC 27-4-1-4, AS AMENDED BY P.L.19-2022,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2023]: Sec. 4. (a) The following are hereby defined as unfair  
 31 methods of competition and unfair and deceptive acts and practices in  
 32 the business of insurance:

- 33 (1) Making, issuing, circulating, or causing to be made, issued, or
- 34 circulated, any estimate, illustration, circular, or statement:
  - 35 (A) misrepresenting the terms of any policy issued or to be
  - 36 issued or the benefits or advantages promised thereby or the
  - 37 dividends or share of the surplus to be received thereon;
  - 38 (B) making any false or misleading statement as to the
  - 39 dividends or share of surplus previously paid on similar
  - 40 policies;
  - 41 (C) making any misleading representation or any
  - 42 misrepresentation as to the financial condition of any insurer,





- 1 or as to the legal reserve system upon which any life insurer  
2 operates;
- 3 (D) using any name or title of any policy or class of policies  
4 misrepresenting the true nature thereof; or
- 5 (E) making any misrepresentation to any policyholder insured  
6 in any company for the purpose of inducing or tending to  
7 induce such policyholder to lapse, forfeit, or surrender the  
8 policyholder's insurance.
- 9 (2) Making, publishing, disseminating, circulating, or placing  
10 before the public, or causing, directly or indirectly, to be made,  
11 published, disseminated, circulated, or placed before the public,  
12 in a newspaper, magazine, or other publication, or in the form of  
13 a notice, circular, pamphlet, letter, or poster, or over any radio or  
14 television station, or in any other way, an advertisement,  
15 announcement, or statement containing any assertion,  
16 representation, or statement with respect to any person in the  
17 conduct of the person's insurance business, which is untrue,  
18 deceptive, or misleading.
- 19 (3) Making, publishing, disseminating, or circulating, directly or  
20 indirectly, or aiding, abetting, or encouraging the making,  
21 publishing, disseminating, or circulating of any oral or written  
22 statement or any pamphlet, circular, article, or literature which is  
23 false, or maliciously critical of or derogatory to the financial  
24 condition of an insurer, and which is calculated to injure any  
25 person engaged in the business of insurance.
- 26 (4) Entering into any agreement to commit, or individually or by  
27 a concerted action committing any act of boycott, coercion, or  
28 intimidation resulting or tending to result in unreasonable  
29 restraint of, or a monopoly in, the business of insurance.
- 30 (5) Filing with any supervisory or other public official, or making,  
31 publishing, disseminating, circulating, or delivering to any person,  
32 or placing before the public, or causing directly or indirectly, to  
33 be made, published, disseminated, circulated, delivered to any  
34 person, or placed before the public, any false statement of  
35 financial condition of an insurer with intent to deceive. Making  
36 any false entry in any book, report, or statement of any insurer  
37 with intent to deceive any agent or examiner lawfully appointed  
38 to examine into its condition or into any of its affairs, or any  
39 public official to which such insurer is required by law to report,  
40 or which has authority by law to examine into its condition or into  
41 any of its affairs, or, with like intent, willfully omitting to make a  
42 true entry of any material fact pertaining to the business of such



1 insurer in any book, report, or statement of such insurer.

2 (6) Issuing or delivering or permitting agents, officers, or  
3 employees to issue or deliver, agency company stock or other  
4 capital stock, or benefit certificates or shares in any common law  
5 corporation, or securities or any special or advisory board  
6 contracts or other contracts of any kind promising returns and  
7 profits as an inducement to insurance.

8 (7) Making or permitting any of the following:

9 (A) Unfair discrimination between individuals of the same class  
10 and equal expectation of life in the rates or assessments charged  
11 for any contract of life insurance or of life annuity or in the  
12 dividends or other benefits payable thereon, or in any other of  
13 the terms and conditions of such contract. However, in  
14 determining the class, consideration may be given to the nature  
15 of the risk, plan of insurance, the actual or expected expense of  
16 conducting the business, or any other relevant factor.

17 (B) Unfair discrimination between individuals of the same class  
18 involving essentially the same hazards in the amount of  
19 premium, policy fees, assessments, or rates charged or made for  
20 any policy or contract of accident or health insurance or in the  
21 benefits payable thereunder, or in any of the terms or conditions  
22 of such contract, or in any other manner whatever. However, in  
23 determining the class, consideration may be given to the nature  
24 of the risk, the plan of insurance, the actual or expected expense  
25 of conducting the business, or any other relevant factor.

26 (C) Excessive or inadequate charges for premiums, policy fees,  
27 assessments, or rates, or making or permitting any unfair  
28 discrimination between persons of the same class involving  
29 essentially the same hazards, in the amount of premiums, policy  
30 fees, assessments, or rates charged or made for:

31 (i) policies or contracts of reinsurance or joint reinsurance, or  
32 abstract and title insurance;

33 (ii) policies or contracts of insurance against loss or damage  
34 to aircraft, or against liability arising out of the ownership,  
35 maintenance, or use of any aircraft, or of vessels or craft,  
36 their cargoes, marine builders' risks, marine protection and  
37 indemnity, or other risks commonly insured under marine, as  
38 distinguished from inland marine, insurance; or

39 (iii) policies or contracts of any other kind or kinds of  
40 insurance whatsoever.

41 However, nothing contained in clause (C) shall be construed to  
42 apply to any of the kinds of insurance referred to in clauses (A)



1 and (B) nor to reinsurance in relation to such kinds of insurance.  
2 Nothing in clause (A), (B), or (C) shall be construed as making or  
3 permitting any excessive, inadequate, or unfairly discriminatory  
4 charge or rate or any charge or rate determined by the department  
5 or commissioner to meet the requirements of any other insurance  
6 rate regulatory law of this state.

7 (8) Except as otherwise expressly provided by IC 27-1-47 or  
8 another law, knowingly permitting or offering to make or making  
9 any contract or policy of insurance of any kind or kinds  
10 whatsoever, including but not in limitation, life annuities, or  
11 agreement as to such contract or policy other than as plainly  
12 expressed in such contract or policy issued thereon, or paying or  
13 allowing, or giving or offering to pay, allow, or give, directly or  
14 indirectly, as inducement to such insurance, or annuity, any rebate  
15 of premiums payable on the contract, or any special favor or  
16 advantage in the dividends, savings, or other benefits thereon, or  
17 any valuable consideration or inducement whatever not specified  
18 in the contract or policy; or giving, or selling, or purchasing or  
19 offering to give, sell, or purchase as inducement to such insurance  
20 or annuity or in connection therewith, any stocks, bonds, or other  
21 securities of any insurance company or other corporation,  
22 association, limited liability company, or partnership, or any  
23 dividends, savings, or profits accrued thereon, or anything of  
24 value whatsoever not specified in the contract. Nothing in this  
25 subdivision and subdivision (7) shall be construed as including  
26 within the definition of discrimination or rebates any of the  
27 following practices:

28 (A) Paying bonuses to policyholders or otherwise abating their  
29 premiums in whole or in part out of surplus accumulated from  
30 nonparticipating insurance, so long as any such bonuses or  
31 abatement of premiums are fair and equitable to policyholders  
32 and for the best interests of the company and its policyholders.

33 (B) In the case of life insurance policies issued on the industrial  
34 debit plan, making allowance to policyholders who have  
35 continuously for a specified period made premium payments  
36 directly to an office of the insurer in an amount which fairly  
37 represents the saving in collection expense.

38 (C) Readjustment of the rate of premium for a group insurance  
39 policy based on the loss or expense experience thereunder, at  
40 the end of the first year or of any subsequent year of insurance  
41 thereunder, which may be made retroactive only for such policy  
42 year.



- 1 (D) Paying by an insurer or insurance producer thereof duly  
2 licensed as such under the laws of this state of money,  
3 commission, or brokerage, or giving or allowing by an insurer  
4 or such licensed insurance producer thereof anything of value,  
5 for or on account of the solicitation or negotiation of policies or  
6 other contracts of any kind or kinds, to a broker, an insurance  
7 producer, or a solicitor duly licensed under the laws of this  
8 state, but such broker, insurance producer, or solicitor receiving  
9 such consideration shall not pay, give, or allow credit for such  
10 consideration as received in whole or in part, directly or  
11 indirectly, to the insured by way of rebate.
- 12 (9) Requiring, as a condition precedent to loaning money upon the  
13 security of a mortgage upon real property, that the owner of the  
14 property to whom the money is to be loaned negotiate any policy  
15 of insurance covering such real property through a particular  
16 insurance producer or broker or brokers. However, this  
17 subdivision shall not prevent the exercise by any lender of the  
18 lender's right to approve or disapprove of the insurance company  
19 selected by the borrower to underwrite the insurance.
- 20 (10) Entering into any contract, combination in the form of a trust  
21 or otherwise, or conspiracy in restraint of commerce in the  
22 business of insurance.
- 23 (11) Monopolizing or attempting to monopolize or combining or  
24 conspiring with any other person or persons to monopolize any  
25 part of commerce in the business of insurance. However,  
26 participation as a member, director, or officer in the activities of  
27 any nonprofit organization of insurance producers or other  
28 workers in the insurance business shall not be interpreted, in  
29 itself, to constitute a combination in restraint of trade or as  
30 combining to create a monopoly as provided in this subdivision  
31 and subdivision (10). The enumeration in this chapter of specific  
32 unfair methods of competition and unfair or deceptive acts and  
33 practices in the business of insurance is not exclusive or  
34 restrictive or intended to limit the powers of the commissioner or  
35 department or of any court of review under section 8 of this  
36 chapter.
- 37 (12) Requiring as a condition precedent to the sale of real or  
38 personal property under any contract of sale, conditional sales  
39 contract, or other similar instrument or upon the security of a  
40 chattel mortgage, that the buyer of such property negotiate any  
41 policy of insurance covering such property through a particular  
42 insurance company, insurance producer, or broker or brokers.



1 However, this subdivision shall not prevent the exercise by any  
 2 seller of such property or the one making a loan thereon of the  
 3 right to approve or disapprove of the insurance company selected  
 4 by the buyer to underwrite the insurance.

5 (13) Issuing, offering, or participating in a plan to issue or offer,  
 6 any policy or certificate of insurance of any kind or character as  
 7 an inducement to the purchase of any property, real, personal, or  
 8 mixed, or services of any kind, where a charge to the insured is  
 9 not made for and on account of such policy or certificate of  
 10 insurance. However, this subdivision shall not apply to any of the  
 11 following:

12 (A) Insurance issued to credit unions or members of credit  
 13 unions in connection with the purchase of shares in such credit  
 14 unions.

15 (B) Insurance employed as a means of guaranteeing the  
 16 performance of goods and designed to benefit the purchasers or  
 17 users of such goods.

18 (C) Title insurance.

19 (D) Insurance written in connection with an indebtedness and  
 20 intended as a means of repaying such indebtedness in the event  
 21 of the death or disability of the insured.

22 (E) Insurance provided by or through motorists service clubs or  
 23 associations.

24 (F) Insurance that is provided to the purchaser or holder of an  
 25 air transportation ticket and that:

26 (i) insures against death or nonfatal injury that occurs during  
 27 the flight to which the ticket relates;

28 (ii) insures against personal injury or property damage that  
 29 occurs during travel to or from the airport in a common  
 30 carrier immediately before or after the flight;

31 (iii) insures against baggage loss during the flight to which  
 32 the ticket relates; or

33 (iv) insures against a flight cancellation to which the ticket  
 34 relates.

35 (14) Refusing, because of the for-profit status of a hospital or  
 36 medical facility, to make payments otherwise required to be made  
 37 under a contract or policy of insurance for charges incurred by an  
 38 insured in such a for-profit hospital or other for-profit medical  
 39 facility licensed by the **state Indiana** department of health.

40 (15) Refusing to insure an individual, refusing to continue to issue  
 41 insurance to an individual, limiting the amount, extent, or kind of  
 42 coverage available to an individual, or charging an individual a



- 1 different rate for the same coverage, solely because of that  
 2 individual's blindness or partial blindness, except where the  
 3 refusal, limitation, or rate differential is based on sound actuarial  
 4 principles or is related to actual or reasonably anticipated  
 5 experience.
- 6 (16) Committing or performing, with such frequency as to  
 7 indicate a general practice, unfair claim settlement practices (as  
 8 defined in section 4.5 of this chapter).
- 9 (17) Between policy renewal dates, unilaterally canceling an  
 10 individual's coverage under an individual or group health  
 11 insurance policy solely because of the individual's medical or  
 12 physical condition.
- 13 (18) Using a policy form or rider that would permit a cancellation  
 14 of coverage as described in subdivision (17).
- 15 (19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1  
 16 concerning motor vehicle insurance rates.
- 17 (20) Violating IC 27-8-21-2 concerning advertisements referring  
 18 to interest rate guarantees.
- 19 (21) Violating IC 27-8-24.3 concerning insurance and health plan  
 20 coverage for victims of abuse.
- 21 (22) Violating IC 27-8-26 concerning genetic screening or testing.
- 22 (23) Violating IC 27-1-15.6-3(b) concerning licensure of  
 23 insurance producers.
- 24 (24) Violating IC 27-1-38 concerning depository institutions.
- 25 (25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning  
 26 the resolution of an appealed grievance decision.
- 27 (26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired  
 28 July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1,  
 29 2007, and repealed).
- 30 (27) Violating IC 27-2-21 concerning use of credit information.
- 31 (28) Violating IC 27-4-9-3 concerning recommendations to  
 32 consumers.
- 33 (29) Engaging in dishonest or predatory insurance practices in  
 34 marketing or sales of insurance to members of the United States  
 35 Armed Forces as:
- 36 (A) described in the federal Military Personnel Financial  
 37 Services Protection Act, P.L.109-290; or
- 38 (B) defined in rules adopted under subsection (b).
- 39 (30) Violating IC 27-8-19.8-20.1 concerning stranger originated  
 40 life insurance.
- 41 (31) Violating IC 27-2-22 concerning retained asset accounts.
- 42 (32) Violating IC 27-8-5-29 concerning health plans offered



- 1 through a health benefit exchange (as defined in IC 27-19-2-8).
- 2 (33) Violating a requirement of the federal Patient Protection and
- 3 Affordable Care Act (P.L. 111-148), as amended by the federal
- 4 Health Care and Education Reconciliation Act of 2010 (P.L.
- 5 111-152), that is enforceable by the state.
- 6 (34) After June 30, 2015, violating IC 27-2-23 concerning
- 7 unclaimed life insurance, annuity, or retained asset account
- 8 benefits.
- 9 (35) Willfully violating IC 27-1-12-46 concerning a life insurance
- 10 policy or certificate described in IC 27-1-12-46(a).
- 11 (36) Violating IC 27-1-37-7 concerning prohibiting the disclosure
- 12 of health care service claims data.
- 13 (37) Violating IC 27-4-10-10 concerning virtual claims payments.
- 14 (38) Violating IC 27-1-24.5 concerning pharmacy benefit
- 15 managers.
- 16 (39) Violating IC 27-7-17-16 or IC 27-7-17-17 concerning the
- 17 marketing of travel insurance policies.
- 18 (b) Except with respect to federal insurance programs under
- 19 Subchapter III of Chapter 19 of Title 38 of the United States Code, the
- 20 commissioner may, consistent with the federal Military Personnel
- 21 Financial Services Protection Act (10 U.S.C. 992 note), adopt rules
- 22 under IC 4-22-2 to:
- 23 (1) define; and
- 24 (2) while the members are on a United States military installation
- 25 or elsewhere in Indiana, protect members of the United States
- 26 Armed Forces from;
- 27 dishonest or predatory insurance practices.
- 28 SECTION 245. IC 27-8-5-15.5 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15.5. (a) As used in this
- 30 section:
- 31 "Alcohol abuse" has the meaning set forth in IC 12-7-2-10.
- 32 "Community mental health center" has the meaning set forth in
- 33 IC 12-7-2-38 and IC 12-7-2-39.
- 34 "Division of mental health and addiction" refers to the division
- 35 created under IC 12-21-1-1.
- 36 "Drug abuse" has the meaning set forth in IC 12-7-2-72.
- 37 **"Indiana department of health" refers to the department**
- 38 **established by IC 16-19-1-1.**
- 39 "Inpatient services" means services that require the beneficiary of
- 40 the services to remain overnight in the facility in which the services are
- 41 offered.
- 42 "Mental illness" has the meaning set forth in IC 12-7-2-130(1).



1 "Psychiatric hospital" has the meaning set forth in IC 12-7-2-151.

2 "~~State department of health~~" refers to the department established  
3 ~~under IC 16-19-1-1.~~

4 "Substance abuse" means drug abuse or alcohol abuse.

5 (b) An insurance policy that provides coverage for inpatient services  
6 for the treatment of:

- 7 (1) mental illness;
- 8 (2) substance abuse; or
- 9 (3) both mental illness and substance abuse;

10 may not exclude coverage for inpatient services for the treatment of  
11 mental illness or substance abuse that are provided by a community  
12 mental health center or by any psychiatric hospital licensed by the ~~state~~  
13 **Indiana** department of health or the division of mental health and  
14 addiction to offer those services.

15 SECTION 246. IC 27-8-10-3.5 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.5. (a) The association  
17 shall:

18 (1) approve and implement chronic disease management and  
19 pharmaceutical management programs based on:

20 (A) an analysis of the highest cost health care services covered  
21 under association policies;

22 (B) a review of chronic disease management and  
23 pharmaceutical management programs used in populations  
24 similar to insureds; and

25 (C) a determination of the chronic disease management and  
26 pharmaceutical management programs expected to best  
27 improve health outcomes in a cost effective manner;

28 (2) consider recommendations of the drug utilization review  
29 board established by IC 12-15-35-19 concerning chronic disease  
30 management and pharmaceutical management programs;

31 (3) when practicable, coordinate programs adopted under this  
32 section with comparable programs implemented by the state; and

33 (4) implement a copayment structure for prescription drugs  
34 covered under an association policy.

35 (b) A program approved and implemented under this section may  
36 not require prior authorization for a prescription drug that is prescribed  
37 for the treatment of:

38 (1) human immunodeficiency virus (HIV) or acquired immune  
39 deficiency syndrome (AIDS) and is included on the AIDS drug  
40 assistance program formulary adopted by the ~~state~~ **Indiana**  
41 department of health under the federal Ryan White CARE Act (42  
42 U.S.C. 300ff et seq.); or





- 1 (2) hemophilia according to recommendations of the:
- 2 (A) Advisory Committee on Blood Safety and Availability of
- 3 the United States Department of Health and Human Services;
- 4 or
- 5 (B) Medical and Scientific Advisory Council of the National
- 6 Hemophilia Foundation.
- 7 (c) The copayment structure implemented under subsection (a) must
- 8 be based on an annual actuarial analysis.
- 9 (d) A disease management program for which federal funding is
- 10 available is considered to be approved by the association under this
- 11 section.
- 12 (e) An insured who has a chronic disease for which at least one (1)
- 13 chronic disease management program is approved under this section
- 14 shall participate in an approved chronic disease management program
- 15 for the chronic disease as a condition of coverage of treatment for the
- 16 chronic disease under an association policy.
- 17 SECTION 247. IC 27-8-14-4 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. As used in this
- 19 chapter, "mammography services provider" means a person or facility
- 20 that:
- 21 (1) has been accredited by the American College of Radiology;
- 22 (2) meets equivalent guidelines established by the **state Indiana**
- 23 department of health; or
- 24 (3) certified by the Federal Department of Health and Human
- 25 Services for participation in the Medicare program (42 U.S.C.
- 26 1395 et seq.).
- 27 SECTION 248. IC 31-9-2-54, AS AMENDED BY P.L.191-2011,
- 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2023]: Sec. 54. "Identifying information", for purposes of
- 30 IC 31-19-9-6 and IC 31-19-17 through IC 31-19-25.5, means:
- 31 (1) any name that a party to an adoption has used or is using;
- 32 (2) any address that a party to an adoption has used or is using;
- 33 (3) the original certificates of birth stored with the **state Indiana**
- 34 department of health with evidence of adoption under
- 35 IC 31-19-13-2; and
- 36 (4) any other information, except the medical history, that may
- 37 identify a person as a party to an adoption or as a birth parent, an
- 38 adoptee, or an adoptive parent.
- 39 SECTION 249. IC 31-9-2-120 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 120. "State
- 41 department", for purposes of IC 31-19-5, refers to the **state Indiana**
- 42 department of health.



1 SECTION 250. IC 31-9-2-121, AS AMENDED BY P.L.191-2011,  
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 121. "State registrar", for purposes of IC 31-19-18  
 4 through IC 31-19-25.5, means the person who:

5 (1) is in charge of the division of the **state Indiana** department of  
 6 health that administers the system of vital records; and

7 (2) has charge of the files and records pertaining to vital records.

8 SECTION 251. IC 31-11-4-0.3, AS ADDED BY P.L.220-2011,  
 9 SECTION 490, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2023]: Sec. 0.3. (a) If before March 8, 1994:

11 (1) an individual who solemnized a marriage failed to  
 12 appropriately complete the marriage certificate or timely file the  
 13 duplicate marriage certificate and marriage license with the clerk  
 14 as required by IC 31-7-3-15 (before its repeal, now codified at  
 15 section 16 of this chapter);

16 (2) a party to the marriage petitioned a circuit court with  
 17 jurisdiction in the county in which the marriage occurred to affirm  
 18 the marriage as of the date the marriage occurred; and

19 (3) the court issued an order affirming the marriage as of the date  
 20 the marriage occurred;

21 the court order is legalized and has the same legal effect as a properly  
 22 attested and filed marriage certificate.

23 (b) If the clerk of the court receives a court order affirming the  
 24 marriage described in subsection (a), the clerk of the court shall issue  
 25 a duplicate license with the date the marriage occurred to the party who  
 26 sought declaratory relief.

27 (c) The **state Indiana** department of health shall accept the order  
 28 described in subsection (a) as it accepts other marriage records  
 29 received from county clerks.

30 SECTION 252. IC 31-11-4-4, AS AMENDED BY P.L.112-2020,  
 31 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 4. (a) An application for a marriage license must  
 33 be written and verified. The application must contain the following  
 34 information concerning each of the applicants:

35 (1) Full name.

36 (2) Birthplace.

37 (3) Residence.

38 (4) Age.

39 (5) Names of dependent children.

40 (6) Full name, including the maiden name of a mother, last known  
 41 residence, and, if known, the place of birth of:

42 (A) the birth parents of the applicant if the applicant is not





- 1 affirmation; or  
 2 (2) sign the acknowledgment described in subsection (a)(9).  
 3 However, before the clerk of the circuit court may issue a marriage  
 4 license to a member of the Old Amish Mennonite church, the bishop  
 5 of that member must sign a statement that the information in the  
 6 application is true.  
 7 (f) If a person objects on religious grounds to:  
 8 (1) verifying the application under subsection (a) by oath or  
 9 affirmation; or  
 10 (2) signing the acknowledgment described in subsection (a)(9);  
 11 the clerk of the circuit court shall indicate that fact on the application  
 12 for a marriage license.  
 13 SECTION 253. IC 31-11-4-5, AS AMENDED BY P.L.112-2020,  
 14 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 5. (a) The clerk of the circuit court shall distribute  
 16 to marriage license applicants written information or videotaped  
 17 information approved by the HIV advisory council of the **state Indiana**  
 18 department of health concerning serious communicable diseases that  
 19 are sexually transmitted.  
 20 (b) Written information and videotaped information distributed by  
 21 each clerk of the circuit court under subsection (a) must provide  
 22 current information on human immunodeficiency virus (HIV) infection  
 23 and other serious communicable diseases that are sexually transmitted.  
 24 The information must include an explanation of the following:  
 25 (1) The etiology of serious communicable diseases that are  
 26 sexually transmitted.  
 27 (2) The behaviors that create a high risk of transmission of such  
 28 diseases.  
 29 (3) Precautionary measures that reduce the risk of contracting  
 30 such diseases.  
 31 (4) The necessity for consulting medical specialists if infection is  
 32 suspected.  
 33 (c) At the time of application for a marriage license, each clerk of  
 34 the circuit court shall:  
 35 (1) provide the marriage license applicants with written  
 36 information furnished under subsection (a) concerning dangerous  
 37 communicable diseases that are sexually transmitted; or  
 38 (2) show the marriage license applicants videotaped information  
 39 furnished under subsection (a) concerning dangerous  
 40 communicable diseases that are sexually transmitted.  
 41 (d) In addition to the information provided to marriage license  
 42 applicants under subsection (c), each clerk of the circuit court shall



1 inform each marriage license applicant that the applicant may be tested  
 2 on a voluntary basis for human immunodeficiency virus (HIV)  
 3 infection by the applicant's private physician or at another testing site.  
 4 The clerk shall provide the marriage applicants with a list of testing  
 5 sites in the community.

6 (e) An applicant who objects to the written information or  
 7 videotaped information on religious grounds is not required to receive  
 8 the information.

9 (f) If materials required by this section are not prepared by other  
 10 sources, the **state Indiana** department of health shall prepare the  
 11 materials.

12 (g) The provider of the materials is responsible for all costs involved  
 13 in the development, preparation, and distribution of the information  
 14 required by this section. Except for the materials developed by the  
 15 state, the state and county are not liable for the costs of materials used  
 16 to implement this section and section 4 of this chapter.

17 SECTION 254. IC 31-11-4-6, AS AMENDED BY P.L.111-2021,  
 18 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2023]: Sec. 6. Each individual who applies for a marriage  
 20 license must submit to the clerk of the circuit court documentary proof  
 21 of the individual's age, in the form of:

22 (1) a:

23 (A) certified copy of the individual's birth certificate;

24 (B) copy of a birth record; or

25 (C) certification of birth issued by the **state Indiana**  
 26 department of health, a local registrar of vital statistics, or  
 27 another public office charged with similar duties under the law  
 28 of another state, territory, or country;

29 (2) a certified copy of a judicial decree issued under IC 34-28-1  
 30 (or IC 34-4-3 before its repeal) that establishes the date of the  
 31 individual's birth;

32 (3) a passport;

33 (4) a valid driver's license or other identification that is issued by  
 34 a state or another governmental entity and that contains the  
 35 individual's date of birth and current address;

36 (5) an immigration or naturalization record showing the  
 37 individual's date of birth;

38 (6) a United States selective service card or armed forces record  
 39 showing the individual's date of birth; or

40 (7) a:

41 (A) court record; or

42 (B) document or record issued by a governmental entity;



1 showing the individual's date of birth.

2 SECTION 255. IC 31-11-4-15 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. Each marriage  
4 license must have two (2) certificates attached to the license. The **state**  
5 **Indiana** department of health shall prescribe a uniform form for these  
6 certificates. One (1) certificate must be marked "Original" and one (1)  
7 certificate must be marked "Duplicate". Each certificate must contain  
8 the following:

9 MARRIAGE CERTIFICATE

10 I \_\_\_\_\_ (name) certify that on \_\_\_\_\_ (date) at \_\_\_\_\_ in  
11 \_\_\_\_\_ County, Indiana, \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
12 (state) and \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state) were  
13 married by me as authorized under a marriage license that was  
14 issued by the Clerk of the Circuit Court of \_\_\_\_\_ County,  
15 Indiana, dated \_\_\_\_\_.

16 Signed

17 (OFFICIAL DESIGNATION)

18 SECTION 256. IC 31-11-4-16 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) The individual  
20 who solemnizes a marriage shall do the following:

21 (1) Complete the original and duplicate certificates described in  
22 section 15 of this chapter.

23 (2) Give the original certificate to the individuals who married  
24 each other.

25 (3) Not later than thirty (30) days after the date of the marriage,  
26 file the duplicate certificate and the license to marry with the  
27 clerk of the circuit court who issued the marriage license.

28 (b) The clerk of the circuit court shall record the duplicate  
29 certificate and license to marry as prescribed by the **state Indiana**  
30 department of health under section 15 of this chapter.

31 (c) If a duplicate certificate and marriage license are filed with a  
32 clerk of the circuit court who did not issue the marriage license, the  
33 clerk shall return the certificate and license to the clerk of the circuit  
34 court who issued the license.

35 SECTION 257. IC 31-11-4-17 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) If the individual  
37 who solemnizes a marriage fails to:

38 (1) appropriately complete the certificate of marriage; or

39 (2) timely file the duplicate marriage certificate and marriage  
40 license with the clerk of the circuit court;

41 as required by section 16 of this chapter, either party to the marriage  
42 may file for a declaratory judgment in the circuit court with jurisdiction



- 1 in the county in which the marriage occurred.
- 2 (b) Upon proof by oral testimony or affidavits, the court may issue
- 3 a declaratory order that:
- 4 (1) the marriage of the individuals listed was solemnized before
- 5 the date the original marriage license expired;
- 6 (2) any error by the party who solemnized the marriage does not
- 7 affect the validity of the marriage; and
- 8 (3) the clerk of the circuit court shall:
- 9 (A) accept the order for filing; and
- 10 (B) issue a duplicate marriage license with the date the
- 11 marriage occurred to the party who sought declaratory relief.
- 12 (c) A court order issued under this section has the same legal effect
- 13 as a properly attested and filed marriage certificate.
- 14 (d) The clerk of the circuit court shall record the duplicate license
- 15 and court order and forward a copy of the marriage records to the **state**
- 16 **Indiana** department of health on at least a monthly basis.
- 17 SECTION 258. IC 31-11-4-18, AS AMENDED BY P.L.161-2018,
- 18 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2023]: Sec. 18. (a) The clerk of the circuit court shall forward
- 20 records of marriage to the **state Indiana** department of health on at
- 21 least a monthly basis. A clerk:
- 22 (1) may forward a record of marriage to the **state Indiana**
- 23 department of health in:
- 24 (A) a paper form; or
- 25 (B) an electronic form by using:
- 26 (i) an automated system developed by the office of judicial
- 27 administration; or
- 28 (ii) another automated system approved by the **state Indiana**
- 29 department of health; and
- 30 (2) who forwards a record of marriage to the **state Indiana**
- 31 department of health in an electronic form is not required to
- 32 forward the record of marriage to the **state Indiana** department of
- 33 health in a paper form.
- 34 (b) The **state Indiana** department of health shall:
- 35 (1) prescribe a form for recording marriages;
- 36 (2) accept a court order under section 17 of this chapter (or
- 37 IC 31-7-3-15.5 before its repeal) in place of a marriage certificate;
- 38 (3) prepare an annual index of all marriages solemnized in
- 39 Indiana and furnish at least one (1) index to the Indiana state
- 40 library; and
- 41 (4) furnish reports on records of marriage published by the **state**
- 42 **Indiana** department of health to the Indiana state library.



1 SECTION 259. IC 31-14-9-0.5, AS ADDED BY P.L.58-2009,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 0.5. Upon the filing of a petition to establish  
 4 paternity, the clerk of the court shall prepare a notice of the filing on a  
 5 form prescribed and furnished by the **state Indiana** department of  
 6 health. The notice must include the following:

- 7 (1) The name of the child.
- 8 (2) The name of the mother of the child.
- 9 (3) The name and address of the man alleged or alleging to be the  
 10 father of the child.
- 11 (4) The name of the petitioner.
- 12 (5) The date the petition was filed.
- 13 (6) The name of the court and cause number.

14 SECTION 260. IC 31-14-9-1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Upon a finding that  
 16 a man is a child's biological father, the clerk of the court shall prepare  
 17 a record of the paternity determination on a form prescribed and  
 18 furnished by the **state Indiana** department of health. The record must  
 19 include the following:

- 20 (1) Facts necessary to locate and identify the birth certificate of  
 21 the child whose paternity has been established.
- 22 (2) A notice from the court indicating that the child's paternity has  
 23 been established in a court proceeding under this article (or  
 24 IC 31-6-6.1 before its repeal), including identification of the court  
 25 action and proceedings.
- 26 (3) The name and address of the child's father.

27 SECTION 261. IC 31-14-9-2, AS AMENDED BY P.L.58-2009,  
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 2. (a) Not later than the tenth day of each month,  
 30 the clerk of the court shall forward to the **state Indiana** department of  
 31 health the following:

- 32 (1) Each record of a paternity determination entered during the  
 33 preceding month.
- 34 (2) Each order entered during the preceding month indicating that  
 35 a court has set aside a paternity determination.
- 36 (3) Any other related reports that the **state Indiana** department of  
 37 health requires.

38 (b) Not later than five (5) days after a petition to establish paternity  
 39 has been filed, the clerk of the court shall forward to the **state Indiana**  
 40 department of health a notice required by section 0.5 of this chapter  
 41 related to the petition to establish paternity.

42 SECTION 262. IC 31-14-21-9.1, AS AMENDED BY P.L.58-2009,





1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 9.1. (a) Except as provided under section 13 of  
3 this chapter and subject to IC 31-19-2-14, at the initial hearing held  
4 under section 9 of this chapter, the court shall order all the parties to  
5 the paternity action to undergo blood or genetic testing.

6 (b) If the alleged father is unable to pay for the initial costs of the  
7 testing, the court shall order that the tests be paid by the ~~state~~ **Indiana**  
8 department of health from putative father registry fees collected under  
9 IC 31-19-2-8(2). The ~~state~~ **Indiana** department of health may recover  
10 costs from an individual found to be the biological father of the child  
11 in the action.

12 SECTION 263. IC 31-18.5-2-1, AS ADDED BY P.L.206-2015,  
13 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 1. (a) In a proceeding to establish or enforce a  
15 support order or to determine parentage of a child, an Indiana tribunal  
16 may exercise personal jurisdiction over a nonresident individual or the  
17 individual's guardian or custodian if:

18 (1) the individual is personally served with a summons, notice, or  
19 subpoena within this state;

20 (2) the individual submits to the jurisdiction of Indiana by consent  
21 in a record, by entering a general appearance, or by filing a  
22 responsive document having the effect of waiving any contest to  
23 personal jurisdiction;

24 (3) the individual resided with the child in Indiana;

25 (4) the individual resided in Indiana and provided prenatal  
26 expenses or support for the child;

27 (5) the child resides in Indiana as a result of the acts or directives  
28 of the individual;

29 (6) the individual engaged in sexual intercourse in Indiana and the  
30 child may have been conceived by that act of intercourse;

31 (7) the individual asserted parentage of a child in the putative  
32 father registry administered in Indiana by the ~~state~~ **Indiana**  
33 department of health; or

34 (8) there is any other basis consistent with the constitutions of  
35 Indiana and the United States for the exercise of personal  
36 jurisdiction.

37 (b) The bases of personal jurisdiction set forth in subsection (a) or  
38 in any other Indiana law may not be used to acquire personal  
39 jurisdiction for an Indiana tribunal to modify a child support order of  
40 another state unless the requirements of IC 31-18.5-6-11 are met, or, in  
41 the case of a foreign support order, unless the requirements of  
42 IC 31-18.5-6-15 are met.



1 SECTION 264. IC 31-19-2-8 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. Unless the petitioner  
 3 for adoption seeks under section 1 of this chapter to adopt a person who  
 4 is at least eighteen (18) years of age, the petitioner for adoption must  
 5 attach to the petition for adoption:

6 (1) an adoption history fee of twenty dollars (\$20) payable to the  
 7 ~~state~~ **Indiana** department of health; and

8 (2) a putative father registry fee of fifty dollars (\$50) payable to  
 9 the ~~state~~ **Indiana** department of health for:

10 (A) administering the putative father registry established by  
 11 IC 31-19-5; and

12 (B) paying for blood or genetic testing in a paternity action in  
 13 which an adoption is pending in accordance with  
 14 IC 31-14-21-9.1.

15 SECTION 265. IC 31-19-5-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. The putative father  
 17 registry is established within the ~~state~~ **Indiana** department of health.  
 18 The state department shall adopt rules under IC 4-22-2 to administer  
 19 the registry.

20 SECTION 266. IC 31-19-5-7, AS AMENDED BY P.L.203-2021,  
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 7. (a) The state department ~~of health~~ shall  
 23 maintain the following information in the registry:

24 (1) The putative father's:

25 (A) name;

26 (B) address at which the putative father may be served with  
 27 notice of an adoption under IC 31-19-2.5-6;

28 (C) Social Security number; and

29 (D) date of birth.

30 (2) The mother's:

31 (A) name, including all other names known to the putative  
 32 father that the mother uses, if known;

33 (B) address, if known;

34 (C) Social Security number, if known; and

35 (D) date of birth, if known.

36 (3) The child's:

37 (A) name, if known; and

38 (B) place of birth, if known.

39 (4) The date that the state department ~~of health~~ receives a putative  
 40 father's registration.

41 (5) The:

42 (A) name of an attorney or agency that requests the state



- 1 department to search the registry under section 15 of this  
 2 chapter to determine whether a putative father is registered in  
 3 relation to a mother whose child is or may be the subject of an  
 4 adoption; and  
 5 (B) date that the attorney or agency submits a request as  
 6 provided under this subdivision.
- 7 (6) Any notice of a filing of a petition to establish paternity as  
 8 described in IC 31-14-9-0.5.
- 9 (7) Any other information that the state department determines is  
 10 necessary to access the information in the registry.
- 11 (b) If a putative father does not have an address where the putative  
 12 father is able to be served with notice of an adoption, the putative  
 13 father may designate another person as an agent for the purpose of  
 14 being served with notice of adoption. The putative father must provide  
 15 the **state** department with the agent's name and the address at which the  
 16 agent may be served. Service of notice upon the agent under  
 17 IC 31-19-2.5-6 constitutes service of notice upon the putative father. If  
 18 notice of an adoption may not be served on the agent under  
 19 IC 31-19-2.5-6 as provided by this subsection, further notice of the  
 20 adoption to the agent or to the putative father is not necessary.
- 21 SECTION 267. IC 31-19-5-8 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. The state department  
 23 of ~~health~~ shall store the registry's data to make the data accessible  
 24 under the following:
- 25 (1) The putative father's name.  
 26 (2) The mother's name.  
 27 (3) The child's name, if known.
- 28 SECTION 268. IC 31-19-5-9, AS AMENDED BY P.L.58-2009,  
 29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2023]: Sec. 9. (a) A putative father who registers under this  
 31 chapter shall provide to the state department of ~~health~~ the following:
- 32 (1) The putative father's:  
 33 (A) name;  
 34 (B) address at which the putative father may be served with  
 35 notice of an adoption under Rule 4.1 of the Indiana Rules of  
 36 Trial Procedure;  
 37 (C) Social Security number; and  
 38 (D) date of birth.  
 39 (2) The mother's name, including all other names known to the  
 40 putative father that the mother uses.  
 41 (3) Any other information described under section 7 of this  
 42 chapter that is known to the putative father.



1 (b) A clerk of the court shall provide to the state department of  
2 ~~health~~ the notice required to be prepared under IC 31-14-9-0.5.

3 SECTION 269. IC 31-19-5-10 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. A putative father  
5 shall register under this chapter on a registration form prescribed by the  
6 state department. ~~of health~~. The registration form must be signed by the  
7 putative father and notarized.

8 SECTION 270. IC 31-19-5-11 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. A putative father  
10 who registers under this chapter is responsible for:

11 (1) verifying with the state department ~~of health~~ the accuracy of  
12 the registration; and

13 (2) submitting to the state department ~~of health~~ an amended  
14 registration each time the information supplied by the putative  
15 father changes;

16 during the period specified by section 12 of this chapter.

17 SECTION 271. IC 31-19-5-12, AS AMENDED BY P.L.146-2007,  
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2023]: Sec. 12. (a) To be entitled to notice of an adoption  
20 under IC 31-19-3 or IC 31-19-4, a putative father must register with the  
21 state department ~~of health~~ under section 5 of this chapter not later than:

22 (1) thirty (30) days after the child's birth; or

23 (2) the earlier of the date of the filing of a petition for the:

24 (A) child's adoption; or

25 (B) termination of the parent-child relationship between the  
26 child and the child's mother;

27 whichever occurs later.

28 (b) A putative father may register under subsection (a) before the  
29 child's birth.

30 SECTION 272. IC 31-19-5-13 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. The state  
32 department ~~of health~~ shall:

33 (1) prescribe a registration form for the information that a putative  
34 father submits under section 9 of this chapter; and

35 (2) make the registration forms available through:

36 (A) the state department;

37 (B) each clerk of a circuit court; and

38 (C) each local health department.

39 SECTION 273. IC 31-19-5-14 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) Each:

41 (1) clerk of a circuit court;

42 (2) branch office of the bureau of motor vehicles;



1 (3) hospital; and  
 2 (4) local health department;  
 3 shall post in a conspicuous place a notice that informs the public about  
 4 the purpose and operation of the registry.

5 (b) The notice under subsection (a) must include information  
 6 regarding the following:

7 (1) Where to obtain a registration form.

8 (2) Where to register.

9 (3) The circumstances under which a putative father is required  
 10 to register.

11 (4) When under section 12 of this chapter a putative father is  
 12 required to register to entitle the putative father to notice of an  
 13 adoption.

14 (5) The consequences of not submitting a timely registration.

15 (c) Failure to post a proper notice under this section does not relieve  
 16 a putative father of the obligation to register with the state department  
 17 of health in accordance with this chapter to entitle the putative father  
 18 to notice of the adoption of a child who may have been conceived by  
 19 the putative father.

20 SECTION 274. IC 31-19-5-15, AS AMENDED BY P.L.1-2010,  
 21 SECTION 122, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) An attorney or agency that  
 23 arranges an adoption or may arrange an adoption may at any time  
 24 request that the state department of health search the registry to  
 25 determine whether a putative father:

26 (1) is registered in relation to a mother whose child is or may be  
 27 the subject of an adoption; or

28 (2) has filed a petition to establish paternity.

29 (b) Whenever a petition for adoption is filed, the attorney or agency  
 30 that arranges the adoption shall:

31 (1) request that the state department of health search the registry  
 32 under this section at least one (1) day after the expiration of the  
 33 period specified by section 12 of this chapter; and

34 (2) file an affidavit prepared by the state department of health  
 35 under section 16 of this chapter in response to a request under  
 36 subdivision (1) with the court presiding over the adoption under  
 37 this article.

38 SECTION 275. IC 31-19-5-16, AS AMENDED BY P.L.1-2010,  
 39 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) Not later than five (5) days  
 41 after receiving a request under section 15 of this chapter, the state  
 42 department of health shall submit an affidavit to the attorney or agency



- 1 verifying whether a putative father:
- 2 (1) is registered within the period specified by section 12 of this
- 3 chapter in relation to a mother whose child is the subject of the
- 4 adoption that the attorney or agency is arranging; or
- 5 (2) has filed a petition to establish paternity.
- 6 (b) Whenever the state department of health finds that one (1) or
- 7 more putative fathers are registered, the state department shall:
- 8 (1) submit a copy of each registration form with the state
- 9 department's affidavit; and
- 10 (2) include in the affidavit the date that the attorney or agency
- 11 submits the request for a search that relates to the affidavit.
- 12 (c) Whenever the state department of health finds that one (1) or
- 13 more putative fathers have filed a petition to establish paternity, the
- 14 state department of health shall:
- 15 (1) submit a copy of each notice prepared by the clerk of the court
- 16 under IC 31-14-9-0.5 with the state ~~department of health's~~
- 17 **department's** affidavit; and
- 18 (2) include in the affidavit the date the attorney or agency
- 19 submitted the request for the search that relates to the affidavit.
- 20 (d) A court may not grant an adoption unless the state department's
- 21 affidavit under this section is filed with the court as provided under
- 22 IC 31-19-11-1(a)(4).
- 23 SECTION 276. IC 31-19-5-17, AS AMENDED BY P.L.58-2009,
- 24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2023]: Sec. 17. Whenever the state department of ~~health~~
- 26 receives a request under section 15 of this chapter, the state department
- 27 shall:
- 28 (1) search the state department's records of paternity
- 29 determinations and notices of filings of petitions to establish
- 30 paternity filed under IC 31-14-9-2; and
- 31 (2) notify the attorney or agency, in compliance with IC 31-19-6,
- 32 as to whether a record of a paternity determination or a notice of
- 33 a filing of a petition to establish paternity has been filed
- 34 concerning a child who is or may be the subject of an adoption
- 35 that the attorney or agency is arranging.
- 36 SECTION 277. IC 31-19-5-21, AS AMENDED BY P.L.58-2009,
- 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2023]: Sec. 21. (a) Subject to subsection (b), upon written
- 39 request by:
- 40 (1) a putative father;
- 41 (2) a mother;
- 42 (3) a child;



- 1 (4) any party or attorney of record in a pending adoption;
- 2 (5) an attorney who represents:
  - 3 (A) prospective adoptive parents;
  - 4 (B) petitioners in an adoption;
  - 5 (C) a mother;
  - 6 (D) a putative father; or
  - 7 (E) a licensed child placing agency;
- 8 (6) a licensed child placing agency that represents:
  - 9 (A) prospective adoptive parents;
  - 10 (B) petitioners in an adoption;
  - 11 (C) a mother; or
  - 12 (D) a putative father; or
  - 13 (7) a court that presides over a pending adoption;
- 14 the state department of ~~health~~ shall furnish a certified copy of a
- 15 putative father's registration form and a copy of any notice of a filing
- 16 of a petition to establish paternity prepared under IC 31-14-9-0.5.
- 17 (b) The state department may release the certified copy of the
- 18 registration form to a person under subsection (a)(1) through (a)(3)
- 19 only if the information contained in the registration form names the
- 20 requesting person.
- 21 (c) A person listed under subsection (a), who requests information
- 22 about a registration from the state department, must do the following:
  - 23 (1) Submit the request in writing.
  - 24 (2) Under the penalties of perjury, state that the requesting person
  - 25 is entitled to receive the information under this chapter.
  - 26 (3) Submit the request in a manner described by section 20(1) or
  - 27 20(2) of this chapter.
- 28 SECTION 278. IC 31-19-5-22 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) Except as
- 30 provided in section 16 of this chapter, the state department of ~~health~~
- 31 shall immediately respond to requests regarding registrations under this
- 32 chapter:
  - 33 (1) in writing; and
  - 34 (2) in a manner described by section 20 of this chapter.
- 35 (b) The state department may charge a fee for responding to a
- 36 request under this section, unless the state department mails the ~~state~~
- 37 department's response.
- 38 SECTION 279. IC 31-19-6-1, AS AMENDED BY P.L.58-2009,
- 39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2023]: Sec. 1. An attorney or agency that arranges an adoption
- 41 or may arrange an adoption may at any time request that the ~~state~~
- 42 **Indiana** department of health search the ~~state department's~~ **Indiana**



- 1     **department of health's** records of:
- 2           (1) paternity determinations to determine whether a man's
- 3           paternity of a child has been established in relation to a child who
- 4           is or may be the subject of an adoption; and
- 5           (2) notices of filings of petitions to establish paternity.
- 6     SECTION 280. IC 31-19-6-2, AS AMENDED BY P.L.58-2009,
- 7     SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8     JULY 1, 2023]: Sec. 2. Not later than five (5) days after receiving a
- 9     request under section 1 of this chapter, the **state Indiana** department of
- 10    health shall:
- 11           (1) submit an affidavit to the attorney or agency verifying whether
- 12           a record of a paternity determination has been filed under
- 13           IC 31-14-9-2 concerning the child; and
- 14           (2) search the putative father registry established by IC 31-19-5
- 15           and notify the attorney or agency, in compliance with
- 16           IC 31-19-5-16 as to whether a putative father has:
- 17                (A) registered concerning the child; or
- 18                (B) filed a petition to establish paternity in relation to the
- 19           child.
- 20     SECTION 281. IC 31-19-6-3, AS AMENDED BY P.L.58-2009,
- 21     SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22     JULY 1, 2023]: Sec. 3. (a) If a record of a paternity determination has
- 23     been filed concerning a child who is the subject of a request under
- 24     section 1 of this chapter, the **state Indiana** department of health shall
- 25     release a copy of the record of the paternity determination to the
- 26     requesting attorney or agency.
- 27           (b) If a notice of a filing of a petition to establish paternity has been
- 28           filed concerning a child who is the subject of a request under section
- 29           1 of this chapter, the **state Indiana** department of health shall release
- 30           a copy of the notice of the filing of the petition to the requesting
- 31           attorney or agency.
- 32     SECTION 282. IC 31-19-11-1, AS AMENDED BY P.L.146-2021,
- 33     SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34     JULY 1, 2023]: Sec. 1. (a) Whenever the court has heard the evidence
- 35     and finds that:
- 36           (1) the adoption requested is in the best interest of the child;
- 37           (2) the petitioner or petitioners for adoption are of sufficient
- 38           ability to rear the child and furnish suitable support and
- 39           education;
- 40           (3) the report of the investigation and recommendation under
- 41           IC 31-19-8-5 has been filed;
- 42           (4) the attorney or agency arranging an adoption has filed with the





1 court an affidavit prepared by the **state Indiana** department of  
 2 health under IC 31-19-5-16 indicating whether a man is entitled  
 3 to notice of the adoption because the man has registered with the  
 4 putative father registry in accordance with IC 31-19-5;

5 (5) proper notice arising under subdivision (4), if notice is  
 6 necessary, of the adoption has been given;

7 (6) the attorney or agency has filed with the court an affidavit  
 8 prepared by the **state Indiana** department of health under:

9 (A) IC 31-19-6 indicating whether a record of a paternity  
 10 determination; or

11 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit  
 12 executed under IC 16-37-2-2.1;

13 has been filed in relation to the child;

14 (7) proper consent, if consent is necessary, to the adoption has  
 15 been given;

16 (8) the petitioner for adoption is not prohibited from adopting the  
 17 child as the result of an inappropriate criminal history described  
 18 in subsection (c) or (d); and

19 (9) the person, licensed child placing agency, or local office that  
 20 has placed the child for adoption has provided the documents and  
 21 other information required under IC 31-19-17 to the prospective  
 22 adoptive parents;

23 the court shall grant the petition for adoption and enter an adoption  
 24 decree.

25 (b) A court may not grant an adoption unless the **state Indiana**  
 26 department of health's affidavit under IC 31-19-5-16 is filed with the  
 27 court as provided under subsection (a)(4).

28 (c) A juvenile adjudication for an act listed in IC 31-9-2-84.8 that  
 29 would be a felony if committed by an adult, a conviction of a  
 30 misdemeanor related to the health and safety of a child, or a conviction  
 31 of a felony not listed in IC 31-9-2-84.8 by a petitioner for adoption or  
 32 household member is a permissible basis for the court to deny the  
 33 petition for adoption. In addition, the court may not grant an adoption  
 34 if a petitioner for adoption has been convicted of a nonwaivable offense  
 35 under IC 31-9-2-84.8. However, the court is not prohibited from  
 36 granting an adoption based upon a felony conviction for:

37 (1) a felony under IC 9-30-5;

38 (2) battery (IC 35-42-2-1);

39 (3) criminal recklessness (IC 35-42-2-2) as a felony;

40 (4) criminal confinement (IC 35-42-3-3);

41 (5) arson (IC 35-43-1-1);

42 (6) nonsupport of a dependent child (IC 35-46-1-5);



1 (7) operating a motorboat while intoxicated (IC 35-46-9-6) as a  
2 felony;

3 (8) a felony involving a weapon under IC 35-47; or

4 (9) a felony relating to controlled substances under IC 35-48-4;  
5 if the date of the conviction did not occur within the immediately  
6 preceding five (5) year period.

7 (d) A court may not grant an adoption if the petitioner is a sex or  
8 violent offender (as defined in IC 11-8-8-5) or a sexually violent  
9 predator (as defined in IC 35-38-1-7.5).

10 (e) In addition to this section, section 1.1 of this chapter applies  
11 when one (1) or more petitioners is a person with a disability.

12 SECTION 283. IC 31-19-12-1 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. For each adoption  
14 and for each annulment or revocation of adoption decreed by an  
15 Indiana court, the clerk of the court shall prepare a record on a form  
16 prescribed and furnished by the ~~state~~ **Indiana** department of health.  
17 The record must include the following:

18 (1) All facts necessary to:

19 (A) locate and identify the certificate of birth of the individual  
20 adopted; and

21 (B) establish a new certificate of birth for the individual  
22 adopted.

23 (2) Official notice from the court of the fact of adoption, including  
24 identification of the court action and proceedings.

25 SECTION 284. IC 31-19-12-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. Not later than the  
27 tenth day of each calendar month, the clerk of the court shall forward  
28 to the ~~state~~ **Indiana** department of health records of decrees of:

29 (1) adoption; or

30 (2) annulment, revocation, or amendment of adoption;

31 entered in the preceding month, together with related reports required  
32 by the ~~state~~ **Indiana** department of health.

33 SECTION 285. IC 31-19-12-3.5, AS ADDED BY P.L.113-2017,  
34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2023]: Sec. 3.5. The ~~state~~ **Indiana** department of health may  
36 not process a birth certificate with respect to a record for adoption that  
37 the ~~state~~ **Indiana** department of health receives under this chapter  
38 unless the following has occurred regarding the adoption:

39 (1) The adoption history fee and the putative father registry fee  
40 have been paid to the ~~state~~ **Indiana** department of health as  
41 required under IC 31-19-2-8.

42 (2) The report required to be prepared under IC 31-19-17-2 has



1           been submitted to the **state Indiana** department of health.  
 2           SECTION 286. IC 31-19-12-4 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) When the **state**  
 4 **Indiana** department of health receives from a court a record of:

5           (1) adoption; or  
 6           (2) annulment, revocation, or amendment of adoption;  
 7 for an individual born outside of Indiana, the **state Indiana** department  
 8 of health shall forward the record to the appropriate registration  
 9 authority.

10          (b) If the registration authority fails to supply a certificate of birth  
 11 in the adoptive status after the expiration of ninety (90) days after the  
 12 receipt of the record of adoption, the **state Indiana** department of  
 13 health shall create a delayed registration record of birth in the adoptive  
 14 status when requested.

15          SECTION 287. IC 31-19-13-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Except as  
 17 provided in subsection (b), the **state Indiana** department of health shall  
 18 establish a new certificate of birth for an individual born in Indiana  
 19 upon a receipt of an official report that the individual has been adopted.

20          (b) The **state Indiana** department of health shall not establish a new  
 21 certificate of birth following an adoption if:

22           (1) the court decreeing the adoption;  
 23           (2) the adoptive parents; or  
 24           (3) the adopted individual;

25 so requests.

26          (c) A new certificate of birth established under this section must  
 27 show the actual place and date of birth.

28          SECTION 288. IC 31-19-13-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. When the **state**  
 30 **Indiana** department of health establishes a new certificate of birth  
 31 following an adoption, each local health department in Indiana having  
 32 custody of the replaced certificate of birth shall:

33           (1) seal the replaced certificate from inspection; or  
 34           (2) surrender the replaced certificate to the **state Indiana**  
 35 department of health;

36 as the **state Indiana** department of health directs.

37          SECTION 289. IC 31-19-20-3, AS AMENDED BY P.L.190-2017,  
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 3. (a) The **state Indiana** department of health may  
 40 charge a reasonable fee for the state registrar's search for:

41           (1) further medical history information under section 2(a) of this  
 42 chapter; or



- 1 (2) death certificates in the Indiana death registration system,  
 2 including files sent through the STEVE system.
- 3 (b) Fees collected under this section shall be deposited in the  
 4 adoption history fund established by IC 31-19-18-6 and must be used  
 5 for the automation of adoption history information and death  
 6 certificates and for improved service delivery.
- 7 SECTION 290. IC 31-19-25-2.5, AS AMENDED BY P.L.128-2012,  
 8 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2023]: Sec. 2.5. (a) Except as provided in subsection (b), if an  
 10 individual requests the release of identifying information under section  
 11 2 of this chapter regarding an adoptee who is less than twenty-one (21)  
 12 years of age, the state registrar, the department, a local office, a  
 13 licensed child placing agency, a professional health care provider, an  
 14 attorney, and a court may not release identifying information under this  
 15 chapter unless the adoptee's adoptive parent has submitted a written  
 16 consent for the release of identifying information.
- 17 (b) The state registrar, the department, a local office, a licensed  
 18 child placing agency, a professional health care provider, an attorney,  
 19 and a court may not release identifying information under this chapter  
 20 if the request for the release of identifying information involves an  
 21 adoptee to whom both of the following apply:
- 22 (1) The adoptee is less than twenty-one (21) years of age.  
 23 (2) The adoptee's name is on the list provided to the **state Indiana**  
 24 department of health under IC 31-25-2-22.
- 25 (c) A licensed child placing agency, a professional health care  
 26 provider, an attorney, and a court:
- 27 (1) may request that the **state Indiana** department of health search  
 28 the list provided under IC 31-25-2-22 to determine whether an  
 29 adoptee's name is on the list; and  
 30 (2) shall, at the time of the request, provide:
- 31 (A) the name of the adoptee at the time parental rights were  
 32 terminated; and  
 33 (B) an affidavit under penalty of perjury affirming that the  
 34 licensed child placing agency, professional health care  
 35 provider, attorney, or court is seeking information regarding  
 36 the adoptee for the purpose of providing identifying  
 37 information under this chapter.
- 38 (d) Not later than five (5) days after the **state Indiana** department  
 39 of health receives a request and affidavit under subsection (c), the **state**  
 40 **Indiana** department of health shall submit an affidavit to the child  
 41 placing agency, professional health care provider, attorney, or court  
 42 verifying whether the adoptee's name is on the list provided under



1 IC 31-25-2-22.

2 SECTION 291. IC 31-19-25-13, AS AMENDED BY P.L.3-2016,  
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2023]: Sec. 13. (a) The following persons may charge a  
5 reasonable fee for actual expenses incurred in complying with this  
6 chapter:

- 7 (1) A licensed child placing agency.
- 8 (2) The court.
- 9 (3) The department.
- 10 (4) A local office.
- 11 (5) A professional health care provider.
- 12 (6) The **state Indiana** department of health, except as provided in  
13 subsection (b).

14 (b) The **state Indiana** department of health may not charge a fee for  
15 filing a contact preference form under this chapter.

16 SECTION 292. IC 31-19-25-15, AS AMENDED BY P.L.190-2017,  
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2023]: Sec. 15. Except as provided in section 21 of this  
19 chapter, the consent of an adoptee is not required for the release of  
20 identifying information under this chapter if the individual requesting  
21 the release of identifying information under section 2 of this chapter  
22 submits:

- 23 (1) a death certificate;
  - 24 (2) an obituary;
  - 25 (3) records from the STEVE system; or
  - 26 (4) any other form of evidence approved by the **state Indiana**  
27 department of health;
- 28 indicating that the adoptee is deceased, to the person releasing the  
29 identifying information.

30 SECTION 293. IC 31-19-25-18.5, AS AMENDED BY  
31 P.L.128-2012, SECTION 81, IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.5. An attorney, a  
33 licensed child placing agency, and a local office may not contact an  
34 adoptee, a birth parent, or an adoptive parent or disclose identifying  
35 information upon a request under section 18 of this chapter if the  
36 request involves an adoptee to whom both of the following apply:

- 37 (1) The adoptee is less than twenty-one (21) years of age.
- 38 (2) The adoptee's name is on the list provided to the **state Indiana**  
39 department of health under IC 31-25-2-22.

40 SECTION 294. IC 31-19-25-20, AS AMENDED BY P.L.128-2012,  
41 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2023]: Sec. 20. (a) A local office, a licensed child placing



1 agency, or an attorney may charge a reasonable fee for services  
 2 performed or actual expenses incurred under section 19 of this chapter.

3 (b) The following persons may charge a reasonable fee for actual  
 4 expenses incurred in complying with this chapter:

- 5 (1) A licensed child placing agency.
- 6 (2) The court.
- 7 (3) The department.
- 8 (4) A local office.
- 9 (5) A professional health care provider.
- 10 (6) An attorney.
- 11 (7) The ~~state~~ **Indiana** department of health.

12 SECTION 295. IC 31-19-25.5-5, AS AMENDED BY P.L.190-2017,  
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2023]: Sec. 5. (a) Except as provided under subsections (c)  
 15 and (e), the state registrar shall release the name and address of a  
 16 pre-adoptive sibling to an adoptee who submits a written request under  
 17 section 2 of this chapter if:

- 18 (1) the pre-adoptive sibling of the adoptee has submitted a written  
 19 request under section 2 of this chapter; and
- 20 (2) a birth parent has not filed a:
  - 21 (A) written nonrelease form (before July 1, 2018); or
  - 22 (B) contact preference form (after June 30, 2018) with the  
 23 state registrar under IC 31-19-25 that evidences the birth  
 24 parent's lack of consent to the release of identifying  
 25 information.

26 (b) Except as provided under subsections (c) and (e), the state  
 27 registrar shall release the name and address of an adoptee to a  
 28 pre-adoptive sibling of the adoptee who submits a written request under  
 29 section 2 of this chapter if:

- 30 (1) the adoptee has submitted a written request under section 2 of  
 31 this chapter; and
- 32 (2) a birth parent has not filed a:
  - 33 (A) written nonrelease form (before July 1, 2018); or
  - 34 (B) contact preference form (after June 30, 2018) with the  
 35 state registrar under IC 31-19-25 that evidences the birth  
 36 parent's lack of consent to the release of identifying  
 37 information.

38 (c) Except as provided under subsection (f), the state registrar shall  
 39 release information under this section if:

- 40 (1) both the adoptee and pre-adoptive sibling of the adoptee have  
 41 submitted requests under section 2 of this chapter; and
- 42 (2) the adoptee or pre-adoptive sibling who requested information



- 1 under section 2 of this chapter submits:
- 2 (A) a death certificate;
- 3 (B) an obituary; or
- 4 (C) any other form of evidence approved by the **state Indiana**
- 5 department of health;
- 6 indicating that a birth parent is deceased to the state registrar for
- 7 each birth parent who is named on the adoptee's original birth
- 8 certificate.
- 9 (d) The state registrar shall search the death certificates and the
- 10 STEVE system in the state registrar's possession regarding a birth
- 11 parent if:
- 12 (1) an adoptee and a pre-adoptive sibling of the adoptee have
- 13 submitted written requests to be in contact; and
- 14 (2) a birth parent has filed a contact preference form under
- 15 IC 31-19-25 that evidences the birth parent's lack of consent to the
- 16 release of identifying information.
- 17 (e) Except as provided under subsection (f), if, upon searching the
- 18 death certificates and the STEVE system under subsection (d), the state
- 19 registrar finds that a birth parent is deceased, the state registrar shall:
- 20 (1) inform the adoptee and pre-adoptive sibling of the death; and
- 21 (2) release the information if additional consent is not required by
- 22 this chapter.
- 23 (f) The state registrar may not release information under this section
- 24 to an adoptee or pre-adoptive sibling if:
- 25 (1) additional consent is required under this chapter; or
- 26 (2) a:
- 27 (A) nonrelease form (before July 1, 2018); or
- 28 (B) contact preference form (after June 30, 2018) that
- 29 evidences the birth parent's lack of consent to the release of
- 30 identifying information;
- 31 submitted by a birth parent specifically states that the nonrelease
- 32 form or contact preference form shall remain in effect after the
- 33 birth parent's death.
- 34 (g) If the state registrar is prohibited from releasing the name and
- 35 address of the pre-adoptive sibling under this section, the state registrar
- 36 shall provide information on requesting the release of adoption
- 37 information under IC 31-19-24 to the adoptee or pre-adoptive sibling.
- 38 SECTION 296. IC 31-19-25.5-11, AS ADDED BY P.L.191-2011,
- 39 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2023]: Sec. 11. The **state Indiana** department of health may
- 41 charge a reasonable fee for actual expenses incurred in complying with
- 42 this chapter.



1 SECTION 297. IC 31-25-2-22, AS ADDED BY P.L.191-2011,  
 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 22. (a) The department shall, at least one (1) time  
 4 each month, provide to the **state Indiana** department of health a list  
 5 containing the names and dates of birth of children identified in the  
 6 records of the department to whom all of the following apply:

7 (1) The parent-child relationship between the child and a birth  
 8 parent was terminated under IC 31-35 or IC 31-6-5-1 (before its  
 9 repeal).

10 (2) The child is less than twenty-one (21) years of age.

11 (3) The name of the child has not been included previously in a  
 12 list provided to the **Indiana** department of health under this  
 13 section.

14 (b) The department shall provide the list described under subsection  
 15 (a) through electronic means agreed to by the department and the **state**  
 16 **Indiana** department of health.

17 SECTION 298. IC 31-26-4-6, AS ADDED BY P.L.145-2006,  
 18 SECTION 272, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2023]: Sec. 6. The board consists of the  
 20 following ten (10) members:

21 (1) Two (2) individuals who are not members of the general  
 22 assembly, appointed by the president pro tempore of the senate  
 23 with advice from the minority leader of the senate.

24 (2) Two (2) individuals who are not members of the general  
 25 assembly, appointed by the speaker of the house of  
 26 representatives with advice from the minority leader of the house  
 27 of representatives.

28 (3) The director of the department or the director's designee.

29 (4) Four (4) individuals appointed by the governor as follows:

30 (A) One (1) individual who represents the general public.

31 (B) Two (2) individuals who represent child advocacy  
 32 organizations.

33 (C) One (1) individual who represents the medical community.

34 (5) The commissioner of the **state Indiana** department of health  
 35 or the commissioner's designee. An individual designated by the  
 36 commissioner under this subdivision must have knowledge of or  
 37 experience in issues relating to:

38 (A) the prevention of child abuse and neglect; and

39 (B) the reduction of infant mortality.

40 SECTION 299. IC 31-27-1-1, AS ADDED BY P.L.145-2006,  
 41 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2023]: Sec. 1. This article does not apply to the





- 1 following:
- 2 (1) A child caring institution, foster family home, group home, or
- 3 child placing agency licensed or operated by any of the following:
- 4 (A) Programs for children in kindergarten through grade 12
- 5 that are operated under the authority of the department of
- 6 education or that are operated with the assistance of the
- 7 department of education.
- 8 (B) The division of mental health and addiction.
- 9 (C) The **state Indiana** department of health.
- 10 (D) The department of correction.
- 11 (2) A person who has received a child for adoption.
- 12 (3) A county jail or detention center.
- 13 SECTION 300. IC 31-27-2-2, AS AMENDED BY P.L.128-2012,
- 14 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2023]: Sec. 2. The department may do the following:
- 16 (1) Prescribe forms for reports, statements, notices, and other
- 17 documents required by this article or by the rules adopted under
- 18 this article.
- 19 (2) Increase public awareness of this article and the rules adopted
- 20 under this article by preparing and publishing manuals and guides
- 21 explaining this article and the rules adopted under this article.
- 22 (3) Facilitate compliance with and enforcement of this article
- 23 through the publication of materials under subdivision (2).
- 24 (4) Prepare reports and studies to advance the purpose of this
- 25 article.
- 26 (5) Seek the advice and recommendations of state agencies whose
- 27 information and knowledge would be of assistance in writing,
- 28 revising, or monitoring rules developed under this article. These
- 29 agencies, including the office of the attorney general, **state**
- 30 **Indiana** department of health, division of mental health and
- 31 addiction, division of family resources, the state police
- 32 department, and fire prevention and building safety commission,
- 33 shall upon request supply necessary information to the
- 34 department.
- 35 (6) Make the directory of licensees available to the public for a
- 36 charge not to exceed the cost of reproducing the directory.
- 37 (7) Charge a reasonable processing fee for each license
- 38 application and renewal as follows:
- 39 (A) For a child caring institution or group home license, a fee
- 40 not to exceed three dollars (\$3) for each licensed bed based on
- 41 total licensed bed capacity not to exceed a maximum fee of
- 42 one hundred fifty dollars (\$150).



- 1 (B) For a child placing agency license, a fee not to exceed fifty  
 2 dollars (\$50).
- 3 (8) Exercise any other regulatory and administrative powers  
 4 necessary to carry out the functions of the department.
- 5 SECTION 301. IC 31-27-2-4, AS AMENDED BY P.L.128-2012,  
 6 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2023]: Sec. 4. (a) The department shall adopt rules under  
 8 IC 4-22-2, including emergency rules under IC 4-22-2-37.1, concerning  
 9 the licensing and inspection of:
- 10 (1) child caring institutions, foster family homes, group homes,  
 11 and child placing agencies after consultation with the following:
- 12 (A) **State Indiana** department of health.
- 13 (B) Fire prevention and building safety commission; and
- 14 (2) child caring institutions and group homes that are licensed for  
 15 infants and toddlers after consultation with the division of family  
 16 resources.
- 17 (b) The rules adopted under subsection (a) shall be applied by the  
 18 department and state fire marshal in the licensing and inspection of  
 19 applicants for a license and licensees under this article.
- 20 (c) The rules adopted under IC 4-22-2 must establish minimum  
 21 standards for the care and treatment of children in a secure private  
 22 facility.
- 23 (d) The rules described in subsection (c) must include standards  
 24 governing the following:
- 25 (1) Admission criteria.
- 26 (2) General physical and environmental conditions.
- 27 (3) Services and programs to be provided to confined children.
- 28 (4) Procedures for ongoing monitoring and discharge planning.
- 29 (5) Procedures for the care and control of confined persons that  
 30 are necessary to ensure the health, safety, and treatment of  
 31 confined children.
- 32 (e) The department shall license a facility as a secure private facility  
 33 if the facility:
- 34 (1) meets the minimum standards required under subsection (c);  
 35 (2) provides a continuum of care and services; and  
 36 (3) is licensed under IC 31-27-3.
- 37 (f) A waiver of the rules may not be granted for treatment and  
 38 reporting requirements.
- 39 SECTION 302. IC 31-27-3-14, AS ADDED BY P.L.146-2006,  
 40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 14. (a) The department may place a licensee on  
 42 probationary status if the licensee is temporarily unable to comply with



- 1 a rule and if:
- 2 (1) the noncompliance does not present an immediate threat to the
- 3 health and well-being of the children;
- 4 (2) the licensee files a plan with the department, **state Indiana**
- 5 department of health, or the state fire marshal to correct the areas
- 6 of noncompliance within the probationary period; and
- 7 (3) the department, **state Indiana** department of health, or state
- 8 fire marshal approves the plan.
- 9 (b) A probationary status period is for not more than six (6) months.
- 10 However, the department may extend a probationary status period for
- 11 one (1) additional period of six (6) months.
- 12 (c) At the expiration of a probationary status period, the department
- 13 shall:
- 14 (1) reactivate the license to the end of the original term of the
- 15 license;
- 16 (2) extend the probationary status period as permitted under
- 17 subsection (b); or
- 18 (3) revoke the license.

19 SECTION 303. IC 31-27-5-15, AS ADDED BY P.L.146-2006,  
 20 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 15. (a) The department may place a licensee on  
 22 probationary status if the licensee is temporarily unable to comply with  
 23 a rule and if:

- 24 (1) the noncompliance does not present an immediate threat to the
- 25 health and well-being of the children in the care of the licensee;
- 26 (2) the licensee files a plan with the department, the **state Indiana**
- 27 department of health, or the state fire marshal to correct the areas
- 28 of noncompliance within the probationary period; and
- 29 (3) the department, the **state Indiana** department of health, or the
- 30 state fire marshal approves the plan.
- 31 (b) A probationary status period is for not more than six (6) months.
- 32 However, the department may extend a probationary status period for
- 33 one (1) additional period of six (6) months.
- 34 (c) At the expiration of a probationary status period, the department
- 35 shall:
- 36 (1) reactivate the license to the end of the original term of the
- 37 license;
- 38 (2) extend the probationary status period as permitted in
- 39 subsection (b); or
- 40 (3) revoke the license.

41 SECTION 304. IC 31-31-9-3, AS AMENDED BY P.L.145-2006,  
 42 SECTION 277, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The juvenile detention center  
2 shall be operated in accordance with rules adopted by the department  
3 of correction.

4 (b) The department of child services shall make an annual  
5 inspection of the center and report to the advisory board whether the  
6 center meets the requirements established by the ~~state~~ **Indiana**  
7 department of health for temporary detention centers. Any  
8 noncompliance with those requirements must be stated in writing to the  
9 advisory board.

10 SECTION 305. IC 31-33-18-2, AS AMENDED BY P.L.137-2021,  
11 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2023]: Sec. 2. The reports and other material described in  
13 section 1(a) of this chapter and the unredacted reports and other  
14 material described in section 1(b) of this chapter shall be made  
15 available only to the following:

16 (1) Persons authorized by this article.

17 (2) A legally mandated public or private child protective agency  
18 investigating a report of child abuse or neglect or treating a child  
19 or family that is the subject of a report or record.

20 (3) Any of the following who are investigating a report of a child  
21 who may be a victim of child abuse or neglect:

22 (A) A police officer or other law enforcement agency.

23 (B) A prosecuting attorney.

24 (C) A coroner, in the case of the death of a child.

25 (4) A physician who has before the physician a child whom the  
26 physician reasonably suspects may be a victim of child abuse or  
27 neglect.

28 (5) An individual legally authorized to place a child in protective  
29 custody if:

30 (A) the individual has before the individual a child whom the  
31 individual reasonably suspects may be a victim of abuse or  
32 neglect; and

33 (B) the individual requires the information in the report or  
34 record to determine whether to place the child in protective  
35 custody.

36 (6) An agency having the legal responsibility or authorization to  
37 care for, treat, or supervise a child who is the subject of a report  
38 or record or a parent, guardian, custodian, or other person who is  
39 responsible for the child's welfare.

40 (7) An individual named in the report or record who is alleged to  
41 be abused or neglected or, if the individual named in the report is  
42 a child or is otherwise incompetent, the individual's guardian ad



- 1 litem or the individual's court appointed special advocate, or both.  
 2 (8) Each parent, guardian, custodian, or other person responsible  
 3 for the welfare of a child named in a report or record and an  
 4 attorney of the person described under this subdivision, with  
 5 protection for the identity of reporters and other appropriate  
 6 individuals.  
 7 (9) A court, for redaction of the record in accordance with section  
 8 1.5 of this chapter, or upon the court's finding that access to the  
 9 records may be necessary for determination of an issue before the  
 10 court. However, except for disclosure of a redacted record in  
 11 accordance with section 1.5 of this chapter, access is limited to in  
 12 camera inspection unless the court determines that public  
 13 disclosure of the information contained in the records is necessary  
 14 for the resolution of an issue then pending before the court.  
 15 (10) A grand jury upon the grand jury's determination that access  
 16 to the records is necessary in the conduct of the grand jury's  
 17 official business.  
 18 (11) An appropriate state or local official responsible for child  
 19 protection services or legislation carrying out the official's official  
 20 functions.  
 21 (12) The community child protection team appointed under  
 22 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to  
 23 enable the team to carry out the team's purpose under IC 31-33-3.  
 24 (13) A person about whom a report has been made, with  
 25 protection for the identity of:  
 26 (A) any person reporting known or suspected child abuse or  
 27 neglect; and  
 28 (B) any other person if the person or agency making the  
 29 information available finds that disclosure of the information  
 30 would be likely to endanger the life or safety of the person.  
 31 (14) An employee of the department, a caseworker, or a juvenile  
 32 probation officer conducting a criminal history check under  
 33 IC 31-26-5, IC 31-34, or IC 31-37 to determine the  
 34 appropriateness of an out-of-home placement for a:  
 35 (A) child at imminent risk of placement;  
 36 (B) child in need of services; or  
 37 (C) delinquent child.  
 38 The results of a criminal history check conducted under this  
 39 subdivision must be disclosed to a court determining the  
 40 placement of a child described in clauses (A) through (C).  
 41 (15) A local child fatality review team established under  
 42 IC 16-49-2.



- 1 (16) The statewide child fatality review committee established by  
 2 IC 16-49-4.  
 3 (17) The department.  
 4 (18) The division of family resources, if the investigation report:  
 5 (A) is classified as substantiated; and  
 6 (B) concerns:  
 7 (i) an applicant for a license to operate;  
 8 (ii) a person licensed to operate;  
 9 (iii) an employee of; or  
 10 (iv) a volunteer providing services at;  
 11 a child care center licensed under IC 12-17.2-4 or a child care  
 12 home licensed under IC 12-17.2-5.  
 13 (19) A citizen review panel established under IC 31-25-2-20.4.  
 14 (20) The department of child services ombudsman established by  
 15 IC 4-13-19-3.  
 16 (21) The secretary of education with protection for the identity of:  
 17 (A) any person reporting known or suspected child abuse or  
 18 neglect; and  
 19 (B) any other person if the person or agency making the  
 20 information available finds that disclosure of the information  
 21 would be likely to endanger the life or safety of the person.  
 22 (22) The state child fatality review coordinator employed by the  
 23 **state Indiana** department of health under IC 16-49-5-1.  
 24 (23) A person who operates a child caring institution, group  
 25 home, or secure private facility if all the following apply:  
 26 (A) The child caring institution, group home, or secure private  
 27 facility is licensed under IC 31-27.  
 28 (B) The report or other materials concern:  
 29 (i) an employee of;  
 30 (ii) a volunteer providing services at; or  
 31 (iii) a child placed at;  
 32 the child caring institution, group home, or secure private  
 33 facility.  
 34 (C) The allegation in the report occurred at the child caring  
 35 institution, group home, or secure private facility.  
 36 (24) A person who operates a child placing agency if all the  
 37 following apply:  
 38 (A) The child placing agency is licensed under IC 31-27.  
 39 (B) The report or other materials concern:  
 40 (i) a child placed in a foster home licensed by the child  
 41 placing agency;  
 42 (ii) a person licensed by the child placing agency to operate



- 1 a foster family home;
- 2 (iii) an employee of the child placing agency or a foster
- 3 family home licensed by the child placing agency; or
- 4 (iv) a volunteer providing services at the child placing
- 5 agency or a foster family home licensed by the child placing
- 6 agency.
- 7 (C) The allegations in the report occurred in the foster family
- 8 home or in the course of employment or volunteering at the
- 9 child placing agency or foster family home.
- 10 (25) The National Center for Missing and Exploited Children.
- 11 (26) A local domestic violence fatality review team established
- 12 under IC 12-18-8, as determined by the department to be relevant
- 13 to the death or near fatality that the local domestic violence
- 14 fatality review team is reviewing.
- 15 (27) The statewide domestic violence fatality review committee
- 16 established under IC 12-18-9-3, as determined by the department
- 17 to be relevant to the death or near fatality that the statewide
- 18 domestic violence fatality review committee is reviewing.
- 19 (28) The statewide maternal mortality review committee
- 20 established under IC 16-50-1-3, as determined by the department
- 21 to be relevant to the case of maternal morbidity or maternal
- 22 mortality that the statewide maternal mortality review committee
- 23 is reviewing.
- 24 (29) A local fetal-infant mortality review team established under
- 25 IC 16-49-6, as determined by the department to be relevant to the
- 26 case of fetal or infant fatality that the local fetal-infant mortality
- 27 review team is reviewing.
- 28 (30) A suicide and overdose fatality review team established
- 29 under IC 16-49.5-2, as determined by the department to be
- 30 relevant to the case of a suicide or overdose fatality that the
- 31 suicide and overdose fatality review team is reviewing.
- 32 (31) The office of administrative law proceedings for a matter that
- 33 is the subject of an administrative proceeding before the office of
- 34 administrative law proceedings.
- 35 SECTION 306. IC 31-37-19-12, AS AMENDED BY P.L. 114-2012,
- 36 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2023]: Sec. 12. (a) This section applies if a child is a
- 38 delinquent child under IC 31-37-1 due to the commission of a
- 39 delinquent act that, if committed by an adult, would be:
- 40 (1) an offense relating to a criminal sexual act (as defined in
- 41 IC 35-31.5-2-216) and the offense created an epidemiologically
- 42 demonstrated risk of transmission of the human



1 immunodeficiency virus (HIV); or

2 (2) an offense relating to controlled substances (as defined in  
3 IC 35-31.5-2-217) if the offense involved:

4 (A) the delivery by a person to another person; or

5 (B) the use by a person on another person;

6 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
7 paraphernalia that creates an epidemiologically demonstrated risk  
8 of transmission of HIV by involving percutaneous contact.

9 (b) The juvenile court shall, in addition to any other order or decree  
10 the court makes under this chapter, order the child to undergo a  
11 screening test for the human immunodeficiency virus (HIV).

12 (c) If the screening test indicates the presence of antibodies to HIV,  
13 the court shall order the child to undergo a confirmatory test.

14 (d) If the confirmatory test confirms the presence of the HIV  
15 antibodies, the court shall report the results to the **state Indiana**  
16 department of health.

17 (e) The **state Indiana** department of health shall do the following:

18 (1) Notify potentially affected victims of the offense relating to a  
19 criminal sexual act (as defined in IC 35-31.5-2-216) or offense  
20 relating to controlled substances (as defined in IC 35-31.5-2-217)  
21 of the HIV screening results.

22 (2) Provide counseling regarding HIV and a referral for  
23 appropriate health care to the victims.

24 SECTION 307. IC 34-6-2-55, AS AMENDED BY P.L.166-2021,  
25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2023]: Sec. 55. (a) "Health care services":

27 (1) except as provided in subdivision (2), for purposes of  
28 IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and  
29 (2) for purposes of IC 34-30-13-1.2, means only noninvasive  
30 examinations, treatments, and procedures and the following  
31 invasive procedures:

32 (A) Routine dental services.

33 (B) Injections.

34 (C) Suturing of minor lacerations.

35 (D) Incisions of boils or superficial abscesses.

36 The term does not include performance of an abortion, including  
37 abortion by surgical means, by use of an abortion inducing drug,  
38 or by prescribing a controlled substance or scheduled drug under  
39 IC 35-48.

40 (b) "Health care services", for purposes of IC 34-30-13.5, means:

41 (1) any services provided by an individual licensed under:

42 (A) IC 25-2.5;





- 1 (B) IC 25-10;  
 2 (C) IC 25-13;  
 3 (D) IC 25-14;  
 4 (E) IC 25-19;  
 5 (F) IC 25-22.5;  
 6 (G) IC 25-23;  
 7 (H) IC 25-23.5;  
 8 (I) IC 25-23.6;  
 9 (J) IC 25-24;  
 10 (K) IC 25-26;  
 11 (L) IC 25-27;  
 12 (M) IC 25-27.5;  
 13 (N) IC 25-29;  
 14 (O) IC 25-33;  
 15 (P) IC 25-34.5; or  
 16 (Q) IC 25-35.6;
- 17 (2) services provided as the result of hospitalization, to an  
 18 individual admitted to a health facility licensed under IC 16-28,  
 19 or to a person residing in a housing with services establishment  
 20 (as defined by IC 12-10-15-3);
- 21 (3) services incidental to the furnishing of services described in  
 22 subdivisions (1) or (2);
- 23 (4) any services by individuals:
- 24 (A) licensed as paramedics;  
 25 (B) certified as advanced emergency medical technicians; or  
 26 (C) certified as emergency medical technicians under  
 27 IC 16-31;
- 28 (5) any services provided by individuals certified as emergency  
 29 medical responders under IC 16-31;
- 30 (6) any services provided by certified health care professionals  
 31 who are registered with the Indiana ~~state~~ department of health,  
 32 including:
- 33 (A) certified nurse aides certified under IC 16-28-1-11;  
 34 (B) qualified medication aides certified under IC 16-28-1-11;  
 35 and  
 36 (C) home health aides registered under rules adopted under  
 37 IC 16-27-1-7;
- 38 (7) any services provided by unlicensed health care professionals  
 39 who have successfully completed any applicable training required  
 40 by the Indiana ~~state~~ department of health;
- 41 (8) any services provided by health care volunteers who are  
 42 permitted to practice during an event that is declared a disaster



1 emergency under IC 10-14-3-12 to respond to COVID-19;  
 2 (9) any services provided by individuals with provisional or  
 3 temporary licenses who are permitted to practice during an event  
 4 that is declared a disaster emergency under IC 10-14-3-12 to  
 5 respond to COVID-19; or  
 6 (10) any other services or goods furnished for the purpose of  
 7 preventing, alleviating, curing, or healing human illness, physical  
 8 disability, or injury.

9 SECTION 308. IC 34-18-4-3 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. For the purposes of  
 11 section 1 of this chapter, the bed size of a hospital shall be considered  
 12 to be the bed size published annually by the ~~state~~ **Indiana** department  
 13 of health.

14 SECTION 309. IC 34-28-1-9 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The clerk of the  
 16 court shall:

- 17 (1) make and keep an index record to be known as the birth  
 18 certificate record; and
- 19 (2) enter the judgment and decree into the proper index of the  
 20 record.

21 (b) The clerk shall also send a certified copy of the judgment and  
 22 decree to the division of vital records, ~~state~~ **Indiana** department of  
 23 health, Indianapolis, Indiana. The judgment and decree shall be  
 24 considered to be a delayed certificate of birth under IC 16-37-2.

25 SECTION 310. IC 34-28-2-5 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) A copy of the  
 27 decree of the court changing the name of any natural person, certified  
 28 under the seal of the court by the clerk of the court, is sufficient  
 29 evidence of the name of the person, and of a change having been made,  
 30 in any court of Indiana.

31 (b) In the case of a petition described in section 2(b) of this chapter,  
 32 the court shall send a copy of the final decree to the ~~state~~ **Indiana**  
 33 department of health and to the local health department of the county.

34 (c) In the case of a petition filed by a person at least seventeen (17)  
 35 years of age, the court shall send a copy of the final decree to the clerk  
 36 of the circuit court or board of registration of the county where the  
 37 person resides.

38 SECTION 311. IC 34-30-2.1-196, AS ADDED BY P.L.105-2022,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 196. IC 16-19-4-5 (Concerning the state for  
 41 medical care provided to a patient by the state health commissioner or  
 42 a physician employed by the ~~state~~ **Indiana** department of health in an



1 individual capacity).

2 SECTION 312. IC 34-30-2.1-206, AS ADDED BY P.L.105-2022,  
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2023]: Sec. 206. IC 16-27-2-9 (Concerning persons for  
5 denying or terminating employment of an individual with a criminal  
6 history, or reporting to or participating in the proceedings of the ~~state~~  
7 **Indiana** department of health or the registry of nurse aides).

8 SECTION 313. IC 34-30-2.1-209, AS ADDED BY P.L.105-2022,  
9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2023]: Sec. 209. IC 16-28-13-9 (Concerning persons for  
11 denying or terminating employment of an individual with a criminal  
12 history, or reporting to or participating in proceedings of the ~~state~~  
13 **Indiana** department of health or the nurse aide registry).

14 SECTION 314. IC 34-30-2.1-226, AS ADDED BY P.L.105-2022,  
15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2023]: Sec. 226. IC 16-36-6-9(d) (Concerning use or misuse  
17 of the POST form placed on the ~~Internet web site website~~ of the ~~state~~  
18 **Indiana** department of health).

19 SECTION 315. IC 34-30-12.5-1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies  
21 if the federal government authorizes the ~~state~~ **Indiana** department of  
22 health to implement a program providing for the administration of  
23 inoculations or other medical countermeasures against an actual or a  
24 potential bioterrorist incident or another actual or potential public  
25 health emergency under:

26 (1) 42 U.S.C. 233(p)(2)(A); or

27 (2) any other federal authority.

28 SECTION 316. IC 34-30-13-1.2, AS AMENDED BY P.L.129-2018,  
29 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2023]: Sec. 1.2. (a) Except as provided in section 2 of this  
31 chapter, a person who meets each of the following criteria is immune  
32 from civil liability resulting from any act or omission related to the  
33 provision of a health care service:

34 (1) Is licensed as any of the following:

35 (A) A physician under IC 25-22.5.

36 (B) A physician assistant under IC 25-27.5.

37 (C) A dentist under IC 25-14.

38 (D) A nurse under IC 25-23.

39 (E) An advanced practice registered nurse (as defined in  
40 IC 25-23-1-1(b)) who is licensed under IC 25-23.

41 (F) An optometrist under IC 25-24.

42 (G) A podiatrist under IC 25-29.



- 1 (2) Provides the health care service:  
 2 (A) voluntarily;  
 3 (B) to another individual;  
 4 (C) without compensation;  
 5 (D) within the scope of the person's license described in  
 6 subdivision (1); and  
 7 (E) at a location that is determined to be appropriate and listed  
 8 on the health care volunteer registry under IC 25-22.5-15.
- 9 (3) Notifies, before providing the health care service:  
 10 (A) the individual receiving the health care service; or  
 11 (B) the person who is legally responsible for the care of the  
 12 individual receiving the health care service;  
 13 that the person providing the health care service is immune from  
 14 civil liability in relation to the provision of the health care service.
- 15 (4) Obtains the signature of:  
 16 (A) the individual receiving the health care service; or  
 17 (B) the person who is legally responsible for the care of the  
 18 individual receiving the health care service;  
 19 on a waiver that states the person providing the health care  
 20 service is immune from civil liability in relation to the provision  
 21 of the health care service.
- 22 (5) Is listed on the health care volunteer registry under  
 23 IC 25-22.5-15.
- 24 (b) The immunity provided under this chapter applies to:  
 25 (1) dental services provided in a dental office; and  
 26 (2) health care services that are provided in a setting other than:  
 27 (A) a physician's office;  
 28 (B) an entity licensed or certified by the **state Indiana**  
 29 department of health;  
 30 (C) a health care facility, including a facility that receives  
 31 federal funding; or  
 32 (D) any other permanent facility in which the primary purpose  
 33 is to provide health care services.
- 34 (c) A sponsoring organization, owner, operator, lessor, or lessee:  
 35 (1) of a location described in subsection (a)(2)(E); and  
 36 (2) that:  
 37 (A) permits a person described in subsection (a) to provide a  
 38 health care service at the location as described in this section;  
 39 and  
 40 (B) receives no compensation for permitting the provision of  
 41 the health care service as described in clause (A);  
 42 is immune from civil liability resulting from an act or omission related



- 1 to the provision of the health care service.
- 2 (d) A person who provides a health care service as described in this
- 3 section may recommend laboratory and imaging based screenings and
- 4 tests, and provide written documentation of the recommendation, to:
- 5 (1) the individual receiving the health care service; or
- 6 (2) the person who is legally responsible for the care of the
- 7 individual receiving the health care service.
- 8 SECTION 317. IC 34-30-15-1, AS AMENDED BY P.L.42-2011,
- 9 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2023]: Sec. 1. (a) All proceedings of a peer review committee
- 11 are confidential.
- 12 (b) All communications to a peer review committee shall be
- 13 privileged communications.
- 14 (c) Neither the personnel of a peer review committee nor any
- 15 participant in a committee proceeding shall reveal any content of:
- 16 (1) communications to;
- 17 (2) the records of; or
- 18 (3) the determination of;
- 19 a peer review committee outside of the peer review committee.
- 20 (d) However, the governing board of:
- 21 (1) a hospital;
- 22 (2) a professional health care organization;
- 23 (3) a preferred provider organization (including a preferred
- 24 provider arrangement or reimbursement agreement under
- 25 IC 27-8-11); or
- 26 (4) a health maintenance organization (as defined in
- 27 IC 27-13-1-19) or a limited service health maintenance
- 28 organization (as defined in IC 27-13-34-4);
- 29 may disclose the final action taken with regard to a professional health
- 30 care provider without violating the provisions of this section.
- 31 (e) Upon approval by the health care facility's governing body, the
- 32 peer review committee of a health care facility (as defined in
- 33 IC 16-40-5-2, expired) may submit or disclose to the agency (as
- 34 defined in IC 16-40-5-1, expired) the following for purposes of patient
- 35 safety or quality of health care matters under IC 16-40-5 (expired):
- 36 (1) Communications to the peer review committee.
- 37 (2) Peer review committee proceedings.
- 38 (3) Peer review committee records.
- 39 (4) Determinations by the peer review committee.
- 40 Information and materials submitted or disclosed to the agency under
- 41 this subsection are confidential and privileged from use as evidence in
- 42 an administrative or judicial proceeding, and notwithstanding



1 IC 16-40-5 (expired) the agency may not release the information or  
 2 material outside the agency. However, the agency may issue a report  
 3 that is based upon information or materials submitted or disclosed to  
 4 the agency by a peer review committee if the report or any other  
 5 information issued does not disclose the identity of the health care  
 6 facility, health care provider, or patient. Information and materials may  
 7 be submitted or disclosed to the agency under this subsection without  
 8 violating this section or waiving the confidentiality and privilege  
 9 attached to the communications, proceedings, records, determinations,  
 10 or deliberations of the peer review committee.

11 (f) Upon its determination, the governing body of a hospital may  
 12 report, as part of the hospital's quality assessment and improvement  
 13 program, a determination of a peer review committee of the hospital  
 14 regarding an adverse event concerning patient care to the **state Indiana**  
 15 department of health or another state agency without:

- 16 (1) violating this section; or
- 17 (2) waiving the confidentiality and privilege attached to the  
 18 communications, proceedings, records, determinations, or  
 19 deliberations of the peer review committee.

20 SECTION 318. IC 35-38-1-9.5, AS AMENDED BY P.L.190-2021,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 9.5. A probation officer shall obtain confidential  
 23 information from the **state Indiana** department of health under  
 24 IC 16-41-8-1 to determine whether a convicted person was an  
 25 individual with the human immunodeficiency virus (HIV) when the  
 26 crime was committed if the person is:

- 27 (1) convicted of an offense relating to a criminal sexual act and  
 28 the offense created an epidemiologically demonstrated risk of  
 29 transmission of the human immunodeficiency virus (HIV); or
- 30 (2) convicted of an offense relating to controlled substances and  
 31 the offense involved:

- 32 (A) the delivery by any person to another person; or
- 33 (B) the use by any person on another person;  
 34 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 35 paraphernalia that creates an epidemiologically demonstrated risk  
 36 of transmission of HIV by involving percutaneous contact.

37 SECTION 319. IC 35-38-1-10.5, AS AMENDED BY P.L.190-2021,  
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 10.5. (a) The court:

- 40 (1) shall order that a person undergo a screening test for the  
 41 human immunodeficiency virus (HIV) if the person is:  
 42 (A) convicted of an offense relating to a criminal sexual act



- 1 and the offense created an epidemiologically demonstrated  
 2 risk of transmission of the human immunodeficiency virus  
 3 (HIV); or  
 4 (B) convicted of an offense relating to controlled substances  
 5 and the offense involved:  
 6 (i) the delivery by any person to another person; or  
 7 (ii) the use by any person on another person;  
 8 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 9 paraphernalia that creates an epidemiologically demonstrated  
 10 risk of transmission of HIV by involving percutaneous contact;  
 11 and  
 12 (2) may order that a person undergo a screening test for a serious  
 13 disease (as defined in IC 16-41-8-5) in accordance with  
 14 IC 16-41-8-5.
- 15 (b) If the screening test required by this section indicates the  
 16 presence of antibodies to HIV, the court shall order the person to  
 17 undergo a confirmatory test.
- 18 (c) If the confirmatory test confirms the presence of the HIV  
 19 antibodies, the court shall report the results to the **state Indiana**  
 20 department of health and require a probation officer to conduct a  
 21 presentence investigation to:  
 22 (1) obtain the medical record of the convicted person from the  
 23 **state Indiana** department of health under IC 16-41-8-1(b)(3); and  
 24 (2) determine whether the convicted person had received risk  
 25 counseling that included information on the behavior that  
 26 facilitates the transmission of HIV.
- 27 (d) A person who, in good faith:  
 28 (1) makes a report required to be made under this section; or  
 29 (2) testifies in a judicial proceeding on matters arising from the  
 30 report;  
 31 is immune from both civil and criminal liability due to the offering of  
 32 that report or testimony.
- 33 (e) The privileged communication between a husband and wife or  
 34 between a health care provider and the health care provider's patient is  
 35 not a ground for excluding information required under this section.
- 36 (f) A mental health service provider (as defined in IC 34-6-2-80)  
 37 who discloses information that must be disclosed to comply with this  
 38 section is immune from civil and criminal liability under Indiana  
 39 statutes that protect patient privacy and confidentiality.
- 40 SECTION 320, IC 35-38-1-10.6, AS AMENDED BY P.L. 125-2009,  
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2023]: Sec. 10.6. (a) The **state Indiana** department of health



1 shall notify victims of an offense relating to a criminal sexual act or an  
2 offense relating to controlled substances if tests conducted under  
3 section 10.5 of this chapter or IC 16-41-8-5 confirm that the person  
4 tested had antibodies for the human immunodeficiency virus (HIV).

5 (b) The **state Indiana** department of health shall provide counseling  
6 to persons notified under this section.

7 SECTION 321. IC 35-38-2-2.3, AS AMENDED BY P.L.161-2018,  
8 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2023]: Sec. 2.3. (a) As a condition of probation,  
10 the court may require a person to do a combination of the following:

11 (1) Work faithfully at suitable employment or faithfully pursue a  
12 course of study or career and technical education that will equip  
13 the person for suitable employment.

14 (2) Undergo available medical or psychiatric treatment and  
15 remain in a specified institution if required for that purpose.

16 (3) Attend or reside in a facility established for the instruction,  
17 recreation, or residence of persons on probation.

18 (4) Participate in a treatment program, educational class, or  
19 rehabilitative service provided by a probation department or by  
20 referral to an agency.

21 (5) Support the person's dependents and meet other family  
22 responsibilities.

23 (6) Make restitution or reparation to the victim of the crime for  
24 damage or injury that was sustained by the victim. When  
25 restitution or reparation is a condition of probation, the court shall  
26 fix the amount, which may not exceed an amount the person can  
27 or will be able to pay, and shall fix the manner of performance.

28 (7) Execute a repayment agreement with the appropriate  
29 governmental entity to repay the full amount of public relief or  
30 assistance wrongfully received, and make repayments according  
31 to a repayment schedule set out in the agreement.

32 (8) Pay a fine authorized by IC 35-50.

33 (9) Refrain from possessing a firearm or other deadly weapon  
34 unless granted written permission by the court or the person's  
35 probation officer.

36 (10) Report to a probation officer at reasonable times as directed  
37 by the court or the probation officer.

38 (11) Permit the person's probation officer to visit the person at  
39 reasonable times at the person's home or elsewhere.

40 (12) Remain within the jurisdiction of the court, unless granted  
41 permission to leave by the court or by the person's probation  
42 officer.





- 1 (13) Answer all reasonable inquiries by the court or the person's  
2 probation officer and promptly notify the court or probation  
3 officer of any change in address or employment.  
4 (14) Perform uncompensated work that benefits the community.  
5 (15) Satisfy other conditions reasonably related to the person's  
6 rehabilitation.  
7 (16) Undergo home detention under IC 35-38-2.5.  
8 (17) Undergo a laboratory test or series of tests approved by the  
9 **state Indiana** department of health to detect and confirm the  
10 presence of the human immunodeficiency virus (HIV) antigen or  
11 antibodies to the human immunodeficiency virus (HIV), if:  
12 (A) the person had been convicted of an offense relating to a  
13 criminal sexual act and the offense created an  
14 epidemiologically demonstrated risk of transmission of the  
15 human immunodeficiency virus (HIV); or  
16 (B) the person had been convicted of an offense relating to a  
17 controlled substance and the offense involved:  
18 (i) the delivery by any person to another person; or  
19 (ii) the use by any person on another person;  
20 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
21 paraphernalia that creates an epidemiologically demonstrated  
22 risk of transmission of HIV by involving percutaneous contact.  
23 (18) Refrain from any direct or indirect contact with an individual  
24 and, if convicted of an offense under IC 35-46-3, any animal  
25 belonging to the individual.  
26 (19) Execute a repayment agreement with the appropriate  
27 governmental entity or with a person for reasonable costs incurred  
28 because of the taking, detention, or return of a missing child (as  
29 defined in IC 10-13-5-4).  
30 (20) Periodically undergo a laboratory chemical test (as defined  
31 in IC 9-13-2-22) or series of chemical tests as specified by the  
32 court to detect and confirm the presence of a controlled substance  
33 (as defined in IC 35-48-1-9). The person on probation is  
34 responsible for any charges resulting from a test and shall have  
35 the results of any test under this subdivision reported to the  
36 person's probation officer by the laboratory.  
37 (21) If the person was confined in a penal facility, execute a  
38 reimbursement plan as directed by the court and make repayments  
39 under the plan to the authority that operates the penal facility for  
40 all or part of the costs of the person's confinement in the penal  
41 facility. The court shall fix an amount that:  
42 (A) may not exceed an amount the person can or will be able



- 1 to pay;
- 2 (B) does not harm the person's ability to reasonably be self
- 3 supporting or to reasonably support any dependent of the
- 4 person; and
- 5 (C) takes into consideration and gives priority to any other
- 6 restitution, reparation, repayment, or fine the person is
- 7 required to pay under this section.
- 8 (22) Refrain from owning, harboring, or training an animal.
- 9 (23) Participate in a reentry court program.
- 10 (24) Receive:
- 11 (A) addiction counseling;
- 12 (B) mental health counseling;
- 13 (C) inpatient detoxification; and
- 14 (D) medication assisted treatment, including a federal Food
- 15 and Drug Administration approved long acting, nonaddictive
- 16 medication for the treatment of opioid or alcohol dependence.
- 17 (b) When a person is placed on probation, the person shall be given
- 18 a written statement specifying:
- 19 (1) the conditions of probation; and
- 20 (2) that if the person violates a condition of probation during the
- 21 probationary period, a petition to revoke probation may be filed
- 22 before the earlier of the following:
- 23 (A) One (1) year after the termination of probation.
- 24 (B) Forty-five (45) days after the state receives notice of the
- 25 violation.
- 26 (c) As a condition of probation, the court may require that the
- 27 person serve a term of imprisonment in an appropriate facility at the
- 28 time or intervals (consecutive or intermittent) within the period of
- 29 probation the court determines.
- 30 (d) Intermittent service may be required only for a term of not more
- 31 than sixty (60) days and must be served in the county or local penal
- 32 facility. The intermittent term is computed on the basis of the actual
- 33 days spent in confinement and shall be completed within one (1) year.
- 34 A person does not earn good time credit while serving an intermittent
- 35 term of imprisonment under this subsection. When the court orders
- 36 intermittent service, the court shall state:
- 37 (1) the term of imprisonment;
- 38 (2) the days or parts of days during which a person is to be
- 39 confined; and
- 40 (3) the conditions.
- 41 (e) Supervision of a person may be transferred from the court that
- 42 placed the person on probation to a court of another jurisdiction, with



1 the concurrence of both courts. Retransfers of supervision may occur  
 2 in the same manner. This subsection does not apply to transfers made  
 3 under IC 11-13-4 or IC 11-13-5.

4 (f) When a court imposes a condition of probation described in  
 5 subsection (a)(18):

- 6 (1) the clerk of the court shall comply with IC 5-2-9; and
- 7 (2) the prosecuting attorney shall file a confidential form  
 8 prescribed or approved by the office of judicial administration  
 9 with the clerk.

10 (g) As a condition of probation, a court shall require a person:

- 11 (1) who is described in IC 10-13-6-10(a);
- 12 (2) who has not previously provided a DNA sample in accordance  
 13 with IC 10-13-6; and
- 14 (3) whose sentence does not involve a commitment to the  
 15 department of correction;

16 to provide a DNA sample as a condition of probation.

17 (h) If a court imposes a condition of probation described in  
 18 subsection (a)(4), the person on probation is responsible for any costs  
 19 resulting from the participation in a program, class, or service. Any  
 20 costs collected for services provided by the probation department shall  
 21 be deposited in the county or local supplemental adult services fund.

22 SECTION 322. IC 35-38-6-1, AS AMENDED BY P.L.86-2018,  
 23 SECTION 334, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The punishment of death shall  
 25 be inflicted by intravenous injection of a lethal substance or substances  
 26 into the convicted person:

- 27 (1) in a quantity sufficient to cause the death of the convicted  
 28 person; and
- 29 (2) until the convicted person is dead.

30 (b) The death penalty shall be inflicted before the hour of sunrise on  
 31 a date fixed by the sentencing court. However, the execution must not  
 32 occur until at least one hundred (100) days after the conviction.

33 (c) The warden of the state prison, or persons designated by the  
 34 warden, shall designate the person who is to serve as the executioner.

35 (d) The department of correction may adopt rules under IC 4-22-2  
 36 necessary to implement subsection (a).

37 (e) The department of correction may make and enter into a contract  
 38 with an outsourcing facility, a wholesale drug distributor (as defined in  
 39 IC 25-26-14-12), a pharmacy (as defined in IC 25-26-13-2), or a  
 40 pharmacist (as defined in IC 25-26-13-2) for the issuance or  
 41 compounding of a lethal substance necessary to carry out an execution  
 42 by lethal injection. A lethal substance provided to the department of



1 correction under this subsection may be used only for the purpose of  
 2 carrying out an execution by lethal injection. The issuance or  
 3 compounding of a lethal substance under this subsection:

4 (1) does not constitute the practice of pharmacy (as defined in  
 5 IC 25-26-13-2);

6 (2) is not subject to the jurisdiction of the Indiana board of  
 7 pharmacy, the medical licensing board of Indiana, the Indiana  
 8 state department of health, or the Indiana professional licensing  
 9 agency; and

10 (3) is exempt from the provisions of IC 25.

11 A pharmacist, a pharmacy, a wholesale drug distributor, or an  
 12 outsourcing facility that provides a lethal substance to the department  
 13 of correction under this subsection shall label the lethal substance with  
 14 the name of the lethal substance, its dosage, a projected expiration date,  
 15 and a statement that the lethal substance shall be used only by the  
 16 department of correction for the purpose of carrying out an execution  
 17 by lethal injection.

18 (f) The following are confidential, are not subject to discovery, and  
 19 may not be introduced as evidence in any civil or criminal proceeding:

20 (1) The identity of a person described in subsection (e) that enters  
 21 into a contract with the department of correction under subsection  
 22 (e) for the issuance or compounding of lethal substances  
 23 necessary to carry out an execution by lethal injection.

24 (2) The identity of an officer, an employee, or a contractor of a  
 25 person described in subdivision (1).

26 (3) The identity of a person contracted by a person described in  
 27 subdivision (1) to obtain equipment or a substance to facilitate the  
 28 compounding of a lethal substance described in subsection (e).

29 (4) Information reasonably calculated to lead to the identity of a  
 30 person described in this subsection, including a:

31 (A) name;

32 (B) residential or business address;

33 (C) residential or office telephone number; and

34 (D) Social Security number or tax identification number.

35 This subsection applies retroactively to any request for information,  
 36 discovery request, or proceeding, no matter when made or initiated.

37 SECTION 323. IC 35-46-1-11, AS AMENDED BY P.L.49-2020,  
 38 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 11. (a) A tobacco or electronic cigarette vending  
 40 machine that is located in a public place must bear the following  
 41 conspicuous notices:

42 (1) A notice:



- 1 (A) that reads as follows, with the capitalization indicated: "If  
 2 you are under 21 years of age, YOU ARE FORBIDDEN by  
 3 Indiana law to buy tobacco or electronic cigarettes from this  
 4 machine."; or  
 5 (B) that:  
 6 (i) conveys a message substantially similar to the message  
 7 described in clause (A); and  
 8 (ii) is formatted with words and in a form authorized under  
 9 the rules adopted by the alcohol and tobacco commission.  
 10 (2) A notice that reads as follows, "Smoking by Pregnant Women  
 11 May Result in Fetal Injury, Premature Birth, and Low Birth  
 12 Weight."  
 13 (3) A notice printed in letters and numbers at least one-half (1/2)  
 14 inch high that displays a toll free phone number for assistance to  
 15 callers in quitting smoking, as determined by the ~~state~~ **Indiana**  
 16 department of health.  
 17 (b) A person who owns or has control over a tobacco or electronic  
 18 cigarette vending machine in a public place and who:  
 19 (1) fails to post a notice required by subsection (a) on the vending  
 20 machine; or  
 21 (2) fails to replace a notice within one (1) month after it is  
 22 removed or defaced;  
 23 commits a Class C infraction.  
 24 (c) An establishment selling tobacco or electronic cigarettes at retail  
 25 shall post and maintain in a conspicuous place, at the point of sale, the  
 26 following:  
 27 (1) Signs printed in letters at least one-half (1/2) inch high,  
 28 reading as follows:  
 29 (A) "The sale of tobacco or electronic cigarettes to persons  
 30 under 21 years of age is forbidden by Indiana law."  
 31 (B) "Smoking by Pregnant Women May Result in Fetal Injury,  
 32 Premature Birth, and Low Birth Weight."  
 33 (2) A sign printed in letters and numbers at least one-half (1/2)  
 34 inch high that displays a toll free phone number for assistance to  
 35 callers in quitting smoking, as determined by the ~~state~~ **Indiana**  
 36 department of health.  
 37 (d) A person who:  
 38 (1) owns or has control over an establishment selling tobacco or  
 39 electronic cigarettes at retail; and  
 40 (2) fails to post and maintain the sign required by subsection (c);  
 41 commits a Class C infraction.  
 42 SECTION 324. IC 35-46-1-11.7, AS AMENDED BY P.L.49-2020,



1 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 11.7. (a) A retail establishment in which tobacco  
3 products, electronic cigarettes, and e-liquids account for at least  
4 eighty-five percent (85%) of the retail establishment's gross sales may  
5 not allow an individual who is less than twenty-one (21) years of age  
6 to enter the retail establishment.

7 (b) An individual who is less than twenty-one (21) years of age may  
8 not enter a retail establishment described in subsection (a).

9 (c) A retail establishment described in subsection (a) must  
10 conspicuously post on all entrances to the retail establishment the  
11 following:

12 (1) A sign in boldface type that states "NOTICE: It is unlawful for  
13 a person less than 21 years old to enter this store."

14 (2) A sign printed in letters and numbers at least one-half (1/2)  
15 inch high that displays a toll free phone number for assistance to  
16 callers in quitting smoking, as determined by the ~~state~~ **Indiana**  
17 department of health.

18 (d) A person who violates this section commits a Class C infraction.  
19 Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction  
20 committed under this section must be imposed as follows:

21 (1) If the person has not been cited for a violation of this section  
22 in the previous one (1) year, a civil penalty of up to four hundred  
23 dollars (\$400).

24 (2) If the person has had one (1) violation in the previous one (1)  
25 year, a civil penalty of up to eight hundred dollars (\$800).

26 (3) If the person has had two (2) violations in the previous one (1)  
27 year, a civil penalty of up to one thousand four hundred dollars  
28 (\$1,400).

29 (4) If the person has had three (3) or more violations in the  
30 previous one (1) year, a civil penalty of up to two thousand dollars  
31 (\$2,000).

32 A person may not be cited more than once every twenty-four (24)  
33 hours.

34 (e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under  
35 this section must be deposited in the Richard D. Doyle youth tobacco  
36 education and enforcement fund established under IC 7.1-6-2-6.

37 (f) A person who violates subsection (a) at least six (6) times in any  
38 one (1) year period commits habitual illegal entrance by a minor, a  
39 Class B infraction.

40 SECTION 325. IC 35-47-7-4 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. The:

42 (1) physician who treats a person for a dog bite or an apparent dog



1 bite; or

2 (2) administrator or the administrator's designee of the hospital or  
 3 outpatient surgical center if a person is treated in a hospital or an  
 4 outpatient surgical center for a dog bite or an apparent dog bite;  
 5 shall report the case to the Indiana ~~state~~ department of health not more  
 6 than seventy-two (72) hours after the time the person is treated. The  
 7 report may be made orally or in writing.

8 SECTION 326. IC 35-52-16-1, AS ADDED BY P.L.169-2014,  
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 1. IC 16-19-12-1 defines a crime concerning the  
 11 ~~state~~ **Indiana** department of health.

12 SECTION 327. IC 36-1-12-10, AS AMENDED BY P.L.187-2021,  
 13 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2023]: Sec. 10. All plans and specifications for  
 15 public buildings must be approved by the ~~state~~ **Indiana** department of  
 16 health, the department of homeland security, and other state agencies  
 17 designated by statute.

18 SECTION 328. IC 36-1-12.5-8, AS AMENDED BY P.L.187-2021,  
 19 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2023]: Sec. 8. Conservation measures installed  
 21 under a utility efficiency program or a guaranteed savings contract  
 22 must be approved by the following:

23 (1) The ~~state~~ **Indiana** department of health, department of  
 24 homeland security, and any other state agency designated by  
 25 statute.

26 (2) An architect or engineer licensed under IC 25-4 or IC 25-31  
 27 if the conservation measures have a cost of more than fifty  
 28 thousand dollars (\$50,000).

29 SECTION 329. IC 36-1-20-4.1, AS ADDED BY P.L.193-2014,  
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 4.1. (a) This section does not apply to a political  
 32 subdivision with a rental registration or inspection program created  
 33 before July 1, 1984. This section does not apply to a manufactured  
 34 housing community or mobile home community that is licensed,  
 35 permitted, and inspected by the ~~state~~ **Indiana** department of health.

36 (b) Except as provided in subsection (c), this chapter does not  
 37 prohibit a political subdivision from establishing and enforcing a  
 38 program for inspecting rental units.

39 (c) Except as provided in subsection (d), after June 30, 2014, a  
 40 political subdivision may not inspect a rental unit or impose a fee  
 41 pertaining to the inspection of a rental unit, if the rental unit satisfies  
 42 all of the following:



- 1 (1) The rental unit is:  
 2 (A) managed by; or  
 3 (B) part of a rental unit community that is managed by;  
 4 a professional real estate manager.  
 5 (2) During the previous twelve (12) months, the rental unit has  
 6 been inspected or is part of a rental unit community that has been  
 7 inspected by either of the following:  
 8 (A) By or for:  
 9 (i) the United States Department of Housing and Urban  
 10 Development, the Indiana housing and community  
 11 development authority, or another federal or state agency; or  
 12 (ii) a financial institution or insurance company authorized  
 13 to do business in Indiana.  
 14 (B) By an inspector who:  
 15 (i) is a registered architect;  
 16 (ii) is a professional engineer; or  
 17 (iii) satisfies qualifications for an inspector of rental units  
 18 prescribed by the political subdivision.  
 19 The inspector may not be an employee of the owner or  
 20 landlord.  
 21 (3) A written inspection report of the inspection under subdivision  
 22 (2) has been issued to the owner or landlord of the rental unit or  
 23 rental unit community (as applicable) that verifies that the rental  
 24 unit or rental unit community is safe and habitable with respect  
 25 to:  
 26 (A) electrical supply and electrical systems;  
 27 (B) plumbing and plumbing systems;  
 28 (C) water supply, including hot water;  
 29 (D) heating, ventilation, and air conditioning equipment and  
 30 systems;  
 31 (E) bathroom and toilet facilities;  
 32 (F) doors, windows, stairways, and hallways;  
 33 (G) functioning smoke detectors; and  
 34 (H) the structure in which a rental unit is located.  
 35 A political subdivision may not add to the requirements of this  
 36 subdivision.  
 37 (4) The inspection report issued under subdivision (3) is delivered  
 38 to the political subdivision on or before the due date set by the  
 39 political subdivision.  
 40 (d) This subsection applies to all rental units, including a rental unit  
 41 that meets the requirements for an exemption under subsection (c). A  
 42 political subdivision may inspect a rental unit, if the political





- 1 subdivision:
- 2 (1) has reason to believe; or
- 3 (2) receives a complaint;
- 4 that the rental unit does not comply with applicable code requirements.
- 5 However, in the case of a rental unit that meets the requirements for an
- 6 exemption under subsection (c), the political subdivision may not
- 7 impose a fee pertaining to the inspection of the rental unit. If an
- 8 inspection of a rental unit reveals a violation of applicable code
- 9 requirements, the owner of the rental unit may be subject to a penalty
- 10 as provided in section 6 of this chapter.
- 11 (e) This subsection applies only to a rental unit that meets the
- 12 requirements for an exemption under subsection (c). If the inspection
- 13 report for the rental unit or rental unit community is prepared by or for
- 14 the United States Department of Housing and Urban Development, the
- 15 inspection report is valid for purposes of maintaining the exemption
- 16 under subsection (c) until:
- 17 (1) the date specified in the inspection report; or
- 18 (2) thirty-six (36) months after the date of the inspection report;
- 19 whichever is earlier.
- 20 SECTION 330. IC 36-2-14-6, AS AMENDED BY P.L.211-2019,
- 21 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2023]: Sec. 6. (a) Whenever the coroner is notified that a
- 23 person in the county:
- 24 (1) has died from violence;
- 25 (2) has died by casualty;
- 26 (3) has died when apparently in good health;
- 27 (4) has died in an apparently suspicious, unusual, or unnatural
- 28 manner; or
- 29 (5) has been found dead;
- 30 the coroner shall, before the scene of the death is disturbed, notify a
- 31 law enforcement agency having jurisdiction in that area. The agency
- 32 shall assist the coroner in determining the cause, manner, and
- 33 mechanism of death. The coroner shall hold the human remains until
- 34 the investigation of how the person died and the medical investigation
- 35 of the cause of death are concluded.
- 36 (b) If the coroner reasonably suspects the cause of the person's death
- 37 to be accidental or intentional overdose of a controlled substance (as
- 38 defined by IC 35-48-1-9), the coroner shall do the following:
- 39 (1) Obtain any relevant information about the decedent
- 40 maintained by the INSPECT program established by
- 41 IC 25-1-13-4.
- 42 (2) Extract one (1) or more of the following bodily fluids from the



- 1           decedent:
- 2           (A) Blood.
- 3           (B) Vitreous.
- 4           (C) Urine.
- 5           (3) Test a bodily fluid extracted under subdivision (2) to
- 6           determine whether the bodily fluid contained any amount,
- 7           including a trace amount, of a controlled substance at the time of
- 8           the decedent's death.
- 9           (4) Report the results of the test conducted under this subsection
- 10          to the **state Indiana** department of health after completing the
- 11          medical investigation of the cause of the decedent's death.
- 12          (5) Provide the **state Indiana** department of health notice of the
- 13          decedent's death, including any information related to the
- 14          controlled substances involved, if any.
- 15          (c) The coroner:
- 16               (1) shall file a certificate of death with the county health
- 17               department, or, if applicable, a multiple county health department,
- 18               of the county in which the individual died, within seventy-two
- 19               (72) hours after the completion of the death investigation;
- 20               (2) shall complete the certificate of death utilizing all verifiable
- 21               information establishing the time and date of death; and
- 22               (3) may file a pending investigation certificate of death before
- 23               completing the certificate of death, if necessary.
- 24          (d) If this section applies, the body and the scene of death may not
- 25          be disturbed until:
- 26               (1) the coroner has photographed them in the manner that most
- 27               fully discloses how the person died; and
- 28               (2) law enforcement and the coroner have finished their initial
- 29               assessment of the scene of death.
- 30          However, a coroner or law enforcement officer may order a body to be
- 31          moved before photographs are taken if the position or location of the
- 32          body unduly interferes with activities carried on where the body is
- 33          found, but the body may not be moved from the immediate area and
- 34          must be moved without substantially destroying or altering the
- 35          evidence present.
- 36          (e) When acting under this section, if the coroner considers it
- 37          necessary to have an autopsy performed, is required to perform an
- 38          autopsy under subsection (g), or is requested by the prosecuting
- 39          attorney of the county to perform an autopsy, the coroner shall arrange
- 40          for the autopsy to be performed by a:
- 41               (1) physician who:
- 42                    (A) is certified by the American Board of Pathology; or



- 1 (B) holds a subspecialty board certification in forensic  
 2 pathology from the American Osteopathic Board of Pathology  
 3 and the American Osteopathic Association; or  
 4 (2) pathology resident acting under the direct supervision of a  
 5 physician described in subdivision (1).

6 A physician employed under subdivision (1) to perform the autopsy  
 7 shall be paid a fee of at least fifty dollars (\$50) from the county  
 8 treasury.

9 (f) If:

- 10 (1) at the request of:  
 11 (A) the decedent's spouse;  
 12 (B) a child of the decedent, if the decedent does not have a  
 13 spouse;  
 14 (C) a parent of the decedent, if the decedent does not have a  
 15 spouse or children;  
 16 (D) a brother or sister of the decedent, if the decedent does not  
 17 have a spouse, children, or parents; or  
 18 (E) a grandparent of the decedent, if the decedent does not  
 19 have a spouse, children, parents, brothers, or sisters;  
 20 (2) in any death, two (2) or more witnesses who corroborate the  
 21 circumstances surrounding death are present; and  
 22 (3) two (2) physicians who are licensed to practice medicine in  
 23 the state and who have made separate examinations of the  
 24 decedent certify the same cause of death in an affidavit within  
 25 twenty-four (24) hours after death;

26 an autopsy need not be performed. The affidavits shall be filed with the  
 27 circuit court clerk.

28 (g) A county coroner may not certify the cause of death in the case  
 29 of the sudden and unexpected death of a child who is less than three (3)  
 30 years old unless an autopsy is performed at county expense. However,  
 31 a coroner may certify the cause of death of a child described in this  
 32 subsection without the performance of an autopsy if subsection (f)  
 33 applies to the death of the child.

34 (h) After consultation with the law enforcement agency  
 35 investigating the death of a decedent, the coroner shall do the  
 36 following:

- 37 (1) Inform a crematory authority if a person is barred under  
 38 IC 23-14-31-26(c) from serving as the authorizing agent with  
 39 respect to the cremation of the decedent's body because the  
 40 coroner made the determination under IC 23-14-31-26(c)(2) in  
 41 connection with the death of the decedent.  
 42 (2) Inform a cemetery owner if a person is barred under



1 IC 23-14-55-2(c) from authorizing the disposition of the body or  
2 cremated remains of the decedent because the coroner made the  
3 determination under IC 23-14-55-2(c)(2) in connection with the  
4 death of the decedent.

5 (3) Inform a seller of prepaid services or merchandise if a person's  
6 contract is unenforceable under IC 30-2-13-23(b) because the  
7 coroner made the determination under IC 30-2-13-23(b)(4) in  
8 connection with the death of the decedent.

9 SECTION 331. IC 36-2-14-22.6, AS ADDED BY P.L.147-2007,  
10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2023]: Sec. 22.6. (a) Upon request of a procurement  
12 organization, a coroner shall release to the procurement organization  
13 the name, contact information, and available medical and social history  
14 of a decedent whose body is under the jurisdiction of the coroner. If the  
15 decedent's body or part is medically suitable for transplantation,  
16 therapy, research, or education, the coroner shall release postmortem  
17 examination results to the procurement organization. The procurement  
18 organization may make a subsequent disclosure of the postmortem  
19 examination results or other information received from the coroner  
20 only if relevant to transplantation or therapy.

21 (b) The coroner may conduct a medicolegal examination by  
22 reviewing all medical records, laboratory test results, x-rays, other  
23 diagnostic results, and other information that any person possesses  
24 about a donor or prospective donor whose body is under the  
25 jurisdiction of the coroner which the coroner determines may be  
26 relevant to the investigation.

27 (c) A person that has any information requested by a coroner under  
28 subsection (b) shall provide that information as expeditiously as  
29 possible to allow the coroner to conduct the medicolegal investigation  
30 within a period compatible with the preservation of parts for the  
31 purpose of transplantation, therapy, research, or education.

32 (d) If an anatomical gift has been or might be made of a part of a  
33 decedent whose body is under the jurisdiction of the coroner and a  
34 postmortem examination is not required, or the coroner determines that  
35 a postmortem examination is required but that the recovery of the part  
36 that is the subject of an anatomical gift will not interfere with the  
37 examination, the coroner and procurement organization shall cooperate  
38 in the timely removal of the part from the decedent for the purpose of  
39 transplantation, therapy, research, or education.

40 (e) If an anatomical gift of a part from the decedent under the  
41 jurisdiction of the coroner has been or might be made, but the coroner,  
42 in consultation with a pathologist, initially believes that the recovery of



1 the part could interfere with the postmortem investigation into the  
2 decedent's cause or manner of death or interfere with the preservation  
3 or collection of evidence, the coroner and pathologist shall consult with  
4 the procurement organization or physician or technician designated by  
5 the procurement organization about the proposed recovery. After  
6 consultation, the coroner may allow the recovery, delay the recovery,  
7 or deny the recovery.

8 (f) Before the removal procedure, the coroner or designee may allow  
9 recovery by the procurement organization to proceed, or, if the coroner  
10 or designee reasonably believes that the part may be involved in  
11 determining the decedent's cause or manner of death or, in tissue  
12 procurement cases, if the coroner or designee determines that, for  
13 evidentiary purposes, the body must remain undisturbed prior to  
14 autopsy, deny recovery by the procurement organization. The coroner  
15 or designee must be present at the scene before denying the recovery  
16 of a part. When practicable, the coroner and pathologist shall work with  
17 the procurement organization to facilitate removal of a part following  
18 any postmortem examination of the decedent.

19 (g) If the coroner or designee denies recovery under subsection (e)  
20 or (f), the coroner or designee shall:

21 (1) explain in a record the specific reasons for not allowing  
22 recovery of the part;

23 (2) include the specific reasons in the records of the coroner and  
24 forensic pathologist; and

25 (3) provide a record with the specific reasons to the procurement  
26 organization and the **state Indiana** department of health.

27 (h) If the coroner or designee allows recovery of a part under  
28 subsection (d), (e), or (f), the procurement organization shall do the  
29 following:

30 (1) At the request of the coroner or designee and when  
31 practicable, perform diagnostic studies that would aid in  
32 documenting the presence or absence of injuries.

33 (2) Cause the physician or technician who removes the part to  
34 explain in a signed record the condition of the part, including the  
35 presence or absence of any injuries to the part or any surrounding  
36 tissue or organs.

37 (3) Provide a copy of the record described in subdivision (2) to  
38 the coroner and the investigating law enforcement agency.

39 (4) Cause the physician or technician who removes the part to  
40 photograph, collect, preserve, and maintain the appropriate chain  
41 of custody of any evidence that is found during procurement.

42 (5) Cause the physician or technician who removes the part to



- 1 collect blood and other bodily fluid samples as directed by the  
 2 coroner or designee.
- 3 (6) Cause the physician or technician who removes the part to,  
 4 upon the request of the coroner or designee, photograph, biopsy,  
 5 or provide any other information and observations concerning the  
 6 part or body that would assist in the postmortem examination.
- 7 (i) If a coroner or designee must:
- 8 (1) be present at a removal procedure under subsection (f); or  
 9 (2) perform duties at times other than those that are usual and  
 10 customary for the coroner or designee to maximize tissue or eye  
 11 recovery under IC 29-2-16.1-21(b);
- 12 at the request of the coroner or designee, the procurement organization  
 13 that requested the recovery of the part shall reimburse the coroner or  
 14 designee for the additional costs incurred by the coroner or designee to  
 15 comply with subsection (f) or IC 29-2-16.1-21(b).
- 16 SECTION 332. IC 36-2-14-26, AS ADDED BY P.L.193-2018,  
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2023]: Sec. 26. The **state Indiana** department of health may  
 19 adopt rules under IC 4-22-2 in carrying out the department's duties  
 20 under this chapter.
- 21 SECTION 333. IC 36-7-18-38, AS AMENDED BY P.L.187-2021,  
 22 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2023]: Sec. 38. (a) A housing authority shall  
 24 file with the **state Indiana** department of health a description of each  
 25 proposed project, including plans and layout. The **state Indiana**  
 26 department **of health** shall, within thirty (30) days, transmit its  
 27 approval or disapproval to the authority.
- 28 (b) A housing authority shall file all plans for new construction with  
 29 the department of homeland security in the manner prescribed by  
 30 IC 22-15-3.
- 31 SECTION 334. IC 36-9-13-26 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 26. (a) A building  
 33 authority proposing to build or purchase and remodel a government  
 34 building for lease to an eligible entity must submit the plans,  
 35 specifications, and estimates for the building or remodeling to the  
 36 lessee or lessees before the execution of the lease. The plans and  
 37 specifications must also be submitted to the **state Indiana** department  
 38 of health, state fire marshal, and any other state agencies designated by  
 39 law to pass on plans and specifications for public buildings.
- 40 (b) A building authority proposing to acquire a system may enter  
 41 into a lease without submitting plans, designs, or specifications to any  
 42 eligible entity, government body, or agency. However, before the



1 execution of the lease, the building authority must submit to the lessee  
 2 or lessees an estimate of the cost and a detailed description of the  
 3 system.

4 SECTION 335. IC 36-9-22.5-1, AS ADDED BY P.L.150-2019,  
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 1. As used in this chapter, "qualified inspector",  
 7 with respect to an onsite sewage system, means any of the following:

8 (1) An employee of a local health department who is designated  
 9 by the local health department as having knowledge of onsite  
 10 sewage systems sufficient to determine whether an onsite sewage  
 11 system is failing.

12 (2) An individual who is certified by the Indiana Onsite  
 13 Wastewater Professionals Association as an onsite sewage system  
 14 installer or inspector.

15 (3) An individual listed by:

16 (A) the ~~state~~ **Indiana** department of health; or

17 (B) the local health department with jurisdiction over the  
 18 service area of the property inspected;

19 as having sufficient knowledge of onsite sewage systems to  
 20 determine whether an onsite sewage system is failing.

21 SECTION 336. IC 36-9-23-30.1, AS ADDED BY P.L.107-2016,  
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 30.1. (a) As used in this section, "constructed  
 24 wetland septic system" means a residential sewage disposal system that  
 25 includes:

26 (1) a septic tank or other type of primary wastewater treatment  
 27 system; and

28 (2) a constructed wetland cell in which:

29 (A) effluent flows on top of soil or through a porous medium  
 30 such as pea gravel;

31 (B) wetland plants are growing, and their roots and stems form  
 32 a dense mat;

33 (C) suspended solids and trace metals in the effluent settle and  
 34 are filtered; and

35 (D) organisms living in the water, on the soil or gravel, and on  
 36 the stems and roots of the wetland plants feed on the organic  
 37 materials and nutrients in the effluent.

38 (b) For purposes of this section, a sewage disposal system is  
 39 "failing" if one (1) or more of the following apply:

40 (1) The system refuses to accept sewage at the rate of design  
 41 application and interferes with the normal use of plumbing  
 42 fixtures.



- 1 (2) Effluent discharge exceeds the absorptive capacity of the soil  
2 into which the system discharges, resulting in ponding, seepage,  
3 or other discharge of the effluent to the ground surface or to  
4 surface waters.
- 5 (3) Effluent discharged from the system contaminates a potable  
6 water supply, ground water, or surface waters.
- 7 (c) As used in this section, "qualified inspector" means any of the  
8 following:
- 9 (1) An employee of a local health department who is designated  
10 by the local health department as having knowledge of onsite  
11 sewage systems sufficient to determine whether an onsite sewage  
12 system is failing.
- 13 (2) An individual who is certified by the Indiana Onsite  
14 Wastewater Professionals Association as an onsite sewage system  
15 installer or inspector.
- 16 (3) An individual listed by:
- 17 (A) the ~~state~~ **Indiana** department of health; or  
18 (B) the local health department with jurisdiction over the  
19 service area of the property inspected;  
20 as having sufficient knowledge of onsite sewage systems to  
21 determine whether an onsite sewage system is failing.
- 22 (d) Subject to subsections (e) through (k), a property owner is  
23 exempt from the requirement to connect to a municipality's sewer  
24 system and to discontinue use of the property owner's sewage disposal  
25 system if all of the following conditions are met:
- 26 (1) The property of the property owner is located outside the  
27 boundaries of the municipality.
- 28 (2) The property owner's sewage disposal system on the property  
29 is a septic tank soil absorption system or constructed wetland  
30 septic system that:
- 31 (A) was new at the time of installation; and  
32 (B) was approved in writing by the local health department.
- 33 (3) Within sixty (60) days after the property owner is notified  
34 under section 30 of this chapter that the municipality is requiring  
35 connection to its sewer system and discontinuance of use of the  
36 property owner's sewage disposal system, the property owner  
37 notifies the municipality in writing that the property owner is  
38 claiming the exemption provided by this section.
- 39 (4) The property owner, at the property owner's expense, obtains  
40 a written determination from:
- 41 (A) the local health department;  
42 (B) the local health department's designee;





- 1 (C) if subsection (f) applies, a qualified inspector; or  
 2 (D) if subsection (g) applies, the board of the local health  
 3 department;  
 4 that the septic tank soil absorption system or constructed wetland  
 5 septic system is not failing.  
 6 (5) The property owner provides to the municipality a copy of the  
 7 written determination described in subdivision (4) within one  
 8 hundred twenty (120) days after the property owner is notified  
 9 under section 30 of this chapter that the municipality is requiring  
 10 connection to its sewer system and discontinuance of use of the  
 11 property owner's sewage disposal system.  
 12 (e) If a property owner, within the time allowed under subsection  
 13 (d)(3), notifies the municipality in writing that the property owner is  
 14 claiming the exemption provided by this section, the municipality shall  
 15 suspend the requirement that the property owner discontinue use of the  
 16 property owner's sewage disposal system and connect to the  
 17 municipality's sewer system until the property owner's eligibility for the  
 18 exemption under this section is determined.  
 19 (f) The local health department or the designee of the local health  
 20 department shall provide the property owner with a written  
 21 determination under subsection (d)(4) within sixty (60) days after  
 22 receiving the property owner's request for the determination. If the  
 23 local health department or its designee fails to provide a written  
 24 determination in response to a property owner's request under  
 25 subsection (d)(4) within sixty (60) days after receiving the request, the  
 26 property owner, at the property owner's expense, may obtain a written  
 27 determination from a qualified inspector.  
 28 (g) If the local health department or the department's designee, in  
 29 response to a property owner's request under subsection (d)(4),  
 30 determines that a septic tank soil absorption system or constructed  
 31 wetland septic system is failing, the property owner may appeal the  
 32 determination to the board of the local health department. The decision  
 33 of the board as to whether the septic tank soil absorption system or  
 34 constructed wetland septic system is failing is final and binding for  
 35 purposes of this section.  
 36 (h) If a property qualifies under subsections (d) through (g) for the  
 37 exemption provided by this section:  
 38 (1) the property owner is exempt from the requirement to connect  
 39 to the municipality's sewer system for a period of ten (10) years  
 40 beginning on the date on which the property owner's septic tank  
 41 soil absorption system or constructed wetland septic system  
 42 described in subsection (d)(2) was installed; and



1 (2) the property owner may renew the initial ten (10) year  
 2 exemption described in subdivision (1) by seeking to obtain not  
 3 more than two (2) additional five (5) year exemptions after the  
 4 initial exemption expires by meeting the conditions set forth in  
 5 subsection (i) for each five (5) year exemption. Each additional  
 6 exemption under this subdivision begins on the date the previous  
 7 exemption would otherwise expire.

8 The total period during which a property owner may be exempt from  
 9 the requirement to connect to a municipality's sewer system under this  
 10 subsection may not exceed twenty (20) years.

11 (i) A property owner qualifies for an exemption renewal as  
 12 described in subsection (h)(2) if all of the following conditions are met:

13 (1) The property continues to meet the conditions set forth in  
 14 subsection (d)(1) through (d)(2).

15 (2) Not less than one hundred twenty (120) days before the  
 16 expiration of:

17 (A) the property owner's initial exemption described in  
 18 subsection (h)(1); or

19 (B) the property owner's previous renewal of an exemption  
 20 described in subsection (h)(2);

21 the property owner notifies the municipality in writing that the  
 22 property owner is seeking the renewal of an exemption under this  
 23 section.

24 (3) The property owner, at the property owner's expense, obtains  
 25 another written determination from:

26 (A) the local health department;

27 (B) the local health department's designee;

28 (C) a qualified inspector; or

29 (D) the board of the local health department;

30 as applicable, that the septic tank soil absorption system or  
 31 constructed wetland septic system is not failing.

32 (4) The property owner provides to the municipality a copy of the  
 33 written determination described in subdivision (3) not less than  
 34 thirty (30) days before the expiration of the property owner's:

35 (A) initial exemption described in subsection (h)(1); or

36 (B) previous exemption renewal period described in  
 37 subsection (h)(2).

38 The local health department or the designee of the local health  
 39 department shall provide the property owner with a written  
 40 determination under subdivision (3)(A) or (3)(B) within sixty (60) days  
 41 after receiving the property owner's request for the determination. If the  
 42 local health department or its designee fails to provide a written



1 determination under subdivision (3)(A) or (3)(B) within sixty (60) days  
 2 after receiving a property owner's request, the property owner, at the  
 3 property owner's expense, may obtain a written determination from a  
 4 qualified inspector under subdivision (3)(C). If the local health  
 5 department or the department's designee determines that a septic tank  
 6 soil absorption system or constructed wetland septic system is failing,  
 7 the property owner may appeal the determination to the board of the  
 8 local health department under subdivision (3)(D), but the decision of  
 9 the board as to whether the septic tank soil absorption system or  
 10 constructed wetland septic system is failing is final and binding for  
 11 purposes of this section.

12 (j) If a property qualifies for the exemption provided by this section  
 13 and ownership of the property is transferred during a valid exemption  
 14 period, including an exemption renewal period described in subsection  
 15 (h)(2):

16 (1) the exemption continues to apply to the property for the  
 17 remainder of the exemption period during which the transfer  
 18 occurs; and

19 (2) the transferee may apply for any exemption renewals under  
 20 subsection (h)(2) that the previous property owner would have  
 21 been entitled to apply for under this section.

22 (k) If a property owner whose property qualifies for an exemption  
 23 under this section, including a transferee described in subsection (j),  
 24 discontinues use of the property owner's septic tank soil absorption  
 25 system or constructed wetland septic system and consents to the  
 26 connection of the property to the municipality's sewer system, the  
 27 property owner may not be required to pay more than the following to  
 28 connect to the municipality's sewer system:

29 (1) The connection fee the property owner would have paid if the  
 30 property owner had connected to the municipality's sewer system  
 31 on the first date on which the property owner could have  
 32 connected to the sewer system.

33 (2) Any additional costs:

34 (A) considered necessary by; and

35 (B) supported by documentary evidence provided by;  
 36 the municipality.

37 SECTION 337. IC 36-9-23-35, AS AMENDED BY P.L.113-2014,  
 38 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2023]: Sec. 35. No proceedings other than those  
 40 prescribed by this chapter are required for:

41 (1) the construction or acquisition of sewage works;

42 (2) the issuance or sale of bonds; or



1 (3) the establishment of fees;  
2 under this chapter. However, the functions, powers, and duties of the  
3 department of environmental management, the environmental rules  
4 board, and the **state Indiana** department of health are not affected by  
5 this chapter.

6 SECTION 338. IC 36-9-25-15, AS AMENDED BY P.L.167-2022,  
7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 15. (a) The board, on its own initiative, whenever  
9 any territory, by its contour and watershed, or because of the extension  
10 of sewers by the municipality, is capable of draining sewage into or  
11 connecting with the sanitary system, may incorporate any territory,  
12 whether platted or unplatted, into the district by adopting a resolution  
13 to that effect describing the reason it is to be included. A certified copy  
14 of the resolution is conclusive evidence in any proceeding that the  
15 territory described was properly incorporated and constitutes a part of  
16 the district, subject to this chapter.

17 (b) Immediately after the passage of a resolution under subsection  
18 (a), a notice stating the time and place for a public hearing on the  
19 resolution shall be published in accordance with IC 5-3-1. By the date  
20 and time of the hearing any affected person may file in the office of the  
21 board a written remonstrance to having the person's lands included.  
22 The board shall either confirm, modify, or rescind the resolution after  
23 the hearing. An appeal may be taken from the decision by one (1) or  
24 more persons considering themselves aggrieved or injuriously affected,  
25 as long as those appealing have filed written remonstrances, as  
26 provided in this subsection, by filing their complaint within thirty (30)  
27 days after the final decision of the board. The appeal shall be governed  
28 by IC 34-13-6.

29 (c) If the court is satisfied upon hearing an appeal under subsection  
30 (b):

31 (1) that less than seventy-five percent (75%) of the persons  
32 owning property in the territory sought to be incorporated in the  
33 district have remonstrated; and

34 (2) that the incorporation of the territory into the district will be  
35 for its interest and will cause no manifest injury to the persons  
36 owning property in the territory;

37 the court shall so find and the incorporation shall be ordered. If the  
38 court is satisfied that seventy-five percent (75%) or more of the persons  
39 owning property in the territory sought to be incorporated have  
40 remonstrated, then the incorporation may not be ordered unless the  
41 court further finds from the evidence that unless it is incorporated, the  
42 health and welfare of residents of the territory or of the adjoining lands



1 will be materially affected and that the safety and welfare of the  
 2 inhabitants and property of other persons and property will be  
 3 endangered.

4 (d) Pending an appeal under subsection (b) and during the time  
 5 within which the appeal may be taken, the territory sought to be  
 6 incorporated is not a part of the district. Upon the determination of the  
 7 appeal, the judgment must particularly describe the resolution upon  
 8 which the appeal is based. The clerk of the court shall deliver a  
 9 certified copy of the judgment to the secretary of the board, who shall  
 10 record it in the minute book of the board and make a cross-reference to  
 11 the page upon the margin where the original resolution was recorded.  
 12 If a decision is adverse to an incorporation, further proceedings may  
 13 not be taken by the board to incorporate that territory within the district  
 14 for a period of one (1) year after the rendition of the judgment.

15 (e) Except as provided in subsection (n) and subject to subsections  
 16 (f) through (m), a property owner whose property is incorporated into  
 17 a district under this section or section 14(b) of this chapter, regardless  
 18 of whether the property owner has filed a written remonstrance or an  
 19 appeal with respect to the incorporation, is exempt from a requirement  
 20 to connect to the district's sewer system and to discontinue use of a  
 21 sewage disposal system on the property owner's property if all of the  
 22 following conditions are met:

23 (1) The property owner's sewage disposal system is a septic tank  
 24 soil absorption system (as defined in IC 13-11-2-199.5) or  
 25 constructed wetland septic system (as defined in  
 26 IC 36-9-23-30.1(a)) that:

27 (A) was new at the time of installation; and

28 (B) was approved in writing by the local health department,  
 29 the department's designee, or a qualified inspector.

30 (2) The property owner, at the property owner's own expense,  
 31 obtains a written determination from the local health department  
 32 or the department's designee that the property owner's sewage  
 33 disposal system is not failing. The local health department or the  
 34 department's designee shall provide the owner with a written  
 35 determination not later than sixty (60) days after receipt of the  
 36 owner's request. If the local health department or the department's  
 37 designee fails to provide a written determination within the time  
 38 set forth in this subdivision, the owner, at the owner's expense,  
 39 may obtain a written determination from a qualified inspector. If  
 40 the local health department or the department's designee  
 41 determines that the sewage disposal system is failing, the property  
 42 owner may appeal the determination to the board of the local



1 health department. The decision of the board of the local health  
2 department is final and binding.

3 (3) The property owner provides the board with:

4 (A) a written notification of potential qualification for the  
5 exemption, as described in subsection (h); and

6 (B) the written determination described in subdivision (2);  
7 within the time limits set forth in subsection (h).

8 (f) If the property owner, within the time allowed under subsection  
9 (h), notifies the board in writing of the property owner's potential  
10 qualification for the exemption, the board shall, until the property  
11 owner's eligibility for the exemption is determined, suspend the  
12 requirement that the property owner discontinue use of the property  
13 owner's sewage disposal system and connect to the district's sewer  
14 system.

15 (g) A property owner who qualifies for the exemption provided  
16 under this section may not be required to connect to the district's sewer  
17 system for a period of ten (10) years beginning on the date of the  
18 written determination of the local health department, the department's  
19 designee, or a qualified inspector under subsection (e)(2) that the  
20 property owner's sewage disposal system is not failing. A property  
21 owner may apply for two (2) five (5) year extensions of the exemption  
22 provided under this section by following the procedures set forth in this  
23 section. If ownership of an exempt property is transferred during a  
24 valid exemption period, including during an extension of an initial  
25 exemption:

26 (1) the exemption applies to the subsequent owner of the property  
27 for the remainder of the exemption period during which the  
28 transfer occurred; and

29 (2) the subsequent owner may apply for any remaining  
30 extensions.

31 However, the total period during which a property may be exempt from  
32 the requirement to connect to a district's sewer system under this  
33 section may not exceed twenty (20) years, regardless of ownership of  
34 the property.

35 (h) To qualify for an exemption under this section, a property owner  
36 must:

37 (1) not later than sixty (60) days after being notified of the  
38 requirement to connect to the district's sewer system, notify the  
39 board in writing that the property owner qualifies for an  
40 exemption under this section; and

41 (2) not later than one hundred twenty (120) days after the board  
42 receives the written notice provided under subdivision (1),



- 1 provide the board with the written determination required under  
2 subsection (e)(2).
- 3 (i) When a property owner who qualifies for an exemption under  
4 this section subsequently discontinues use of the property owner's  
5 sewage disposal system and connects to the district's sewer system, the  
6 property owner may be required to pay only the following to connect  
7 to the sewer system:
- 8 (1) The connection fee the property owner would have paid if the  
9 property owner connected to the sewer system on the first date the  
10 property owner could have connected to the sewer system.
- 11 (2) Any additional costs:
- 12 (A) considered necessary by; and  
13 (B) supported by documentary evidence provided by;  
14 the board.
- 15 (j) A property owner who connects to a district's sewer system may  
16 provide, at the owner's expense, labor, equipment, materials, or any  
17 combination of labor, equipment, and materials from any source to  
18 accomplish the connection to the sewer system, subject to inspection  
19 and approval by the board or a designee of the board.
- 20 (k) This section does not affect the authority of the ~~state~~ **Indiana**  
21 department of health, a local health department, or a county health  
22 officer with respect to a sewage disposal system.
- 23 (l) For purposes of this section, a sewage disposal system is "failing"  
24 if one (1) or more of the following apply:
- 25 (1) The system refuses to accept sewage at the rate of design  
26 application and interferes with the normal use of plumbing  
27 fixtures.
- 28 (2) Effluent discharge exceeds the absorptive capacity of the soil  
29 into which the system discharges, resulting in ponding, seepage,  
30 or other discharge of the effluent to the ground surface or to  
31 surface waters.
- 32 (3) Effluent discharged from the system contaminates a potable  
33 water supply, ground water, or surface waters.
- 34 (m) As used in this section, "qualified inspector" means any of the  
35 following:
- 36 (1) An employee of a local health department who is designated  
37 by the local health department as having sufficient knowledge of  
38 onsite sewage systems to determine if an onsite sewage system is  
39 failing.
- 40 (2) An individual who is certified by the Indiana Onsite  
41 Wastewater Professionals Association as an onsite sewage system  
42 installer or inspector.



1 (3) An individual listed by the **state Indiana** department of health  
 2 or a local health department with jurisdiction over the service area  
 3 of the property inspected as having sufficient knowledge of onsite  
 4 sewage systems to determine if an onsite sewage system is failing.

5 (n) Subsections (e) through (i) do not apply to a property owner  
 6 whose property is incorporated into a district under this section or  
 7 section 14(b) of this chapter if:

8 (1) the district has received approval from the Indiana finance  
 9 authority before January 1, 2022, of a preliminary engineering  
 10 report:

11 (A) for a project to construct the sewer line to which the  
 12 property owner's property is being required to connect; and

13 (B) in connection with funding from the wastewater or  
 14 drinking water revolving loan program under IC 5-1.2-10; and

15 (2) the timing and requirements for connection to the district's  
 16 sewer system are the same for all property owners being required  
 17 to connect to the district's sewer system under the terms of the  
 18 project.

19 SECTION 339. IC 36-9-30-29 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29. (a) A lessor  
 21 corporation proposing to build solid waste disposal facilities, including  
 22 the necessary equipment and appurtenances, shall, after the execution  
 23 of the lease, submit to the unit plans, specifications, and estimates for  
 24 the facilities. The plans and specifications shall be submitted to the  
 25 **state Indiana** department of health and must be approved in writing by  
 26 the state department and by the unit before the execution of the lease.

27 (b) This section does not prohibit the unit from contracting for the  
 28 preliminary engineering design work necessary to initiate the planning  
 29 and engineering of the solid waste disposal facilities, and making  
 30 provisions for payment for these services.

31 SECTION 340. IC 36-10-10-17, AS AMENDED BY P.L.1-2006,  
 32 SECTION 586, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2023]: Sec. 17. Before the execution of a lease,  
 34 the authority proposing to build a convention center for lease to a city  
 35 shall submit to and receive approval by the city executive and city  
 36 legislative body of the plans, specifications, and estimates of cost for  
 37 the convention center. The plans and specifications shall be submitted  
 38 to and approved by the **state Indiana** department of health, the  
 39 department of homeland security, and other state agencies that are  
 40 designated by statute to pass on plans and specifications for public  
 41 buildings.

42 SECTION 341. IC 36-11-2-1 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. A district may be  
 2 established under this article to perform one (1) or more of the  
 3 following functions related to onsite waste management:

- 4 (1) Inventory of systems.  
 5 (2) Inspection of systems.  
 6 (3) Monitoring the:  
 7 (A) performance; and  
 8 (B) maintenance;  
 9 of systems.  
 10 (4) Establishing:  
 11 (A) standards for installation and inspection of systems that  
 12 are no less stringent than standards established by the ~~state~~  
 13 **Indiana** department of health; and  
 14 (B) procedures for enforcement of the standards.  
 15 (5) Seeking grants for:  
 16 (A) system maintenance; and  
 17 (B) any other activities described in this article.  
 18 (6) Establishing rates and charges for the operation of the district.  
 19 (7) Establishing policies and procedures for the use of grants and  
 20 other revenue of the district for installation, maintenance, and  
 21 other activities of the district relating to systems in the district.  
 22 (8) Seeking solutions for disposal of septage from systems.  
 23 (9) Education and training of system service providers and system  
 24 owners.  
 25 (10) Coordination of activities of the district with activities of:  
 26 (A) local health departments;  
 27 (B) the department of environmental management;  
 28 (C) the department of natural resources; and  
 29 (D) the ~~state~~ **Indiana** department of health.  
 30 (11) Other functions as determined by the governing body of the  
 31 district.

32 Enforcement of standards by a district under subdivision (4) does not  
 33 affect the authority of the department of environmental management,  
 34 the ~~state~~ **Indiana** department of health, or a local health department.

35 SECTION 342. IC 36-11-3-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The  
 37 establishment of a district may be initiated only by the governing body.

38 (b) The dissolution of a district may be initiated only by the  
 39 governing body.

40 (c) A notice of intent to establish or dissolve a district must be filed  
 41 in:

- 42 (1) the office of the executive of each governmental entity having



1 territory within the proposed district or the district proposed for  
2 dissolution;

3 (2) the department of environmental management; and

4 (3) the **state Indiana** department of health.

5 SECTION 343. IC 36-11-3-7 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The hearing  
7 officer shall fix a date, time, and place inside or within ten (10) miles  
8 of the proposed district for the hearing on any matter for which a  
9 hearing is authorized under this chapter.

10 (b) The hearing officer shall provide notice of the hearing:

11 (1) under IC 5-3-1; and

12 (2) by certified mail, return receipt requested, mailed at least two

13 (2) weeks before the hearing to:

14 (A) the department of environmental management; and

15 (B) the **state Indiana** department of health.

16 SECTION 344. IC 36-11-3-11 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. The district shall  
18 provide notice of the adoption of an ordinance under section 10 of this  
19 chapter to:

20 (1) local health departments;

21 (2) the department of environmental management;

22 (3) the department of natural resources; and

23 (4) the **state Indiana** department of health.

24 SECTION 345. IC 36-12-10-5, AS ADDED BY P.L.1-2005,  
25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2023]: Sec. 5. (a) The lessor corporation proposing to provide  
27 a library building or buildings, including necessary equipment and  
28 appurtenances, shall submit to the lessee or lessees, before the  
29 execution of a lease, preliminary plans, specifications, and estimates  
30 for the building or buildings.

31 (b) The final plans and specifications shall be submitted to the **state**  
32 **Indiana** department of health, state fire marshal, and any other  
33 agencies that are designated by law to pass on plans and specifications  
34 for library buildings. The final plans and specifications must be  
35 approved by these agencies and the lessee or lessees in writing before  
36 the construction of the building or buildings.

37 SECTION 346. [EFFECTIVE UPON PASSAGE] **(a) This**  
38 **SECTION applies to publication of the following:**

39 **(1) A provision of the Indiana Code that is:**

40 **(A) added or amended by this act; and**

41 **(B) repealed by another act without recognizing the**  
42 **existence of the amendment made by this act by an**



1 appropriate reference in the lead-in line of the SECTION  
 2 of the other act repealing the same provision of the Indiana  
 3 Code.

4 (2) A provision of the Indiana Code that is:

5 (A) amended by this act; and

6 (B) amended by another act without recognizing the  
 7 existence of the amendment made by this act by an  
 8 appropriate reference in the lead-in line of the SECTION  
 9 of the other act amending the same provision of the  
 10 Indiana Code.

11 (b) As used in this SECTION, "other act" refers to an act  
 12 enacted in the 2023 session of the general assembly other than this  
 13 act. "Another act" has a corresponding meaning.

14 (c) Except as provided in subsections (d) and (e), a provision  
 15 repealed by another act shall be considered repealed, regardless of  
 16 whether there is a difference in the effective date of the provision  
 17 added or amended by this act and the provision repealed by the  
 18 other act. Except as provided in subsection (d), the lawful  
 19 compilers of the Indiana Code, in publishing the affected Indiana  
 20 Code provision, shall publish only the version of the Indiana Code  
 21 provision that is repealed by the other act. The history line for an  
 22 Indiana Code provision that is repealed by the other act must  
 23 reference that act.

24 (d) This subsection applies if a provision described in subsection  
 25 (a) that is added or amended by this act takes effect before the  
 26 corresponding provision repeal in the other act. The lawful  
 27 compilers of the Indiana Code, in publishing the provision added  
 28 or amended in this act, shall publish that version of the provision  
 29 and note that the provision is effective until the effective date of the  
 30 corresponding provision repeal in the other act. On and after the  
 31 effective date of the corresponding provision repeal in the other  
 32 act, the provision repealed by the other act shall be considered  
 33 repealed, regardless of whether there is a difference in the effective  
 34 date of the provision added or amended by this act and the  
 35 provision repealed by the other act. The lawful compilers of the  
 36 Indiana Code, in publishing the affected Indiana Code provision,  
 37 shall publish the version of the Indiana Code provision that is  
 38 repealed by the other act, and shall note that this version of the  
 39 provision is effective on the effective date of the repealed provision  
 40 of the other act.

41 (e) If, during the same year, two (2) or more other acts repeal  
 42 the same Indiana Code provision as the Indiana Code provision



1 added or amended by this act, the lawful compilers of the Indiana  
2 Code, in publishing the Indiana Code provision, shall follow the  
3 principles set forth in this SECTION.

4 (f) Except as provided in subsections (g) and (h), a provision  
5 amended by another act that includes all amendments made to the  
6 provision by this act shall be published in the Indiana Code only in  
7 the version of the provision amended by the other act. The history  
8 line for an Indiana Code provision that is amended by the other act  
9 must reference that act.

10 (g) This subsection applies if a provision in this act described in  
11 subsection (f) takes effect before the corresponding provision in the  
12 other act. The lawful compilers of the Indiana Code, in publishing  
13 the provision amended in this act, shall publish this version of the  
14 provision and note that the provision is effective until the effective  
15 date of the corresponding provision in the other act. The lawful  
16 compilers of the Indiana Code, in publishing the corresponding  
17 provision in the other act, shall publish that version of the  
18 provision and note that the provision is effective on and after the  
19 effective date of the provision in the other act.

20 (h) If, during the same year, two (2) or more other acts amend  
21 the same Indiana Code provision as the Indiana Code provision  
22 amended by this act, the lawful compilers of the Indiana Code, in  
23 publishing the Indiana Code provision, shall follow the principles  
24 set forth in this SECTION.

25 (i) This SECTION expires December 31, 2023.

26 SECTION 347. An emergency is declared for this act.

