

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1052

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-19-3-27.5, AS AMENDED BY P.L.232-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. (a) As used in this section and section 27.8 of this chapter, "technology new to Indiana" (referred to in this section as "TNI") means sewage treatment or disposal methods, processes, or equipment that are not described in the administrative rules of the state department or the executive board concerning residential onsite sewage systems (410 IAC 6-8.3) or commercial onsite sewage systems (410 IAC 6-10.1).

(b) The state department shall establish and maintain a technical review panel consisting of individuals with technical or scientific knowledge relating to onsite sewage systems. The technical review panel:

- (1) shall decide under subsection (f) whether to approve:
  - (A) proprietary residential wastewater treatment devices; and
  - (B) proprietary commercial wastewater treatment devices; for general use in Indiana;
- (2) shall biannually review the performance of residential onsite sewage systems and commercial onsite sewage systems;
- (3) shall assist the state department in developing standards and guidelines for proprietary residential wastewater treatment devices and proprietary commercial wastewater treatment

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devices;

(4) shall assist the executive board and the state department in updating rules adopted under section 4 of this chapter concerning residential onsite sewage systems and commercial onsite sewage systems; and

(5) may exercise the powers granted by section 27.7 of this chapter.

(c) The technical review panel shall include the following:

(1) A member of the staff of the state department, who shall serve as the chair.

(2) A local health department environmental health specialist appointed by the governor.

(3) An Indiana professional engineer registered under IC 25-31-1 representing the American Council of Engineering Companies.

(4) A representative of the Indiana Builders Association.

(5) An Indiana registered professional soil scientist (as defined in IC 25-31.5-1-6) representing the Indiana Registry of Soil Scientists.

(6) A representative of an Indiana college or university with a specialty in engineering, soil science, environmental health, or biology appointed by the governor.

(7) A representative of the Indiana Onsite Wastewater Professionals Association.

(8) An Indiana onsite sewage system contractor appointed by the governor.

(9) A representative of the Indiana State Building and Construction Trades Council.

All members of the technical review panel are voting members, **except the member described in subdivision (1).**

(d) In the case of a tie vote of the technical review panel, **the following shall occur:**

**(1) If the tie vote is in regard to a county, city, or town ordinance concerning residential onsite sewage systems:**

**(A) the technical review panel shall send the ordinance back to the county, city, or town not more than seven (7) days after the day of the tie vote;**

**(B) the county, city, or town may revise and resubmit the ordinance; and**

**(C) if the ordinance is revised and resubmitted, the technical review panel shall consider the revised ordinance at its next meeting.**

**(2) If the tie vote is in regard to a matter not described in**



**subdivision (1)**, the technical review panel shall, not more than seven (7) days after the day of the tie vote:

- (1) **(A)** contact the applicant by phone call and by mail; and
- (2) **(B)** request more information or provide an explanation of how the applicant can modify the application to make it more complete.

The technical review panel shall review any new information provided by the applicant and vote again on the application not more than thirty (30) days after receiving the information.

(e) The technical review panel shall do the following:

(1) Receive applications for the approval of TNI for general use in:

- (A) residential onsite sewage systems under sections 4 and 27 of this chapter and IC 16-41-25; and
- (B) commercial onsite sewage systems under sections 4 and 27 of this chapter and IC 16-19-3.5.

(2) Meet ~~at least four (4) times per year~~ **monthly as needed to assist the executive board and the state department as described in subsection (b)(4) and** to review applications described in subdivision (1).

(3) Notify each person who submits an application described in subdivision (1):

- (A) that the person's application has been received by the technical review panel; and
- (B) of whether the application is complete;

not later than thirty (30) days after the technical review panel receives the application.

(4) Inform each person who submits an application described in subdivision (1) of:

- (A) a tentative decision of the technical review panel; or
- (B) the technical review panel's final decision under subsection (f);

concerning the application not more than ninety (90) days after the technical review panel notifies the person under subdivision (3) that the panel has received the person's application.

(f) In response to each application described in subsection (e)(1), the technical review panel shall make, and inform the applicant of, one (1) of the following final decisions:

- (1) That the TNI to which the application relates is approved for general use in Indiana.
- (2) That the TNI to which the application relates is approved for use in Indiana with certain conditions, which may include:



- (A) a requirement that the TNI be used initially only in a pilot project;
  - (B) restrictions on the number or type of installations of the TNI;
  - (C) sampling and analysis requirements for TNI involving or comprising a secondary treatment system;
  - (D) requirements relating to training concerning the TNI;
  - (E) requirements concerning the operation and maintenance of the TNI; or
  - (F) other requirements.
- (3) That the TNI to which the application relates is approved on a project-by-project basis.
- (4) That the TNI is not approved for use in Indiana, which must be accompanied by a statement of the reason for the decision.
- (g) If the technical review panel makes a decision under subsection (f)(4) that the TNI is not approved for use in Indiana, the applicant may:
- (1) submit a new application to the technical review panel under this section; or
  - (2) file a petition for review of the technical review panel's decision under IC 4-21.5-3.
- (h) If the technical review panel fails to notify a person who submits an application of the technical review panel's tentative decision or final recommendation within ninety (90) days after receiving the application as required by subsection (e)(4), the person who submitted the application may use the TNI to which the application relates in a single residential onsite sewage system or commercial onsite sewage system, as if the TNI had been approved only for use in a pilot project.
- (i) The technical review panel shall decide that the TNI to which an application relates is approved for general use in Indiana if:
- (1) the TNI has been certified as meeting the NSF/ANSI 40 Standard;
  - (2) a proposed Indiana design and installation manual for the TNI is submitted with the permit application; and
  - (3) the technical review panel certifies that the proposed Indiana design and installation manual meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department.
- (j) Subsection (k) applies if:
- (1) a particular TNI meets the requirements of NSF/ANSI 40, NSF/ANSI 245, or NSF/ANSI 350;
  - (2) the proposed Indiana design and installation manual for the



TNI meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department; and

(3) an Indiana professional engineer registered under IC 25-31-1 prepares site specific plans for the use of the TNI for a residential or commercial application.

(k) In a case described in subsection (j):

(1) if the TNI is to be used in a residential application, the site specific plans prepared under subsection (j)(3), after being submitted to the local health department of the county, city, or multiple county unit in which the TNI would be installed, may be approved by the local health department within the period set forth in IC 16-41-25-1(a); and

(2) if the TNI is to be used in a commercial application, the site specific plans prepared under subsection (j)(3) shall be approved by the state department upon submission of the site specific plans.

(l) A local health department may not refuse an application for a permit for the construction or installation of a residential onsite sewage system (as defined in IC 16-41-25-0.4) solely because the residential onsite sewage system has not been used previously in the jurisdiction of the local health department or is unfamiliar to the local health department, if either of the following apply:

(1) The residential onsite sewage system has been approved by the technical review panel under this section for general use in Indiana.

(2) The residential onsite sewage system:

(A) is based on one (1) or more sewage treatment or disposal methods or processes; or

(B) incorporates equipment;

approved by the technical review panel under this section for general use in Indiana.

SECTION 2. IC 16-19-3-27.7, AS ADDED BY P.L.232-2023, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.7. (a) Subject to subsection (b), for all rules concerning residential **and nonresidential** onsite sewage systems, the state department shall update:

(1) all matters incorporated by reference in the rules, including all bulletins, standards, and specifications incorporated by reference; and

(2) all industry standard practices reflected in the rules; upon the recognition of new bulletins, standards, specifications, and industry standard practices that supersede the bulletins, standards, specifications, and industry standard practices incorporated by

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reference or otherwise reflected in the rules.

(b) The technical review panel established under section 27.5(b) of this chapter:

- (1) may recognize and notify the state department of:
  - (A) new bulletins, standards, and specifications; and
  - (B) new industry standard practices;
 for the purposes of subsection (a); and

(2) must approve updates described in subsection (a) before the state department may update the rules concerning residential **and nonresidential** onsite sewage systems under subsection (a).

(c) Updates approved by the technical review panel described in subsection (b) and updated by the state department under subsection (a) ~~are effective one hundred eighty (180) days after the publication of the updates.~~

~~(d) The technical review panel may only notify the state department of updated:~~

- ~~(1) matters incorporated by reference in the rules; including all bulletins, standards, and specifications incorporated by reference; and~~
- ~~(2) industry standard practices reflected in the rules;~~

~~for publication once every two (2) years.~~

~~(e) The state department may publish the updates described in subsection (a) not more than once every two (2) years. must be adopted in accordance with IC 4-22-2.~~

SECTION 3. IC 16-19-3-27.8, AS ADDED BY P.L.232-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.8. (a) After June 30, 2023, a county, city, or town ordinance concerning residential onsite sewage systems that:

- (1) would restrict or prohibit the use of technology new to Indiana that is approved for general use in Indiana under section 27.5 of this chapter; or
- (2) would otherwise vary from the rules concerning residential onsite sewage systems, including rules updated under section 27.7 of this chapter;

is subject to this section.

(b) After adopting an ordinance described in subsection (a), the county, city, or town must submit the ordinance to the technical review panel established under section 27.5(b) of this chapter, along with a:

- (1) request for approval of the ordinance;
- (2) statement of the reasons for the restriction, prohibition, or variance; and
- (3) statement of financial impact **for each item in the ordinance.**

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(c) The technical review panel shall consider an ordinance submitted by a county, city, or town under subsection (b). If the technical review panel approves the ordinance by vote of a majority of its members at a public meeting, the ordinance becomes effective within the county, city, or town.

(d) An ordinance described in subsection (a) is not effective unless it is approved by the technical review panel under this section.

(e) If an ordinance described in subsection (a) was adopted before July 1, 2023, the ordinance becomes void and unenforceable on July 1, 2023.

(f) An ordinance described in subsection (a) may be readopted if:

(1) the legislative body of county, city, or town votes to adopt the ordinance after it expires on July 1, 2023; and

(2) after being readopted under subdivision (1), the ordinance is:

(A) submitted to the technical review panel under subsection (b); and

(B) approved by the technical review panel under subsection (c).

**(g) The technical review panel may not approve an ordinance under this section unless the requirements described in section 34 of this chapter are satisfied.**

**(h) An ordinance that:**

**(1) is approved by the technical review panel after January 1, 2025; and**

**(2) does not comply with the rule changes made in accordance with section 34 of this chapter;**

**is void.**

**(i) The technical review panel may only meet once per calendar quarter to review ordinances under this section.**

SECTION 4. IC 16-19-3-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 34. (a) Before July 1, 2026, the state department or the executive board on behalf of the state department shall adopt, revise, update, or repeal rules concerning residential onsite sewage systems (as defined in IC 16-41-25-0.4) to conform with legislation enacted in the 2023 and 2024 sessions of the general assembly.**

**(b) Before July 1, 2026, the state department or the executive board on behalf of the state department shall adopt rules that establish guidelines for the inspection of residential onsite sewage systems (as defined in IC 16-41-25-0.4).**

**(c) Before July 1, 2026, the state department or the executive**



board on behalf of the state department shall adopt rules that provide that if a residential onsite sewage system (as defined in IC 16-41-25-0.4) is installed in a flood plain, the risers must be at grade.

(d) Before January 1, 2027, the state department or the executive board on behalf of the state department shall adopt, revise, update, or repeal rules concerning nonresidential onsite sewage systems (as defined in IC 16-19-3.5-3.5) to conform with legislation enacted in the 2023 and 2024 sessions of the general assembly.

(e) Before January 1, 2027, the state department or the executive board on behalf of the state department shall adopt rules that establish guidelines for the inspection of nonresidential onsite sewage systems (as defined in IC 16-19-3.5-3.5).

(f) Before January 1, 2027, the state department or the executive board on behalf of the state department shall adopt rules that provide that if a nonresidential onsite sewage system (as defined in IC 16-19-3.5-3.5) is installed in a flood plain, the risers must be at grade.

(g) This section expires July 1, 2027.

SECTION 5. An emergency is declared for this act.





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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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