

HOUSE BILL No. 1145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-9.1; IC 6-8-13-2; IC 10-14-3; IC 16-19; IC 16-20-1; IC 16-22-8-31.

Synopsis: Emergency powers. Provides that the governor shall declare a disaster emergency by executive order or proclamation only to the extent necessary to provide assistance or otherwise implement measures directly related to a federal declaration of emergency for all or a portion of Indiana. Provides that the orders, rules, and regulations made, amended, or rescinded by the governor must be narrowly tailored to serve a compelling public health or safety interest. Provides that if the governor declares a state of disaster emergency, the state of disaster emergency expires not later than 14 days after the declaration and may not be renewed. Provides that the governor may suspend certain regulatory statutes only to the extent necessary to carry out certain emergency responses. Provides that the governor may not suspend any provision of any regulatory statute if that suspension infringes upon any right or protection guaranteed or provided in the Constitution of the United States or the Constitution of the State of Indiana. Provides that nothing may be construed to authorize the executive board of the Indiana department of health (department) to suspend any law, ordinance, or regulation enacted by the general assembly or other legislative body as part of a rule adopted by the executive board. Provides that the department may establish quarantine and may do what is reasonable and necessary for the prevention and suppression of disease if the department is authorized to do so in a declared disaster emergency. Provides that the department may order schools closed and forbid public gatherings when considered necessary to prevent and stop epidemics if the department is specifically
(Continued next page)

Effective: Upon passage.

Lucas

January 8, 2024, read first time and referred to Committee on Public Health.



Digest Continued

authorized to do so in an emergency declaration. Provides that certain actions authorized by the commissioner of the department, local health boards, or local health officers may not be construed to authorize the commissioner, board, or officer to suspend any law or regulation enacted by the general assembly or other legislative body unless otherwise specifically authorized by a declared disaster emergency. Repeals provisions relating to the governor's authority to establish an energy emergency.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1145



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

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

1 SECTION 1. IC 4-6-9.1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Sections 1
3 through 7 of this chapter apply to the period during which an
4 emergency is declared and the twenty-four (24) hours before the
5 declaration by the governor under IC 10-14-3-12. ~~or IC 10-14-3-13.~~
6 (b) The definitions in IC 10-14-3 apply to this chapter.
7 SECTION 2. IC 4-6-9.1-7 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. This chapter
9 preempts the power of local governments to regulate pricing of
10 commodities under a declaration of emergency:
11 (1) under IC 10-14-3-12; **or**
12 ~~(2) under IC 10-14-3-13; or~~
13 ~~(3)~~ **(2)** by a local government.
14 SECTION 3. IC 6-8-13-2, AS ADDED BY P.L.293-2013(ts),
15 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 2. As used in this chapter, "disaster
2 emergency" means the following:

3 (1) A disaster emergency declared under IC 10-14-3-12.

4 ~~(2) A state of energy emergency declared under IC 10-14-3-13.~~

5 ~~(3) (2)~~ A local disaster emergency declared under IC 10-14-3-29.

6 ~~(4) (3)~~ A request by a registered business for disaster or
7 emergency assistance under a mutual assistance agreement.

8 SECTION 4. IC 10-14-3-11, AS AMENDED BY P.L.56-2023,
9 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 11. (a) The governor has general direction and
11 control of the agency and is responsible for carrying out this chapter.
12 In the event of disaster or emergency beyond local control, the
13 governor may assume direct operational control over all or any part of
14 the emergency management functions within Indiana.

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

18 (1) Make, amend, and rescind the necessary orders, rules, and
19 regulations to carry out this chapter with due consideration of the
20 plans of the federal government. **However, the orders, rules,
21 and regulations that are made, amended, or rescinded must be
22 narrowly tailored to serve a compelling public health or safety
23 interest.**

24 (2) Cooperate with the President of the United States and the
25 heads of the armed forces, the Federal Emergency Management
26 Agency, and the officers and agencies of other states in matters
27 pertaining to emergency management and disaster preparedness,
28 response, and recovery of the state and nation. In cooperating
29 under this subdivision, the governor may take any measures that
30 the governor considers proper to carry into effect any request of
31 the President of the United States and the appropriate federal
32 officers and agencies for any emergency management action,
33 including the direction or control of disaster preparations,
34 including the following:

35 (A) Mobilizing emergency management forces and other tests
36 and exercises.

37 (B) Providing warnings and signals for drills, actual
38 emergencies, or disasters.

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

41 (D) Conducting civilians and the movement and cessation of
42 movement of pedestrians and vehicular traffic during, before,



- 1 and after drills, actual emergencies, or other disasters.
 2 (E) Holding public meetings or gatherings.
 3 (F) Evacuating and receiving the civilian population.
 4 (3) Take any action and give any direction to state and local law
 5 enforcement officers and agencies as may be reasonable and
 6 necessary for securing compliance with this chapter and with any
 7 orders, rules, and regulations made under this chapter.
 8 (4) Employ any measure and give any direction to the Indiana
 9 department of health or local boards of health as is reasonably
 10 necessary for securing compliance with this chapter or with the
 11 findings or recommendations of the Indiana department of health
 12 or local boards of health because of conditions arising from actual
 13 or threatened:
 14 (A) national security emergencies; or
 15 (B) manmade or natural disasters or emergencies.
 16 (5) Use the services and facilities of existing officers, agencies of
 17 the state, and of political subdivisions. All officers and agencies
 18 of the state and of political subdivisions shall cooperate with and
 19 extend services and facilities to the governor as the governor may
 20 request.
 21 (6) Establish agencies and offices and appoint executive,
 22 technical, clerical, and other personnel necessary to carry out this
 23 chapter, including the appointment of full-time state and area
 24 directors.

25 SECTION 5. IC 10-14-3-12, AS AMENDED BY P.L.99-2021,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster
 28 emergency by executive order or proclamation ~~if the governor~~
 29 ~~determines that a disaster has occurred or that the occurrence or the~~
 30 ~~threat of a disaster is imminent: only to the extent necessary to~~
 31 ~~provide assistance or otherwise implement measures directly~~
 32 ~~related to a federal declaration of emergency for all or a portion of~~
 33 ~~Indiana.~~ The state of disaster emergency continues until the governor:

- 34 (1) determines that the threat or danger has passed or the disaster
 35 has been dealt with to the extent that emergency conditions no
 36 longer exist; and
 37 (2) terminates the state of disaster emergency by executive order
 38 or proclamation.

39 A state of disaster emergency may not continue for longer than ~~thirty~~
 40 ~~(30) days unless the state of disaster emergency is renewed by the~~
 41 ~~governor: fourteen (14) days. The state of disaster emergency may~~
 42 ~~not be renewed by the governor.~~ The general assembly, by concurrent



1 resolution, may terminate a state of disaster emergency at any time. If
 2 the general assembly terminates a state of disaster emergency under
 3 this subsection, the governor shall issue an executive order or
 4 proclamation ending the state of disaster emergency. All executive
 5 orders or proclamations issued under this subsection must indicate the
 6 nature of the disaster, the area or areas threatened, and the conditions
 7 which have brought the disaster about or that make possible
 8 termination of the state of disaster emergency. An executive order or
 9 proclamation under this subsection shall be disseminated promptly by
 10 means calculated to bring the order's or proclamation's contents to the
 11 attention of the general public. Unless the circumstances attendant
 12 upon the disaster prevent or impede, an executive order or
 13 proclamation shall be promptly filed with the secretary of state and
 14 with the clerk of the city or town affected or with the clerk of the circuit
 15 court.

16 (b) An executive order or proclamation of a state of disaster
 17 emergency:

18 (1) activates the disaster response and recovery aspects of the
 19 state, local, and interjurisdictional disaster emergency plans
 20 applicable to the affected political subdivision or area; and

21 (2) is authority for:

22 (A) deployment and use of any forces to which the plan or
 23 plans apply; and

24 (B) use or distribution of any supplies, equipment, materials,
 25 and facilities assembled, stockpiled, or arranged to be made
 26 available under this chapter or under any other law relating to
 27 disaster emergencies.

28 (c) During the continuance of any state of disaster emergency, the
 29 governor is commander-in-chief of the organized and unorganized
 30 militia and of all other forces available for emergency duty. To the
 31 greatest extent practicable, the governor shall delegate or assign
 32 command authority by prior arrangement embodied in appropriate
 33 executive orders or regulations. This section does not restrict the
 34 governor's authority to delegate or assign command authority by orders
 35 issued at the time of the disaster emergency.

36 (d) In addition to the governor's other powers, and subject to
 37 sections 12.5 and 12.7 of this chapter, the governor may do the
 38 following while the state of emergency exists:

39 (1) **Subject to subsection (e)**, suspend the provisions of any
 40 regulatory statute ~~prescribing the procedures for conduct of state~~
 41 ~~business, or the orders, rules, or regulations of any state agency if~~
 42 ~~strict compliance with any of these provisions would in any way~~



- 1 prevent, hinder, or delay necessary action in coping with the
 2 emergency: **only to the extent necessary to directly carry out**
 3 **subdivisions (2) through (11).**
- 4 (2) Use all available resources of the state government and of
 5 each political subdivision of the state **only to the extent**
 6 **necessary to** reasonably ~~necessary to~~ cope with the disaster
 7 emergency.
- 8 (3) Transfer the direction, personnel, or functions of state
 9 departments and agencies or units for performing or facilitating
 10 emergency services.
- 11 (4) Subject to any applicable requirements for compensation
 12 under section 31 of this chapter **and only to the extent necessary**
 13 **to cope with the disaster emergency**, commandeer or use any
 14 private property if the governor finds this action necessary to cope
 15 with the disaster emergency.
- 16 (5) Assist in the evacuation of all or part of the population from
 17 any stricken or threatened area in Indiana if the governor
 18 considers this action necessary for the preservation of life or other
 19 disaster mitigation, response, or recovery.
- 20 (6) Prescribe routes, modes of transportation, and destinations in
 21 connection with evacuation.
- 22 (7) Control ingress to and egress from a disaster area, the
 23 movement of persons within the area, and the occupancy of
 24 premises in the area.
- 25 (8) **Only to the extent necessary to cope with the disaster**
 26 **emergency**, suspend or limit the sale, dispensing, or
 27 transportation of alcoholic beverages, explosives, and
 28 combustibles.
- 29 (9) Make provision for the availability and use of temporary
 30 emergency housing.
- 31 (10) Allow persons who:
 32 (A) are registered as volunteer health practitioners by an
 33 approved registration system under IC 10-14-3.5; or
 34 (B) hold a license to practice:
 35 (i) medicine;
 36 (ii) dentistry;
 37 (iii) pharmacy;
 38 (iv) nursing;
 39 (v) engineering;
 40 (vi) veterinary medicine;
 41 (vii) mortuary service; and
 42 (viii) similar other professions as may be specified by the



- 1 governor;
 2 to practice their respective profession in Indiana during the period
 3 of the state of emergency if the state in which a person's license
 4 or registration was issued has a mutual aid compact for
 5 emergency management with Indiana.
 6 (11) Give specific authority to allocate drugs, foodstuffs, and
 7 other essential materials and services.
 8 **(e) The governor may not suspend any provision of any**
 9 **regulatory statute if that suspension infringes upon any right or**
 10 **protection that is guaranteed or provided in the Constitution of the**
 11 **United States or the Constitution of the State of Indiana.**
 12 SECTION 6. IC 10-14-3-12.5, AS ADDED BY P.L.99-2021,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 12.5. (a) The following definitions apply
 15 throughout this section:
 16 (1) "Disaster emergency" means
 17 (A) a state or local disaster emergency declared under
 18 ~~IC 10-14-3; this chapter. and~~
 19 (B) ~~an epidemic described in IC 16-19-3-10.~~
 20 (2) "Religious organization" means an organization, a religious
 21 society, a church or other house of worship, a body of
 22 communicants, an educational institution, or a group organized
 23 and operated for religious purposes, regardless of whether it is
 24 integrated or affiliated with a church or other house of worship.
 25 The term includes an officer, owner, employee, manager,
 26 religious leader, clergy, or minister of an organization described
 27 in this subdivision.
 28 (3) "Religious service" means a meeting, a gathering, or an
 29 assembly of two (2) or more persons organized by a religious
 30 organization for the purpose of worship, teaching, training,
 31 providing educational services, conducting religious rituals, or
 32 other activities undertaken by the religious organization for the
 33 exercise of religion.
 34 (b) Religious organizations provide essential services that are
 35 necessary for the health and welfare of the public during a disaster
 36 emergency. Subject to section 12.7 of this chapter, the state and a
 37 political subdivision may not impose restrictions on:
 38 (1) the operation of a religious organization; or
 39 (2) religious services;
 40 that are more restrictive than the restrictions imposed on other
 41 businesses and organizations that provide essential services to the
 42 public.



1 (c) This section does not prohibit the state or a political subdivision
2 from requiring a religious organization to comply with a generally
3 applicable health, safety, or occupancy requirement that is neutral
4 towards religious organizations and equally applicable to any
5 organization or business that provides essential services. However, the
6 state or political subdivision may not enforce any health, safety, or
7 occupancy requirement that imposes a substantial burden on a religious
8 service unless the state or political subdivision demonstrates that
9 applying the burden to the religious service in this particular instance
10 is essential to further a compelling governmental interest and is the
11 least restrictive means of furthering that compelling governmental
12 interest.

13 (d) A person may assert a violation of this section as a claim against
14 the state or a political subdivision in any judicial or administrative
15 proceeding, or as a defense in any judicial or administrative
16 proceeding, without regard to whether the proceeding is brought by or
17 in the name of the state, political subdivision, or any other party.

18 SECTION 7. IC 10-14-3-13 IS REPEALED [EFFECTIVE UPON
19 PASSAGE]. Sec. 13: (a) In addition to the governor's existing powers
20 and duties, the governor has the duties and special energy emergency
21 powers set forth in this section; subject to the limitations in this
22 chapter:

23 (b) The governor may, upon finding that an energy emergency
24 exists, proclaim a state of energy emergency at which time all the
25 general and specific emergency powers specified in this section and
26 section 14 of this chapter become effective:

27 (c) A proclamation issued under this section and any order or rule
28 issued as a result of the proclamation continues in effect until sixty (60)
29 days after the date of the proclamation of the energy emergency unless
30 the governor rescinds the proclamation and declares the energy
31 emergency ended before the expiration of the sixty (60) day period:

32 (d) The governor may not renew or extend a proclamation more than
33 once without approval of the general assembly:

34 (e) The conditions of an energy emergency cease when the governor
35 declares the end of an energy emergency:

36 (f) In a declared state of energy emergency, the governor may do the
37 following:

38 (1) Implement programs, controls, standards, priorities, and
39 quotas for the conservation and consumption of energy; including
40 plans and commission regulations for the curtailment of energy if
41 the governor imposes controls, quotas, or curtailments according
42 to the nature of the end use to be made of the energy consistent



1 with existing transmission and distribution systems serving the
2 geographic area affected by the energy emergency.

3 (2) Suspend and modify state pollution control standards and
4 requirements affecting or affected by the use of energy, including
5 standards or requirements relating to air or water quality control.

6 (3) Establish and implement intrastate regional programs and
7 agreements for the purposes of coordinating the energy program
8 and actions of the state with the federal government and other
9 states, localities, and other persons.

10 (4) Designate the execution and enforcement of emergency orders
11 to a state agency that regulates the energy form, resource, or
12 suppliers that are the subject of the proclaimed emergency.

13 (5) Suspend the provisions of any state statute regulating
14 transportation or the orders or rules of any state agency if strict
15 compliance with any of the provisions would prevent, hinder, or
16 delay necessary action in coping with the energy emergency.

17 (g) Restrictions, curtailments, or adjustments under subsection (f)
18 must:

19 (1) be ordered and continue only as long as demonstrably
20 necessary for the maintenance of essential services or
21 transportation or for the continued operation of the economy but
22 not longer than the proclamation's duration;

23 (2) be applied as uniformly as practicable within each class of
24 suppliers and consumers and without discrimination within a
25 class; and

26 (3) give due consideration to:

27 (A) the implementation of involuntary measures only after
28 voluntary measures have been determined to be ineffective;

29 (B) protection of public health and safety;

30 (C) maintenance of vital activities, including but not limited to
31 food, shelter, fuel, and medical care;

32 (D) minimization of economic impact on commercial, retail,
33 professional, agricultural, and service establishments;

34 (E) cooperation with other state, local, and federal
35 governments to avoid duplicating efforts; and

36 (F) maintenance of public information channels.

37 (h) This section does not mean that any program, control, standard,
38 priority quota, or other policy created under the authority of the
39 emergency powers authorized by this section has any continuing legal
40 effect after the cessation of a declared state of energy emergency.

41 (i) Except as provided in this section, this chapter does not exempt
42 a person from compliance with the provisions of any other law, rule, or



1 directive unless:

- 2 (1) specifically ordered by the governor; or
 3 (2) impossibility of compliance is a direct result of the governor's
 4 order.

5 (j) A proclamation issued under this section shall be:

- 6 (1) disseminated promptly and in a manner calculated to inform
 7 the general public of its contents; and
 8 (2) filed promptly with the secretary of state and the clerk of each
 9 circuit court of Indiana.

10 SECTION 8. IC 10-14-3-14 IS REPEALED [EFFECTIVE UPON
 11 PASSAGE]. Sec. 14. (a) In determining whether to declare an energy
 12 emergency under section 13 of this chapter, the governor shall
 13 consider:

- 14 (1) the availability of regional and national energy resources;
 15 (2) local, state, regional, and national energy needs and shortages;
 16 (3) the availability of short term alternative supplies on a local,
 17 state, regional, and national basis;
 18 (4) the economic effect of the declaration and the implementation
 19 of any curtailment or conservation plans; and
 20 (5) any other relevant factors.

21 (b) To protect the public welfare during conditions of energy
 22 emergencies proclaimed under section 13 of this chapter, the governing
 23 body of each city, town, or political subdivision of the state and each
 24 state agency (including the utility regulatory commission) shall carry
 25 out in the body's or agency's jurisdiction energy supply emergency
 26 measures ordered by the governor.

27 (c) To attain uniformity throughout the country in measures taken
 28 to aid in energy crisis management, all:

- 29 (1) action taken under this section and section 13 of this chapter;
 30 and
 31 (2) orders and rules made under this section and section 13 of this
 32 chapter;

33 must be taken or made consistent with federal orders, rules, actions,
 34 recommendations, and requests:

35 (d) A person shall comply with a specific order issued or action
 36 taken by the governor under this section or section 13 of this chapter.

37 (e) During a state of energy emergency proclaimed under section 13
 38 of this chapter, the governor may:

- 39 (1) subpoena:
 40 (A) witnesses;
 41 (B) material;
 42 (C) relevant books;



- 1 (D) papers;
- 2 (E) accounts;
- 3 (F) records; and
- 4 (G) memoranda;
- 5 (2) administer oaths; and
- 6 (3) cause the depositions of persons residing within or outside
- 7 Indiana to be taken in the manner prescribed for depositions in
- 8 civil actions;
- 9 to obtain information relevant to energy resources that are the subject
- 10 of the proclaimed emergency.
- 11 (f) In obtaining information under subsection (e), the governor shall:
- 12 (1) avoid eliciting information already furnished by a person or
- 13 political subdivision in Indiana to a federal, state, or local
- 14 regulatory authority that is available for the governor's study; and
- 15 (2) cause reporting procedures, including forms, to conform to
- 16 existing requirements of federal, state, and local regulatory
- 17 authorities wherever possible.
- 18 (g) Information obtained under this section from a person who
- 19 designates that information as confidential shall be maintained as
- 20 confidential by the governor and by any person who obtains
- 21 information that the person knows to be confidential under this chapter.
- 22 The governor may not make known in any manner any particulars of
- 23 information to persons other than those specified in subsection (j).
- 24 (h) This section does not prohibit the use of confidential information
- 25 to prepare statistics or other general data for publication if the
- 26 information is presented in a manner that prevents identification of the
- 27 particular persons.
- 28 (i) A person who is served with a subpoena to:
- 29 (1) give testimony orally or in writing; or
- 30 (2) produce books, papers, correspondence, memoranda,
- 31 agreements, or other documents or records;
- 32 under this chapter may apply to an Indiana court for protection against
- 33 abuse or hardship in the manner provided by law.
- 34 (j) For purposes of this section, references to the governor in this
- 35 section include any other individual designated in writing by the
- 36 governor. A person designated by the governor shall preserve the
- 37 confidentiality of information in accordance with subsection (g).
- 38 (k) The powers vested in the governor under this section and section
- 39 13 of this chapter are in addition to and not instead of emergency
- 40 powers vested in the governor under this chapter or any other state law.
- 41 (l) The governor may authorize the incurring of liabilities and
- 42 expenses to be paid as other claims against the state from the general



1 fund in the amount necessary if:

2 (1) an energy emergency is declared by the governor; and

3 (2) the energy emergency justifies the expenditure;

4 in accordance with section 28 of this chapter for other emergency or
5 disaster expenditures.

6 SECTION 9. IC 10-14-3-29, AS AMENDED BY P.L.99-2021,
7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 29. (a) A local disaster emergency:

9 (1) may be declared only by the principal executive officer of a
10 political subdivision; and

11 (2) may not be continued or renewed for more than seven (7) days
12 except by or with the consent of the governing board of the
13 political subdivision.

14 Any order or proclamation declaring, continuing, or terminating a local
15 disaster emergency shall be given prompt and general publicity and
16 shall be filed promptly in the office of the clerk of the political
17 subdivision, **and must be narrowly tailored to serve a compelling
18 public health or safety interest.**

19 (b) The effect of a declaration of a local disaster emergency is to:

20 (1) activate the response and recovery aspects of all applicable
21 local or interjurisdictional disaster emergency plans; and

22 (2) authorize the furnishing of aid and assistance under the plans.

23 (c) An interjurisdictional agency or official may not declare a local
24 disaster emergency unless expressly authorized by the agreement under
25 which the agency functions. However, an interjurisdictional disaster
26 agency shall provide aid and services according to the agreement.

27 (d) If a local disaster emergency is declared under this section, the
28 political subdivision may not prohibit individuals engaged in
29 employment necessary to:

30 (1) maintain a safe rail system;

31 (2) restore utility service; or

32 (3) provide any other emergency public service;

33 from traveling on the highways within the political subdivision during
34 the local disaster emergency.

35 (e) If a local disaster emergency is declared under this section, the
36 political subdivision may not prohibit individuals trained and certified
37 as first response broadcasters, as set forth in section 22.5 of this
38 chapter, from traveling on the highways within the political subdivision
39 during the local disaster emergency.

40 (f) If a local emergency is declared under this section, the political
41 subdivision may not prohibit individuals trained and certified as first
42 response communications service providers, as set forth in section 22.6



1 of this chapter, from traveling on the highways within the political
2 subdivision during the local disaster emergency.

3 (g) If a local emergency is declared under this section, the political
4 subdivision must comply with sections 12.5 and 12.7 of this chapter.

5 SECTION 10. IC 16-19-3-4, AS AMENDED BY P.L.143-2022,
6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 4. (a) The executive board may, by an
8 affirmative vote of a majority of its members, adopt reasonable rules on
9 behalf of the state department to protect or to improve the public health
10 in Indiana.

11 (b) The rules may concern but are not limited to the following:

12 (1) Nuisances dangerous to public health.

13 (2) The pollution of any water supply other than where
14 jurisdiction is in the environmental rules board and department of
15 environmental management.

16 (3) The disposition of excremental and sewage matter.

17 (4) The control of fly and mosquito breeding places.

18 (5) The detection, reporting, prevention, and control of diseases
19 that affect public health. **However, nothing in this subdivision**
20 **may be construed to authorize the executive board to suspend**
21 **any law, ordinance, or regulation enacted by the general**
22 **assembly or other legislative body.**

23 (6) The care of maternity and infant cases and the conduct of
24 maternity homes.

25 (7) The production, distribution, and sale of human food.

26 (8) Except as provided in section 4.4 of this chapter, the conduct
27 of camps.

28 (9) Standards of cleanliness of eating facilities for the public.

29 (10) Standards of cleanliness of sanitary facilities offered for
30 public use.

31 (11) The handling, disposal, disinterment, and reburial of dead
32 human bodies.

33 (12) Vital statistics.

34 (13) Sanitary conditions and facilities in public buildings and
35 grounds, including plumbing, drainage, sewage disposal, water
36 supply, lighting, heating, and ventilation, other than where
37 jurisdiction is vested by law in the fire prevention and building
38 safety commission or other state agency.

39 (14) The design, construction, and operation of swimming and
40 wading pools. However, the rules governing swimming and
41 wading pools do not apply to a pool maintained by an individual
42 for the sole use of the individual's household and house guests.



1 (c) The executive board shall adopt reasonable rules to regulate the
2 following:

3 (1) The sanitary operation of tattoo parlors.

4 (2) The sanitary operation of body piercing facilities.

5 (d) The executive board may adopt rules on behalf of the state
6 department for the efficient enforcement of this title, except as
7 otherwise provided. However, fees for inspections relating to weight
8 and measures may not be established by the rules.

9 (e) The executive board may declare that a rule described in
10 subsection (d) is necessary to meet an emergency and adopt the rule
11 under IC 4-22-2-37.1.

12 (f) The rules of the state department may not be inconsistent with
13 this title and or any other state law.

14 SECTION 11. IC 16-19-3-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The state
16 department may establish quarantine and may do what is reasonable
17 and necessary for the prevention and suppression of disease. **However,**
18 **nothing in this section may be construed to authorize the state**
19 **department to suspend any law, ordinance, or regulation enacted**
20 **by the general assembly or other legislative body unless otherwise**
21 **specifically authorized by a disaster emergency declared under**
22 **IC 10-14-3.**

23 SECTION 12. IC 16-19-3-10, AS AMENDED BY P.L.99-2021,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 10. (a) The state department may order
26 schools closed and forbid public gatherings when considered necessary
27 to prevent and stop epidemics **if the state department is specifically**
28 **authorized to do so by a disaster emergency declared under**
29 **IC 10-14-3.**

30 (b) The state department may order a religious organization closed
31 only if the order complies with IC 10-14-3-12.5 through
32 IC 10-14-3-12.7.

33 SECTION 13. IC 16-19-4-10, AS ADDED BY P.L.208-2015,
34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 10. (a) For purposes of IC 16-41-7.5, the **state**
36 **health** commissioner is authorized to declare a public health
37 emergency.

38 (b) **Nothing in this section may be construed to authorize the**
39 **state health commissioner to suspend any law or regulation**
40 **enacted by the general assembly or other legislative body unless**
41 **otherwise specifically authorized by a disaster emergency declared**
42 **under IC 10-14-3.**



1 SECTION 14. IC 16-20-1-19, AS AMENDED BY P.L.219-2021,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 19. (a) Local health officers shall enforce the
 4 health laws, ordinances, orders, rules, and regulations of the officer's
 5 own and superior boards of health.

6 **(b) Nothing in this section may be construed to authorize a local**
 7 **health officer to suspend any law, ordinance, or regulation enacted**
 8 **by the general assembly or other legislative body unless otherwise**
 9 **specifically authorized by a disaster emergency declared under**
 10 **IC 10-14-3.**

11 ~~(b)~~ (c) Any enforcement action taken under subsection (a) in
 12 response to:

13 (1) a declared local public health emergency determined by a
 14 local health department or local health officer; or

15 (2) a disaster emergency declared by the governor under
 16 IC 10-14-3-12;

17 is appealable under IC 16-20-5.5.

18 SECTION 15. IC 16-20-1-21 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) Each local
 20 health board has the responsibility and authority to take any action
 21 authorized by statute or rule of the state department to control
 22 communicable diseases. The board of each local health department or
 23 a designated representative may make sanitary and health inspections
 24 to carry out this chapter and IC 16-20-8.

25 **(b) Nothing in this section may be construed to authorize a local**
 26 **health board to suspend any law, ordinance, or regulation enacted**
 27 **by the general assembly or other legislative body unless otherwise**
 28 **specifically authorized by a disaster emergency declared under**
 29 **IC 10-14-3.**

30 SECTION 16. IC 16-20-1-24, AS AMENDED BY P.L.99-2021,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 24. (a) Local health officers may order
 33 schools closed and forbid public gatherings when considered necessary
 34 to prevent and stop epidemics **if the local health officer is specifically**
 35 **authorized to do so by a disaster emergency declared under**
 36 **IC 10-14-3.**

37 (b) A local health officer may order a religious organization closed
 38 only if the order complies with IC 10-14-3-12.5 through
 39 IC 10-14-3-12.7.

40 (c) An individual who takes action under this section shall comply
 41 with state laws and rules.

42 SECTION 17. IC 16-20-1-26, AS AMENDED BY P.L.219-2021,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 26. (a) Except as provided in subsection (b),
3 a local board of health or local health officer may enforce the board's
4 or officer's orders, citations, and administrative notices by an action in
5 the circuit or superior court.

6 (b) This subsection only applies to an enforcement action described
7 in IC 16-20-5.5-2(a). A local board of health or local health officer may
8 not file an action under subsection (a) to enforce an order, citation, or
9 administrative notice unless the appropriate legislative body under
10 IC 16-20-5.5-1 has authorized the local board of health or local health
11 officer to file the action.

12 (c) The court may take any appropriate action in a proceeding under
13 this section, including any of the following:

14 (1) Issuing an injunction.

15 (2) Entering a judgment.

16 (3) Issuing an order and conditions under IC 16-41-9.

17 (4) Ordering the suspension or revocation of a license.

18 (5) Ordering an inspection.

19 (6) Ordering that a property be vacated.

20 (7) Ordering that a structure be demolished.

21 (8) Imposing a penalty not to exceed an amount set forth in
22 IC 36-1-3-8(a)(10).

23 (9) Imposing court costs and fees under IC 33-37-4-2 and
24 IC 33-37-5.

25 (10) Ordering the respondent to take appropriate action in a
26 specified time to comply with the order of the local board of
27 health or local health officer.

28 (11) Ordering a local board of health or local health officer to take
29 appropriate action to enforce an order within a specified time.

30 (d) The county attorney in which a local board of health or local
31 health officer has jurisdiction shall represent the local health board and
32 local health officer in the action unless the county executive, local
33 board of health, or health and hospital corporation employs other legal
34 counsel or the matter has been referred through law enforcement
35 authorities to the prosecuting attorney.

36 (e) A recipient of any enforcement action described in section ~~19(b)~~
37 **19(c)** of this chapter may:

38 (1) appeal the enforcement action under IC 16-20-5.5; or

39 (2) bring an action directly in the circuit or superior court.

40 However, a recipient who brings an action directly in the circuit or
41 superior court waives the right to appeal under IC 16-20-5.5, and any
42 appeal under IC 16-20-5.5 that is pending at the time the recipient files



1 an action in the circuit or superior court is dismissed by operation of
2 law.

3 SECTION 18. IC 16-22-8-31, AS AMENDED BY P.L.219-2021,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 31. (a) The director of the division of public
6 health has the powers, functions, and duties of a local health officer.
7 **However, nothing in this section may be construed to authorize the**
8 **director to suspend any law, ordinance, or regulation enacted by**
9 **the general assembly or other legislative body unless otherwise**
10 **specifically authorized by a disaster emergency declared under**
11 **IC 10-14-3.**

12 (b) Except as provided in subsection (c), orders, citations, and
13 administrative notices of violation issued by the director of the division
14 of public health, the director's authorized representative, a supervisor
15 in the division, or an environmental health specialist may be enforced
16 by the corporation in a court with jurisdiction by filing a civil action in
17 accordance with IC 16-42-5-28, IC 33-36-3-5(b), IC 34-28-5-1,
18 IC 36-1-6-4, or IC 36-7-9-17.

19 (c) This subsection only applies to an enforcement action described
20 in section 31.5(a) of this chapter. The corporation may not file a civil
21 action under subsection (b) to enforce an order, citation, or
22 administrative notice unless the Marion County city-county council has
23 authorized the corporation to file the civil action.

24 (d) A public health authority may petition a circuit or superior court
25 for an order of isolation or quarantine by filing a civil action in
26 accordance with IC 16-41-9.

27 (e) Unless otherwise provided by law, a change of venue from the
28 county may not be granted for court proceedings initiated under this
29 section.

30 (f) A change of venue from a judge must meet the requirements in
31 IC 34-35-3-3 for court proceedings initiated under this section.

32 SECTION 19. **An emergency is declared for this act.**

