

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1234

---

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-16-1-1, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. Except as **otherwise** provided in this chapter, this chapter applies to: ~~all facilities~~

**(1) every facility** for the distribution of ammonia or ammonia solutions; **and**

**(2) every facility for the storage of ammonia or ammonia solutions;**

that ~~are~~ **is** located in Indiana.

SECTION 2. IC 15-16-1-2, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. As used in this chapter, "ammonia" means ~~agricultural~~ anhydrous ammonia (NH<sub>3</sub>) **that is intended for use as a fertilizer for agricultural purposes.**

SECTION 3. IC 15-16-1-4.5, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4.5. As used in this chapter, "facility for the storage of ammonia or ammonia solutions" means a facility in which ammonia or ammonia solutions are:**

**(1) stored by a person that manufacturers or distributes ammonia or ammonia solutions;**

HEA 1234 — Concur



- (2) stored in stationary containers; or**
- (3) stored in mobile containers for more than thirty (30) days in a calendar year.**

SECTION 4. IC 15-16-1-8, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) Before installing:

- (1) ~~facilities~~ a facility** for the distribution of ammonia or ammonia solutions; **or**
- (2) a facility for the storage of ammonia or ammonia solutions;**

a person shall, on forms provided by the state chemist, apply for approval of the location of the proposed ~~distribution facilities~~ **facility**. The application must include a statement that the installation will comply with all local zoning regulations and building codes.

(b) If the state chemist determines that the location meets the requirements of this chapter and the rules adopted under this chapter, the state chemist shall issue written approval of the location not later than thirty (30) days after receipt of the application. If the state chemist determines that the location does not meet the requirements of this chapter and the rules adopted under this chapter, the state chemist shall issue written disapproval of the location not later than thirty (30) days after receipt of the application.

(c) ~~Distribution facilities A:~~

- (1) facility for the distribution of ammonia or ammonia solutions; or**
  - (2) facility for the storage of ammonia or ammonia solutions;**
- that was** installed before December 30, 1965, **are** exempt from the requirements **of this section** for location approval.

(d) A public way may not be placed closer to an existing: ~~distribution~~

- (1) facility for the distribution of ammonia or ammonia solutions; or**
  - (2) facility for the storage of ammonia or ammonia solutions;**
- than the distance required by rules adopted under this chapter.

SECTION 5. IC 15-16-1-9, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The state chemist or the state chemist's agent shall inspect: ~~distribution~~

- (1) facilities for the distribution of ammonia or ammonia solutions;**
- (2) facilities for the storage of ammonia or ammonia solutions; and**



(3) operating procedures **used at the inspected facilities;**  
 at reasonable times and to the extent reasonably necessary to determine whether the ~~distribution facility complies~~ **facilities comply** with this chapter and the rules adopted under this chapter.

(b) The state chemist or the state chemist's agent may enter any public or private premises at reasonable hours in order to:

- (1) have access to and inspect facilities, equipment, and vehicles of transport not principally engaged in interstate commerce; and
- (2) observe procedures used in the distribution, application, or use of ammonia or ammonia solutions.

SECTION 6. IC 15-16-1-13, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. A person may not:

(1) install: ~~facilities~~

(A) **a facility for the distribution of ammonia or ammonia solutions; or**

(B) **a facility for the storage of ammonia or ammonia solutions;**

without first obtaining written approval of the state chemist for the location **of the facility;**

(2) distribute ammonia or ammonia solutions from an unapproved location for which approval is required under this chapter;

(3) distribute, store, transport, or use ammonia or ammonia solutions in violation of:

(A) this chapter; or

(B) the rules adopted under this chapter;

(4) violate a correction order issued under section 12 of this chapter; or

(5) use an ammonia or ammonia solutions container for any purpose without the prior authorization of the owner of the container.

SECTION 7. IC 15-16-1-14, AS AMENDED BY P.L.99-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) If a person violates this chapter or a rule adopted under this chapter, the state chemist may:

(1) warn, issue a citation to, or impose a civil penalty on the person; or

(2) deny, suspend, revoke, or amend the person's license, certificate, registration, permit, or application under this chapter **or IC 15-16-2.**

(b) The state chemist may adopt by rule, under IC 4-22-2, a schedule of civil penalties that may be imposed under subsection (a).

**HEA 1234 — Concur**



The state chemist may impose a civil penalty only according to a schedule of civil penalties recommended by the board.

(c) A person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

SECTION 8. IC 15-16-1-16, AS ADDED BY P.L.99-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter **or IC 15-16-2.**



\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

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

**HEA 1234 — Concur**

