

# HOUSE BILL No. 1241

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-18-12; IC 16-18-2; IC 16-19-3-4; IC 16-22-8-34; IC 16-41; IC 35-52-16-75.

**Synopsis:** Bed bug abatement. Repeals statutes concerning state and local programs for pest and vector abatement. Allows: (1) the executive board of the state department of health to adopt rules; and (2) the board of a municipal corporation and the health and hospital corporation to adopt ordinances and rules; concerning the control of pests and vectors. Provides that the owner, lessee, superintendent, or manager of an establishment subject to the lodging establishment laws may not furnish beds or bedding infested with pests or vectors. Requires that a lodging establishment room that has an infested bed or infested bedding must be thoroughly fumigated, disinfected, and renovated until the pests and vectors are entirely exterminated. Makes conforming amendments.

**Effective:** July 1, 2020.

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## Porter

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January 7, 2020, read first time and referred to Committee on Public Health.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1241

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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 6-1.1-18-12, AS AMENDED BY P.L.86-2018,  
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 12. (a) For purposes of this section, "maximum  
4 rate" refers to the maximum:  
5 (1) property tax rate or rates; or  
6 (2) special benefits tax rate or rates;  
7 referred to in the statutes listed in subsection (d).  
8 (b) The maximum rate for taxes first due and payable after 2003 is  
9 the maximum rate that would have been determined under subsection  
10 (e) for taxes first due and payable in 2003 if subsection (e) had applied  
11 for taxes first due and payable in 2003.  
12 (c) The maximum rate must be adjusted each year to account for the  
13 change in assessed value of real property that results from:  
14 (1) an annual adjustment of the assessed value of real property  
15 under IC 6-1.1-4-4.5; or  
16 (2) a reassessment under a county's reassessment plan prepared  
17 under IC 6-1.1-4-4.2.



- 1 (d) The statutes to which subsection (a) refers are:  
2 (1) IC 8-10-5-17;  
3 (2) IC 8-22-3-11;  
4 (3) IC 8-22-3-25;  
5 (4) IC 12-29-1-1;  
6 (5) IC 12-29-1-2;  
7 (6) IC 12-29-1-3;  
8 (7) IC 12-29-3-6;  
9 (8) IC 13-21-3-12;  
10 (9) IC 13-21-3-15;  
11 (10) IC 14-27-6-30;  
12 (11) IC 14-33-7-3;  
13 (12) IC 14-33-21-5;  
14 (13) IC 15-14-7-4;  
15 (14) IC 15-14-9-1;  
16 (15) IC 15-14-9-2;  
17 (16) IC 16-20-2-18;  
18 (17) IC 16-20-4-27;  
19 (18) IC 16-20-7-2;  
20 (19) IC 16-22-14;  
21 (20) IC 16-23-1-29;  
22 (21) IC 16-23-3-6;  
23 (22) IC 16-23-4-2;  
24 (23) IC 16-23-5-6;  
25 (24) IC 16-23-7-2;  
26 (25) IC 16-23-8-2;  
27 (26) IC 16-23-9-2;  
28 (27) IC 16-41-15-5;  
29 (28) IC 16-41-33-4 **(before its repeal on July 1, 2020);**  
30 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);  
31 (30) IC 20-46-6-5 (before its repeal on January 1, 2019);  
32 (31) IC 20-49-2-10;  
33 (32) IC 36-1-19-1;  
34 (33) IC 23-14-66-2;  
35 (34) IC 23-14-67-3;  
36 (35) IC 36-7-13-4;  
37 (36) IC 36-7-14-28;  
38 (37) IC 36-7-15.1-16;  
39 (38) IC 36-8-19-8.5;  
40 (39) IC 36-9-6.1-2;  
41 (40) IC 36-9-17.5-4;  
42 (41) IC 36-9-27-73;



- 1 (42) IC 36-9-29-31;  
 2 (43) IC 36-9-29.1-15;  
 3 (44) IC 36-10-6-2;  
 4 (45) IC 36-10-7-7;  
 5 (46) IC 36-10-7-8;  
 6 (47) IC 36-10-7.5-19;  
 7 (48) IC 36-10-13-5 (before the power to impose a levy was  
 8 removed on January 1, 2019);  
 9 (49) IC 36-10-13-7 (before the power to impose a levy was  
 10 removed on January 1, 2019);  
 11 (50) IC 36-10-14-4 (before its repeal on January 1, 2019);  
 12 (51) IC 36-12-7-7;  
 13 (52) IC 36-12-7-8;  
 14 (53) IC 36-12-12-10;  
 15 (54) a statute listed in IC 6-1.1-18.5-9.8; and  
 16 (55) any statute enacted after December 31, 2003, that:  
 17 (A) establishes a maximum rate for any part of the:  
 18 (i) property taxes; or  
 19 (ii) special benefits taxes;  
 20 imposed by a political subdivision; and  
 21 (B) does not exempt the maximum rate from the adjustment  
 22 under this section.  
 23 (e) For property tax rates imposed for property taxes first due and  
 24 payable after December 31, 2013, the new maximum rate under a  
 25 statute listed in subsection (d) is the tax rate determined under STEP  
 26 EIGHT of the following STEPS:  
 27 STEP ONE: Determine the maximum rate for the political  
 28 subdivision levying a property tax or special benefits tax under  
 29 the statute for the previous calendar year.  
 30 STEP TWO: Determine the actual percentage change (rounded to  
 31 the nearest one-hundredth percent (0.01%)) in the assessed value  
 32 of the taxable property from the previous calendar year to the year  
 33 in which the affected property taxes will be imposed.  
 34 STEP THREE: Determine the three (3) calendar years that  
 35 immediately precede the year in which the affected property taxes  
 36 will be imposed.  
 37 STEP FOUR: Compute separately, for each of the calendar years  
 38 determined in STEP THREE, the actual percentage change  
 39 (rounded to the nearest one-hundredth percent (0.01%)) in the  
 40 assessed value (before the adjustment, if any, under  
 41 IC 6-1.1-4-4.5) of the taxable property from the preceding year.  
 42 STEP FIVE: Divide the sum of the three (3) quotients computed



- 1 in STEP FOUR by three (3).  
 2 STEP SIX: Determine the greater of the following:  
 3 (A) Zero (0).  
 4 (B) The STEP FIVE result.  
 5 STEP SEVEN: Determine the greater of the following:  
 6 (A) Zero (0).  
 7 (B) The result of the STEP TWO percentage minus the STEP  
 8 SIX percentage, if any.  
 9 STEP EIGHT: Determine the quotient of the STEP ONE tax rate  
 10 divided by the sum of one (1) plus the STEP SEVEN percentage,  
 11 if any.  
 12 (f) The department of local government finance shall compute the  
 13 maximum rate allowed under subsection (e) and provide the rate to  
 14 each political subdivision with authority to levy a tax under a statute  
 15 listed in subsection (d).  
 16 SECTION 2. IC 16-18-2-278 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 278. "Pest" for  
 18 purposes of IC ~~16-41-33~~; has the meaning set forth in IC ~~16-41-33-1~~.  
 19 **means an arthropod, a vertebrate, or a microorganism of health**  
 20 **significance to humans.**  
 21 SECTION 3. IC 16-18-2-363 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 363. "Vector" for  
 23 purposes of IC ~~16-41-33~~; has the meaning set forth in IC ~~16-41-33-2~~.  
 24 **means an arthropod responsible for the transmission of pathogens**  
 25 **from a host to another animal or human.**  
 26 SECTION 4. IC 16-19-3-4, AS AMENDED BY P.L.113-2014,  
 27 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The executive board may, by  
 29 an affirmative vote of a majority of its members, adopt reasonable rules  
 30 on behalf of the state department to protect or to improve the public  
 31 health in Indiana.  
 32 (b) The rules may concern but are not limited to the following:  
 33 (1) Nuisances dangerous to public health.  
 34 (2) The pollution of any water supply other than where  
 35 jurisdiction is in the environmental rules board and department of  
 36 environmental management.  
 37 (3) The disposition of excremental and sewage matter.  
 38 (4) The control of ~~fly and mosquito breeding places~~. **pests and**  
 39 **vectors.**  
 40 (5) The detection, reporting, prevention, and control of diseases  
 41 that affect public health.  
 42 (6) The care of maternity and infant cases and the conduct of



- 1 maternity homes.
- 2 (7) The production, distribution, and sale of human food.
- 3 (8) Except as provided in section 4.4 of this chapter, the conduct
- 4 of camps.
- 5 (9) Standards of cleanliness of eating facilities for the public.
- 6 (10) Standards of cleanliness of sanitary facilities offered for
- 7 public use.
- 8 (11) The handling, disposal, disinterment, and reburial of dead
- 9 human bodies.
- 10 (12) Vital statistics.
- 11 (13) Sanitary conditions and facilities in public buildings and
- 12 grounds, including plumbing, drainage, sewage disposal, water
- 13 supply, lighting, heating, and ventilation, other than where
- 14 jurisdiction is vested by law in the fire prevention and building
- 15 safety commission or other state agency.
- 16 (14) The design, construction, and operation of swimming and
- 17 wading pools. However, the rules governing swimming and
- 18 wading pools do not apply to a pool maintained by an individual
- 19 for the sole use of the individual's household and house guests.
- 20 SECTION 5. IC 16-22-8-34, AS AMENDED BY P.L.229-2019,
- 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2020]: Sec. 34. (a) The board or corporation may do all acts
- 23 necessary or reasonably incident to carrying out the purposes of this
- 24 chapter, including the following:
- 25 (1) As a municipal corporation, sue and be sued in any court with
- 26 jurisdiction.
- 27 (2) To serve as the exclusive local board of health and local
- 28 department of health within the county with the powers and duties
- 29 conferred by law upon local boards of health and local
- 30 departments of health.
- 31 (3) To adopt and enforce ordinances consistent with Indiana law
- 32 and administrative rules for the following purposes:
- 33 (A) To protect property owned or managed by the corporation.
- 34 (B) To determine, prevent, and abate public health nuisances.
- 35 (C) To establish isolation and quarantine regulations in
- 36 accordance with IC 16-41-9.
- 37 (D) To license, regulate, and establish minimum sanitary
- 38 standards for the operation of a business handling, producing,
- 39 processing, preparing, manufacturing, packing, storing,
- 40 selling, distributing, or transporting articles used for food,
- 41 drink, confectionery, or condiment in the interest of the public
- 42 health.



- 1 (E) To control  
 2 ~~(i) rodents, mosquitos, and other animals, including insects,~~  
 3 ~~capable of transmitting microorganisms and disease to~~  
 4 ~~humans and other animals; and~~  
 5 ~~(ii) the animals' breeding places: pests, and vectors.~~  
 6 (F) Subject to subsection (c), to require persons to connect to  
 7 available sewer systems and to regulate the disposal of  
 8 domestic or sanitary sewage by private methods. However, the  
 9 board and corporation have no jurisdiction over publicly  
 10 owned or financed sewer systems or sanitation and disposal  
 11 plants.  
 12 (G) To control rabies.  
 13 (H) For the sanitary regulation of water supplies for domestic  
 14 use.  
 15 (I) To protect, promote, or improve public health. For public  
 16 health activities and to enforce public health laws, the state  
 17 health data center described in IC 16-19-10 shall provide  
 18 health data, medical information, and epidemiological  
 19 information to the corporation.  
 20 (J) To detect, report, prevent, and control disease affecting  
 21 public health.  
 22 (K) To investigate and diagnose health problems and health  
 23 hazards.  
 24 (L) To regulate the sanitary and structural conditions of  
 25 residential and nonresidential buildings and unsafe premises.  
 26 (M) To regulate the remediation of lead hazards.  
 27 (N) To license and regulate the design, construction, and  
 28 operation of public pools, spas, and beaches.  
 29 (O) To regulate the storage, containment, handling, use, and  
 30 disposal of hazardous materials.  
 31 (P) To license and regulate tattoo and body piercing facilities.  
 32 (Q) To regulate the storage and disposal of waste tires.  
 33 (4) To manage the corporation's hospitals, medical facilities, and  
 34 mental health facilities.  
 35 (5) To furnish health and nursing services to elementary and  
 36 secondary schools within the county.  
 37 (6) To furnish medical care to insured and uninsured residents of  
 38 the county.  
 39 (7) To furnish dental services to the insured and uninsured  
 40 residents of the county.  
 41 (8) To establish public health programs.  
 42 (9) To adopt an annual budget ordinance and levy taxes.



- 1 (10) To incur indebtedness in the name of the corporation.
- 2 (11) To organize the corporation into divisions.
- 3 (12) To acquire and dispose of property.
- 4 (13) To receive charitable contributions and gifts as provided in
- 5 26 U.S.C. 170.
- 6 (14) To make charitable contributions and gifts.
- 7 (15) To establish a charitable foundation as provided in 26 U.S.C.
- 8 501.
- 9 (16) To receive and distribute federal, state, local, or private
- 10 grants.
- 11 (17) To receive and distribute grants from charitable foundations.
- 12 (18) To establish corporations and enter into partnerships and
- 13 joint ventures to carry out the purposes of the corporation. This
- 14 subdivision does not authorize the merger of the corporation with
- 15 a hospital licensed under IC 16-21.
- 16 (19) To erect, improve, remodel, or repair corporation buildings.
- 17 (20) To determine operating procedures.
- 18 (21) To do the following:
- 19 (A) Adopt a schedule of reasonable charges for nonresidents
- 20 of the county for medical and mental health services.
- 21 (B) Collect the charges from the patient, the patient's insurance
- 22 company, or a government program.
- 23 (C) Require security for the payment of the charges.
- 24 (22) To adopt a schedule of and to collect reasonable charges for
- 25 medical and mental health services.
- 26 (23) To enforce Indiana laws, administrative rules, ordinances,
- 27 and the code of the health and hospital corporation of the county.
- 28 (24) To purchase supplies, materials, and equipment.
- 29 (25) To employ personnel and establish personnel policies.
- 30 (26) To employ attorneys admitted to practice law in Indiana.
- 31 (27) To acquire, erect, equip, and operate the corporation's
- 32 hospitals, medical facilities, and mental health facilities.
- 33 (28) To dispose of surplus property in accordance with a policy by
- 34 the board.
- 35 (29) To determine the duties of officers and division directors.
- 36 (30) To fix the compensation of the officers and division
- 37 directors.
- 38 (31) To carry out the purposes and object of the corporation.
- 39 (32) To obtain loans for hospital expenses in amounts and upon
- 40 terms agreeable to the board. The board may secure the loans by
- 41 pledging accounts receivable or other security in hospital funds.
- 42 (33) To establish fees for licenses, services, and records. The





1 corporation may accept payment by credit card for fees.  
 2 IC 5-14-3-8(d) does not apply to fees established under this  
 3 subdivision for certificates of birth, death, or stillbirth  
 4 registration.

5 (34) To use levied taxes or other funds to make intergovernmental  
 6 transfers to the state to fund governmental health care programs,  
 7 including Medicaid and Medicaid supplemental programs.

8 (b) The board shall exercise the board's powers and duties in a  
 9 manner consistent with Indiana law, administrative rules, and the code  
 10 of the health and hospital corporation of the county.

11 (c) This subsection does not affect a septic tank elimination program  
 12 approved by the commission. Except as provided in subsection (d), if,  
 13 within a county containing a consolidated city:

14 (1) a main sewer line is extended for the purpose of connecting  
 15 one (1) or more residential or commercial properties to a sanitary  
 16 sewer system; and

17 (2) the extension connecting the residential or commercial  
 18 property or properties referred to in subdivision (1) to the sanitary  
 19 sewer system, when completed, will be located close enough to  
 20 the property line of a residential property served by a septic  
 21 system to authorize the board or corporation to order the  
 22 connection of the residential property to the extension under the  
 23 ordinances adopted under section 6(b)(4) of this chapter;

24 the board or corporation may not exercise its power under subsection  
 25 (a)(3)(F) to require the residential property served by the septic system  
 26 to be connected to the extension referred to in subdivision (1).

27 (d) The board or corporation may exercise its power under  
 28 subsection (a)(3)(F) to require a residential property served by a septic  
 29 system to be connected to an extension described in subsection (c) if:

- 30 (1) the state department of health; or  
 31 (2) the board or corporation;

32 determines that the septic system serving the residential property is  
 33 failing, as described in IC 36-9-23-30.1(b).

34 SECTION 6. IC 16-41-30-3.5 IS ADDED TO THE INDIANA  
 35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 36 [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. (a) The owner, lessee,**  
 37 **superintendent, or manager of an establishment subject to this**  
 38 **chapter may not furnish beds or bedding infested with pests or**  
 39 **vectors.**

40 **(b) A room in an establishment subject to this chapter with an**  
 41 **infested bed or infested bedding must be thoroughly fumigated,**  
 42 **disinfected, and renovated until the pests and vectors are entirely**



1 **exterminated.**

2 SECTION 7. IC 16-41-33 IS REPEALED [EFFECTIVE JULY 1,  
3 2020]. (Pest Control: Local and State Programs for Vector Abatement).

4 SECTION 8. IC 35-52-16-75 IS REPEALED [EFFECTIVE JULY  
5 1, 2020]. ~~Sec. 75. IC 16-41-33-9 defines a crime concerning pest~~  
6 ~~control.~~

