

HOUSE BILL No. 1262

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 Provides that the orders, rules, and regulations made, amended, or rescinded by the governor must be narrowly tailored to serve a compelling public health or safety interest.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 30 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 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 Indiana department of health may establish quarantine and may do what is reasonable and necessary for the prevention and suppression of disease if the Indiana department of health is authorized to do so in a declared disaster emergency. Provides that the Indiana department of health may order schools closed and forbid public gatherings when considered necessary to prevent and stop epidemics if the Indiana department of health is specifically authorized to do so in an emergency declaration. Provides that certain actions authorized by the commissioner of the Indiana department of health, local health
(Continued next page)

Effective: Upon passage.

Lucas, Morrison

January 11, 2023, read first time and referred to Committee on Public Health.



Digest Continued

boards, or local health officers may not be construed to authorize the commissioner, board, or official 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.



Introduced

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. 1262

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



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

- (1) A disaster emergency declared under IC 10-14-3-12.
- ~~(2) A state of energy emergency declared under IC 10-14-3-13.~~
- ~~(3) (2)~~ A local disaster emergency declared under IC 10-14-3-29.
- ~~(4) (3)~~ A request by a registered business for disaster or emergency assistance under a mutual assistance agreement.

SECTION 4. IC 10-14-3-11, AS AMENDED BY P.L.99-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The governor has general direction and control of the agency and is responsible for carrying out this chapter. In the event of disaster or emergency beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within Indiana.

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

- (1) Make, amend, and rescind the necessary orders, rules, and regulations to carry out this chapter with due consideration of the plans of the federal government. **However, the orders, rules, and regulations that are made, amended, or rescinded must be narrowly tailored to serve a compelling public health or safety interest.**
- (2) Cooperate with the President of the United States and the heads of the armed forces, the Federal Emergency Management Agency, and the officers and agencies of other states in matters pertaining to emergency management and disaster preparedness, response, and recovery of the state and nation. In cooperating under this subdivision, the governor may take any measures that the governor considers proper to carry into effect any request of the President of the United States and the appropriate federal officers and agencies for any emergency management action, including the direction or control of disaster preparations, including the following:
 - (A) Mobilizing emergency management forces and other tests and exercises.
 - (B) Providing warnings and signals for drills, actual emergencies, or disasters.
 - (C) Shutting off water mains, gas mains, and electric power connections and suspending any other utility service.
 - (D) Conducting civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before,



and after drills, actual emergencies, or other disasters.

(E) Holding public meetings or gatherings.

(F) Evacuating and receiving the civilian population.

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

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

(A) national security emergencies; or

(B) manmade or natural disasters or emergencies.

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

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

SECTION 5. IC 10-14-3-12, AS AMENDED BY P.L.99-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

(1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and

(2) terminates the state of disaster emergency by executive order or proclamation.

A state of disaster emergency may not continue for longer than thirty (30) days. ~~unless the state of disaster emergency is renewed by the governor. The state of disaster emergency may not be renewed by the governor.~~ The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this



subsection, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

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

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

(2) is authority for:

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

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

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

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

(1) **Subject to subsection (e),** suspend the provisions of any regulatory statute ~~prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency; only to the extent necessary to directly carry out subdivisions (2) through (11).~~



(2) Use all available resources of the state government and of each political subdivision of the state **only to the extent necessary to** reasonably ~~necessary to~~ cope with the disaster emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 31 of this chapter **and only to the extent necessary to cope with the disaster emergency**, commandeer or use any private property if the governor finds this action necessary to cope with the disaster emergency.

(5) Assist in the evacuation of all or part of the population from any stricken or threatened area in Indiana if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in the area.

(8) **Only to the extent necessary to cope with the disaster emergency**, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(9) Make provision for the availability and use of temporary emergency housing.

(10) Allow persons who:

(A) are registered as volunteer health practitioners by an approved registration system under IC 10-14-3.5; or

(B) hold a license to practice:

(i) medicine;

(ii) dentistry;

(iii) pharmacy;

(iv) nursing;

(v) engineering;

(vi) veterinary medicine;

(vii) mortuary service; and

(viii) similar other professions as may be specified by the governor;

to practice their respective profession in Indiana during the period of the state of emergency if the state in which a person's license



or registration was issued has a mutual aid compact for emergency management with Indiana.

(11) Give specific authority to allocate drugs, foodstuffs, and other essential materials and services.

(e) The governor may not suspend any provision of any regulatory statute if that suspension infringes upon any right or protection that is guaranteed or provided in the Constitution of the United States or the Constitution of the State of Indiana.

SECTION 6. IC 10-14-3-12.5, AS ADDED BY P.L.99-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) The following definitions apply throughout this section:

(1) "Disaster emergency" means

~~(A) a state or local disaster emergency declared under IC 10-14-3; this chapter. and~~

~~(B) an epidemic described in IC 16-19-3-10.~~

(2) "Religious organization" means an organization, a religious society, a church or other house of worship, a body of communicants, an educational institution, or a group organized and operated for religious purposes, regardless of whether it is integrated or affiliated with a church or other house of worship. The term includes an officer, owner, employee, manager, religious leader, clergy, or minister of an organization described in this subdivision.

(3) "Religious service" means a meeting, a gathering, or an assembly of two (2) or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities undertaken by the religious organization for the exercise of religion.

(b) Religious organizations provide essential services that are necessary for the health and welfare of the public during a disaster emergency. Subject to section 12.7 of this chapter, the state and a political subdivision may not impose restrictions on:

(1) the operation of a religious organization; or

(2) religious services;

that are more restrictive than the restrictions imposed on other businesses and organizations that provide essential services to the public.

(c) This section does not prohibit the state or a political subdivision from requiring a religious organization to comply with a generally applicable health, safety, or occupancy requirement that is neutral



1 towards religious organizations and equally applicable to any
 2 organization or business that provides essential services. However, the
 3 state or political subdivision may not enforce any health, safety, or
 4 occupancy requirement that imposes a substantial burden on a religious
 5 service unless the state or political subdivision demonstrates that
 6 applying the burden to the religious service in this particular instance
 7 is essential to further a compelling governmental interest and is the
 8 least restrictive means of furthering that compelling governmental
 9 interest.

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

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

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

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

29 (d) The governor may not renew or extend a proclamation more than
 30 once without approval of the general assembly.

31 (e) The conditions of an energy emergency cease when the governor
 32 declares the end of an energy emergency.

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

35 (1) Implement programs, controls, standards, priorities, and
 36 quotas for the conservation and consumption of energy, including
 37 plans and commission regulations for the curtailment of energy if
 38 the governor imposes controls, quotas, or curtailments according
 39 to the nature of the end use to be made of the energy consistent
 40 with existing transmission and distribution systems serving the
 41 geographic area affected by the energy emergency.

42 (2) Suspend and modify state pollution control standards and



requirements affecting or affected by the use of energy; including standards or requirements relating to air or water quality control:

(3) Establish and implement intrastate regional programs and agreements for the purposes of coordinating the energy program and actions of the state with the federal government and other states; localities; and other persons:

(4) Designate the execution and enforcement of emergency orders to a state agency that regulates the energy form; resource; or suppliers that are the subject of the proclaimed emergency:

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

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

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

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

(3) give due consideration to:

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

(B) protection of public health and safety;

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

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

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

(F) maintenance of public information channels:

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

(i) Except as provided in this section; this chapter does not exempt a person from compliance with the provisions of any other law; rule; or directive unless:

(1) specifically ordered by the governor; or

(2) impossibility of compliance is a direct result of the governor's



order:

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

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

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

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

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

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

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

must be taken or made consistent with federal orders, rules, actions, recommendations, and requests.

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

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

- (1) subpoena:
 - (A) witnesses;
 - (B) material;
 - (C) relevant books;
 - (D) papers;
 - (E) accounts;
 - (F) records; and



1 (G) memoranda;
 2 (2) administer oaths; and
 3 (3) cause the depositions of persons residing within or outside
 4 Indiana to be taken in the manner prescribed for depositions in
 5 civil actions;
 6 to obtain information relevant to energy resources that are the subject
 7 of the proclaimed emergency.

8 (f) In obtaining information under subsection (e), the governor shall:

- 9 (1) avoid eliciting information already furnished by a person or
 10 political subdivision in Indiana to a federal, state, or local
 11 regulatory authority that is available for the governor's study; and
 12 (2) cause reporting procedures, including forms, to conform to
 13 existing requirements of federal, state, and local regulatory
 14 authorities wherever possible.

15 (g) Information obtained under this section from a person who
 16 designates that information as confidential shall be maintained as
 17 confidential by the governor and by any person who obtains
 18 information that the person knows to be confidential under this chapter.
 19 The governor may not make known in any manner any particulars of
 20 information to persons other than those specified in subsection (j):

21 (h) This section does not prohibit the use of confidential information
 22 to prepare statistics or other general data for publication if the
 23 information is presented in a manner that prevents identification of the
 24 particular persons:

25 (i) A person who is served with a subpoena to:

- 26 (1) give testimony orally or in writing; or
 27 (2) produce books, papers, correspondence, memoranda,
 28 agreements, or other documents or records;

29 under this chapter may apply to an Indiana court for protection against
 30 abuse or hardship in the manner provided by law:

31 (j) For purposes of this section, references to the governor in this
 32 section include any other individual designated in writing by the
 33 governor. A person designated by the governor shall preserve the
 34 confidentiality of information in accordance with subsection (g):

35 (k) The powers vested in the governor under this section and section
 36 13 of this chapter are in addition to and not instead of emergency
 37 powers vested in the governor under this chapter or any other state law:

38 (l) The governor may authorize the incurring of liabilities and
 39 expenses to be paid as other claims against the state from the general
 40 fund in the amount necessary if:

- 41 (1) an energy emergency is declared by the governor; and
 42 (2) the energy emergency justifies the expenditure;



1 in accordance with section 28 of this chapter for other emergency or
 2 disaster expenditures.

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

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

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

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

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

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

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

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

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

27 (1) maintain a safe rail system;

28 (2) restore utility service; or

29 (3) provide any other emergency public service;

30 from traveling on the highways within the political subdivision during
 31 the local disaster emergency.

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

37 (f) If a local emergency is declared under this section, the political
 38 subdivision may not prohibit individuals trained and certified as first
 39 response communications service providers, as set forth in section 22.6
 40 of this chapter, from traveling on the highways within the political
 41 subdivision during the local disaster emergency.

42 (g) If a local emergency is declared under this section, the political



subdivision must comply with sections 12.5 and 12.7 of this chapter.

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

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

(1) Nuisances dangerous to public health.

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

(3) The disposition of excremental and sewage matter.

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

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

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

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

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

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

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

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

(12) Vital statistics.

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

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

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

(1) The sanitary operation of tattoo parlors.



(2) The sanitary operation of body piercing facilities.

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

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

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

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

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

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

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

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

SECTION 14. IC 16-20-1-19, AS AMENDED BY P.L.219-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Local health officers shall enforce the



1 health laws, ordinances, orders, rules, and regulations of the officer's
2 own and superior boards of health.

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

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

10 (1) a declared local public health emergency determined by a
11 local health department or local health officer; or

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

14 is appealable under IC 16-20-5.5.

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

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

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

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

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

39 SECTION 17. IC 16-20-1-26, AS AMENDED BY P.L.219-2021,
40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 26. (a) Except as provided in subsection (b),
42 a local board of health or local health officer may enforce the board's



1 or officer's orders, citations, and administrative notices by an action in
2 the circuit or superior court.

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

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

11 (1) Issuing an injunction.

12 (2) Entering a judgment.

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

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

15 (5) Ordering an inspection.

16 (6) Ordering that a property be vacated.

17 (7) Ordering that a structure be demolished.

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

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

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

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

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

33 (e) A recipient of any enforcement action described in section ~~19(b)~~
34 **19(c)** of this chapter may:

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

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

37 However, a recipient who brings an action directly in the circuit or
38 superior court waives the right to appeal under IC 16-20-5.5, and any
39 appeal under IC 16-20-5.5 that is pending at the time the recipient files
40 an action in the circuit or superior court is dismissed by operation of
41 law.

42 SECTION 18. IC 16-22-8-31, AS AMENDED BY P.L.219-2021,



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

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

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

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

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

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

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

