

# HOUSE BILL No. 1270

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-21.5-3-1; IC 4-31-8-5; IC 5-1.2-7-19; IC 5-2-1; IC 5-16-3; IC 7.1-5-12; IC 10-19; IC 11-12-4; IC 12-17-12-14; IC 12-17.2; IC 13-18-17-5; IC 14-23-6-1; IC 16-19-3.5; IC 16-21-1-10; IC 16-22; IC 16-28-1-13; IC 16-31-2; IC 20-26-7; IC 22-11-14; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 24-4-15-7; IC 25-4-1-33; IC 25-31-1-36; IC 35-47.5; IC 36-1; IC 36-7-18-38; IC 36-8.

**Synopsis:** Department of homeland security. Amends the administrative orders and procedures act to allow for an initial notice of determination to be served by electronic mail or any other method approved by the Indiana Rules of Trial Procedure. (Under current law, the initial notice of determination may be served only by United States mail or personal service.) Repeals provisions concerning the division of planning and assessment, division of preparedness and training, division of emergency response and recovery, and division of fire and building safety (divisions). Assigns all duties of the divisions to the executive director of the department of homeland security (department) or the department generally. Establishes a fire chief executive training program (executive training program). Provides that after January 1, 2022, a newly appointed fire chief of a political subdivision must successfully complete the executive training program within one year of appointment. Makes corresponding changes and technical corrections.

**Effective:** July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1270



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 4-21.5-3-1, AS AMENDED BY P.L.152-2012,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. (a) This section applies to:  
4 (1) the giving of any notice;  
5 (2) the service of any motion, ruling, order, or other filed item; or  
6 (3) the filing of any document with the ultimate authority;  
7 in an administrative proceeding under this article.  
8 (b) Except as provided in subsection (c) or as otherwise provided by  
9 law, a person shall serve papers by:  
10 (1) United States mail;  
11 (2) personal service;  
12 (3) electronic mail; or  
13 (4) any other method approved by the Indiana Rules of Trial  
14 Procedure.  
15 (c) The following shall be served by United States mail or personal  
16 service:  
17 ~~(1) The initial notice of a determination under section 6 of this~~



- 1 chapter.
- 2 ~~(2)~~ (1) A petition for review of an agency action under section 7
- 3 of this chapter.
- 4 ~~(3)~~ (2) A complaint under section 8 of this chapter.
- 5 (d) The agency shall keep a record of the time, date, and
- 6 circumstances of the service under subsection (b) or (c).
- 7 (e) Service shall be made on a person or on the person's counsel or
- 8 other authorized representative of record in the proceeding. Service on
- 9 an artificial person or a person incompetent to receive service shall be
- 10 made on a person allowed to receive service under the rules governing
- 11 civil actions in the courts. If an ultimate authority consists of more than
- 12 one (1) individual, service on that ultimate authority must be made on
- 13 the chairperson or secretary of the ultimate authority. A document to
- 14 be filed with that ultimate authority must be filed with the chairperson
- 15 or secretary of the ultimate authority.
- 16 (f) If the current address of a person is not ascertainable, service
- 17 shall be mailed to the last known address where the person resides or
- 18 has a principal place of business. If the identity, address, or existence
- 19 of a person is not ascertainable, or a law other than a rule allows,
- 20 service shall be made by a single publication in a newspaper of general
- 21 circulation in:
- 22 (1) the county in which the person resides, has a principal place
- 23 of business, or has property that is the subject of the proceeding;
- 24 or
- 25 (2) Marion County, if the place described in subdivision (1) is not
- 26 ascertainable or the place described in subdivision (1) is outside
- 27 Indiana and the person does not have a resident agent or other
- 28 representative of record in Indiana.
- 29 (g) A notice given by publication must include a statement advising
- 30 a person how the person may receive written notice of the proceedings.
- 31 (h) The filing of a document with an ultimate authority is complete
- 32 on the earliest of the following dates that apply to the filing:
- 33 (1) The date on which the document is delivered to the ultimate
- 34 authority:
- 35 (A) under subsection (b) or (c); and
- 36 (B) in compliance with subsection (e).
- 37 (2) The date of the postmark on the envelope containing the
- 38 document, if the document is mailed to the ultimate authority by
- 39 United States mail.
- 40 (3) The date on which the document is deposited with a private
- 41 carrier, as shown by a receipt issued by the carrier, if the
- 42 document is sent to the ultimate authority by private carrier.



1 SECTION 2. IC 4-31-8-5, AS AMENDED BY P.L.1-2006,  
 2 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2021]: Sec. 5. Each applicant for a permit shall, before the  
 4 opening of the applicant's racing season, request an inspection of the  
 5 racetrack premises and obtain a certificate from the ~~division of fire and~~  
 6 ~~building safety~~ **department of homeland security** stating that the  
 7 premises are in compliance with all safety requirements.

8 SECTION 3. IC 5-1.2-7-19, AS ADDED BY P.L.189-2018,  
 9 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2021]: Sec. 19. On behalf of the authority, the board of  
 11 directors or board of managers of the hospital shall, before the  
 12 execution of a lease, submit to and receive the approval of the board of  
 13 commissioners of the county of the plans, specifications, and estimates  
 14 of cost for the building or renovation. The plans and specifications  
 15 shall be submitted to and approved by the state board of health, the  
 16 ~~division of fire and building safety,~~ **department of homeland security,**  
 17 and other state agencies that are required by law to pass on plans and  
 18 specifications for public buildings.

19 SECTION 4. IC 5-2-1-3, AS AMENDED BY P.L.197-2011,  
 20 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2021]: Sec. 3. There is created, as a criminal justice agency of  
 22 the state, a law enforcement training board to carry out the provisions  
 23 of this chapter. The board members are to be selected as provided by  
 24 this chapter. The board is composed of the following members:

- 25 (1) The superintendent of the Indiana state police department,  
 26 who shall serve as chairperson of the board.
- 27 (2) The ~~deputy executive~~ director of the ~~division of preparedness~~  
 28 ~~and training~~ of the department of homeland security **appointed**  
 29 **under IC 10-19-3-1.** The ~~deputy executive~~ director shall serve as  
 30 the vice chair of the board.
- 31 (3) The chief of police of a consolidated city.
- 32 (4) One (1) county sheriff from a county with a population of at  
 33 least one hundred thousand (100,000).
- 34 (5) One (1) county sheriff from a county of at least fifty thousand  
 35 (50,000) but less than one hundred thousand (100,000)  
 36 population.
- 37 (6) One (1) county sheriff from a county of under fifty thousand  
 38 (50,000) population.
- 39 (7) One (1) chief of police from a city of at least thirty-five  
 40 thousand (35,000) population, who is not the chief of police of a  
 41 consolidated city.
- 42 (8) One (1) chief of police from a city of at least ten thousand



- 1 (10,000) but under thirty-five thousand (35,000) population.  
 2 (9) One (1) chief of police, police officer, or town marshal from  
 3 a city or town of under ten thousand (10,000) population.  
 4 (10) One (1) prosecuting attorney.  
 5 (11) One (1) judge of a circuit or superior court exercising  
 6 criminal jurisdiction.  
 7 (12) One (1) member representing professional journalism.  
 8 (13) One (1) member representing the medical profession.  
 9 (14) One (1) member representing education.  
 10 (15) One (1) member representing business and industry.  
 11 (16) One (1) member representing labor.  
 12 (17) One (1) member representing Indiana elected officials of  
 13 counties, cities, and towns.
- 14 SECTION 5. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,  
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with  
 17 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
 18 The rules, which shall be adopted only after necessary and proper  
 19 investigation and inquiry by the board, shall include the establishment  
 20 of the following:
- 21 (1) Minimum standards of physical, educational, mental, and  
 22 moral fitness which shall govern the acceptance of any person for  
 23 training by any law enforcement training school or academy  
 24 meeting or exceeding the minimum standards established  
 25 pursuant to this chapter.
  - 26 (2) Minimum standards for law enforcement training schools  
 27 administered by towns, cities, counties, law enforcement training  
 28 centers, agencies, or departments of the state.
  - 29 (3) Minimum standards for courses of study, attendance  
 30 requirements, equipment, and facilities for approved town, city,  
 31 county, and state law enforcement officer, police reserve officer,  
 32 and conservation reserve officer training schools.
  - 33 (4) Minimum standards for a course of study on cultural diversity  
 34 awareness, including training on the U nonimmigrant visa created  
 35 through the federal Victims of Trafficking and Violence  
 36 Protection Act of 2000 (P.L. 106-386) that must be required for  
 37 each person accepted for training at a law enforcement training  
 38 school or academy. Cultural diversity awareness study must  
 39 include an understanding of cultural issues related to race,  
 40 religion, gender, age, domestic violence, national origin, and  
 41 physical and mental disabilities.
  - 42 (5) Minimum qualifications for instructors at approved law



- 1 enforcement training schools.
- 2 (6) Minimum basic training requirements which law enforcement  
3 officers appointed to probationary terms shall complete before  
4 being eligible for continued or permanent employment.
- 5 (7) Minimum basic training requirements which law enforcement  
6 officers appointed on other than a permanent basis shall complete  
7 in order to be eligible for continued employment or permanent  
8 appointment.
- 9 (8) Minimum basic training requirements which law enforcement  
10 officers appointed on a permanent basis shall complete in order  
11 to be eligible for continued employment.
- 12 (9) Minimum basic training requirements for each person  
13 accepted for training at a law enforcement training school or  
14 academy that include six (6) hours of training in interacting with:
- 15 (A) persons with autism, mental illness, addictive disorders,  
16 intellectual disabilities, and developmental disabilities;
- 17 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
18 and
- 19 (C) persons with Alzheimer's disease or related senile  
20 dementia;
- 21 to be provided by persons approved by the secretary of family and  
22 social services and the board. The training must include an  
23 overview of the crisis intervention teams.
- 24 (10) Minimum standards for a course of study on human and  
25 sexual trafficking that must be required for each person accepted  
26 for training at a law enforcement training school or academy and  
27 for inservice training programs for law enforcement officers. The  
28 course must cover the following topics:
- 29 (A) Examination of the human and sexual trafficking laws (IC  
30 35-42-3.5).
- 31 (B) Identification of human and sexual trafficking.
- 32 (C) Communicating with traumatized persons.
- 33 (D) Therapeutically appropriate investigative techniques.
- 34 (E) Collaboration with federal law enforcement officials.
- 35 (F) Rights of and protections afforded to victims.
- 36 (G) Providing documentation that satisfies the Declaration of  
37 Law Enforcement Officer for Victim of Trafficking in Persons  
38 (Form I-914, Supplement B) requirements established under  
39 federal law.
- 40 (H) The availability of community resources to assist human  
41 and sexual trafficking victims.
- 42 (b) A law enforcement officer appointed after July 5, 1972, and



1 before July 1, 1993, may not enforce the laws or ordinances of the state  
 2 or any political subdivision unless the officer has, within one (1) year  
 3 from the date of appointment, successfully completed the minimum  
 4 basic training requirements established under this chapter by the board.  
 5 If a person fails to successfully complete the basic training  
 6 requirements within one (1) year from the date of employment, the  
 7 officer may not perform any of the duties of a law enforcement officer  
 8 involving control or direction of members of the public or exercising  
 9 the power of arrest until the officer has successfully completed the  
 10 training requirements. This subsection does not apply to any law  
 11 enforcement officer appointed before July 6, 1972, or after June 30,  
 12 1993.

13 (c) Military leave or other authorized leave of absence from law  
 14 enforcement duty during the first year of employment after July 6,  
 15 1972, shall toll the running of the first year, which shall be calculated  
 16 by the aggregate of the time before and after the leave, for the purposes  
 17 of this chapter.

18 (d) Except as provided in subsections (e), (m), (t), and (u), a law  
 19 enforcement officer appointed to a law enforcement department or  
 20 agency after June 30, 1993, may not:

- 21 (1) make an arrest;
- 22 (2) conduct a search or a seizure of a person or property; or
- 23 (3) carry a firearm;

24 unless the law enforcement officer successfully completes, at a board  
 25 certified law enforcement academy or at a law enforcement training  
 26 center under section 10.5 or 15.2 of this chapter, the basic training  
 27 requirements established by the board under this chapter.

28 (e) This subsection does not apply to:

- 29 (1) a gaming agent employed as a law enforcement officer by the  
 30 Indiana gaming commission; or

31 (2) an:

- 32 (A) attorney; or
- 33 (B) investigator;

34 designated by the securities commissioner as a police officer of  
 35 the state under IC 23-19-6-1(k).

36 Before a law enforcement officer appointed after June 30, 1993,  
 37 completes the basic training requirements, the law enforcement officer  
 38 may exercise the police powers described in subsection (d) if the  
 39 officer successfully completes the pre-basic course established in  
 40 subsection (f). Successful completion of the pre-basic course authorizes  
 41 a law enforcement officer to exercise the police powers described in  
 42 subsection (d) for one (1) year after the date the law enforcement



- 1 officer is appointed.
- 2 (f) The board shall adopt rules under IC 4-22-2 to establish a  
3 pre-basic course for the purpose of training:
- 4 (1) law enforcement officers;
- 5 (2) police reserve officers (as described in IC 36-8-3-20); and
- 6 (3) conservation reserve officers (as described in IC 14-9-8-27);
- 7 regarding the subjects of arrest, search and seizure, the lawful use of  
8 force, interacting with individuals with autism, and the operation of an  
9 emergency vehicle. The pre-basic course must be offered on a periodic  
10 basis throughout the year at regional sites statewide. The pre-basic  
11 course must consist of at least forty (40) hours of course work. The  
12 board may prepare the classroom part of the pre-basic course using  
13 available technology in conjunction with live instruction. The board  
14 shall provide the course material, the instructors, and the facilities at  
15 the regional sites throughout the state that are used for the pre-basic  
16 course. In addition, the board may certify pre-basic courses that may be  
17 conducted by other public or private training entities, including  
18 postsecondary educational institutions.
- 19 (g) Subject to subsection (h), the board shall adopt rules under  
20 IC 4-22-2 to establish a mandatory inservice training program for  
21 police officers and police reserve officers (as described in  
22 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has  
23 satisfactorily completed basic training and has been appointed to a law  
24 enforcement department or agency on either a full-time or part-time  
25 basis is not eligible for continued employment unless the officer  
26 satisfactorily completes the mandatory inservice training requirements  
27 established by rules adopted by the board. Inservice training must  
28 include training in interacting with persons with mental illness,  
29 addictive disorders, intellectual disabilities, autism, developmental  
30 disabilities, and Alzheimer's disease or related senile dementia, to be  
31 provided by persons approved by the secretary of family and social  
32 services and the board, and training concerning human and sexual  
33 trafficking and high risk missing persons (as defined in IC 5-2-17-1).  
34 The board may approve courses offered by other public or private  
35 training entities, including postsecondary educational institutions, as  
36 necessary in order to ensure the availability of an adequate number of  
37 inservice training programs. The board may waive an officer's inservice  
38 training requirements if the board determines that the officer's reason  
39 for lacking the required amount of inservice training hours is due to  
40 either an emergency situation or the unavailability of courses.
- 41 (h) This subsection applies only to a mandatory inservice training  
42 program under subsection (g). Notwithstanding subsection (g), the





1 board may, without adopting rules under IC 4-22-2, modify the course  
 2 work of a training subject matter, modify the number of hours of  
 3 training required within a particular subject matter, or add a new  
 4 subject matter, if the board satisfies the following requirements:

5 (1) The board must conduct at least two (2) public meetings on  
 6 the proposed modification or addition.

7 (2) After approving the modification or addition at a public  
 8 meeting, the board must post notice of the modification or  
 9 addition on the Indiana law enforcement academy's Internet web  
 10 site at least thirty (30) days before the modification or addition  
 11 takes effect.

12 If the board does not satisfy the requirements of this subsection, the  
 13 modification or addition is void. This subsection does not authorize the  
 14 board to eliminate any inservice training subject matter required under  
 15 subsection (g).

16 (i) The board shall also adopt rules establishing a town marshal  
 17 basic training program, subject to the following:

18 (1) The program must require fewer hours of instruction and class  
 19 attendance and fewer courses of study than are required for the  
 20 mandated basic training program.

21 (2) Certain parts of the course materials may be studied by a  
 22 candidate at the candidate's home in order to fulfill requirements  
 23 of the program.

24 (3) Law enforcement officers successfully completing the  
 25 requirements of the program are eligible for appointment only in  
 26 towns employing the town marshal system (IC 36-5-7) and having  
 27 not more than one (1) marshal and two (2) deputies.

28 (4) The limitation imposed by subdivision (3) does not apply to an  
 29 officer who has successfully completed the mandated basic  
 30 training program.

31 (5) The time limitations imposed by subsections (b) and (c) for  
 32 completing the training are also applicable to the town marshal  
 33 basic training program.

34 (6) The program must require training in interacting with  
 35 individuals with autism.

36 (j) The board shall adopt rules under IC 4-22-2 to establish an  
 37 executive training program. The executive training program must  
 38 include training in the following areas:

39 (1) Liability.

40 (2) Media relations.

41 (3) Accounting and administration.

42 (4) Discipline.



- 1 (5) Department policy making.  
 2 (6) Lawful use of force.  
 3 (7) Department programs.  
 4 (8) Emergency vehicle operation.  
 5 (9) Cultural diversity.
- 6 (k) A police chief shall apply for admission to the executive training  
 7 program within two (2) months of the date the police chief initially  
 8 takes office. A police chief must successfully complete the executive  
 9 training program within six (6) months of the date the police chief  
 10 initially takes office. However, if space in the executive training  
 11 program is not available at a time that will allow completion of the  
 12 executive training program within six (6) months of the date the police  
 13 chief initially takes office, the police chief must successfully complete  
 14 the next available executive training program that is offered after the  
 15 police chief initially takes office.
- 16 (l) A police chief who fails to comply with subsection (k) may not  
 17 continue to serve as the police chief until completion of the executive  
 18 training program. For the purposes of this subsection and subsection  
 19 (k), "police chief" refers to:  
 20 (1) the police chief of any city;  
 21 (2) the police chief of any town having a metropolitan police  
 22 department; and  
 23 (3) the chief of a consolidated law enforcement department  
 24 established under IC 36-3-1-5.1.
- 25 A town marshal is not considered to be a police chief for these  
 26 purposes, but a town marshal may enroll in the executive training  
 27 program.
- 28 (m) A fire investigator in the ~~division of fire and building safety~~  
 29 **department of homeland security** appointed after December 31,  
 30 1993, is required to comply with the basic training standards  
 31 established under this chapter.
- 32 (n) The board shall adopt rules under IC 4-22-2 to establish a  
 33 program to certify handgun safety courses, including courses offered  
 34 in the private sector, that meet standards approved by the board for  
 35 training probation officers in handgun safety as required by  
 36 IC 11-13-1-3.5(3).
- 37 (o) The board shall adopt rules under IC 4-22-2 to establish a  
 38 refresher course for an officer who:  
 39 (1) is hired by an Indiana law enforcement department or agency  
 40 as a law enforcement officer;  
 41 (2) has not been employed as a law enforcement officer for:  
 42 (A) at least two (2) years; and



- 1 (B) less than six (6) years before the officer is hired under  
 2 subdivision (1); and  
 3 (3) completed at any time a basic training course certified or  
 4 recognized by the board before the officer is hired under  
 5 subdivision (1).
- 6 (p) An officer to whom subsection (o) applies must successfully  
 7 complete the refresher course described in subsection (o) not later than  
 8 six (6) months after the officer's date of hire, or the officer loses the  
 9 officer's powers of:  
 10 (1) arrest;  
 11 (2) search; and  
 12 (3) seizure.
- 13 (q) The board shall adopt rules under IC 4-22-2 to establish a  
 14 refresher course for an officer who:  
 15 (1) is appointed by an Indiana law enforcement department or  
 16 agency as a reserve police officer; and  
 17 (2) has not worked as a reserve police officer for at least two (2)  
 18 years after:  
 19 (A) completing the pre-basic course; or  
 20 (B) leaving the individual's last appointment as a reserve  
 21 police officer.
- 22 An officer to whom this subsection applies must successfully complete  
 23 the refresher course established by the board in order to work as a  
 24 reserve police officer.
- 25 (r) This subsection applies to an individual who, at the time the  
 26 individual completes a board certified or recognized basic training  
 27 course, has not been appointed as a law enforcement officer by an  
 28 Indiana law enforcement department or agency. If the individual is not  
 29 employed as a law enforcement officer for at least two (2) years after  
 30 completing the basic training course, the individual must successfully  
 31 retake and complete the basic training course as set forth in subsection  
 32 (d).
- 33 (s) The board shall adopt rules under IC 4-22-2 to establish a  
 34 refresher course for an individual who:  
 35 (1) is appointed as a board certified instructor of law enforcement  
 36 training; and  
 37 (2) has not provided law enforcement training instruction for  
 38 more than one (1) year after the date the individual's instructor  
 39 certification expired.
- 40 An individual to whom this subsection applies must successfully  
 41 complete the refresher course established by the board in order to  
 42 renew the individual's instructor certification.



1 (t) This subsection applies only to a gaming agent employed as a  
2 law enforcement officer by the Indiana gaming commission. A gaming  
3 agent appointed after June 30, 2005, may exercise the police powers  
4 described in subsection (d) if:

5 (1) the agent successfully completes the pre-basic course  
6 established in subsection (f); and

7 (2) the agent successfully completes any other training courses  
8 established by the Indiana gaming commission in conjunction  
9 with the board.

10 (u) This subsection applies only to a securities enforcement officer  
11 designated as a law enforcement officer by the securities  
12 commissioner. A securities enforcement officer may exercise the police  
13 powers described in subsection (d) if:

14 (1) the securities enforcement officer successfully completes the  
15 pre-basic course established in subsection (f); and

16 (2) the securities enforcement officer successfully completes any  
17 other training courses established by the securities commissioner  
18 in conjunction with the board.

19 (v) As used in this section, "upper level policymaking position"  
20 refers to the following:

21 (1) If the authorized size of the department or town marshal  
22 system is not more than ten (10) members, the term refers to the  
23 position held by the police chief or town marshal.

24 (2) If the authorized size of the department or town marshal  
25 system is more than ten (10) members but less than fifty-one (51)  
26 members, the term refers to:

27 (A) the position held by the police chief or town marshal; and

28 (B) each position held by the members of the police  
29 department or town marshal system in the next rank and pay  
30 grade immediately below the police chief or town marshal.

31 (3) If the authorized size of the department or town marshal  
32 system is more than fifty (50) members, the term refers to:

33 (A) the position held by the police chief or town marshal; and

34 (B) each position held by the members of the police  
35 department or town marshal system in the next two (2) ranks  
36 and pay grades immediately below the police chief or town  
37 marshal.

38 (w) This subsection applies only to a correctional police officer  
39 employed by the department of correction. A correctional police officer  
40 may exercise the police powers described in subsection (d) if:

41 (1) the officer successfully completes the pre-basic course  
42 described in subsection (f); and



1 (2) the officer successfully completes any other training courses  
 2 established by the department of correction in conjunction with  
 3 the board.

4 SECTION 6. IC 5-16-3-1, AS AMENDED BY P.L.1-2006,  
 5 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A public official, board,  
 7 commission, or other public agency having charge of the construction  
 8 of a public building, an addition to the building, or an alteration of the  
 9 building shall file in the ~~division of fire and building safety,~~  
 10 **department of homeland security**, within sixty (60) days after the  
 11 completion of the building project, a complete set of blueprints and a  
 12 complete set of bound specifications for the public building, addition,  
 13 or alteration.

14 (b) Subsection (a) does not apply to buildings, additions, or  
 15 alterations that are constructed at a cost of less than twenty-five  
 16 thousand dollars (\$25,000).

17 SECTION 7. IC 5-16-3-2, AS AMENDED BY P.L.1-2006,  
 18 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~division of fire and building~~  
 20 ~~safety of the~~ department of homeland security shall provide a safe  
 21 depository for all blueprints and specifications filed as provided in  
 22 section 1 of this chapter and retain them for inspection and loan under  
 23 the conditions and restrictions as the fire prevention and building safety  
 24 commission shall determine by rule. The fire prevention and building  
 25 safety commission may designate the librarian of the state of Indiana  
 26 as the custodian of any blueprints and specifications filed with it, at any  
 27 time, and it shall be the duty of the state librarian to safely preserve the  
 28 same in the state archives as public documents.

29 SECTION 8. IC 7.1-5-12-6, AS ADDED BY P.L.141-2012,  
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 6. (a) The commission shall enforce this chapter.

32 (b) This chapter may also be enforced by:  
 33 (1) the state department of health established by IC 16-19-1-1;  
 34 (2) a local health department, as defined in IC 16-18-2-211;  
 35 (3) a health and hospital corporation established by IC 16-22-8-6;  
 36 (4) ~~the division of fire and building safety established within the~~  
 37 ~~department of homeland security established by IC 10-19-7-1;~~  
 38 **IC 10-19-2-1; and**  
 39 (5) a law enforcement officer;

40 in cooperation with the commission.

41 (c) The commission, the state department of health, a local health  
 42 department, a health and hospital corporation, the ~~division of fire and~~



1 ~~building safety~~; **department of homeland security**, or a law  
 2 enforcement officer may inspect premises that are subject to this  
 3 chapter to ensure that the person responsible for the premises is in  
 4 compliance with this chapter.

5 SECTION 9. IC 7.1-5-12-9, AS ADDED BY P.L.141-2012,  
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2021]: Sec. 9. (a) A local health department may enforce this  
 8 chapter by filing a civil action under IC 16-20-1-26.

9 (b) A health and hospital corporation may enforce this chapter by  
 10 filing a civil action under IC 16-22-8-31.

11 (c) The ~~division of fire and building safety~~ **department of**  
 12 **homeland security** may enforce this chapter by filing a civil action  
 13 under IC 22-12-7-13.

14 SECTION 10. IC 10-19-2-2, AS ADDED BY P.L.22-2005,  
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 2. **(a)** The department ~~consists of the following~~  
 17 ~~divisions:~~ **shall do the following:**

18 ~~(1) The division of planning and assessment.~~

19 ~~(2) The division of preparedness and training.~~

20 ~~(3) The division of emergency response and recovery.~~

21 ~~(4) The division of fire and building safety.~~

22 **(1) Develop a single strategic plan for preparing for and**  
 23 **responding to homeland security emergencies.**

24 **(2) Assess state and local security needs.**

25 **(3) Administer all state emergency management and response**  
 26 **training programs.**

27 **(4) Administer the state's emergency operations functions**  
 28 **during an emergency.**

29 **(5) Administer the following:**

30 **(A) IC 10-14.**

31 **(B) IC 16-31.**

32 **(C) IC 22-11.**

33 **(D) IC 22-12.**

34 **(E) IC 22-13.**

35 **(F) IC 22-14.**

36 **(G) IC 22-15.**

37 **(b) The executive director may organize the personnel and**  
 38 **functions of the department into divisions and subdivisions to carry**  
 39 **out the executive director's powers and duties and the powers and**  
 40 **duties of the department. The executive director may periodically**  
 41 **consolidate, divide, or abolish divisions and subdivisions as is**  
 42 **necessary to carry out those powers and duties.**



1 SECTION 11. IC 10-19-3-3, AS AMENDED BY P.L.43-2020,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 3. The executive director shall do the following:

4 (1) Serve as the chief executive and administrative officer of the  
5 department.

6 (2) Serve as the director of the council.

7 (3) Administer the application for, and disbursement of, federal  
8 and state homeland security money for all Indiana state and local  
9 governments.

10 (4) Develop a single strategic plan for preparing and responding  
11 to homeland security emergencies in consultation with the  
12 council.

13 (5) Serve as the state coordinating officer under federal law for all  
14 matters relating to emergency and disaster mitigation,  
15 preparedness, response, and recovery.

16 (6) Use and allocate the services, facilities, equipment, personnel,  
17 and resources of any state agency, on the governor's behalf, as is  
18 reasonably necessary in the preparation for, response to, or  
19 recovery from an emergency or disaster situation that threatens or  
20 has occurred in Indiana.

21 (7) Develop a plan to protect key state assets and public  
22 infrastructure from a disaster or terrorist attack.

23 (8) Partner with state agencies, including the state department of  
24 health and state educational institutions, to develop public safety  
25 education and outreach programs.

26 **(9) Appoint an individual to serve as the state emergency  
27 medical services medical director as provided in section 3.5 of  
28 this chapter.**

29 SECTION 12. IC 10-19-3-3.5 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. (a) For purposes of this  
32 section, "EMS" means emergency medical services.**

33 **(b) For purposes of this section, "state EMS medical director"  
34 refers to the state emergency medical services medical director  
35 appointed under subsection (c).**

36 **(c) The executive director shall appoint an individual to serve as  
37 the state emergency medical services medical director. The  
38 individual must have the following qualifications:**

39 **(1) Thorough knowledge of state EMS laws and  
40 administrative rules and regulations.**

41 **(2) At least five (5) years experience in the following:**

42 **(A) Medical direction of out of hospital EMS.**



- 1           **(B) Emergency department treatment of acutely ill and**  
 2           **injured patients.**  
 3           **(3) Significant experience and familiarity with the following:**  
 4           **(A) The design and operation of statewide EMS systems.**  
 5           **(B) Working with national and other state EMS**  
 6           **committees.**  
 7           **(4) At the time of the individual's appointment, has a valid**  
 8           **and unrestricted license to practice medicine in Indiana.**  
 9           **(5) Be certified by the American Board of Emergency**  
 10           **Medicine.**  
 11           **(6) Other areas of knowledge and expertise that the executive**  
 12           **director determines essential.**  
 13           **The state EMS medical director shall be an employee of the**  
 14           **department.**  
 15           **(d) The executive director shall submit the name of the**  
 16           **individual whom the executive director would like to appoint as**  
 17           **state EMS medical director to the Indiana emergency medical**  
 18           **services commission created by IC 16-31-2-1. The commission may,**  
 19           **by a majority of the members, vote not later than thirty (30) days**  
 20           **after the submission on whether to approve the appointment. If the**  
 21           **commission:**  
 22           **(1) does not take any action; or**  
 23           **(2) by a majority of the commission votes to approve the**  
 24           **appointment of the individual;**  
 25           **not later than thirty (30) days after, the appointment shall become**  
 26           **effective. If a majority of the commission votes not later than thirty**  
 27           **(30) days after the submission of the appointment to not approve**  
 28           **the appointment, the executive director shall restart the**  
 29           **appointment process and submit an alternative individual for**  
 30           **appointment.**  
 31           **(e) The state EMS medical director shall oversee all pre-hospital**  
 32           **aspects of the statewide EMS system, including the following:**  
 33           **(1) Medical components for systems of care that interface or**  
 34           **integrate with the statewide EMS system, including the**  
 35           **following:**  
 36           **(A) Statewide planning for trauma, burn, cardiac, and**  
 37           **stroke care.**  
 38           **(B) Domestic preparedness.**  
 39           **(C) EMS for children.**  
 40           **(2) For all levels of emergency responders, establishment of**  
 41           **the following:**  
 42           **(A) Statewide model guidelines and best practices for all**





- 1            **patient care activities to ensure delivery of medical care**
- 2            **consistent with professionally recognized standards.**
- 3            **(B) A statewide EMS continuous quality improvement**
- 4            **program.**
- 5            **(C) A statewide EMS advocacy program.**
- 6            **(3) In cooperation with appropriate state and local agencies,**
- 7            **training and certification of all EMS providers.**
- 8            **(f) The state EMS medical director shall assist the executive**
- 9            **director on all issues related to statewide EMS, including the**
- 10           **following:**
  - 11            **(1) Consulting with EMS medical directors.**
  - 12            **(2) In consultation with the Indiana emergency medical**
  - 13            **services commission created by IC 16-31-2-1, providing**
  - 14            **guidance and assistance on the following matters:**
    - 15            **(A) Scope of practice for EMS providers.**
    - 16            **(B) Restrictions placed on EMS certifications.**
    - 17            **(C) Appropriate corrective and disciplinary actions for**
    - 18            **EMS personnel.**
    - 19            **(D) Education and training on emerging issues in EMS.**
  - 20            **(3) EMS system research.**
  - 21            **(4) Coordination of all medical activities for disaster planning**
  - 22            **and response.**
  - 23            **(5) Improving quality of care, research, and injury prevention**
  - 24            **programs.**
  - 25            **(6) Partnering with state agencies, including the state**
  - 26            **department of health and state educational institutions, to**
  - 27            **develop public safety education and outreach programs.**
- 28            SECTION 13. IC 10-19-4 IS REPEALED [EFFECTIVE JULY 1,
- 29            2021]. (Division of Planning and Assessment).
- 30            SECTION 14. IC 10-19-5 IS REPEALED [EFFECTIVE JULY 1,
- 31            2021]. (Division of Preparedness and Training).
- 32            SECTION 15. IC 10-19-6 IS REPEALED [EFFECTIVE JULY 1,
- 33            2021]. (Division of Emergency Response and Recovery).
- 34            SECTION 16. IC 10-19-7-1 IS REPEALED [EFFECTIVE JULY 1,
- 35            2021]. ~~Sec. 1. The division of fire and building safety is established~~
- 36            ~~within the department.~~
- 37            SECTION 17. IC 10-19-7-2 IS REPEALED [EFFECTIVE JULY 1,
- 38            2021]. ~~Sec. 2. The division shall administer the following:~~
  - 39            ~~(1) IC 16-31.~~
  - 40            ~~(2) IC 22-11.~~
  - 41            ~~(3) IC 22-12.~~
  - 42            ~~(4) IC 22-13.~~



1           ~~(5) IC 22-14.~~

2           ~~(6) IC 22-15.~~

3           SECTION 18. IC 10-19-7-3, AS AMENDED BY P.L.43-2020,  
4           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2021]: Sec. 3. (a) The state fire marshal appointed under  
6           IC 22-14-2-2 shall ~~do~~ **manage the department's administration of**  
7           the following:

8           **(1) IC 16-31.**

9           **(2) IC 22-11.**

10          **(3) IC 22-12.**

11          **(4) IC 22-13.**

12          **(5) IC 22-14.**

13          **(6) IC 22-15.**

14          ~~(1) Serve as a deputy executive director to manage the division.~~

15          ~~(2) Administer the division.~~

16          **(b) In carrying out the duties under subsection (a), the state fire**  
17          **marshal shall do the following:**

18          ~~(3) (1) Provide **department** staff to support the fire prevention~~  
19          ~~and building safety commission established by IC 22-12-2-1.~~

20          ~~(4) (2) Partner with state agencies, including the state department~~  
21          ~~of health and state educational institutions, to develop public~~  
22          ~~safety education and outreach programs.~~

23          ~~(b) (c) The state fire marshal may not exercise any powers or~~  
24          ~~perform any duties specifically assigned to either of the following:~~

25                 (1) The fire prevention and building safety commission.

26                 (2) The state building commissioner.

27          ~~(c) (d) The state fire marshal may delegate the state fire marshal's~~  
28          ~~authority to the appropriate **division department** staff.~~

29          SECTION 19. IC 10-19-7-5 IS REPEALED [EFFECTIVE JULY 1,  
30          2021]. Sec. 5. (a) For purposes of this section, "EMS" means  
31          emergency medical services.

32          (b) For purposes of this section, "state EMS medical director" refers  
33          to the state emergency medical services medical director appointed  
34          under subsection (c):

35          (c) The executive director shall appoint an individual to serve as the  
36          state emergency medical services medical director. The individual must  
37          have the following qualifications:

38                 (1) Thorough knowledge of state EMS laws and administrative  
39                 rules and regulations:

40                 (2) At least five (5) years experience in the following:

41                         (A) Medical direction of out of hospital EMS.

42                         (B) Emergency department treatment of acutely ill and injured



- 1 patients:
- 2 (3) Significant experience and familiarity with the following:
- 3 (A) The design and operation of statewide EMS systems.
- 4 (B) Working with national and other state EMS committees.
- 5 (4) At the time of the individual's appointment, has a valid and
- 6 unrestricted license to practice medicine in Indiana.
- 7 (5) Be certified by the American Board of Emergency Medicine.
- 8 (6) Other areas of knowledge and expertise that the executive
- 9 director determines essential.
- 10 The state EMS medical director shall be an employee of the
- 11 department.
- 12 (d) The executive director shall submit the name of the individual
- 13 whom the executive director would like to appoint as state EMS
- 14 medical director to the Indiana emergency medical services
- 15 commission created by IC 16-31-2-1. The commission may, by a
- 16 majority of the members, vote not later than thirty (30) days after the
- 17 submission on whether to approve the appointment. If the commission:
- 18 (1) does not take any action; or
- 19 (2) by a majority of the commission votes to approve the
- 20 appointment of the individual;
- 21 not later than thirty (30) days after, the appointment shall become
- 22 effective. If a majority of the commission votes not later than thirty (30)
- 23 days after the submission of the appointment to not approve the
- 24 appointment, the executive director shall restart the appointment
- 25 process and submit an alternative individual for appointment.
- 26 (e) The state EMS medical director shall oversee all pre-hospital
- 27 aspects of the statewide EMS system, including the following:
- 28 (1) Medical components for systems of care that interface or
- 29 integrate with the statewide EMS system, including the following:
- 30 (A) Statewide planning for trauma, burn, cardiac, and stroke
- 31 care.
- 32 (B) Domestic preparedness.
- 33 (C) EMS for children.
- 34 (2) For all levels of emergency responders, establishment of the
- 35 following:
- 36 (A) Statewide model guidelines and best practices for all
- 37 patient care activities to ensure delivery of medical care
- 38 consistent with professionally recognized standards.
- 39 (B) A statewide EMS continuous quality improvement
- 40 program.
- 41 (C) A statewide EMS advocacy program.
- 42 (3) In cooperation with appropriate state and local agencies;



- 1 training and certification of all EMS providers.
- 2 (f) The state EMS medical director shall assist the executive director
- 3 on all issues related to statewide EMS, including the following:
- 4 (1) Consulting with EMS medical directors.
- 5 (2) In consultation with the Indiana emergency medical services
- 6 commission created by IC 16-31-2-1, providing guidance and
- 7 assistance on the following matters:
- 8 (A) Scope of practice for EMS providers.
- 9 (B) Restrictions placed on EMS certifications.
- 10 (C) Appropriate corrective and disciplinary actions for EMS
- 11 personnel.
- 12 (D) Education and training on emerging issues in EMS.
- 13 (3) EMS system research.
- 14 (4) Coordination of all medical activities for disaster planning and
- 15 response.
- 16 (5) Improving quality of care, research, and injury prevention
- 17 programs.
- 18 (6) Partnering with state agencies, including the state department
- 19 of health and state educational institutions, to develop public
- 20 safety education and outreach programs.
- 21 SECTION 20. IC 10-19-9-1 IS REPEALED [EFFECTIVE JULY 1,
- 22 2021]. Sec. 1. As used in this chapter, "division" refers to the division
- 23 of preparedness and training.
- 24 SECTION 21. IC 10-19-9-2, AS ADDED BY P.L.22-2005,
- 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 2. As used in this chapter, "public safety service
- 27 provider" or "provider" means an officer or employee of the state, an
- 28 officer or employee of a governmental unit, or a volunteer who is
- 29 engaged in at least one (1) of the following activities:
- 30 (1) Firefighting.
- 31 (2) Emergency management.
- 32 (3) Environmental management.
- 33 (4) Fire or building inspection.
- 34 (5) Emergency medical service.
- 35 (6) Any other public safety or homeland security activity that the
- 36 **division department** may designate.
- 37 SECTION 22. IC 10-19-9-3, AS ADDED BY P.L.22-2005,
- 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2021]: Sec. 3. (a) The **division department** shall develop and
- 40 provide a training program for public safety service providers.
- 41 (b) Participation in the training program is optional for a provider.
- 42 SECTION 23. IC 10-19-9-4, AS ADDED BY P.L.22-2005,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 4. Subject to section 3(b) of this chapter, the  
3 ~~division~~ **department** shall establish and conduct advanced training  
4 programs in public safety and homeland security subjects on a  
5 voluntary enrollment basis. The ~~division~~ **department** may offer  
6 courses to any public safety service provider that the ~~division~~  
7 **department** determines will benefit from the training.

8 SECTION 24. IC 10-19-9-5, AS ADDED BY P.L.22-2005,  
9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2021]: Sec. 5. The ~~division~~ **department** may establish  
11 training facilities at which the ~~division~~ **department** provides programs.  
12 The ~~division~~ **department** shall establish policies and procedures for  
13 the use of any training facilities that the ~~division~~ **department**  
14 establishes.

15 SECTION 25. IC 10-19-9-6, AS ADDED BY P.L.22-2005,  
16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2021]: Sec. 6. The ~~division~~ **department** may recommend or  
18 conduct studies or surveys. The ~~division~~ **department** may require  
19 reports from the chief executive of a governmental or volunteer  
20 provider organization for the purposes of this chapter.

21 SECTION 26. IC 10-19-9-7, AS ADDED BY P.L.22-2005,  
22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2021]: Sec. 7. The ~~division~~ **department** may originate,  
24 compile, and disseminate training materials to providers.

25 SECTION 27. IC 10-19-9-8, AS ADDED BY P.L.22-2005,  
26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may establish a  
28 system of issuing diplomas or certificates for persons who successfully  
29 complete the ~~division's~~ **department's** training programs.

30 SECTION 28. IC 10-19-9-9, AS ADDED BY P.L.22-2005,  
31 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2021]: Sec. 9. Upon request, the ~~division~~ **department** may  
33 assist a provider organization in the development of training programs  
34 for the organization's personnel.

35 SECTION 29. IC 10-19-9-10, AS ADDED BY P.L.22-2005,  
36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2021]: Sec. 10. The ~~division~~ **department** may consult,  
38 cooperate, or contract with the law enforcement training board, a  
39 college or university, or any other individual or entity for the  
40 development and providing of courses of study for public safety service  
41 providers.

42 SECTION 30. IC 10-19-9-11, AS ADDED BY P.L.22-2005,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 11. (a) The ~~division's~~ **department's** facilities are  
3 available for the training of any public safety or health services  
4 provider that the ~~division~~ **department** determines will benefit from the  
5 training.

6 (b) The ~~division~~ **department** shall determine the terms and  
7 conditions for use of the ~~division's~~ **department's** facilities by the  
8 providers listed in subsection (a).

9 SECTION 31. IC 10-19-9-12, AS ADDED BY P.L.22-2005,  
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may establish fee  
12 schedules and charges for the following:

13 (1) Items or services provided by the ~~division~~ **department** under  
14 this chapter.

15 (2) Training conducted by the ~~division~~ **department** under this  
16 chapter.

17 (3) Other ~~division~~ **department** activities conducted under this  
18 chapter.

19 SECTION 32. IC 10-19-9-13, AS ADDED BY P.L.22-2005,  
20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2021]: Sec. 13. The ~~division~~ **department** may accept gifts and  
22 grants from any source and use them for the purposes of this chapter.

23 SECTION 33. IC 10-19-9-14, AS ADDED BY P.L.22-2005,  
24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2021]: Sec. 14. The ~~division~~ **department** may perform any  
26 other acts that are necessary or appropriate to implement this chapter.

27 SECTION 34. IC 10-19-11-2, AS ADDED BY P.L.29-2014,  
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2021]: Sec. 2. (a) The definitions set forth in this section apply  
30 throughout this chapter.

31 (b) "Agency" refers to the department of homeland security  
32 established by IC 10-19-2-1.

33 (e) (b) "Agreement state" means a state with which the United  
34 States Atomic Energy Commission or the Nuclear Regulatory  
35 Commission has entered into an agreement under subsection 274b of  
36 the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

37 (d) (c) For purposes of this chapter, exposures are "as low as is  
38 reasonably achievable" if every reasonable effort has been made to  
39 maintain exposures to ionizing radiation as far below the dose limits as  
40 is practical:

41 (1) consistent with the purpose for which the licensed activity is  
42 undertaken;



- 1 (2) taking into account the state of technology and the economics  
 2 of improvements; and  
 3 (3) in relation to:  
 4 (A) benefits to the public health and safety;  
 5 (B) other societal and socioeconomic considerations; and  
 6 (C) utilization of nuclear energy and licensed materials in the  
 7 public interest.
- 8 (e) (d) "Atomic Energy Act of 1954" refers to the federal Atomic  
 9 Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1,  
 10 2014.
- 11 (f) (e) "Byproduct material" means any of the following:  
 12 (1) Radioactive material, except special nuclear material, yielding  
 13 in or made radioactive by exposure to the radiation incident to the  
 14 process of producing or utilizing special nuclear material.  
 15 (2) The tailings or wastes produced by the extraction or  
 16 concentration of uranium or thorium from ore.  
 17 (3) Any discrete source of radium-226 that is produced, extracted,  
 18 or converted after extraction for use for a commercial, medical, or  
 19 research activity.  
 20 (4) Any material that:  
 21 (A) has been made radioactive by use of a particle accelerator;  
 22 and  
 23 (B) is:  
 24 (i) produced;  
 25 (ii) extracted; or  
 26 (iii) converted after extraction;  
 27 for use for a commercial, medical, or research activity.  
 28 (5) Any discrete source of naturally occurring radioactive  
 29 material, other than source material, that:  
 30 (A) is determined by the Nuclear Regulatory Commission, in  
 31 consultation with the administrator of the United States  
 32 Environmental Protection Agency, the United States Secretary  
 33 of Energy, the United States Secretary of Homeland Security,  
 34 and the head of any other appropriate federal agency, to pose  
 35 a threat similar to the threat posed by a discrete source of  
 36 radium-226 to the public health and safety or the common  
 37 defense and security; and  
 38 (B) is:  
 39 (i) extracted; or  
 40 (ii) converted after extraction;  
 41 for use in a commercial, medical, or research activity.  
 42 (f) "Department" refers to the department of homeland security



1 **established by IC 10-19-2-1.**

2 (g) "General license" means an export or import license that:

- 3 (1) is issued through rulemaking by the Nuclear Regulatory  
4 Commission;  
5 (2) is effective without the filing of a specific application with the  
6 Nuclear Regulatory Commission or the issuance of licensing  
7 documents to a particular person;  
8 (3) is not an exemption from the requirements of the Nuclear  
9 Regulatory Commission; and  
10 (4) does not relieve a person from complying with other  
11 applicable Nuclear Regulatory Commission, federal, or state  
12 requirements.

13 (h) "Inspection" means an official examination or observation by the  
14 ~~agency.~~ **department.** The term includes tests, surveys, and monitoring  
15 to determine compliance with this chapter and the rules adopted under  
16 this chapter.

17 (i) "Ionizing radiation" means:

- 18 (1) alpha particles;  
19 (2) beta particles;  
20 (3) gamma rays;  
21 (4) x-rays;  
22 (5) neutrons;  
23 (6) high-speed electrons;  
24 (7) high-speed protons; and  
25 (8) other particles capable of producing ions.

26 The term does not include nonionizing radiation such as radio waves,  
27 microwaves, and visible light, infrared light, or ultraviolet light.

28 (j) "License" means a license issued under the Nuclear Regulatory  
29 Commission regulations or by an agreement state as stated in 10 CFR  
30 Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

31 (k) "Licensed material" means:

- 32 (1) source material;  
33 (2) special nuclear material; or  
34 (3) byproduct material;

35 that is received, possessed, used, transferred, or disposed of under a  
36 general or specific license issued by the Nuclear Regulatory  
37 Commission or the ~~agency.~~ **department.**

38 (l) "Nuclear Regulatory Commission" refers to the United States  
39 Nuclear Regulatory Commission.

40 (m) "Person" means an individual, a firm, a partnership, a  
41 association, a fiduciary, an executor or administrator, a governmental  
42 entity, a limited liability company, or a corporation.





- 1 (n) "Radioactive material" means:  
 2 (1) byproduct material;  
 3 (2) source material;  
 4 (3) special nuclear material; or  
 5 (4) any solid, liquid, or gas that emits radiation spontaneously.
- 6 (o) "Registration" means registration with the ~~agency~~ **department**.
- 7 (p) "Source material" means:  
 8 (1) natural uranium, depleted uranium, thorium, or any other  
 9 combination of natural uranium, depleted uranium, and thorium,  
 10 in any physical or chemical form other than special nuclear  
 11 material; or  
 12 (2) ores that contain by weight at least five-hundredths of one  
 13 percent (0.05%) of:  
 14 (A) natural uranium;  
 15 (B) depleted uranium;  
 16 (C) thorium; or  
 17 (D) any combination of natural uranium, depleted uranium,  
 18 and thorium.
- 19 (q) "Special nuclear material" means:  
 20 (1) plutonium;  
 21 (2) uranium-233; or  
 22 (3) uranium enriched above seven hundred eleven thousandths of  
 23 one percent (0.711%) by weight in the isotope uranium-235.
- 24 (r) "Specific license" means an export or import license document  
 25 that is issued to a named person and authorizes the export or import of  
 26 specified nuclear equipment or materials based upon the review and  
 27 approval of an NRC Form 7 (Application for NRC Export or Import  
 28 License, amendment, renewal, or consent request(s)) application.
- 29 (s) "Unnecessary radiation" means radiation used in such a manner  
 30 as to be injurious or dangerous to health, life, or property.
- 31 (t) "The state" refers to the state of Indiana.
- 32 SECTION 35. IC 10-19-11-3, AS ADDED BY P.L.29-2014,  
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2021]: Sec. 3. (a) The ~~agency~~ **department** or the ~~agency's~~  
 35 **department's** agent may enter at any reasonable time any private or  
 36 public property for the purpose of an inspection and investigation of  
 37 conditions relating to radiation control.
- 38 (b) An owner or tenant of private or public property shall, upon  
 39 reasonable notice, make available to the ~~agency~~ **department** for  
 40 inspection records maintained in accordance with 10 CFR 20, this  
 41 chapter, and the rules adopted under this chapter.
- 42 (c) An owner or tenant of private or public property shall permit the



1 **agency department** to:  
 2 (1) perform radiation surveys in the air using portable survey  
 3 equipment; and  
 4 (2) take environmental samples for analysis;  
 5 as the **agency department** considers appropriate and necessary for  
 6 public health and safety.

7 SECTION 36. IC 10-19-11-4, AS ADDED BY P.L.29-2014,  
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2021]: Sec. 4. (a) Byproduct material shall be licensed and  
 10 regulated in Indiana by the Nuclear Regulatory Commission until the  
 11 governor, on behalf of the state, enters into an agreement with the  
 12 Nuclear Regulatory Commission for the state to assume regulation of  
 13 the use of byproduct material under subsection (d).

14 (b) Source material shall be licensed and regulated in Indiana by the  
 15 Nuclear Regulatory Commission until the governor, on behalf of the  
 16 state, enters into an agreement with the Nuclear Regulatory  
 17 Commission for the state to assume regulation of the use of source  
 18 materials under subsection (d).

19 (c) Special nuclear material shall be licensed and regulated in  
 20 Indiana by the Nuclear Regulatory Commission until the governor, on  
 21 behalf of the state, enters into an agreement with the Nuclear  
 22 Regulatory Commission to assume regulation of the use of special  
 23 nuclear material under subsection (d).

24 (d) The governor, or the governor's appointee on behalf of the state,  
 25 may enter into an agreement with the Nuclear Regulatory Commission  
 26 to assume regulation, as authorized under the federal Atomic Energy  
 27 Act of 1954, of the use of the following:

- 28 (1) Byproduct material.  
 29 (2) Source material.  
 30 (3) Special nuclear material.

31 (e) An agreement entered into under subsection (d) may provide for  
 32 the federal government to relinquish certain of its responsibilities with  
 33 respect to sources of ionizing radiation and for the state to assume  
 34 those responsibilities.

35 (f) After the governor, on behalf of the state, enters into an  
 36 agreement with the Nuclear Regulatory Commission under subsection  
 37 (d), the **agency department** may adopt rules under IC 4-22-2 to  
 38 implement the agreement, including emergency rules in the manner  
 39 provided under IC 4-22-2-37.1.

40 SECTION 37. IC 10-19-11-5, AS ADDED BY P.L.29-2014,  
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2021]: Sec. 5. If a person receives, possesses, uses, transfers,



owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the **agency department** on forms prescribed by the agency.

SECTION 38. IC 10-19-11-6, AS AMENDED BY P.L.57-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing or an electronic format with the ~~agency;~~ **department**, giving the pertinent information the ~~agency~~ **department** requires, in accordance with the procedures prescribed by the ~~agency;~~ **department**.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the ~~agency~~ **department** from licensure or registration under this chapter if the ~~agency~~ **department** determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 39. IC 10-19-11-8, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. In addition to adopting rules under section 4(f) of this chapter, the ~~agency~~ **department** may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

SECTION 40. IC 10-19-11-9, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. A person who:

- (1) produces radiation; or
- (2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the ~~agency;~~ **department**, constitutes a separate offense.

SECTION 41. IC 11-12-4-7, AS AMENDED BY P.L.1-2006, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. After conducting the review required by section 6 of this chapter, the department shall send a copy of the department's report to the ~~division of fire and building safety~~ **department of homeland security** and make a public report to the board of county commissioners. In the report, the department shall evaluate whether the jail, if constructed according to the plans and



1 specifications submitted to the department, meets the minimum  
2 standards adopted by the department under section 1 of this chapter.

3 SECTION 42. IC 11-12-4-8, AS AMENDED BY P.L.1-2006,  
4 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section does not apply  
6 to the approval of the plans and specifications for a county jail under  
7 IC 22-15-3 if the department has failed to submit its report under  
8 section 7 of this chapter to the ~~division of fire and building safety~~  
9 **department of homeland security** within ten (10) regular working  
10 days of the date that the department received the plans and  
11 specifications from the board of county commissioners.

12 (b) The ~~division of fire and building safety~~ **department of**  
13 **homeland security** may not issue a design release for a county jail  
14 under IC 22-15-3 until the ~~division of fire and building safety~~  
15 **department of homeland security** receives the report of the  
16 department for that county jail under section 7 of this chapter.

17 SECTION 43. IC 12-17-12-14, AS AMENDED BY P.L.1-2006,  
18 SECTION 190, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2021]: Sec. 14. The division may not approve  
20 a grant from the fund to an applicant that is planning to use a facility  
21 not located in a school, unless the applicant's facility meets the  
22 following:

23 (1) Standards for sanitation that are adopted by the director of the  
24 division.

25 (2) Standards for fire safety that are adopted by the ~~division of fire~~  
26 ~~and building safety:~~ **department of homeland security.**

27 SECTION 44. IC 12-17.2-2-9, AS AMENDED BY P.L.1-2006,  
28 SECTION 192, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A program operated to serve  
30 migrant children that is exempted under section 8(6) of this chapter and  
31 is certified by the United States Department of Health and Human  
32 Services shall be:

33 (1) granted a provisional license by the division, for a limited  
34 period not to exceed one (1) year and that is subject to review  
35 every three (3) months, if the division determines that the  
36 program reasonably complies with the rules adopted by the  
37 division; and

38 (2) inspected by the ~~division of fire and building safety:~~  
39 **department of homeland security.**

40 (b) The division and the fire prevention and building safety  
41 commission shall adopt rules under IC 4-22-2 that apply only to  
42 programs operated to serve migrant children that take into



1 consideration the fact that the programs:  
 2 (1) operate in donated space;  
 3 (2) provide services for children from migrant worker families;  
 4 and  
 5 (3) are operated during a single period of less than one hundred  
 6 twenty (120) consecutive days during a calendar year.  
 7 (c) This section does not prohibit a program operated to serve  
 8 migrant children from applying for a license under this article.  
 9 SECTION 45. IC 12-17.2-6-2, AS AMENDED BY P.L.53-2018,  
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2021]: Sec. 2. (a) An unlicensed child care ministry under  
 12 section 1 of this chapter may not operate unless the child care ministry  
 13 has registered with and met the requirements of the division and the  
 14 ~~division of fire and building safety~~ **department of homeland security**.  
 15 Registration application forms shall be provided by the division and the  
 16 ~~division of fire and building safety~~ **department of homeland security**.  
 17 (b) Registration under this section expires two (2) years after the  
 18 date of issuance unless revoked, modified to a probationary or  
 19 suspended status, or voluntarily returned.  
 20 SECTION 46. IC 12-17.2-6-5, AS AMENDED BY P.L.1-2006,  
 21 SECTION 194, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this section,  
 23 "primary use of the building" means the occupancy classification that  
 24 is:  
 25 (1) most closely related to the intended use of the building; and  
 26 (2) determined by the rules of the fire prevention and building  
 27 safety commission in effect at the time that the child care ministry  
 28 is first registered.  
 29 (b) The state fire marshal shall inspect a child care ministry  
 30 registered under section 2 of this chapter to ensure that the child care  
 31 ministry complies with the requirements of subsection (c).  
 32 (c) Except as provided in the following, a registered child care  
 33 ministry shall comply with all rules of the fire prevention and building  
 34 safety commission applicable to the primary use of the building:  
 35 (1) A registered child care ministry with an occupant load of at  
 36 least fifty (50) shall do either of the following:  
 37 (A) Install and maintain a fire alarm system in compliance  
 38 with the rules of the fire prevention and building safety  
 39 commission.  
 40 (B) Provide a notice on a form prescribed by the ~~division of~~  
 41 ~~fire and building safety~~ **department of homeland security** to  
 42 the parents of each child who attends the ministry stating that



- 1 the ministry does not have the same level of fire safety
- 2 protection as a licensed child care center.
- 3 (2) Each registered child care ministry with an occupant load of
- 4 less than fifty (50) shall do either of the following:
- 5 (A) Install and maintain in good operating condition at least
- 6 one (1) battery operated smoke detector in each room and
- 7 corridor used by the ministry.
- 8 (B) Provide a notice on a form prescribed by the ~~division of~~
- 9 ~~fire and building safety~~ **department of homeland security** to
- 10 the parents of each child who attends the ministry stating that
- 11 the ministry does not have the same level of fire safety
- 12 protection as a licensed child care center.
- 13 (3) Each registered child care ministry shall comply with the rules
- 14 of the fire prevention and building safety commission concerning
- 15 fire drills.

16 For purposes of this subsection, occupant load is determined by  
 17 dividing the total square footage of the area used by the child care  
 18 ministry by thirty-five (35) and rounding any result that is not a whole  
 19 number up to the next whole number.

20 (d) The state fire marshal shall make an inspection of a child care  
 21 ministry registered under section 2 of this chapter at least annually.

22 (e) During an inspection, the state fire marshal shall inspect the  
 23 structure in which the child care ministry is conducted for fire safety  
 24 and life safety with respect to the structure's primary use.

25 SECTION 47. IC 12-17.2-6-6, AS AMENDED BY P.L.145-2006,  
 26 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2021]: Sec. 6. Upon the completion of the  
 28 inspections required under this chapter, a notice signed by the  
 29 inspectors from the division and the ~~division of fire and building safety~~  
 30 **department of homeland security** shall be issued to the operator of  
 31 each child care ministry found to be in compliance. The notice shall be  
 32 placed in a conspicuous place in the child care ministry, and must be  
 33 in substantially the following form:

34 "THIS UNLICENSED REGISTERED CHILD CARE MINISTRY  
 35 has been inspected and complies with state rules concerning  
 36 health and sanitation in child care ministries.

37 DATE \_\_\_\_\_  
 38 SIGNATURE \_\_\_\_\_

39 DIVISION OF FAMILY RESOURCES  
 40 THIS UNLICENSED REGISTERED CHILD CARE MINISTRY  
 41 has been inspected and complies with state law concerning fire  
 42 safety and life safety.



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~~DIVISION OF FIRE AND BUILDING SAFETY". DEPARTMENT OF HOMELAND SECURITY".~~

SECTION 48. IC 13-18-17-5, AS AMENDED BY P.L.113-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

- (1) The department.
- (2) The department of natural resources.
- (3) The state department of health.
- (4) The office of the state chemist.
- (5) ~~The division of fire and building safety.~~ **department of homeland security.**

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

SECTION 49. IC 14-23-6-1, AS AMENDED BY P.L.1-2006, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The department shall do the following:



1 (1) Organize, establish, and maintain a program of education,  
2 training, and service throughout Indiana to combat forest, brush,  
3 or open fires occurring in Indiana.

4 (2) Establish an organization of trained volunteer forest  
5 firefighters to be known and designated as the Indiana volunteer  
6 forest firefighters service.

7 (3) Cooperate with local firefighting services and the ~~division of~~  
8 ~~fire and building safety~~ **department of homeland security** to  
9 combat fires under this section.

10 SECTION 50. IC 16-19-3.5-2.5 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. As used in this chapter,**  
13 **"department" refers to the department of homeland security**  
14 **established under IC 10-19-2-1.**

15 SECTION 51. IC 16-19-3.5-3 IS REPEALED [EFFECTIVE JULY  
16 1, 2021]. ~~Sec. 3. As used in this chapter, "division" means the division~~  
17 ~~of fire and building safety established by IC 10-19-7-1.~~

18 SECTION 52. IC 16-19-3.5-7, AS ADDED BY P.L.49-2016,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2021]: Sec. 7. The state department shall accept an  
21 application for a construction permit that is submitted by an applicant  
22 by either of the following methods:

23 (1) The applicant may submit an application to the ~~division~~  
24 **department** that is a combined application for:

- 25 (A) a construction permit under this chapter; and  
26 (B) a design release under IC 22-15-3.

27 (2) The applicant may submit separate applications for:

- 28 (A) a construction permit to the state department; and  
29 (B) a design release under IC 22-15-3 to the ~~division:~~  
30 **department.**

31 Not later than the next business day, the ~~division~~ **department** shall  
32 provide a copy of the application submitted under subdivision (1) to the  
33 state department to initiate processing of the construction permit under  
34 this chapter.

35 SECTION 53. IC 16-21-1-10, AS AMENDED BY P.L.141-2014,  
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2021]: Sec. 10. (a) Licensure inspections of an institution or  
38 agency shall be made regularly in accordance with rules adopted under  
39 this chapter. The state department shall make all health and sanitation  
40 inspections, including inspections in response to an alleged breach of  
41 this chapter or rules adopted under this chapter. The ~~division of fire and~~  
42 ~~building safety~~ **department of homeland security** shall make all fire





1 safety inspections.

2 (b) An employee of the state department who knowingly or  
3 intentionally informs an institution or agency of the exact date of an  
4 unannounced inspection shall be suspended without pay for five (5)  
5 days for a first offense and shall be dismissed for a subsequent offense.

6 (c) Reports of all inspections must be in writing and sent to the  
7 institution or agency.

8 (d) The report of an inspection and records relating to the inspection  
9 may not be released to the public until the conditions set forth in  
10 IC 16-19-3-25 are satisfied.

11 SECTION 54. IC 16-22-6-25, AS AMENDED BY P.L.1-2006,  
12 SECTION 296, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2021]: Sec. 25. Before the execution of a lease  
14 the governing board of the hospital and the county executive shall  
15 approve the plans, specifications, and estimates of cost for the building,  
16 equipment, and appurtenances that the authority proposes to lease to a  
17 lessee. The plans and specifications also shall be submitted to and  
18 approved by the state department, the ~~division of fire and building~~  
19 **safety; department of homeland security**, and other state agencies  
20 designated by law to pass on plans and specifications for public  
21 buildings.

22 SECTION 55. IC 16-22-7-28, AS AMENDED BY P.L.1-2006,  
23 SECTION 297, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2021]: Sec. 28. Before executing a lease, the  
25 governing board of the hospital shall approve the plans, specifications,  
26 and estimates of cost for the building, including equipment and  
27 appurtenances, that the authority proposes to lease to a lessee. The  
28 plans and specifications shall be submitted to and approved by the state  
29 department, the ~~division of fire and building safety; department of~~  
30 **homeland security**, and other state agencies designated by law to pass  
31 on plans and specifications for public buildings.

32 SECTION 56. IC 16-28-1-13, AS AMENDED BY P.L.141-2014,  
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2021]: Sec. 13. (a) Licensure inspections of health facilities  
35 shall be made regularly in accordance with rules adopted under this  
36 chapter. The division shall make all health and sanitation inspections.  
37 The ~~division of fire and building safety department of homeland~~  
38 **security** shall make all fire safety inspections.

39 (b) The exact date of an inspection of a health facility under this  
40 chapter may not be announced or communicated directly or indirectly  
41 to the owner, administrator, or an employee of the facility before the  
42 inspection. An employee of the state department who knowingly or



1 intentionally informs a health facility of the exact date of an inspection  
 2 shall be suspended without pay for five (5) days for a first offense and  
 3 shall be dismissed for a subsequent offense.

4 (c) Reports of all inspections must be:

5 (1) in writing; and

6 (2) sent to the health facility.

7 (d) The report of an inspection and records relating to the inspection  
 8 may not be released to the public until the conditions set forth in  
 9 IC 16-19-3-25 are satisfied.

10 SECTION 57. IC 16-31-2-2, AS AMENDED BY P.L.100-2017,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2021]: Sec. 2. (a) The commission is composed of fourteen  
 13 (14) members. The governor shall appoint the members for four (4)  
 14 year terms as follows:

15 (1) One (1) must be appointed from a volunteer fire department  
 16 that provides emergency medical service.

17 (2) One (1) must be appointed from a full-time municipal fire or  
 18 police department that provides emergency medical service.

19 (3) One (1) must be a nonprofit provider of emergency ambulance  
 20 services organized on a volunteer basis other than a volunteer fire  
 21 department.

22 (4) One (1) must be a provider of private ambulance services.

23 (5) One (1) must be a state licensed paramedic.

24 (6) One (1) must be a licensed physician who:

25 (A) has a primary interest, training, and experience in  
 26 emergency medical services; and

27 (B) is currently practicing in an emergency medical services  
 28 facility.

29 (7) One (1) must be a chief executive officer of a hospital that  
 30 provides emergency ambulance services.

31 (8) One (1) must be a registered nurse who has supervisory or  
 32 administrative responsibility in a hospital emergency department.

33 (9) One (1) must be a licensed physician who:

34 (A) has a primary interest, training, and experience in trauma  
 35 care; and

36 (B) is practicing in a trauma facility.

37 (10) One (1) must be a state certified emergency medical service  
 38 technician.

39 (11) One (1) must be an individual who:

40 (A) represents the public at large; and

41 (B) is not in any way related to providing emergency medical  
 42 services.



- 1 (12) One (1) must be a program director (as defined in 836  
 2 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life  
 3 support training institution.
- 4 (13) One (1) must be the ~~deputy~~ executive director ~~appointed~~  
 5 ~~under IC 10-19-5-3 to manage the division of preparedness and~~  
 6 ~~training~~ of the department of homeland security **appointed under**  
 7 **IC 10-19-3-1** or the designee of the ~~deputy~~ executive director.
- 8 (14) One (1) must be a representative of an entity that provides air  
 9 ambulance services.
- 10 (b) The chief executive officer of a hospital appointed under  
 11 subsection (a)(7) may designate another administrator of the hospital  
 12 to serve for the chief executive officer on the commission.
- 13 (c) Not more than eight (8) members may be from the same political  
 14 party.
- 15 SECTION 58. IC 16-31-2-8, AS AMENDED BY P.L.188-2014,  
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2021]: Sec. 8. The commission may do the following:
- 18 (1) Develop training and certification standards for emergency  
 19 medical responders under this article.
- 20 (2) Require emergency medical responders to be certified under  
 21 the standards developed under subdivision (1).
- 22 (3) Develop reciprocal certification training standards for  
 23 individuals who have received medical training by a branch of the  
 24 United States armed forces.
- 25 (4) Not later than thirty (30) days after the executive director of  
 26 the department of homeland security submits an appointment for  
 27 state emergency medical services medical director to the  
 28 commission, vote concerning whether to approve the appointment  
 29 in accordance with ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**. If the  
 30 commission votes on the appointment in accordance with  
 31 ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**, a vote by a majority of the  
 32 members of the commission is necessary under this subdivision  
 33 in order to approve or not approve the appointment.
- 34 SECTION 59. IC 20-26-7-27.5, AS ADDED BY P.L.132-2007,  
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2021]: Sec. 27.5. (a) Notwithstanding any other law, if:
- 37 (1) as a result of an inspection of a school building under  
 38 IC 22-14-2-11 that is not an inspection to determine compliance  
 39 with a legal standard for accreditation, ~~the division of fire and~~  
 40 ~~building safety~~ of the department of homeland security determines  
 41 that there is a violation of a fire safety law at the school building;  
 42 (2) the fire safety law that the ~~division~~ **department of homeland**



1           **security** determines has been violated at the school building  
2 incorporates a standard that:

3           (A) was not a fire safety law at the time of the construction or  
4 renovation of the school building and is being applied  
5 retroactively to the building by an employee of the ~~division of~~  
6 **fire and building safety; department of homeland security;**  
7 or

8           (B) previously was not applicable to the building; and

9           (3) the violation is not a condition that creates an immediate  
10 safety hazard and is monitored under daily maintenance and  
11 supervision;

12 the school corporation shall abate the violation before the earlier of one  
13 (1) year after the violation determination or six (6) months after the  
14 start of the school corporation's next budget year following the  
15 violation determination.

16           (b) The expense of the abatement may be paid out of funds  
17 appropriated for such purposes in the budget year following a violation  
18 determination under subsection (a).

19           SECTION 60. IC 20-26-7-28, AS AMENDED BY P.L.1-2006,  
20 SECTION 329, IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2021]: Sec. 28. A report of the inspection  
22 described in section 27 of this chapter shall be made to the ~~division of~~  
23 **fire and building safety department of homeland security** before  
24 September 1 of each year. The report shall be made on forms  
25 prescribed and approved by the ~~division of fire and building safety;~~  
26 **department of homeland security.**

27           SECTION 61. IC 22-11-14-2, AS AMENDED BY P.L.57-2020,  
28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2021]: Sec. 2. (a) The fire prevention and building safety  
30 commission shall:

31           (1) adopt rules under IC 4-22-2 for the granting of permits for  
32 supervised public displays of fireworks by municipalities, fair  
33 associations, amusement parks, and other organizations or groups  
34 of individuals; and

35           (2) establish by rule the fee for the permit, which shall be paid  
36 into the fire and building services fund created under  
37 IC 22-12-6-1.

38           (b) The application for a permit required under subsection (a) must:

39           (1) name a competent operator who is to officiate at the display;

40           (2) set forth a brief resume of the operator's experience;

41           (3) be made in writing or an electronic format; and

42           (4) be received with the applicable fee by the ~~division of fire and~~



- 1            ~~building safety~~ **department of homeland security** at least five  
 2            (5) business days before the display.
- 3            No operator who has a prior conviction for violating this chapter may  
 4            operate any display for one (1) year after the conviction.
- 5            (c) Every display shall be handled by a qualified operator approved  
 6            by the chief of the fire department of the municipality in which the  
 7            display is to be held. A display shall be located, discharged, or fired as,  
 8            in the opinion of:
- 9            (1) the chief of the fire department of the city or town in which  
 10           the display is to be held; or
- 11           (2) the township fire chief or the fire chief of the municipality  
 12           nearest the site proposed, in the case of a display to be held  
 13           outside of the corporate limits of any city or town;  
 14           after proper inspection, is not hazardous to property or person.
- 15           (d) A permit granted under this section is not transferable.
- 16           (e) A denial of a permit by a municipality shall be issued in writing  
 17           before the date of the display.
- 18           (f) A person may not possess, transport, or deliver special fireworks,  
 19           except as authorized under this section.
- 20           SECTION 62. IC 22-11-14-4.5, AS ADDED BY P.L.187-2006,  
 21           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22           JULY 1, 2021]: Sec. 4.5. (a) A retailer may sell consumer fireworks  
 23           and items referenced in section 8(a) of this chapter from a tent under  
 24           the following conditions:
- 25           (1) The tent may not be larger than one thousand five hundred  
 26           (1,500) square feet.
- 27           (2) There may be only one (1) tent for each registration granted  
 28           under section 11(a) of this chapter.
- 29           (3) The tent may not be located closer than one hundred (100) feet  
 30           from a permanent structure.
- 31           (4) A vehicle may not be parked closer than twenty (20) feet from  
 32           the edge of the tent.
- 33           (5) The tent must be fire retardant.
- 34           (6) The sales site must comply with all applicable local zoning  
 35           and land use rules.
- 36           (7) Sales of fireworks may be made from the tent for not more  
 37           than forty-five (45) days in a year.
- 38           (8) The weight of consumer fireworks in a tent may not exceed  
 39           three thousand (3,000) gross pounds of consumer fireworks.
- 40           (9) A retailer that legally operated a tent with a registration in  
 41           2005 may continue operation in a tent in 2006 and the following  
 42           years. A registration under section 11(a) of this chapter is



1 required for operation in 2006 and following years. For purposes  
 2 of this subdivision, a retailer includes a resident wholesaler who  
 3 supplied consumer fireworks to an applicant for a tent registration  
 4 in 2005.

5 (10) The retailer holds a valid registration under section 11(a) of  
 6 this chapter.

7 (b) A retailer may sell consumer fireworks and items referenced in  
 8 section 8(a) of this chapter from a Class 1 structure (as defined in  
 9 IC 22-12-1-4) if the Class 1 structure meets the requirements of any of  
 10 the following subdivisions:

11 (1) The structure complied with the rules for a B-2 or M building  
 12 occupancy classification before July 4, 2003, under the Indiana  
 13 building code adopted by the fire prevention and building safety  
 14 commission established under IC 22-12-2-1:

15 (A) in which consumer fireworks were sold or stored on or  
 16 before July 4, 2003; and

17 (B) in which no subsequent intervening nonfireworks sales or  
 18 storage use has occurred.

19 (2) The structure complied with the rules for a B-2 or M building  
 20 occupancy classification before July 4, 2003, under the Indiana  
 21 building code adopted by the fire prevention and building safety  
 22 commission established under IC 22-12-2-1;

23 (A) in which consumer fireworks were sold or stored on or  
 24 before July 4, 2003;

25 (B) in a location at which the retailer was registered as a  
 26 resident wholesaler in 2005; and

27 (C) in which the retailer's primary business is not the sale of  
 28 consumer fireworks.

29 (3) The structure complies with the rules for an H-3 building  
 30 occupancy classification under the Indiana building code adopted  
 31 by the fire prevention and building safety commission established  
 32 under IC 22-12-2-1, or the equivalent occupancy classification  
 33 adopted by subsequent rules of the fire prevention and building  
 34 safety commission.

35 (4) The structure complies with the rules adopted after July 3,  
 36 2003, by the fire prevention and building safety commission  
 37 established under IC 22-12-2-1 for an M building occupancy  
 38 classification under the Indiana building code.

39 A registration under section 11(a) of this chapter is required for  
 40 operation in 2006 and following years.

41 (c) This subsection does not apply to a structure identified in  
 42 subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer



1 fireworks and items referenced in section 8(a) of this chapter from a  
2 structure under the following conditions:

3 (1) The structure must be a Class 1 structure in which consumer  
4 fireworks are sold and stored.

5 (2) The sales site must comply with all applicable local zoning  
6 and land use rules.

7 (3) The weight of consumer fireworks in the structure may not  
8 exceed three thousand (3,000) gross pounds of consumer  
9 fireworks.

10 (4) The retailer holds a valid registration under section 11(a) of  
11 this chapter.

12 (5) A retailer that sold consumer fireworks and operated from a  
13 structure with a registration in 2005 may continue in operation in  
14 the structure in 2006 and the following years. A registration under  
15 section 11(a) of this chapter is required for operation in 2006 and  
16 following years.

17 (d) The state fire marshal or a member of the ~~division of fire and~~  
18 ~~building safety~~ **department of homeland security** staff shall, under  
19 section 9 of this chapter, inspect tents and structures in which fireworks  
20 are sold. The state fire marshal may delegate this responsibility to a  
21 responding fire department with jurisdiction over the tent or structure,  
22 subject to the policies and procedures of the state fire marshal.

23 (e) A retailer shall file an application for each retail location on a  
24 form to be provided by the state fire marshal.

25 (f) This chapter does not limit the quantity of items referenced in  
26 section 8(a) of this chapter that may be sold from any Class 1 structure  
27 that complied with the rules of the fire prevention and building safety  
28 commission in effect before May 21, 2003.

29 SECTION 63. IC 22-12-3-2, AS AMENDED BY P.L.40-2015,  
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2021]: Sec. 2. (a) The education board consists of thirteen  
32 (13) voting members as follows:

33 (1) The state fire marshal or the state fire marshal's designee.

34 (2) The **executive** director of the **department of homeland**  
35 **security appointed under IC 10-19-3-1** ~~department's division of~~  
36 ~~preparedness and training~~ or the **executive** director's designee.

37 (3) Eleven (11) members appointed by the governor, each serving  
38 a four (4) year term.

39 (b) Each appointed member of the education board must be  
40 qualified by experience or education in the field of fire protection and  
41 related fields.

42 (c) Each appointed member of the education board must be a



- 1 resident of Indiana.
- 2 (d) The education board must include the following appointed
- 3 members:
- 4 (1) Seven (7) individuals who are members of fire departments.
- 5 Appointments under this subdivision must include the following:
- 6 (A) At least one (1) individual who is a full-time firefighter (as
- 7 defined in IC 36-8-10.5-3).
- 8 (B) At least one (1) individual who is a volunteer firefighter
- 9 (as defined in IC 36-8-12-2).
- 10 (C) At least one (1) individual who is a fire department officer.
- 11 (2) Two (2) citizens who are not members of a fire department.
- 12 (3) One (1) emergency management director.
- 13 (4) One (1) paramedic licensed under IC 16-31-3.
- 14 SECTION 64. IC 22-12-3-7, AS AMENDED BY P.L.1-2006,
- 15 SECTION 351, IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division of fire and building~~
- 17 **safety department of homeland security** shall provide facilities and
- 18 staff to carry out the responsibilities of the education board.
- 19 SECTION 65. IC 22-12-6-1, AS AMENDED BY P.L.249-2019,
- 20 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2021]: Sec. 1. (a) The fire and building services fund is
- 22 established for the purpose of defraying the personal services, other
- 23 operating expense, and capital outlay of the following:
- 24 (1) The department.
- 25 (2) The education board.
- 26 (3) The commission.
- 27 (b) The fund shall be administered by the department. Money
- 28 collected for deposit in the fund shall be deposited at least monthly
- 29 with the treasurer of state.
- 30 (c) The treasurer of state shall deposit the following collected
- 31 amounts in the fund:
- 32 (1) Fire insurance policy premium taxes assessed under section 5
- 33 of this chapter.
- 34 (2) Except as provided in section 6(d) of this chapter, all fees
- 35 collected under this chapter.
- 36 ~~(3) Any money not otherwise described in this subsection but~~
- 37 ~~collected by the division of fire and building safety.~~
- 38 ~~(4) (3) Any money not otherwise described in this subsection but~~
- 39 ~~collected by the department, commission, or education board and~~
- 40 ~~designated for distribution to the fund by statute or the executive~~
- 41 ~~director of the department.~~
- 42 ~~(5) (4) A fee collected by the education board for the issuance of~~





1 a certification under IC 22-14-2-7.

2 (d) The treasurer of state shall invest the money in the fund not  
3 currently needed to meet the obligations of the fund in the same  
4 manner as other public funds may be invested.

5 (e) Money in the fund at the end of a fiscal year does not revert to  
6 the state general fund.

7 SECTION 66. IC 22-12-6-3, AS AMENDED BY P.L.1-2006,  
8 SECTION 354, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The statewide fire and  
10 building safety education fund is established to provide money to:

11 (1) local fire and building inspection departments for enrollment  
12 in education and training programs approved by the department;  
13 and

14 (2) the ~~division of fire and building safety~~ **department** for:

15 (A) enrollment in education and training programs approved  
16 by the department; and

17 (B) the sponsoring of training conferences.

18 (b) The department shall administer the fund. The department shall  
19 distribute money from the fund in accordance with the rules adopted  
20 under IC 4-22-2 by the commission.

21 (c) The fund consists of:

22 (1) money allocated under section 6(d) of this chapter; and

23 (2) fees collected under subsection (e).

24 (d) Money in the fund at the end of a fiscal year does not revert to  
25 the state general fund.

26 (e) The department may charge a fee for a person's participation in  
27 a training conference. The department shall deposit the fees collected  
28 under this subsection in the fund. The department shall pay all  
29 expenses associated with training conferences out of the fund.

30 SECTION 67. IC 22-12-6-7, AS AMENDED BY P.L.1-2006,  
31 SECTION 355, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section does not apply  
33 to a nonpublic school (as defined in IC 20-18-2-12) or a school  
34 operated by a school corporation (as defined in IC 20-18-2-16).

35 (b) The ~~division of fire and building safety~~ **department** shall charge  
36 an application fee set by rules adopted by the commission under  
37 IC 4-22-2 for amusement and entertainment permits issued under  
38 IC 22-14-3.

39 (c) The ~~division of fire and building safety~~ **department** shall collect  
40 an inspection fee set by rules adopted by the commission under  
41 IC 4-22-2 whenever the ~~division~~ **department** conducts an inspection  
42 for a special event endorsement under IC 22-14-3.



1 (d) Halls, gymnasiums, or places of assembly in which contests,  
 2 drills, exhibitions, plays, displays, dances, concerts, or other types of  
 3 amusement are held by colleges, universities, social or fraternal  
 4 organizations, lodges, farmers organizations, societies, labor unions,  
 5 trade associations, or churches are exempt from the fees charged or  
 6 collected under subsections (b) and (c), unless rental fees are charged  
 7 or collected.

8 (e) The fees set for applications or inspections under this section  
 9 must be sufficient to pay all the direct and indirect costs of processing  
 10 an application or performing an inspection for which the fee is set. In  
 11 setting the fees, the commission may consider differences in the degree  
 12 or complexity of the activity being performed for each fee.

13 SECTION 68. IC 22-12-6-15, AS AMENDED BY P.L.249-2019,  
 14 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2021]: Sec. 15. (a) As used in this section, "credit card" means  
 16 a bank card, debit card, charge card, prepaid card, or other similar  
 17 device used for payment.

18 (b) In addition to other methods of payment allowed by law, the  
 19 department may accept payment by credit card for certifications,  
 20 licenses, and fees, and other amounts payable to the following:

21 (1) The department.

22 ~~(2) The division of preparedness and training.~~

23 ~~(3)~~ (2) The fire prevention and building safety commission.

24 ~~(4)~~ (3) The Indiana homeland security foundation.

25 ~~(5) The division of fire and building safety.~~

26 (c) The department may enter into appropriate agreements with  
 27 banks or other organizations authorized to do business in Indiana to  
 28 enable the department to accept payment by credit card.

29 (d) The department may recognize net amounts remitted by the bank  
 30 or other organization as payment in full of amounts due the department.

31 (e) The department may pay any applicable credit card service  
 32 charge or fee.

33 SECTION 69. IC 22-12-7-6, AS AMENDED BY P.L.1-2006,  
 34 SECTION 357, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An emergency or other  
 36 temporary order may be issued under IC 4-21.5-4 whenever the  
 37 appropriate person under section 1 of this chapter determines that  
 38 conduct or a condition of property:

39 (1) presents a clear and immediate hazard of death or serious  
 40 bodily injury to any person other than a trespasser;

41 (2) is prohibited without a permit, registration, certification,  
 42 release, authorization, variance, exemption, or other license



1 required under IC 22-14 or IC 22-15 or another statute  
 2 administered by a person described in section 1 of this chapter  
 3 and the license has not been issued; or

4 (3) will conceal a violation of law.

5 (b) An emergency or other temporary order issued by an employee  
 6 or agent of the ~~division of fire and building safety~~ **department** must be  
 7 approved by the state fire marshal or by the executive director of the  
 8 department.

9 (c) An approval under subsection (b) may be orally communicated  
 10 to the employee or agent issuing the order. However, the department  
 11 shall maintain a written record of the approval.

12 SECTION 70. IC 22-13-2-4.1, AS ADDED BY P.L.49-2016,  
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2021]: Sec. 4.1. (a) This section applies only to a plan review  
 15 for a design release performed:

16 (1) before construction of a Class 1 structure; and

17 (2) to determine compliance with the rules of the commission.

18 (b) This section does not apply to a plan review for the issuance of  
 19 a building permit, an improvement permit, a fire protection system  
 20 permit, or any other permit issued by a state agency or a city, town, or  
 21 county.

22 (c) A plan review for a design release must be:

23 (1) authorized under IC 22-15-3; and

24 (2) performed in compliance with the rules and objective criteria  
 25 adopted by the commission under IC 22-15-3-1.

26 (d) If the commission has certified that a city, town, or county is  
 27 qualified to perform a plan review for a design release under  
 28 IC 22-15-3, both of the following may perform the plan review for a  
 29 design release:

30 (1) The ~~division of fire and building safety~~ **department**.

31 (2) The city, town, or county.

32 However, only the entity described in subdivision (1) or (2) that  
 33 performs the initial plan review for a design release may charge a fee  
 34 for the plan review for a design release. The other entity shall not  
 35 charge a fee for the plan review for a design release.

36 SECTION 71. IC 22-13-2-10, AS AMENDED BY P.L.22-2005,  
 37 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2021]: Sec. 10. (a) A county, city, or town may regulate  
 39 regulated lifting devices if the unit's regulatory program is approved by  
 40 the commission.

41 (b) A unit must submit its ordinances and other regulations that  
 42 regulate lifting devices to the commission for approval. The ordinance



1 or other regulation is not effective until it is approved by the  
 2 commission. If any of these ordinances or regulations conflict with the  
 3 commission's rules, the commission's rules supersede the local  
 4 ordinance or other regulation.

5 (c) A unit may issue permits only to applicants who qualify under  
 6 IC 22-15-5. However, the unit may specify a lesser fee than that set  
 7 under IC 22-12-6-6(a)(7).

8 (d) A unit must inspect regulated lifting devices with inspectors who  
 9 possess the qualifications necessary to be employed by ~~the division of~~  
 10 ~~fire and building safety of~~ the department of homeland security as a  
 11 regulated lifting device inspector.

12 SECTION 72. IC 22-13-2-13, AS AMENDED BY P.L.1-2006,  
 13 SECTION 359, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The commission may adopt  
 15 rules under IC 4-22-2 to implement this article, IC 22-12, IC 22-14, and  
 16 IC 22-15.

17 (b) Any power of the state fire marshal or the ~~division of fire and~~  
 18 ~~building safety department~~ to adopt rules **to implement this article,**  
 19 **IC 22-12, IC 22-14, and IC 22-15** shall be exercised by the  
 20 commission.

21 SECTION 73. IC 22-13-2-14.1, AS ADDED BY P.L.171-2019,  
 22 SECTION 5, AND AS ADDED BY P.L.249-2019, SECTION 27, IS  
 23 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2021]: Sec. 14.1. (a) The commission *or*  
 25 *department shall may* consult with *an* industry expert ~~experts or call~~  
 26 ~~a special meeting~~ to discuss a variance application or an update to a  
 27 rule or safety standard concerning:

28 (1) a boiler or pressure vessel; ~~boiler and pressure vessels;~~ or

29 (2) a regulated amusement device. ~~regulated amusement devices.~~

30 (b) *An industry expert for the purposes of consulting under*  
 31 *subsection (a)(1) must be:*

32 (1) *a professional engineer registered under IC 25-31; and*

33 (2) *knowledgeable in and have experience with boiler and*  
 34 *pressure vessels.*

35 SECTION 74. IC 22-13-3-2, AS AMENDED BY P.L.1-2006,  
 36 SECTION 360, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies to the  
 38 following laboratories:

39 (1) Analytical laboratories approved by the ~~division of fire and~~  
 40 ~~building safety department~~ under the alternative criteria  
 41 established by the commission in its rules.

42 (2) Laboratories that are:



- 1 (A) operated by a college, university, school, or other  
 2 educational entity for the purpose of instruction or research;  
 3 and  
 4 (B) approved by the ~~division of fire and building safety~~  
 5 **department** under the alternative criteria established by the  
 6 commission in the rules.
- 7 (b) The commission may:
- 8 (1) apply different rules to the manufacture of regulated  
 9 explosives (as defined in IC 35-47.5-2-13) in a laboratory  
 10 described in subsection (a) than apply to other places where  
 11 regulated explosives (as defined in IC 35-47.5-2-13) are  
 12 manufactured; and  
 13 (2) adopt rules under IC 4-22-2 to exempt laboratories described  
 14 in subsection (a) from the regulated explosive magazines permit  
 15 requirement under IC 35-47.5-4.

16 SECTION 75. IC 22-13-5-2, AS AMENDED BY P.L.57-2020,  
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2021]: Sec. 2. (a) Except as provided under subsection (c),  
 19 upon the written request of an interested person, the state building  
 20 commissioner of the ~~division of fire and building safety~~ **department**  
 21 shall issue a written interpretation of a building law or a fire safety law  
 22 not later than ten (10) business days after the date of receiving a  
 23 request. An interpretation issued by the state building commissioner  
 24 must be consistent with building laws and fire safety laws enacted by  
 25 the general assembly or adopted by the commission.

26 (b) The state building commissioner shall issue a written  
 27 interpretation of a building law or fire safety law under subsection (a)  
 28 whether or not the county or municipality has taken any action to  
 29 enforce the building law or fire safety law.

30 (c) If:

- 31 (1) an interested person submits a written or electronic request to  
 32 the building commissioner for a written interpretation of a  
 33 building law or fire safety law applicable to a Class 2 structure;  
 34 and  
 35 (2) the building commissioner is absent and unable to issue a  
 36 written interpretation within the time specified under subsection  
 37 (a);

38 the chair of the commission, or, if the chair is absent, the vice chair of  
 39 the commission, shall issue the written interpretation not later than ten  
 40 (10) business days after the date of receiving the request.

41 SECTION 76. IC 22-14-1-4 IS REPEALED [EFFECTIVE JULY 1,  
 42 2021]. Sec. 4. "~~Division~~" refers to the ~~division of fire and building~~



1 ~~safety established by IC 10-19-7-1.~~

2 SECTION 77. IC 22-14-2-2, AS AMENDED BY P.L.1-2006,  
3 SECTION 363, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The governor shall appoint a  
5 state fire marshal. ~~to direct the division.~~ The state fire marshal serves  
6 at the pleasure of the governor.

7 (b) The state fire marshal must have:

- 8 (1) a recognized interest and knowledge in the areas of fire  
9 prevention and fire protection; and  
10 (2) experience as an administrator.

11 (c) The state fire marshal shall serve as a full-time employee of the  
12 ~~division.~~ **department.**

13 SECTION 78. IC 22-14-2-4, AS AMENDED BY P.L.1-2006,  
14 SECTION 364, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) ~~To carry out its~~  
16 ~~responsibilities,~~ The ~~division~~ **department** may:

- 17 (1) enter and inspect any property, at a reasonable hour;  
18 (2) issue and enforce administrative orders under IC 22-12-7 and  
19 apply for judicial orders under IC 22-12-7-13;  
20 (3) direct a fire department to assist the ~~division;~~ **department;**  
21 (4) cooperate with law enforcement officers; and  
22 (5) provide hazardous materials and counterterrorism:  
23 (A) training;  
24 (B) support; and  
25 (C) response assistance.

26 (b) To carry out the state fire marshal's responsibility to conduct an  
27 investigation into the causes and circumstances surrounding a fire or  
28 an explosion, the state fire marshal or a ~~division~~ **department** fire  
29 investigator authorized by the state fire marshal may:

- 30 (1) exercise the powers of a law enforcement officer to prevent  
31 fires and conduct arson investigations;  
32 (2) direct a fire department to assist the state fire marshal or  
33 ~~division~~ **department** fire investigator; and  
34 (3) cooperate with law enforcement officers.

35 SECTION 79. IC 22-14-2-5, AS AMENDED BY P.L.1-2006,  
36 SECTION 365, IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department**  
38 shall carry out a program to provide public information concerning fire  
39 prevention and maintain data and statistics concerning fires and fire  
40 prevention activities.

41 (b) The ~~division~~ **department** shall provide a copy of the fire safety  
42 rules adopted by the commission to the chief of each fire department.



1 The ~~division~~ **department** may exclude, from the rules distributed  
 2 under this subsection, any text that is incorporated by reference into the  
 3 rules published in the Indiana Administrative Code.

4 SECTION 80. IC 22-14-2-6, AS AMENDED BY P.L.40-2015,  
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may establish the  
 7 fire and public safety academy training system to create and conduct  
 8 programs to train public safety personnel.

9 (b) The ~~division~~ **department** may develop programs to train:

- 10 (1) fire department personnel and volunteers;
- 11 (2) emergency medical services personnel;
- 12 (3) telecommunicators;
- 13 (4) emergency management personnel; and
- 14 (5) chemical, biological, radiological, nuclear, and explosives  
 15 personnel.

16 (c) The ~~division~~ **department** may develop training programs in  
 17 cooperation with:

- 18 (1) any accredited educational institution;
- 19 (2) any fire fighting association;
- 20 (3) the Indiana emergency response commission established by  
 21 IC 13-25-1-1;
- 22 (4) the Indiana emergency medical services commission  
 23 established by IC 16-31-2-1;
- 24 (5) the board of firefighting personnel standards and education  
 25 established by IC 22-12-3-1; or
- 26 (6) any other public safety agency of the state or political  
 27 subdivision of the state, or public safety organization or  
 28 association.

29 The academy or the accredited educational institution under  
 30 subdivision (1) may conduct the programs.

31 (d) The programs developed under this section must cover the areas  
 32 of:

- 33 (1) fire prevention;
- 34 (2) enforcement of fire safety laws;
- 35 (3) firefighting;
- 36 (4) emergency medical services; and
- 37 (5) other areas of public safety.

38 (e) The ~~division~~ **department** shall establish inspection training  
 39 requirements for members of volunteer fire companies and certify  
 40 individuals who meet these requirements.

41 (f) If the ~~division~~ **department** establishes a training program under  
 42 subsection (a), the academy shall collaborate with public safety boards



1 and commissions of the state to establish criteria for certification and  
2 credentialing of public safety personnel.

3 (g) The academy may provide programs for research, professional  
4 development, and accreditation.

5 (h) The ~~division~~ **department** shall provide staff and meeting  
6 facilities to the education board to carry out section 7 of this chapter.

7 SECTION 81. IC 22-14-2-8, AS AMENDED BY P.L.1-2006,  
8 SECTION 367, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Regardless of the extent of  
10 the investigation conducted by a fire department under IC 36-8-17-7,  
11 the state fire marshal or a ~~division~~ **department** fire investigator  
12 authorized by the state fire marshal may conduct an investigation into  
13 the causes and circumstances surrounding any fire or explosion.

14 (b) To carry out this section, the state fire marshal or a ~~division~~  
15 **department** fire investigator authorized by the state fire marshal may:

- 16 (1) exercise its powers under section 4 of this chapter;
- 17 (2) assist a prosecuting attorney with any criminal investigation;
- 18 (3) subpoena witnesses and order the production of books,  
19 documents, and other evidence;
- 20 (4) give oaths and affirmations;
- 21 (5) take depositions and conduct hearings;
- 22 (6) separate witnesses and otherwise regulate the course of  
23 proceedings; and
- 24 (7) obtain and secure evidence.

25 (c) Subpoenas, discovery orders, and protective orders issued under  
26 this section shall be enforced under IC 4-21.5-6-2.

27 (d) A person who is summoned and testifies under this section is  
28 entitled to receive a minimum salary per diem and a mileage allowance  
29 from the fire and building services fund. The budget agency shall set  
30 the amount of the per diem and mileage allowance.

31 (e) The state fire marshal and the ~~division~~ **department** fire  
32 investigators authorized by the state fire marshal have law enforcement  
33 authority at all times while discharging their duties under this section  
34 as employees of the department.

35 (f) The executive director of the department of ~~homeland security~~  
36 has law enforcement authority at all times while discharging the duties  
37 of the executive director under this section.

38 SECTION 82. IC 22-14-2-9, AS AMENDED BY P.L.1-2006,  
39 SECTION 368, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2021]: Sec. 9. The ~~division~~ **department** shall  
41 review and may approve plans and specifications presented to the  
42 ~~division~~ **department** for a design release under IC 22-15-3 for





1 compliance with the fire safety laws.

2 SECTION 83. IC 22-14-2-10, AS AMENDED BY P.L.1-2006,  
3 SECTION 369, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department**  
5 shall carry out a program to:

6 (1) enforce all fire safety laws and related variances and other  
7 orders; and

8 (2) protect the public from fire hazards.

9 (b) The ~~division~~ **department** shall carry out a program to  
10 investigate complaints.

11 SECTION 84. IC 22-14-2-11, AS AMENDED BY P.L.1-2006,  
12 SECTION 370, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2021]: Sec. 11. The ~~division~~ **department** shall  
14 carry out a program to periodically inspect structures and other  
15 property that are used by the state, a county, a city, a town, or a school  
16 corporation, including institutions where inmates are involuntarily  
17 detained. Inspections shall be conducted under the schedule specified  
18 by the ~~division~~ **department**. The ~~division~~ **department** may exclude  
19 a class of buildings or other property from inspection under this  
20 section, if the ~~division~~ **department** determines that the public interest  
21 will be served without inspection.

22 SECTION 85. IC 22-14-2-12, AS AMENDED BY P.L.1-2006,  
23 SECTION 371, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2021]: Sec. 12. Whenever a ~~division~~  
25 **department** fire investigator retires after at least twenty (20) years of  
26 service, the ~~division~~ **department** shall, in recognition of the  
27 investigator's service to the ~~division~~ **department**, do the following:

28 (1) Allow the investigator to retain the service weapon issued to  
29 the investigator by the ~~division~~ **department**.

30 (2) Issue the investigator a badge that indicates the investigator is  
31 a retired ~~division~~ **department** fire investigator.

32 (3) Issue the investigator an identification card that contains the  
33 following information:

34 (A) The name of the ~~division~~ **department**.

35 (B) The name of the investigator.

36 (C) The investigator's position title before the investigator's  
37 retirement.

38 (D) A statement that the investigator is retired.

39 (E) A statement that the investigator is authorized to retain the  
40 service weapon issued to the investigator by the ~~division~~  
41 **department**.

42 SECTION 86. IC 22-14-3-1, AS AMENDED BY P.L.1-2006,



1 SECTION 372, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in  
 3 ~~subsection~~ **subsections (c) and (d)**, this chapter does not apply to a  
 4 nonpublic school (as defined in IC 20-18-2-12) or a school operated by  
 5 a school corporation (as defined in IC 20-18-2-16).

6 (b) The ~~division~~ **department** shall carry out an inspection program  
 7 to periodically inspect regulated places of amusement or entertainment.  
 8 These inspections shall be conducted at least annually.

9 (c) A school that holds amusement or entertainment events shall be  
 10 inspected at least one (1) time each year. The inspection may be  
 11 performed by either the ~~division~~ **department** or the fire department  
 12 that has jurisdiction over the school.

13 (d) At the time of each annual inspection performed by the ~~division,~~  
 14 **department**, the ~~division~~ **department** shall provide a fire safety  
 15 checklist to each school that holds amusement or entertainment events.  
 16 Each school shall be responsible for ensuring compliance with the  
 17 items on the fire safety checklist for each amusement or entertainment  
 18 event held at the school.

19 SECTION 87. IC 22-14-3-2, AS AMENDED BY P.L.110-2009,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** shall issue an  
 22 amusement and entertainment permit to an applicant who qualifies  
 23 under section 3 of this chapter.

24 (b) A permit issued under section 3 of this chapter expires one (1)  
 25 year after the date of issuance. The permit applies only to the place,  
 26 maximum occupancy, and use specified in the permit.

27 SECTION 88. IC 22-14-3-3, AS AMENDED BY P.L.1-2006,  
 28 SECTION 374, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2021]: Sec. 3. To qualify for an amusement and  
 30 entertainment permit, an applicant must:

31 (1) submit an application sworn or affirmed under penalties of  
 32 perjury on forms provided by the ~~division~~ **department** upon  
 33 request;

34 (2) provide:

35 (A) the applicant's full name and address;

36 (B) the full name and address of each of the applicant's  
 37 partners (if the applicant is a partnership), members or  
 38 managers, if any (if the applicant is a limited liability  
 39 company), and principal officers (if the applicant is a  
 40 corporation);

41 (C) an indication of whether the applicant is an owner, lessee,  
 42 occupant, or agent for the place covered by the application;



- 1 (D) a description of the place covered by the application,  
 2 including a description of every building and room covered by  
 3 the application; and  
 4 (E) any information required under the commission's rules;  
 5 (3) demonstrate through an inspection that the place covered by  
 6 the application complies with applicable fire safety laws; and  
 7 (4) pay the fee set under IC 22-12-6-7.
- 8 SECTION 89. IC 22-14-3-4, AS AMENDED BY P.L.1-2006,  
 9 SECTION 375, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department**  
 11 may modify an amusement and entertainment permit with a special  
 12 event endorsement that covers one (1) or more events not specified in  
 13 the initial permit.
- 14 (b) To qualify for a special event endorsement, an applicant must:  
 15 (1) provide the information required by the commission;  
 16 (2) demonstrate through an inspection that the special events  
 17 covered by the application will be conducted in compliance with  
 18 applicable fire safety laws; and  
 19 (3) pay the inspection fee set under IC 22-12-6-7.
- 20 SECTION 90. IC 22-14-6-3, AS ADDED BY P.L.107-2007,  
 21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall administer the  
 23 fund.
- 24 SECTION 91. IC 22-15-1-4 IS REPEALED [EFFECTIVE JULY 1,  
 25 2021]. Sec. 4. "~~Division~~" refers to the division of fire and building  
 26 safety established by IC 10-19-7-1.
- 27 SECTION 92. IC 22-15-2-5.5, AS ADDED BY P.L.218-2014,  
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 5.5. (a) The governor shall appoint a state  
 30 building commissioner. The state building commissioner shall serve:  
 31 (1) at the pleasure of the governor; and  
 32 (2) as a full-time employee of the ~~office~~ **department of**  
 33 **homeland security established by IC 10-19-2-1.**
- 34 (b) The state building commissioner must be a registered or licensed  
 35 design professional under IC 25-4 or IC 25-31, as appropriate, with at  
 36 least ten (10) years of experience in the building trades industry.
- 37 SECTION 93. IC 22-15-2-6, AS AMENDED BY P.L.218-2014,  
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2021]: Sec. 6. (a) To carry out the ~~division's~~ **department's**  
 40 responsibilities, the ~~division~~ **department** or an employee or another  
 41 agent of the ~~division~~ **department** may:  
 42 (1) exercise any program of supervision that is approved by the



1 commission, if the responsibility involves the administration or  
2 enforcement of a building law;

3 (2) enter and inspect any property, at a reasonable hour;

4 (3) issue and enforce administrative orders under IC 22-12-7 and  
5 apply for judicial orders under IC 22-12-7-13; and

6 (4) cooperate with law enforcement officers and political  
7 subdivisions that have jurisdiction over a matter.

8 (b) To carry out the state building commissioner's responsibilities,  
9 the state building commissioner shall issue a written interpretation of  
10 any building law under IC 22-13-5.

11 SECTION 94. IC 22-15-2-7, AS AMENDED BY P.L.1-2006,  
12 SECTION 385, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall  
14 carry out a program to enforce all laws described by one (1) or more of  
15 the following:

16 (1) Building laws and related variances and other orders that  
17 apply to Class 1 structures.

18 (2) Building laws and related variances and other orders that  
19 apply to industrialized building systems.

20 (3) Building laws and related variances and other orders that  
21 apply to mobile structures.

22 (4) Building laws, equipment laws, and related variances and  
23 other orders that apply to regulated lifting devices.

24 (5) Equipment laws and related variances and other orders.

25 SECTION 95. IC 22-15-3-1, AS AMENDED BY P.L.49-2016,  
26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2021]: Sec. 1. (a) The state building commissioner or a city,  
28 town, or county certified under subsection (d) shall issue a design  
29 release for the construction of a Class 1 structure to an applicant who  
30 qualifies under section 2 or 3 of this chapter.

31 (b) The state building commissioner shall issue a design release for  
32 the fabrication of an industrial building system or mobile structure  
33 under section 4 of this chapter.

34 (c) A design release issued under this chapter expires on the date  
35 specified in the rules adopted by the commission.

36 (d) The commission may certify a city, town, or county as qualified  
37 to issue design releases, if the city, town, or county:

38 (1) is competent under the commission's objective criteria; and

39 (2) has adopted the rules of the commission under IC 22-13-2-3.

40 (e) A city, town, or county that is certified by the commission under  
41 subsection (d) may issue design releases. A design release issued by a  
42 certified city, town, or county must be:



- 1 (1) in accordance with the commission's objective criteria; and  
 2 (2) for a construction type for which the city, town, or county is  
 3 certified.
- 4 All records held by a certified city, town, or county that pertain to the  
 5 design release must be submitted to the ~~division~~ **department** to be held  
 6 in a central repository.
- 7 SECTION 96. IC 22-15-3-2, AS AMENDED BY P.L.1-2006,  
 8 SECTION 386, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2021]: Sec. 2. To qualify for a design release  
 10 under this section, an applicant must:
- 11 (1) demonstrate, through the submission of plans and  
 12 specifications for the construction covered by the application, that  
 13 the construction will comply with all applicable building laws and  
 14 fire safety laws;
- 15 (2) pay the fees set under IC 22-12-6-6;
- 16 (3) have the plans and specifications:
- 17 (A) prepared by a registered architect or professional engineer  
 18 who is:
- 19 (i) competent to design the construction covered by the  
 20 application as determined by the ~~division~~ **department**; and  
 21 (ii) registered under IC 25-4 or IC 25-31;
- 22 (B) include on each page of all drawings and the title page of  
 23 all specifications the seal of the registered architect or  
 24 professional engineer described by clause (A) or the person's  
 25 technical or professional staff; and
- 26 (C) filed by the registered architect or professional engineer  
 27 described by clause (A) or the person's technical or  
 28 professional staff; and
- 29 (4) submit a certificate prepared on a form provided by the  
 30 ~~division~~ **department** and sworn or affirmed under penalty of  
 31 perjury by the registered architect or professional engineer  
 32 described in subdivision (3)(A):
- 33 (A) providing an estimate of the cost of the construction  
 34 covered by the application, its square footage, and any other  
 35 information required under the rules of the commission;
- 36 (B) stating that the plans and specifications submitted for the  
 37 application were prepared either by or under the immediate  
 38 supervision of the person making the statement;
- 39 (C) stating that the plans and specifications submitted for the  
 40 application provide for construction that will meet all building  
 41 laws; and
- 42 (D) stating that the construction covered by the application



1 will be subject to inspection at intervals appropriate to the  
 2 stage of the construction by a registered architect or  
 3 professional engineer identified in the statement for the  
 4 purpose of determining in general if work is proceeding in  
 5 accordance with the released plans and specifications.

6 SECTION 97. IC 22-15-3-5, AS AMENDED BY P.L.1-2006,  
 7 SECTION 387, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section does not  
 9 authorize a variance from any rule adopted by the commission.

10 (b) The rules adopted by the commission do not prevent the use of:

- 11 (1) materials;
- 12 (2) methods of construction; or
- 13 (3) design procedures;

14 if they are not specifically prohibited in the rules and if they are  
 15 approved under subsection (c).

16 (c) The state fire marshal and the ~~division~~ **department** may, in the  
 17 review of an application for a design release, consider as evidence of  
 18 compliance with the rules adopted by the commission any evaluation  
 19 report that:

- 20 (1) contains limitations, conditions, or standards for alternative  
 21 materials, methods of construction, or design procedures; and
- 22 (2) is published by an independent, nationally recognized testing  
 23 laboratory or other organization that is approved under the rules  
 24 adopted by the commission.

25 SECTION 98. IC 22-15-3-6, AS AMENDED BY P.L.218-2014,  
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 6. (a) Pending the completion of the review of an  
 28 application, the ~~division~~ **department** may issue:

- 29 (1) a design release for part of the construction proposed in a  
 30 application, if that part of the construction qualifies for release  
 31 under this chapter; or
- 32 (2) a provisional release for any part of the construction proposed  
 33 in an application, under the conditions specified by the ~~division~~  
 34 **department**.

35 (b) Issuance of a design release or provisional release under this  
 36 section for any part of construction proposed in an application does not  
 37 toll or affect the time limitations for completing the review of the  
 38 application or providing notice under IC 22-15-3.2.

39 SECTION 99. IC 22-15-3.2-4 IS REPEALED [EFFECTIVE JULY  
 40 1, 2021]. Sec. 4. As used in this chapter, "division" means the division  
 41 of fire and building safety.

42 SECTION 100. IC 22-15-3.2-6, AS AMENDED BY P.L.49-2016,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 6. (a) An applicant for a design release shall  
3 submit an application meeting the requirements of IC 22-15-3 to the  
4 ~~division~~ **department**.

5 (b) This subsection applies only to an applicant for a design release  
6 for a project listed in 410 IAC 6-12-7 for which the applicant must  
7 obtain a construction permit from the state department of health under  
8 IC 16-19-3.5. After December 31, 2016, an applicant may submit a  
9 combined application to the ~~division~~ **department** that is an application  
10 for:

- 11 (1) a construction permit under IC 16-19-3.5; and
- 12 (2) a design release under this chapter.

13 Not later than the next business day after receiving the combined  
14 application, the ~~division~~ **department** shall provide a copy of the  
15 application to the state department of health.

16 SECTION 101. IC 22-15-3.2-7, AS ADDED BY P.L.218-2014,  
17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2021]: Sec. 7. (a) A design release shall be issued to an  
19 applicant without a plan review if:

- 20 (1) the applicant submits a complete application; and
- 21 (2) the ~~division~~ **department** does not select the application for a  
22 plan review under this section.

23 (b) The ~~division~~ **department** may select any application for design  
24 release to be subject to a plan review. The ~~division~~ **department** has  
25 complete discretion in the criteria used by the ~~division~~ **department** to  
26 select a design release application for a plan review. A criterion used  
27 by the ~~division~~ **department** may be whether the design professional  
28 has received disciplinary sanctions under IC 25-1-11-12 within the  
29 preceding five (5) years.

30 SECTION 102. IC 22-15-3.2-8, AS ADDED BY P.L.218-2014,  
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2021]: Sec. 8. Upon receiving a complete application for a  
33 design release, the ~~division~~ **department** shall do one (1) of the  
34 following:

- 35 (1) Not later than ten (10) business days after the application is  
36 received, send written notice to the applicant that a design release  
37 will be issued. Not later than the next business day after the date  
38 the notice is sent, the ~~division~~ **department** shall provide the  
39 applicant with:
  - 40 (A) a copy of the design release; or
  - 41 (B) a confirmation number that serves as a temporary design  
42 release until the applicant receives a copy of the design



- 1 release.
- 2 (2) Not later than ten (10) business days after the application is  
3 received, send written notice that a plan review will be conducted.  
4 However, if the applicant does not receive the notice within the  
5 period specified in this subdivision, the ~~division~~ **department**  
6 shall, not later than the eleventh day after the date a complete  
7 application is received, provide the applicant with:
- 8 (A) a copy of the design release; or  
9 (B) a confirmation number that serves as a temporary design  
10 release until the applicant receives a copy of the design  
11 release.
- 12 SECTION 103. IC 22-15-3.2-9, AS ADDED BY P.L.218-2014,  
13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2021]: Sec. 9. If the ~~division~~ **department** sends an applicant  
15 notice of a plan review under section 8(2) of this chapter within the  
16 period required, the ~~division~~ **department** shall do one (1) of the  
17 following:
- 18 (1) Not later than twenty (20) business days after the date that  
19 notice of the plan review is sent, send notice to the applicant that  
20 the plans and specifications have been approved for a design  
21 release as submitted. The ~~division~~ **department** shall, not later  
22 than the next business day after the date that notice is sent to the  
23 applicant, provide to the applicant:
- 24 (A) a copy of the design release; or  
25 (B) a confirmation number that serves as a temporary design  
26 release until the applicant receives a copy of the design  
27 release.
- 28 (2) Not later than twenty (20) business days after the date that  
29 notice of the plan review is sent, send notice to the applicant that  
30 a design release will not be issued until the applicant submits  
31 corrections to the plans. However, if the applicant does not  
32 receive notice within the period specified in this subdivision, the  
33 ~~division~~ **department** shall, not later than the twenty-first business  
34 day after the date that notice of a plan review is sent under section  
35 10 of this chapter, provide the applicant with:
- 36 (A) a copy of the design release; or  
37 (B) a confirmation number that serves as a temporary design  
38 release until the applicant receives a copy of the design  
39 release.
- 40 SECTION 104. IC 22-15-3.2-10, AS ADDED BY P.L.218-2014,  
41 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2021]: Sec. 10. (a) If the ~~division~~ **department** receives





1 corrections to a plan in response to a notice sent under section 9(2) of  
 2 this chapter, and any time the ~~division~~ **department** receives corrections  
 3 to a notice under subdivision (2) thereafter, the ~~division~~ **department**  
 4 shall do one (1) of the following:

5 (1) Not later than ten (10) business days after receiving the  
 6 corrections, send notice to the applicant that the corrected plans  
 7 have been approved for a design release as submitted. The  
 8 ~~division~~ **department** shall, not later than the next business day  
 9 after the date that notice is sent to the applicant, provide to the  
 10 applicant:

11 (A) a copy of the design release; or

12 (B) a confirmation number that serves as a temporary design  
 13 release until the applicant receives a copy of the design  
 14 release.

15 (2) Not later than ten (10) business days after receiving the  
 16 corrections, send notice to the applicant that a design release will  
 17 not be issued until the applicant submits additional corrections.  
 18 However, if the applicant does not receive the notice within the  
 19 period specified in this subdivision, the ~~division~~ **department**  
 20 shall, not later than the eleventh business day after the date that  
 21 the corrections are received by the ~~division~~ **department**, provide  
 22 the applicant with:

23 (A) a copy of the design release; or

24 (B) a confirmation number that serves as a temporary design  
 25 release until the applicant receives a copy of the design  
 26 release.

27 (b) A review under this section is limited to the corrections required  
 28 by the ~~division~~ **department** pursuant to notice sent under section 9(2)  
 29 of this chapter or subsection (a)(2). All other parts of a project not  
 30 directly related to corrections required by the ~~division~~ **department**,  
 31 including previously completed corrections that the ~~division~~  
 32 **department** has already accepted, are deemed approved for a design  
 33 release and may not be included in subsequent notice requests sent  
 34 under this section. Except for a project reviewed under IC 22-15-3-6  
 35 and subject to the deadlines set forth in this chapter, the ~~division~~  
 36 **department** may delay issuing a design release until all corrections to  
 37 a project have been accepted by the ~~division~~ **department**.

38 SECTION 105. IC 22-15-3.2-11, AS ADDED BY P.L.218-2014,  
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2021]: Sec. 11. (a) This section applies if the results of a plan  
 41 review reveal that a design professional knowingly or recklessly  
 42 submitted plans or specifications containing one (1) or more violations



1 of the rules of the commission that are determined by the ~~division~~  
 2 **department** and the commission to pose a wanton and willful  
 3 disregard for the public health, safety, or welfare.

4 (b) The provisions regarding the time limitations for review and  
 5 notice under this chapter do not apply, and the ~~division~~ **department** is  
 6 not required to issue a design release and confirmation number for  
 7 providing notice. The ~~division~~ **department** shall send written notice of  
 8 its determination to:

9 (1) the design professional's licensing or registration authority  
 10 under IC 25-4-1 or IC 25-31, as appropriate, for the purpose of  
 11 conducting a hearing under IC 4-21.5 to determine if action under  
 12 IC 4-21.5-3-8 is appropriate;

13 (2) the design professional; and

14 (3) the project owner or general contractor on whose behalf the  
 15 application was submitted.

16 (c) An applicant that receives notice under subsection (b) may  
 17 withdraw the application and submit a new application and plans to the  
 18 ~~division~~ **department** that are prepared by a different design  
 19 professional. Withdrawal of an application does not affect any  
 20 disciplinary action against the professional of record that prepared the  
 21 plans described in subsection (a).

22 SECTION 106. IC 22-15-3.2-12, AS ADDED BY P.L.218-2014,  
 23 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2021]: Sec. 12. (a) The ~~division~~ **department** shall maintain  
 25 the following information for every application:

26 (1) The type of project that is the subject of the application.

27 (2) The name and profession of the design professional.

28 (3) The location of the project.

29 (4) The date the application was submitted to the ~~division~~  
 30 **department**.

31 (5) Whether the application was selected for plan review.

32 (6) If the application was selected for a review:

33 (A) whether the ~~division~~ **department** requested corrections to  
 34 the plans and specifications;

35 (B) the dates that corrections were requested by the ~~division~~  
 36 **department**; and

37 (C) the dates that the applicant responded to the requests under  
 38 clause (B).

39 (7) Whether a design release was issued by the ~~division~~  
 40 **department**. The date a design release was issued (if any) or  
 41 other final action was taken.

42 (8) Any other significant plan review activity related to an



1 application.

2 (b) The ~~division~~ **department** shall maintain the information  
3 described in subsection (a) in a single electronic file in a format that  
4 permits easy comparison of the information for each applicant. The  
5 ~~division~~ **department** shall update the information at least quarterly.

6 SECTION 107. IC 22-15-3.2-13, AS ADDED BY P.L.218-2014,  
7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2021]: Sec. 13. The ~~division~~ **department** may contract with  
9 a person or an entity to perform the ~~division's~~ **department's** plan  
10 review responsibilities under this chapter.

11 SECTION 108. IC 22-15-4-1, AS AMENDED BY P.L.1-2006,  
12 SECTION 389, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division~~ **department**  
14 shall certify an industrialized building system for use in Indiana to an  
15 applicant who qualifies under this section. If an applicant qualifies for  
16 certification under this section, the ~~division~~ **department** shall provide  
17 the applicant with a seal for the certified industrial building system.

18 (b) To qualify for a certification under this section, an applicant  
19 must:

20 (1) submit proof that the ~~division~~ **department** has issued a design  
21 release under IC 22-15-3 for the model or series of industrialized  
22 building systems being constructed;

23 (2) demonstrate, in an in-plant inspection, that the industrialized  
24 building system covered by the application has been constructed  
25 in conformity with all applicable building laws and fire safety  
26 laws; and

27 (3) pay the fee set by the commission under IC 22-12-6-6.

28 (c) The exemption under IC 22-13-4-2 applies to an industrialized  
29 building system certified under this section.

30 SECTION 109. IC 22-15-4-2, AS AMENDED BY P.L.1-2006,  
31 SECTION 390, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department**  
33 shall certify a mobile structure for sale and use in Indiana for an  
34 applicant who qualifies under this section. If an applicant qualifies for  
35 certification under this section, the ~~division~~ **department** shall provide  
36 the applicant with a seal for the certified mobile structure.

37 (b) To qualify for certification under this section, an applicant must:

38 (1) submit proof that the ~~division~~ **department** has issued a design  
39 release under IC 22-15-3 for the model or series of mobile  
40 structures being constructed;

41 (2) demonstrate, in an in-plant inspection, that the mobile  
42 structure covered by the application has been constructed in



1 conformity with all applicable building laws and fire safety laws;  
 2 (3) certify in an affidavit that a seal provided by the ~~division~~  
 3 **department** will not be attached to a mobile structure that does  
 4 not conform to the requirements adopted by the commission in its  
 5 rules; and

6 (4) pay the fee set by the commission under IC 22-12-6-6.

7 (c) The exemption under IC 22-13-4-2 applies to a mobile structure  
 8 certified under this chapter.

9 SECTION 110. IC 22-15-4-6, AS AMENDED BY P.L.1-2006,  
 10 SECTION 391, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2021]: Sec. 6. A person who offers to sell or  
 12 sells a mobile structure that:

13 (1) was certified under IC 9-8-1.5 (before its repeal on July 1,  
 14 1987) or certified by the ~~division~~ **department** under section 2 or  
 15 4 of this chapter; and

16 (2) has been altered or converted in violation of a rule adopted by  
 17 the commission;

18 commits a Class C infraction.

19 SECTION 111. IC 22-15-5-1, AS AMENDED BY P.L.1-2006,  
 20 SECTION 392, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division~~ **department**  
 22 shall issue a regulated lifting device installation or alteration permit to  
 23 an applicant who qualifies under this section.

24 (b) To qualify for a permit under this section, an applicant must  
 25 meet the following requirements:

26 (1) Demonstrate through the submission of complete plans,  
 27 including:

28 (A) copies of specifications and accurately scaled and fully  
 29 dimensioned plans showing the location of the installation in  
 30 relation to the plans and elevation of the building;

31 (B) plans showing the location of the machine room and the  
 32 equipment to be installed, relocated, or altered;

33 (C) plans showing the structural supporting members,  
 34 including foundations; and

35 (D) a specification of all materials employed and loads to be  
 36 supported or conveyed;

37 that the installation or alteration covered by the application will  
 38 comply with all applicable equipment laws. All plans and  
 39 specifications must be sufficiently complete to illustrate all details  
 40 of construction and design.

41 (2) Pay the fee set under IC 22-12-6-6(a)(7).

42 (3) Be the holder of a current elevator contractor license, if



- 1 applicable, as set forth under IC 22-15-5-7.
- 2 (c) A copy of the permit shall be kept at the construction site at all  
3 times while the work is in progress.
- 4 (d) The regulated lifting device must be installed or altered in  
5 compliance with:
- 6 (1) applicable codes; and  
7 (2) the details of the application, plans, specifications, and  
8 conditions of the permit.
- 9 (e) The regulated lifting device must be installed or altered under  
10 the direction and control of a licensed contractor. The elevator  
11 contractor does not have to be present at the site.
- 12 (f) The responsibilities of the ~~division~~ **department** under this  
13 section may be carried out by a political subdivision that is approved  
14 by the commission under IC 22-13-2-10.
- 15 SECTION 112. IC 22-15-5-3, AS AMENDED BY P.L.1-2006,  
16 SECTION 393, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) All regulated lifting devices  
18 shall be registered under this section.
- 19 (b) The ~~division~~ **department** shall issue a registration for a  
20 regulated lifting device to an applicant who qualifies under this section.
- 21 (c) To register a regulated lifting device under this section, an  
22 applicant must submit, on a form approved by the ~~division~~;  
23 **department**, the following information:
- 24 (1) Type, rated load and speed, name of manufacturer, location,  
25 and the nature of the use of the regulated lifting device.  
26 (2) Any information required under the rules adopted by the  
27 commission.
- 28 SECTION 113. IC 22-15-5-4, AS AMENDED BY P.L.57-2020,  
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department** shall carry out a  
31 program for the periodic inspection of regulated lifting devices being  
32 operated in Indiana. A regulated lifting device may not be operated  
33 without an operating certificate that covers the operation of the  
34 regulated lifting device.
- 35 (b) A permit issued under this section expires on the earlier of:  
36 (1) one (1) year after issuance; or  
37 (2) when the regulated lifting device is altered.
- 38 (c) After a regulated lifting device has been installed or altered, an  
39 applicant shall apply for an initial operating certificate. The ~~division~~  
40 **department** shall issue an initial operating certificate for a regulated  
41 lifting device if:  
42 (1) the applicant demonstrates:



- 1 (A) through an acceptance inspection made by an elevator  
 2 inspector licensed under section 11 of this chapter that the  
 3 regulated lifting device covered by the application complies  
 4 with the laws governing its construction, repair, maintenance,  
 5 and operation; and  
 6 (B) that the applicant has paid the fee set under  
 7 IC 22-12-6-6(a)(7); and  
 8 (2) the ~~division~~ **department** verifies, through an inspection, that  
 9 the regulated lifting device complies with the laws governing the  
 10 construction, repair, maintenance, and operation of the regulated  
 11 lifting device.
- 12 (d) The ~~division~~ **department** shall issue a renewal operating  
 13 certificate if the applicant:  
 14 (1) demonstrates through the completion of applicable safety tests  
 15 that the regulated lifting device complies with the laws governing  
 16 the construction, repair, maintenance, and operation of the  
 17 regulated lifting device;  
 18 (2) submits results of all applicable safety tests, including failed  
 19 safety tests for the regulated lifting device; and  
 20 (3) has paid the fee set under IC 22-12-6-6(a)(7).
- 21 (e) The ~~division~~ **department** may issue a temporary operating  
 22 permit to an applicant under this section who does not comply with  
 23 subsection (c)(1)(A) for a new or altered regulated lifting device or  
 24 subsection (d)(1) for an existing unaltered regulated lifting device. The  
 25 applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for  
 26 the temporary operating permit. Except as provided in subsection (f),  
 27 the permit, including all renewal periods, is limited to sixty (60) days.
- 28 (f) The ~~division~~ **department** may renew a temporary operating  
 29 permit issued under subsection (e) for thirty (30) day periods during the  
 30 construction of a building if the regulated lifting device is used for the  
 31 transportation of construction personnel, tools, and materials.
- 32 (g) The responsibilities of the ~~division~~ **department** under this  
 33 section may be carried out by a political subdivision that is approved  
 34 by the commission under IC 22-13-2-10.
- 35 (h) A copy of the operating certificate shall be displayed in or on  
 36 each regulated lifting device or in an associated machine room. In  
 37 addition to the requirements of this subsection, the two-dimensional bar  
 38 code assigned to an elevator shall be displayed in or on each elevator  
 39 in a location that is easily viewed and scanned by a person riding on the  
 40 elevator.
- 41 (i) A licensed elevator mechanic shall perform the maintenance on  
 42 a regulated lifting device.



1 SECTION 114. IC 22-15-5-14, AS AMENDED BY P.L.2-2007,  
 2 SECTION 313, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section does not apply  
 4 to the following:

5 (1) An individual employed by the following:

- 6 (A) The state.
- 7 (B) A county.
- 8 (C) A municipality.
- 9 (D) A state educational institution.

10 (2) A state educational institution.

11 (b) The department may not issue an elevator inspector or elevator  
 12 contractor license until the applicant has filed with the department a  
 13 certificate of insurance indicating that the applicant has liability  
 14 insurance:

15 (1) in effect with an insurer that is authorized to write insurance  
 16 in Indiana; and

17 (2) that provides general liability coverage to a limit of at least:

- 18 (A) one million dollars (\$1,000,000) for the injury or death of  
 19 any number of persons in any one (1) occurrence; and
- 20 (B) five hundred thousand dollars (\$500,000) for property  
 21 damage in any one (1) occurrence.

22 (c) An insurance policy required under this section may include a  
 23 deductible clause if the clause provides that any settlement made by the  
 24 insurance company with an injured person or a personal representative  
 25 must be paid as though the deductible clause did not apply.

26 (d) An insurance policy required under this section must provide by  
 27 the policy's original terms or an endorsement that the insurer may not  
 28 cancel the policy without:

- 29 (1) thirty (30) days written notice; and
- 30 (2) a complete report of the reasons for the cancellation to the  
 31 ~~division.~~ **department.**

32 (e) An insurance policy required under this section must provide by  
 33 the policy's original terms or an endorsement that the insurer shall  
 34 report to the department within twenty-four (24) hours after the insurer  
 35 pays a claim or reserves any amount to pay an anticipated claim that  
 36 reduces the liability coverage below the amounts established in this  
 37 section.

38 (f) If an insurance policy required under this section:

- 39 (1) is canceled during the policy's term;
- 40 (2) lapses for any reason; or
- 41 (3) has the policy's coverage fall below the required amount;

42 the license holder shall replace the policy with another policy that



- 1 complies with this section.
- 2 (g) If a license holder fails to file a certificate of insurance for new  
3 or replacement insurance, the license holder:
- 4 (1) must cease all operations under the license immediately; and  
5 (2) may not conduct further operations until the license holder  
6 receives the approval of the department to resume operations after  
7 the license holder complies with the requirements of this section.
- 8 SECTION 115. IC 22-15-6-2, AS AMENDED BY P.L.156-2020,  
9 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** may conduct a  
11 program of inspections of regulated boilers and pressure vessels.
- 12 (b) The ~~division~~ **department** shall do the following:
- 13 (1) Issue a regulated boiler and pressure vessel operating permit  
14 to an applicant who qualifies under this section.  
15 (2) Perform an operating permit inspection of a boiler or pressure  
16 vessel owned by the state.  
17 (3) Conduct a program to audit boiler and pressure vessel  
18 inspectors licensed under section 5 of this chapter.  
19 (4) Conduct a program to audit inspections completed by a boiler  
20 and pressure vessel inspector licensed under section 5 of this  
21 chapter.
- 22 (c) Except as provided in subsection (e), an operating permit issued  
23 under this section expires one (1) year after it is issued.
- 24 (d) To qualify for an operating permit or to renew an operating  
25 permit under this section, an applicant must do the following:
- 26 (1) Apply for an operating permit on a form approved by the  
27 ~~division.~~ **department.**  
28 (2) Demonstrate through an inspection, performed by an inspector  
29 licensed under section 5 of this chapter, that the regulated boiler  
30 or pressure vessel covered by the application complies with the  
31 rules adopted by the commission.  
32 (3) Submit a report of the inspection conducted under subdivision  
33 (2) to the ~~division.~~ **department.**  
34 (4) Pay the fee set under IC 22-12-6-6(a)(8).
- 35 (e) The commission may, by rule adopted under IC 4-22-2, specify:  
36 (1) a period between inspections of more than one (1) year; and  
37 (2) an expiration date for an operating permit longer than one (1)  
38 year from the date of issuance.
- 39 However, the commission may not set an inspection period of greater  
40 than five (5) years or issue an operating permit valid for a period of  
41 more than five (5) years for regulated pressure vessels or steam  
42 generating equipment that is an integral part of a continuous processing





1 unit.

2 (f) For any inspection conducted by the ~~division~~ **department** under  
3 this section, the ~~division~~ **department** may designate an inspector  
4 licensed under section 5 of this chapter to act as the ~~division's~~  
5 **department's** agent for purposes of the inspection.

6 (g) The commission may adopt emergency rules in the manner  
7 provided under IC 4-22-2-37.1 to implement this chapter. An  
8 emergency rule adopted under this subsection expires on the earliest of  
9 the following dates:

- 10 (1) The expiration date stated in the emergency rule.  
11 (2) The date the emergency rule is amended or repealed by a later  
12 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under  
13 IC 4-22-2-37.1.  
14 (3) July 1, 2021.

15 SECTION 116. IC 22-15-6-5, AS AMENDED BY P.L.156-2020,  
16 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department** shall issue a  
18 boiler and pressure vessel inspector license to an applicant who  
19 qualifies under this section.

- 20 (b) To qualify for a license under this section an applicant must:  
21 (1) meet the qualifications set by the commission in its rules;  
22 (2) pass an examination approved by the commission and  
23 conducted, supervised, and graded as prescribed by the  
24 commission; and  
25 (3) pay the fee set under IC 22-12-6-6(a)(9).

- 26 (c) The commission may exempt an applicant from any part of the  
27 examination required by subsection (b) if the applicant has:  
28 (1) a boiler and pressure vessel inspector's license issued by  
29 another state with qualifications substantially equal to the  
30 qualifications for a license under this section; or  
31 (2) a commission as a boiler and pressure vessel inspector issued  
32 by the National Board of Boiler and Pressure Vessel Inspectors.

33 (d) The commission may sanction a boiler and pressure vessel  
34 inspector under IC 22-12-7 if the boiler and pressure vessel inspector  
35 violates this chapter or rules adopted by the commission.

36 SECTION 117. IC 22-15-7-1, AS AMENDED BY P.L.1-2006,  
37 SECTION 401, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall  
39 carry out a program of periodic on-site inspections of the erection and  
40 operation of regulated amusement devices. These inspections are not  
41 a prerequisite for operation of a device that is covered by a regulated  
42 amusement device operating permit.



1 SECTION 118. IC 22-15-7-2, AS AMENDED BY P.L.1-2006,  
2 SECTION 402, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department**  
4 shall issue a regulated amusement device operating permit to an  
5 applicant who qualifies under this section. If an applicant qualifies for  
6 a permit under this section, an inspector shall place an inspection seal  
7 on the device that is covered by the permit.

8 (b) A permit issued under this section:

9 (1) expires one (1) year from the date the permit was issued; and

10 (2) may be renewed if the applicant continues to qualify for a  
11 permit under this section.

12 (c) To qualify for a permit under this section, an applicant or an  
13 authorized officer of the applicant shall pay the inspection fee set under  
14 IC 22-12-6-6 and execute an application form affirming under penalties  
15 for perjury the following:

16 (1) That all information provided in the application is true to the  
17 best of the applicant's or officer's knowledge and belief after  
18 reasonable investigation.

19 (2) That all personnel employed by the applicant having  
20 maintenance responsibility for the amusement devices have or  
21 will have sufficient background, knowledge, skills, and training  
22 to adequately maintain the amusement devices under the rules of  
23 the commission.

24 (3) That all persons employed by the applicant having operational  
25 responsibility for the amusement devices have or will have  
26 sufficient background, knowledge, skills, and training to  
27 adequately operate the amusement devices under the rules of the  
28 commission.

29 (4) That adequate training will be provided or otherwise made  
30 available on an ongoing basis to maintenance and operational  
31 personnel to ensure the continuous compliance of the personnel  
32 with the standards set forth in subdivisions (2) and (3).

33 (5) That all maintenance and operational personnel will be trained  
34 to recognize and report any condition that would prohibit the safe  
35 operation of the amusement device.

36 (6) That, upon discovering a condition that would prohibit the  
37 safe operation of an amusement device, both operational and  
38 maintenance personnel must possess the requisite authority to  
39 immediately shut down the amusement device and report the  
40 condition of the amusement device to supervisory personnel. An  
41 amusement device that is shut down under this subdivision may  
42 not be returned to operation until the amusement device complies



1 with ASTM standards for operation.

2 (7) That the applicant assumes full financial responsibility for:

3 (A) any condition or circumstance occasioned by, caused by,  
4 or resulting from noncompliance with the maintenance and  
5 operational standards set forth in subdivisions (2) through (6);  
6 and

7 (B) any death, injury, or other loss occasioned by, caused by,  
8 or resulting from noncompliance with the maintenance and  
9 operational standards set forth in subdivisions (2) through (6).

10 (d) The execution of an application under subsection (c) by an  
11 officer of an applicant corporation does not create individual financial  
12 liability for the officer.

13 (e) The applicant must satisfy an inspector for the ~~division~~  
14 **department** that the regulated amusement device meets the safety  
15 requirements set by the commission.

16 SECTION 119. IC 22-15-7-2.5, AS AMENDED BY P.L.1-2006,  
17 SECTION 403, IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) Except as provided in  
19 subsection (g) or (h), the ~~division department~~ may not issue a permit  
20 under this chapter until the applicant has filed with the ~~division~~  
21 **department** a certificate of insurance indicating that the applicant has  
22 liability insurance:

23 (1) in effect with an insurer that is authorized to write insurance  
24 in Indiana on the operation of regulated amusement devices; and

25 (2) except for an applicant that is subject to the provisions of  
26 IC 34-13-3, that provides coverage to a limit of at least:

27 (A) one million dollars (\$1,000,000) per occurrence and five  
28 million dollars (\$5,000,000) in the annual aggregate;

29 (B) five hundred thousand dollars (\$500,000) per occurrence  
30 and two million dollars (\$2,000,000) in the annual aggregate  
31 if the applicant operates only:

32 (i) a ski lift;

33 (ii) a surface lift or tow; or

34 (iii) both items (i) and (ii); or

35 (C) one million dollars (\$1,000,000) per occurrence and two  
36 million dollars (\$2,000,000) in the annual aggregate if the  
37 applicant operates only regulated amusement devices that are  
38 designed to be used and are ridden by persons who are not  
39 more than forty-two (42) inches in height.

40 (b) An insurance policy required under this section may include a  
41 deductible clause if the clause provides that any settlement made by the  
42 insurance company with an injured person or a personal representative



- 1 must be paid as though the deductible clause did not apply.
- 2 (c) An insurance policy required under this section must provide by  
3 the policy's original terms or an endorsement that the insurer may not  
4 cancel the policy without:
- 5 (1) thirty (30) days written notice; and  
6 (2) a complete report of the reasons for the cancellation to the  
7 division.
- 8 (d) An insurance policy required under this section must provide by  
9 the policy's original terms or an endorsement that the insurer shall  
10 report to the **division department** within twenty-four (24) hours after  
11 the insurer pays a claim or reserves any amount to pay an anticipated  
12 claim that reduces the liability coverage to a limit of less than one  
13 million dollars (\$1,000,000) because of bodily injury or death in an  
14 occurrence.
- 15 (e) If an insurance policy required under this section:
- 16 (1) is canceled during the policy's term;  
17 (2) lapses for any reason; or  
18 (3) has the policy's coverage fall below the required amount;  
19 the permittee shall replace the policy with another policy that complies  
20 with this section.
- 21 (f) If a permittee fails to file a certificate of insurance for new or  
22 replacement insurance, the permittee:
- 23 (1) must cease all operations under the permit immediately; and  
24 (2) may not conduct further operations until the permittee  
25 receives the approval of the **division department** to resume  
26 operations after the permittee complies with the requirements of  
27 this section.
- 28 (g) The **division department** may issue a permit under this chapter  
29 to an applicant that:
- 30 (1) is subject to IC 34-13-3; and  
31 (2) has not filed a certificate of insurance under subsection (a);  
32 if the applicant has filed with the **division department** a notification  
33 indicating that the applicant is self-insured for liability.
- 34 (h) The **division department** may reduce the annual aggregate  
35 liability insurance coverage required under subsection (a)(2)(A) to one  
36 million dollars (\$1,000,000) in the annual aggregate for an applicant  
37 that:
- 38 (1) operates only regulated amusement devices that are bull ride  
39 simulators that are multiride electric units with bull ride  
40 attachments; and  
41 (2) otherwise complies with the requirements of this chapter.
- 42 SECTION 120. IC 22-15-7-4, AS AMENDED BY P.L.68-2009,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 4. (a) The commission shall adopt rules under  
3 IC 4-22-2 to define appropriate training for a person who inspects  
4 regulated amusement devices.

5 (b) The rules required under this section must, at a minimum,  
6 provide the following:

7 (1) The adoption by reference of:

8 (A) ASTM F 698 (1994 edition) ("Specification for Physical  
9 Information to be Provided to Amusement Rides and  
10 Devices");

11 (B) ASTM F 770 (1993 edition) ("Practice for Operation  
12 Procedures for Amusement Rides and Devices");

13 (C) ASTM F 846 (1992 edition) ("Guide for Testing  
14 Performance of Amusement Rides and Devices");

15 (D) ASTM F 853 (1993 edition) ("Practice for Maintenance  
16 Procedures for Amusement Rides and Devices");

17 (E) ASTM F 893 (1987 edition) ("Guide for Inspection of  
18 Amusement Rides and Devices");

19 (F) ASTM F 1305 (1994 edition) ("Standard Guides for the  
20 Classification of Amusement Ride and Device Related Injuries  
21 and Illnesses"); or

22 (G) any subsequent published editions of the ASTM standards  
23 described in clauses (A) through (F).

24 (2) A requirement that inspectors employed or contracted by the  
25 ~~division:~~ **department:**

26 (A) have and maintain at least:

27 (i) a Level 1 certification from the National Association of  
28 Amusement Ride Safety Officials or an equivalent  
29 organization approved by the commission; or

30 (ii) an equivalent certification under a process or system  
31 approved by the commission; and

32 (B) conduct inspections that conform to the rules of the  
33 commission.

34 (3) A requirement that regulated amusement devices be operated  
35 and maintained in accordance with the rules of the commission.

36 (4) The commission's chief inspector or supervisor of regulated  
37 amusement device inspectors must have and maintain a Level I  
38 certification.

39 SECTION 121. IC 22-15-7-5, AS AMENDED BY P.L.1-2006,  
40 SECTION 405, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) A permittee shall, during the  
42 permit period, maintain at each location operated by the permittee for



1 each regulated amusement device at the location the following:

- 2 (1) A current owner's manual.  
 3 (2) Any operational manuals or maintenance guides.  
 4 (3) Complete maintenance records describing all repairs and  
 5 modifications.  
 6 (4) Daily operation and inspection logs or checklists.  
 7 (5) Personnel training records.

8 (b) The materials described in subsection (a) must be made  
 9 available to an inspector from the ~~division~~ **department**:

- 10 (1) upon request; and  
 11 (2) within a reasonable time.

12 The failure by the permittee to have, maintain, or make available for  
 13 review the materials described in subsection (a) constitutes grounds for  
 14 the ~~division~~ **department** to temporarily suspend a permit during the  
 15 term of failure or refusal.

16 SECTION 122. IC 24-4-15-7, AS AMENDED BY P.L.134-2008,  
 17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2021]: Sec. 7. The:

19 (1) state department and the ~~division of fire and building safety~~  
 20 **department of homeland security** may inspect a health club at  
 21 any time:

- 22 (A) according to rules adopted by the state department; or  
 23 (B) in response to a filed complaint alleging noncompliance  
 24 with this chapter; and  
 25 (2) fire department that serves the area in which a health club is  
 26 located shall inspect the health club for compliance with this  
 27 chapter if the health club is inspected as part of an inspection  
 28 program under IC 36-8-17-8.

29 SECTION 123. IC 25-4-1-33, AS ADDED BY P.L.218-2014,  
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 33. The board shall send written notice to the  
 32 ~~division of fire and building safety established by IC 10-19-7-1~~  
 33 **department of homeland security established by IC 10-19-2-1** of the  
 34 determination of the board in a disciplinary action against an architect  
 35 under IC 25-1-11. The board shall send the notice not later than three  
 36 (3) business days after the date of the board's determination.

37 SECTION 124. IC 25-31-1-36, AS ADDED BY P.L.218-2014,  
 38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2021]: Sec. 36. The board shall send written notice to the  
 40 ~~division of fire and building safety established by IC 10-19-7-1~~  
 41 **department of homeland security established by IC 10-19-2-1** of the  
 42 determination of the board in a disciplinary action against an engineer



1 under IC 25-1-11. The board shall send the notice not later than three  
2 (3) business days after the date of the board's determination.

3 SECTION 125. IC 35-47.5-2-3.5 IS ADDED TO THE INDIANA  
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. "Department" refers to the**  
6 **department of homeland security established by IC 10-19-2-1.**

7 SECTION 126. IC 35-47.5-2-10 IS REPEALED [EFFECTIVE  
8 JULY 1, 2021]. ~~Sec. 10: "Division" refers to the division of fire and~~  
9 ~~building safety.~~

10 SECTION 127. IC 35-47.5-4-1, AS AMENDED BY P.L.1-2006,  
11 SECTION 540, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall  
13 carry out a program to periodically inspect places where regulated  
14 explosives are manufactured.

15 SECTION 128. IC 35-47.5-4-2, AS AMENDED BY P.L.1-2006,  
16 SECTION 541, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department**  
18 may order any person engaged in the manufacture or handling of a  
19 regulated explosive and any person with control over a place where  
20 regulated explosives are manufactured or handled to maintain  
21 insurance covering fire and explosion losses. The order is not effective  
22 until sixty (60) days after the date that notice of the order is received.

23 (b) The state fire marshal shall specify the insurance required under  
24 subsection (a) in an amount not less than ten thousand dollars  
25 (\$10,000) nor more than two hundred fifty thousand dollars  
26 (\$250,000).

27 (c) Proof of the insurance required under this section must be  
28 maintained with the department of insurance.

29 (d) The insurance commissioner may exempt a person from the  
30 insurance requirements under this section if an applicant for the  
31 exemption submits proof that the applicant has the financial ability to  
32 discharge all judgments in the amount specified by the state fire  
33 marshal. The insurance commissioner may revoke an exemption under  
34 this subsection if the commissioner requires additional proof of  
35 financial ability and:

- 36 (1) the exempted person fails to comply with the order; or
- 37 (2) the insurance commissioner determines that the exempted  
38 person has failed to provide adequate proof of financial ability.

39 SECTION 129. IC 35-47.5-4-3, AS AMENDED BY P.L.1-2006,  
40 SECTION 542, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall  
42 carry out a program to periodically inspect places where regulated



1 explosives are stored.

2 SECTION 130. IC 35-47.5-4-4, AS AMENDED BY P.L.1-2006,  
3 SECTION 543, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department**  
5 shall issue a regulated explosives magazine permit to maintain an  
6 explosives magazine to an applicant who qualifies under section 5 of  
7 this chapter.

8 (b) A permit issued under subsection (a) expires one (1) year after  
9 it is issued. The permit is limited to storage of the types and maximum  
10 quantities of explosives specified in the permit in the place covered by  
11 the permit and under the construction and location requirements  
12 specified in the rules of the commission.

13 SECTION 131. IC 35-47.5-4-4.5, AS AMENDED BY P.L.1-2006,  
14 SECTION 544, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) This section does not apply  
16 to:

17 (1) a person who is regulated under IC 14-34; or  
18 (2) near surface or subsurface use of regulated explosives  
19 associated with oil and natural gas:

20 (A) exploration;  
21 (B) development;  
22 (C) production; or  
23 (D) abandonment activities or procedures.

24 (b) The commission shall adopt rules under IC 4-22-2 to:

25 (1) govern the use of a regulated explosive; and  
26 (2) establish requirements for the issuance of a license for the use  
27 of a regulated explosive.

28 (c) The commission shall include the following requirements in the  
29 rules adopted under subsection (b):

30 (1) Relicensure every three (3) years after the initial issuance of  
31 a license.  
32 (2) Continuing education as a condition of relicensure.  
33 (3) An application for licensure or relicensure must be submitted  
34 to the ~~division~~ **department** on forms approved by the  
35 commission.  
36 (4) A fee for licensure and relicensure.  
37 (5) Reciprocal recognition of a license for the use of a regulated  
38 explosive issued by another state if the licensure requirements of  
39 the other state are substantially similar to the licensure  
40 requirements established by the commission.

41 (d) A person may not use a regulated explosive unless the person  
42 has a license issued under this section for the use of a regulated





1 explosive.

2 (e) The ~~division~~ **department** shall carry out the licensing and  
3 relicensing program under the rules adopted by the commission.

4 (f) As used in this section, "regulated explosive" does not include  
5 either of the following:

6 (1) Consumer fireworks (as defined in 27 CFR 555.11).

7 (2) Commercially manufactured black powder in quantities not to  
8 exceed fifty (50) pounds, if the black powder is intended to be  
9 used solely for sporting, recreational, or cultural purposes in  
10 antique firearms or antique devices.

11 SECTION 132. IC 36-1-10-10, AS AMENDED BY P.L.218-2014,  
12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2021]: Sec. 10. (a) A lessor proposing to build, acquire,  
14 improve, remodel, or expand a structure for lease to a political  
15 subdivision or agency shall submit plans, specifications, and estimates  
16 to the leasing agent before executing a lease. The leasing agent shall  
17 submit the plans and specifications to the ~~division of fire and building~~  
18 **safety department of homeland security** or the state building  
19 commissioner, and other agencies designated by law.

20 (b) A lessor proposing to acquire a transportation project or system  
21 may enter into a lease without submitting plans, designs, or  
22 specifications to any political subdivision or agency. However, before  
23 the execution of the lease, the lessor must submit to the lessee or  
24 lessees an estimate of the cost and a description of the transportation  
25 project or system.

26 SECTION 133. IC 36-1-12-10, AS AMENDED BY P.L.1-2006,  
27 SECTION 553, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2021]: Sec. 10. All plans and specifications for  
29 public buildings must be approved by the state department of health,  
30 the ~~division of fire and building safety~~, **department of homeland**  
31 **security**, and other state agencies designated by statute.

32 SECTION 134. IC 36-1-12-11, AS AMENDED BY P.L.1-2006,  
33 SECTION 554, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The board must, within sixty  
35 (60) days after the completion of the public work project, file in the  
36 ~~division of fire and building safety~~ **department of homeland security**  
37 a complete set of final record drawings for the public work project.  
38 However, this requirement does not apply to a public work project  
39 constructed at a cost less than one hundred thousand dollars  
40 (\$100,000). In addition, the filing of the drawings is required only if the  
41 project involves a public building.

42 (b) The ~~division of fire and building safety~~ **department of**



1 **homeland security** shall provide a depository for all final record  
 2 drawings filed, and retain them for inspection and loan under regulated  
 3 conditions. The fire prevention and building safety commission may  
 4 designate the librarian of Indiana as the custodian of the final record  
 5 drawings. The librarian shall preserve the final record drawings in the  
 6 state archives as public documents.

7 SECTION 135. IC 36-1-12.5-8, AS AMENDED BY P.L.168-2006,  
 8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2021]: Sec. 8. Conservation measures installed under a utility  
 10 efficiency program or a guaranteed savings contract must be approved  
 11 by the following:

12 (1) The state department of health, ~~division of fire and building~~  
 13 ~~safety, department of homeland security~~, and any other state  
 14 agency designated by statute.

15 (2) An architect or engineer licensed under IC 25-4 or IC 25-31  
 16 if the conservation measures have a cost of more than fifty  
 17 thousand dollars (\$50,000).

18 SECTION 136. IC 36-7-18-38, AS AMENDED BY P.L.1-2006,  
 19 SECTION 569, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) A housing authority shall  
 21 file with the state department of health a description of each proposed  
 22 project, including plans and layout. The state department shall, within  
 23 thirty (30) days, transmit its approval or disapproval to the authority.

24 (b) A housing authority shall file all plans for new construction with  
 25 the ~~division of fire and building safety~~ **department of homeland**  
 26 **security** in the manner prescribed by IC 22-15-3.

27 SECTION 137. IC 36-8-10.5-7, AS AMENDED BY P.L.10-2017,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 7. (a) The education board shall adopt rules under  
 30 IC 4-22-2 establishing minimum basic training requirements for  
 31 full-time firefighters and volunteer firefighters, subject to subsection  
 32 (b) and section 7.5 of this chapter. The requirements must include  
 33 training in the following areas:

- 34 (1) Orientation.  
 35 (2) Personal safety.  
 36 (3) Forcible entry.  
 37 (4) Ventilation.  
 38 (5) Apparatus.  
 39 (6) Ladders.  
 40 (7) Self-contained breathing apparatus.  
 41 (8) Hose loads.  
 42 (9) Streams.



- 1           (10) Basic recognition of special hazards.
- 2           (b) A person who fulfills the certification requirements for:
- 3               (1) Firefighter I; ~~as described in 655 IAC 1-2.1-4;~~ or
- 4               (2) Firefighter II; ~~as described in 655 IAC 1-2.1-5;~~
- 5 is considered to comply with the requirements established under
- 6 subsection (a).
- 7           (c) In addition to the requirements of subsections (a) and (d), the
- 8 minimum basic training requirements for full-time firefighters and
- 9 volunteer firefighters must include successful completion of a basic or
- 10 inservice course of education and training on sudden infant death
- 11 syndrome that is certified by the Indiana emergency medical services
- 12 commission (created under IC 16-31-2-1) in conjunction with the state
- 13 health commissioner.
- 14           (d) In addition to the requirements of subsections (a) and (c), the
- 15 minimum basic training requirements for full-time and volunteer
- 16 firefighters must include successful completion of an instruction course
- 17 on vehicle emergency response driving safety. The education board
- 18 shall adopt rules under IC 4-22-2 to operate this course.
- 19           (e) In addition to the requirements of subsections (a), (c), and (d),
- 20 the minimum basic training requirements for full-time and volunteer
- 21 firefighters must include successful completion of a basic or inservice
- 22 course of education and training in interacting with individuals with
- 23 autism that is certified by the Indiana emergency medical services
- 24 commission (created under IC 16-31-2-1).
- 25           (f) The education board may adopt emergency rules in the manner
- 26 provided under IC 4-22-2-37.1 concerning the adoption of the most
- 27 current edition of the following National Fire Protection Association
- 28 standards, subject to amendment by the board:
- 29               (1) NFPA 472.
- 30               (2) NFPA 1001.
- 31               (3) NFPA 1002.
- 32               (4) NFPA 1003.
- 33               (5) NFPA 1006.
- 34               (6) NFPA 1021.
- 35               (7) NFPA 1031.
- 36               (8) NFPA 1033.
- 37               (9) NFPA 1035.
- 38               (10) NFPA 1041.
- 39               (11) NFPA 1521.
- 40               (12) NFPA 1670.
- 41           (g) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary,
- 42 an emergency rule described in subsection (f) expires on the earlier of



- 1 the following dates:
- 2 (1) Two (2) years after the date on which the emergency rule is
- 3 accepted for filing with the publisher of the Indiana Register.
- 4 (2) The date a permanent rule is adopted under this chapter.
- 5 (h) At least sixty (60) days before the education board adopts an
- 6 emergency rule under subsection (f), the education board shall:
- 7 (1) notify the public of its intention to adopt an emergency rule by
- 8 publishing a notice of intent to adopt an emergency rule in the
- 9 Indiana Register; and
- 10 (2) provide a period for public hearing and comment for the
- 11 proposed rule.

12 The publication notice described in subdivision (1) must include an

13 overview of the intent and scope of the proposed emergency rule and

14 the statutory authority for the rule.

15 SECTION 138. IC 36-8-10.5-7.5, AS ADDED BY P.L.110-2009,

16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17 JULY 1, 2021]: Sec. 7.5. (a) Except as provided in subsection (b), an

18 individual whose employment by a fire department as a full-time

19 firefighter begins after December 31, 2009, must complete the training

20 for Firefighter I (as described in ~~655 IAC 1-2.1-4~~) and Firefighter II (as

21 ~~described in 655 IAC 1-2.1-5~~) during the firefighter's first year of

22 employment. The fire department that employs a firefighter shall report

23 to the education board when the firefighter has completed the training

24 requirements established by this subsection.

25 (b) The education board may grant a firefighter any number of

26 extensions of six (6) months to complete the training required under

27 subsection (a). An extension must be requested by the fire department

28 that employs the firefighter. An extension may be requested for any

29 reason, including the following:

- 30 (1) The firefighter has been attending training in accordance with
- 31 section 8 of this chapter in any of the following:
- 32 (A) Hazardous materials.
- 33 (B) Paramedic training.
- 34 (C) Emergency medical technician training.
- 35 (D) Technical training.
- 36 (2) The firefighter was unable to complete the training due to
- 37 economic reasons.

38 (c) The education board shall determine whether a firefighter

39 receives an extension under this section.

40 SECTION 139. IC 36-8-10.5-10 IS REPEALED [EFFECTIVE

41 JULY 1, 2021]. ~~Sec. 10: (a) This section applies to the following~~

42 ~~certifications:~~



1 (1) Mandatory training (as described in 655 IAC 1-4-2).

2 (2) Basic firefighter (as described in 655 IAC 1-2.1-3).

3 (3) Firefighter I (as described in 655 IAC 1-2.1-4).

4 (4) Firefighter II (as described in 655 IAC 1-2.1-5).

5 (b) Before January 2, 2012, the board may not mandate that the  
6 written tests for the certifications listed in subsection (a) be taken  
7 solely using a computer, the Internet, or another online arrangement.

8 SECTION 140. IC 36-8-10.6 IS ADDED TO THE INDIANA  
9 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2021]:

11 **Chapter 10.6. Fire Chief Executive Training Program**

12 **Sec. 1. As used in this chapter, "department" refers to the**  
13 **department of homeland security established by IC 10-19-2-1.**

14 **Sec. 2. As used in this chapter, "executive training program"**  
15 **means the fire chief executive training program described in**  
16 **section 4 of this chapter.**

17 **Sec. 3. (a) After January 1, 2022, a newly appointed fire chief of**  
18 **a political subdivision must successfully complete the executive**  
19 **training program within one (1) year of appointment unless:**

20 (1) a course is not offered within the twelve (12) months after  
21 the date that the fire chief initially takes office; or

22 (2) space in the program is not available at a time that will  
23 allow the fire chief to complete the program within twelve  
24 (12) months after the date that the fire chief initially takes  
25 office.

26 (b) If a fire chief is unable to successfully complete the executive  
27 training program within one (1) year of appointment for any of the  
28 reasons described in subsection (a), the fire chief must successfully  
29 complete the next available executive training program that is  
30 presented by the department.

31 **Sec. 4. The executive training program must consist of not less**  
32 **than forty (40) hours of instruction and must include training in**  
33 **the following subject areas:**

34 (1) Leadership development.

35 (2) Accounting, budgets, and state funding.

36 (3) Diversity and inclusion.

37 (4) Discipline and conflict resolution.

38 (5) Laws and regulations.

39 (6) Policies and procedures.

40 (7) Record management and retention.

41 (8) Media relations.

42 (9) Worker's compensation and liability.



1           **(10) State and local government operations.**

2           **Sec. 5. The department shall do the following:**

3           **(1) Develop curriculum for the executive training program.**

4           **(2) Offer an executive training program, either in person or**  
 5           **by electronic means, at least two (2) times per year.**

6           **(3) Pay any costs of the executive training program out of the**  
 7           **regional public safety training fund established by**  
 8           **IC 10-15-3-12.**

9           **(4) Provide a certificate of completion to any fire service**  
 10           **personnel who complete the executive training program**  
 11           **offered by the department.**

12           **Sec. 6. (a) If there is any available space in an executive training**  
 13           **program course that has not been filled by fire chiefs who are**  
 14           **required to attend the executive training program as provided in**  
 15           **this chapter, the department may allow chief officers and**  
 16           **management level personnel to enroll in the executive training**  
 17           **program until the course is full.**

18           **(b) A person who successfully completes the executive training**  
 19           **program while serving in a capacity other than fire chief is deemed**  
 20           **to have complied with the training requirements under this chapter**  
 21           **if the person is subsequently appointed as fire chief.**

22           **Sec. 7. An appointed fire chief of a political subdivision is only**  
 23           **required to complete the executive training program one (1) time**  
 24           **during the fire chief's career.**

25           **Sec. 8. A fire chief who fails to successfully complete the**  
 26           **executive training program as provided in this chapter may not**  
 27           **continue to serve as fire chief until the individual successfully**  
 28           **completes the executive training program.**

29           **Sec. 9. The department may adopt rules under IC 4-22-2 to**  
 30           **carry out this chapter.**

31           SECTION 141. IC 36-8-17-4 IS REPEALED [EFFECTIVE JULY  
 32           1, 2021]. Sec. 4. As used in this chapter, "division" refers to the  
 33           division of fire and building safety.

34           SECTION 142. IC 36-8-17-4.5 IS ADDED TO THE INDIANA  
 35           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36           [EFFECTIVE JULY 1, 2021]: Sec. 4.5. As used in this chapter,  
 37           "department" refers to the department of homeland security  
 38           established by IC 10-19-2-1.

39           SECTION 143. IC 36-8-17-5, AS AMENDED BY P.L.29-2011,  
 40           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41           JULY 1, 2021]: Sec. 5. (a) The fire chief and the designees of the fire  
 42           chief in every fire department are assistants to the state fire marshal.



1 (b) A fire department shall comply with an order issued by the  
 2 ~~division~~ **department** under IC 22-14-2-4 that directs the fire  
 3 department to assist the ~~division~~ **department**.

4 (c) This section also applies to a fire department established by the  
 5 board of trustees of Purdue University under IC 21-39-7.

6 SECTION 144. IC 36-8-17-7, AS AMENDED BY P.L.57-2020,  
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2021]: Sec. 7. (a) A fire department shall investigate and  
 9 determine the causes and circumstances surrounding each fire  
 10 occurring within the territory served by the fire department. The fire  
 11 department shall begin the investigation when the fire occurs. The fire  
 12 department shall immediately notify the ~~division~~ **department** if the fire  
 13 chief believes that a crime may have been committed and shall submit  
 14 a written or electronic report to the ~~division~~ **department** concerning  
 15 every investigation at the end of each month. The fire department shall  
 16 submit the report on the form prescribed by the ~~division~~ **department**  
 17 and shall include the following information in the report:

18 (1) A statement of the facts relating to the cause and origin of the  
 19 fire.

20 (2) The extent of damage caused by the fire.

21 (3) The amount of insurance on the property affected by the fire.

22 (4) Other information required in the commission's rules.

23 (b) To carry out this section, a fire department may:

24 (1) enter and inspect any real or personal property at a reasonable  
 25 hour;

26 (2) cooperate with the prosecuting attorney and assist the  
 27 prosecuting attorney with any criminal investigation;

28 (3) request that the office subpoena witnesses under IC 22-14-2-8  
 29 or order the production of books, documents, and other papers;

30 (4) give oaths and affirmations;

31 (5) take depositions and conduct hearings; and

32 (6) separate witnesses and otherwise regulate the course of  
 33 proceedings.

34 (c) Subpoenas, discovery orders, and protective orders issued under  
 35 this section shall be enforced under IC 4-21.5-6-2.

36 SECTION 145. IC 36-8-17-8, AS AMENDED BY P.L.17-2008,  
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2021]: Sec. 8. (a) A fire department serving an area that does  
 39 not include a city may engage in an inspection program to promote  
 40 compliance with fire safety laws. Upon the request of an owner or a  
 41 primary lessee who resides in a private dwelling, the fire department  
 42 may inspect the interior of the private dwelling to determine



1 compliance with IC 22-11-18-3.5. The fire department shall maintain  
 2 a written report for each inspection. These reports shall be made  
 3 available to the ~~division~~ **department** upon request.

4 (b) The fire department serving an area that includes a city shall  
 5 inspect every place and public way within the jurisdiction of the city,  
 6 except the interiors of private dwellings, for compliance with the fire  
 7 safety laws. Upon the request of an owner or a primary lessee who  
 8 resides in a private dwelling, the fire department may inspect the  
 9 interior of the private dwelling to determine compliance with  
 10 IC 22-11-18-3.5. Except as otherwise provided in the rules adopted by  
 11 the commission, the fire chief of the fire department shall specify the  
 12 schedule under which places and public ways are inspected and may  
 13 exclude a class of places or public ways from inspection under this  
 14 section, if the fire chief determines that the public interest will be  
 15 served without inspection. The fire department shall maintain a written  
 16 report for each inspection. The fire department shall submit monthly  
 17 reports to the ~~division~~, **department**, on forms prescribed by the  
 18 ~~division~~, **department**, containing the following information:

- 19 (1) The total number of inspections made.
- 20 (2) The total number of defects found, classified as required by  
 21 the office.
- 22 (3) The total number of orders issued for correction of each class  
 23 of defect.
- 24 (4) The total number of orders complied with.

25 (c) A volunteer fire department may carry out inspections under this  
 26 section only through an individual who is certified under  
 27 IC 22-14-2-6(c).

28 SECTION 146. IC 36-8-17-9, AS AMENDED BY P.L.1-2006,  
 29 SECTION 580, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A fire department may issue  
 31 orders under IC 4-21.5-3-6 to require a person to cease and correct a  
 32 violation of the fire safety laws. The order must grant a reasonable time  
 33 in which to correct a violation of law covered by the order.

34 (b) A fire department may issue an emergency or temporary order  
 35 under IC 4-21.5-4 if the fire department determines that conduct or a  
 36 condition of property:

- 37 (1) presents a clear and immediate hazard of death or serious  
 38 bodily injury to any person other than a trespasser;
- 39 (2) is prohibited without a permit, registration, certification,  
 40 release, authorization, variance, exemption, or other license  
 41 required under IC 22-14 or another statute administered by the  
 42 ~~division~~ **department** and the license has not been issued; or





1 (3) will conceal a violation of law.

2 (c) An emergency or other temporary order issued under subsection  
3 (b) must be approved by the state fire marshal. The approval may be  
4 communicated orally to the fire department. However, the ~~division~~  
5 **department** shall maintain a written record of the approval.

6 (d) An order under IC 4-21.5-3-6 or IC 4-21.5-4 may include the  
7 following, singly or in combination:

8 (1) Require a person who has taken a substantial step toward  
9 violating a fire safety law or has violated a fire safety law to cease  
10 and correct the violation.

11 (2) Require a person who has control over property that is  
12 affected by a violation to take reasonable steps to:

13 (A) protect persons and property from the hazards of the  
14 violation; and

15 (B) correct the violation.

16 (3) Require persons to leave an area that is affected by a violation  
17 and prohibit persons from entering the area until the violation is  
18 corrected.

19 SECTION 147. IC 36-8-17-10, AS AMENDED BY P.L.1-2006,  
20 SECTION 581, IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department**  
22 shall give a person who:

23 (1) is aggrieved by an order issued under section 9 of this chapter;  
24 and

25 (2) requests review of the order in verbal or written form;

26 an opportunity to informally discuss the order with the ~~division~~  
27 **department**. Review under this subsection does not suspend the  
28 running of the time period in which a person must petition under  
29 IC 4-21.5-3-7 to appeal the order.

30 (b) The ~~division~~ **department** may, on its own initiative or at the  
31 request of any person, modify or reverse an order issued under section  
32 9 of this chapter.

33 SECTION 148. IC 36-8-17-12, AS AMENDED BY P.L.1-2006,  
34 SECTION 582, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may  
36 enforce an order issued under this chapter under IC 4-21.5-6.

37 SECTION 149. IC 36-8-25-1 IS REPEALED [EFFECTIVE JULY  
38 1, 2021]. ~~Sec. 1. As used in this chapter, "division" means the division~~  
39 ~~of fire and building safety established by IC 10-19-7-1.~~

40 SECTION 150. IC 36-8-25-1.5 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter,**



1 **"department" refers to the department of homeland security**  
 2 **established by IC 10-19-2-1.**

3 SECTION 151. IC 36-8-25-5, AS ADDED BY P.L.54-2019,  
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2021]: Sec. 5. (a) Except as provided in section 11 of this  
 6 chapter, after June 30, 2020, a public safety telecommunicator must  
 7 successfully complete, at least every two (2) years, a T-CPR training  
 8 program that meets or exceeds evidence based nationally recognized  
 9 emergency cardiovascular care guidelines adopted by the division. A  
 10 T-CPR training program shall include:

- 11 (1) recognition protocols for out of hospital cardiac arrest; and  
 12 (2) compression only cardiopulmonary resuscitation instructions  
 13 for telephone callers.

14 (b) The ~~division~~ **department** shall establish T-CPR training  
 15 continuing education requirements for public safety  
 16 telecommunicators.

17 SECTION 152. IC 36-8-25-6, AS ADDED BY P.L.54-2019,  
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may:

- 20 (1) provide a T-CPR training program or continuing education  
 21 course; or  
 22 (2) approve a T-CPR training program or continuing education  
 23 course provided by a third party;

24 that meets the requirements of this chapter.

25 (b) The ~~division~~ **department** shall establish requirements and a  
 26 certification program for third party T-CPR instructors that provide  
 27 T-CPR training programs or continuing education courses.

28 SECTION 153. IC 36-8-25-7, AS ADDED BY P.L.54-2019,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall set the  
 31 minimum standards for a T-CPR training program including:

- 32 (1) course approval;  
 33 (2) instruction; and  
 34 (3) examination;

35 which may include online training based on the nationally recognized  
 36 guidelines adopted by the ~~division~~ **department**. The ~~division~~  
 37 **department** shall provide a person with a certificate for successfully  
 38 completing T-CPR training.

39 SECTION 154. IC 36-8-25-8, AS ADDED BY P.L.54-2019,  
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may impose a  
 42 reasonable fee for:



1 (1) providing a T-CPR program or continuing education course;  
 2 and  
 3 (2) certifying a person who successfully completes a T-CPR  
 4 program or any T-CPR instructor requirements.  
 5 The ~~division~~ **department** shall deposit any fees collected in the fire  
 6 and building services fund established by IC 22-12-6-1.  
 7 SECTION 155. IC 36-8-25-9, AS ADDED BY P.L.54-2019,  
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2021]: Sec. 9. Nothing in this chapter prohibits a public safety  
 10 agency from entering into a reciprocal agreement with another public  
 11 safety agency to provide T-CPR instruction to telephone callers, if the  
 12 public safety agency that accepts the telephone call has a public safety  
 13 telecommunicator who has successfully completed a T-CPR training  
 14 program approved by the ~~division~~ **department**.  
 15 SECTION 156. IC 36-8-25-12, AS ADDED BY P.L.54-2019,  
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2021]: Sec. 12. A public safety telecommunicator who has  
 18 successfully completed:  
 19 (1) a T-CPR training program approved by the ~~division~~;  
 20 **department**; and  
 21 (2) any continuing education requirements;  
 22 is immune from civil liability for damages arising out of T-CPR  
 23 instruction provided to a telephone caller, except for acts or omissions  
 24 constituting gross negligence or willful or wanton misconduct.

