

# HOUSE BILL No. 1402

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-21-2.

**Synopsis:** Construction worker infection control program. Requires a construction worker to complete an infection control training program (program) every two years before working onsite on the erection, installation, alteration, repair, or remodeling for a hospital or ambulatory outpatient surgical center construction project. Establishes requirements for the program. Requires that the state department of health or an approved organization that conducts a program to provide each construction worker who successfully completes the program a certificate of completion.

**Effective:** July 1, 2020.

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January 15, 2020, read first time and referred to Committee on Employment, Labor and Pensions.

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1402

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

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

1 SECTION 1. IC 16-18-2-70.1, AS ADDED BY P.L.67-2005,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 70.1. **(a) "Construction project" has the meaning**  
4 **set forth in IC ~~16-21-2-11.5(a)~~: means the erection, installation,**  
5 **alteration, repair, or remodeling of a building or structure that,**  
6 **when completed, will be subject to licensure as a hospital or an**  
7 **ambulatory outpatient surgical center under this article.**

8 **(b) The term does not include the acquisition or installation of**  
9 **medical equipment or the purchase of the services of an architect,**  
10 **engineer, surveyor, or consultant to prepare plans or studies**  
11 **related to a construction project.**

12 SECTION 2. IC 16-18-2-70.5 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2020]: **Sec. 70.5. (a) "Construction worker",**  
15 **for purposes of IC 16-21-2, means an individual who provides**  
16 **skilled manual labor on a construction project (as defined in**  
17 **section 70.1 of this chapter).**



1           **(b) The term does not include an individual who:**

2           **(1) delivers to or removes materials from the construction**  
 3           **site; or**

4           **(2) performs construction work to the land in preparation of**  
 5           **construction, including site clearing, excavation, grading,**  
 6           **compaction, and land drainage.**

7           SECTION 3. IC 16-21-2-11.5, AS ADDED BY P.L.67-2005,  
 8           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9           JULY 1, 2020]: Sec. 11.5. (a) As used in this section, "construction  
 10          project" means the erection, installation, alteration, repair, or  
 11          remodeling of a building or structure that, when completed, will be  
 12          subject to licensure as a hospital or an ambulatory outpatient surgical  
 13          center under this article. The term does not include the acquisition or  
 14          installation of medical equipment or the purchase of the services of an  
 15          architect, engineer, or consultant to prepare plans or studies related to  
 16          a construction project.

17          ~~(b)~~ **(a)** Except as provided in subsection ~~(e)~~; **(b)**, this section applies  
 18          to a hospital or an ambulatory outpatient surgical center for which  
 19          licensure is required under this article.

20          ~~(e)~~ **(b)** This section does not apply to:

21               (1) a hospital or an ambulatory outpatient surgical center that is  
 22               operated by the federal government or an agency of the federal  
 23               government; or

24               (2) a construction project begun before July 1, 2005.

25          For purposes of this subsection, a construction project is considered to  
 26          have begun on the day that the physical erection, installation,  
 27          alteration, repair, or remodeling of the building or structure  
 28          commences.

29          ~~(d)~~ **(c)** Before the owner of:

30               (1) a hospital or proposed hospital may begin a construction  
 31               project that is estimated by the owner to cost at least ten million  
 32               dollars (\$10,000,000); or

33               (2) an ambulatory outpatient surgical center or a proposed  
 34               ambulatory outpatient surgical center may begin a construction  
 35               project that is estimated by the owner to cost at least three million  
 36               dollars (\$3,000,000);

37          the owner shall hold at least two (2) public hearings concerning the  
 38          construction project and publish notice of each hearing at least ten (10)  
 39          days before the hearing is held.

40          ~~(e)~~ **(d)** A notice published under subsection ~~(d)~~ **(c)** must meet the  
 41          standards specified for public notices in IC 5-3-1.

42          ~~(f)~~ **(e)** A hearing held under subsection ~~(d)~~; **(c)**:



- 1 (1) must:  
 2 (A) be held at a location not more than ten (10) miles from the  
 3 site of the construction project;  
 4 (B) be held exclusively by the owner or the owner's  
 5 representative; and  
 6 (C) include an announcement from the owner or the owner's  
 7 representative that provides to the public:  
 8 (i) a description of;  
 9 (ii) an estimate of the cost of; and  
 10 (iii) a statement regarding the owner's reason for;  
 11 the construction project, including a description of the health  
 12 care services that will be provided by the hospital or  
 13 ambulatory outpatient surgical center as a result of the  
 14 construction project; and  
 15 (2) may be held:  
 16 (A) on any day of the week other than Saturday or Sunday; and  
 17 (B) at any time not earlier than 3 p.m. or later than 9 p.m.;  
 18 as determined by the owner.  
 19 ~~(g)~~ (f) A hearing held as required under this section does not cause  
 20 any information or materials possessed or held by the owner or the  
 21 owner's employee, contractor, agent, or representative to be  
 22 discoverable or considered public information or public materials.  
 23 ~~(h)~~ (g) A statement or question concerning a construction project,  
 24 or an objection to a construction project, that arises during a hearing  
 25 held under this section may not cause a delay in or denial of the  
 26 issuance of a license under this article.  
 27 ~~(i)~~ (h) Compliance with this section may be enforced only by the  
 28 state department.  
 29 SECTION 4. IC 16-21-2-11.7 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2020]: **Sec. 11.7. (a) This section does not**  
 32 **apply to:**  
 33 **(1) a hospital or an ambulatory outpatient surgical center that**  
 34 **is operated by the federal government or an agency of the**  
 35 **federal government; or**  
 36 **(2) a construction project begun before July 1, 2020.**  
 37 **(b) Before a construction worker may work onsite on the**  
 38 **erection, installation, alteration, repair, or remodeling for a**  
 39 **construction project, the construction worker must complete an**  
 40 **approved infection control training program that meets the**  
 41 **requirements in subsection (c).**  
 42 **(c) The infection control training program must meet the**



- 1 following requirements:
- 2 (1) The program must be offered by the state department or
- 3 an organization approved by the state department.
- 4 (2) The program must meet the content requirements
- 5 established by the state department. The content
- 6 requirements must be based on recommendations from the
- 7 federal Centers for Disease Control and Prevention.
- 8 (3) The program may not be less than eight (8) hours in
- 9 length.
- 10 (4) The program must be available to the construction worker
- 11 without charge.
- 12 (d) The state department or approved organization that
- 13 conducts an infection control training program must provide each
- 14 construction worker who successfully completes the program a
- 15 certificate of completion.
- 16 (e) A construction worker is not required to complete the
- 17 infection control training program required under this section
- 18 more than one (1) time every two (2) years.

