

# HOUSE BILL No. 1519

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-15.

**Synopsis:** Government limitations on hours of operation. Limits the authority of state agencies and political subdivisions to restrict the hours of operation of a private business or other nongovernmental entity. Provides for the revision of statutes to bring them into conformity with this act.

**Effective:** May 1, 2021 (retroactive).

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## **Morris, Goodrich**

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January 14, 2021, read first time and referred to Committee on Commerce, Small Business and Economic Development.

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Introduced

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. 1519

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

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

1 SECTION 1. IC 24-15 IS ADDED TO THE INDIANA CODE AS  
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE MAY 1,  
3 2021 (RETROACTIVE)]:

4 **ARTICLE 15. GOVERNMENT RESTRICTIONS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this  
7 article.**

8 **Sec. 2. "Political subdivision" has the meaning set forth in  
9 IC 36-1-2-13.**

10 **Sec. 3. "State agency" has the meaning set forth in IC 4-1-10-2.  
11 The term includes the governor and the state department of health.**

12 **Chapter 2. Hours of Operation**

13 **Sec. 1. This chapter applies after April 30, 2021.**

14 **Sec. 2. A state agency may not limit or otherwise regulate the  
15 hours of operation of a private business or other nongovernmental  
16 entity, including a sole proprietorship or association, (regardless  
17 of whether the entity is declared to be essential or nonessential),**



1                   **except to the extent:**

2                   (1) the hours are expressly set by a state law, federal law, or  
 3                   federal regulation;  
 4                   (2) a state law, federal law, or federal regulation expressly  
 5                   specifies the number of hours that the entity must be available  
 6                   to provide services; or  
 7                   (3) a state law expressly authorizes the state agency to limit or  
 8                   otherwise regulate the hours.

9                   **Sec. 3. Orders under IC 10-14-3, orders and rules of the state**  
 10                  **department of health, and other executive orders of the governor**  
 11                  **are subject to section 2 of this chapter. A rule of a state agency or**  
 12                  **an executive order that is inconsistent with section 2 of this chapter**  
 13                  **is void.**

14                  **Sec. 4. After April 30, 2021, a political subdivision (including**  
 15                  **any local health department or officer) may not limit or otherwise**  
 16                  **regulate the hours of operation of a private business or other**  
 17                  **nongovernmental entity, including a sole proprietorship or**  
 18                  **association, (regardless of whether the entity is declared to be**  
 19                  **essential or nonessential), except to the extent:**

20                  (1) either:  
 21                   (A) the hours are expressly set by a state law, federal law,  
 22                   or federal regulation;  
 23                   (B) a state law, federal law, or federal regulation expressly  
 24                   specifies the number of hours that the entity must be  
 25                   available to provide services; or  
 26                   (C) a state law expressly authorizes a state agency (as  
 27                   defined in IC 24-15-1-3) to limit or otherwise regulate the  
 28                   hours; and  
 29                  (2) state law expressly authorizes the political subdivision to  
 30                  enforce the state law.

31                  **Sec. 5. A rule, ordinance, or other policy that is inconsistent with**  
 32                  **section 4 of this chapter is void.**

33                  **SECTION 2. [EFFECTIVE MAY 1, 2021 (RETROACTIVE)] (a)**  
 34                  **The legislative council is urged to assign to the appropriate interim**  
 35                  **study committee, during the 2021 legislative interim, the task of**  
 36                  **studying Indiana law to bring Indiana law into conformity with**  
 37                  **IC 24-15-2, as added by this act, and to prepare appropriate**  
 38                  **legislation for introduction in the 2022 session of the general**  
 39                  **assembly.**

40                  **(b) This SECTION expires January 1, 2022.**

41                  **SECTION 3. An emergency is declared for this act.**

