



March 29, 2023

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# ENGROSSED HOUSE BILL No. 1647

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DIGEST OF HB 1647 (Updated March 27, 2023 6:35 pm - DI 55)

**Citations Affected:** IC 16-41.

**Synopsis:** Residential onsite sewage systems. Prohibits the installation of a residential onsite sewage system less than 25 feet from the edge of a sinkhole. Provides that if: (1) a professional soil scientist has determined that a site is suitable for the installation of the residential onsite sewage system; and (2) a registered professional engineer, a registered soil scientist, a septic system installer or inspector licensed by the county, or the designer of the system has approved the design  
(Continued next page)

**Effective:** July 1, 2023.

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## Morris, Soliday, Pressel, Judy

(SENATE SPONSORS — BYRNE, GARTEN, NIEZGODSKI)

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January 19, 2023, read first time and referred to Committee on Environmental Affairs.  
February 16, 2023, amended, reported — Do Pass.  
February 20, 2023, read second time, ordered engrossed.  
February 21, 2023, engrossed. Returned to second reading.  
February 23, 2023, re-read second time, amended, ordered engrossed.  
February 24, 2023, re-engrossed.  
February 27, 2023, read third time, passed. Yeas 75, nays 19.

SENATE ACTION

March 6, 2023, read first time and referred to Committee on Environmental Affairs.  
March 28, 2023, amended, reported favorably — Do Pass.

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## Digest Continued

and specifications for the residential onsite sewage system; the local health department shall issue a permit for the residential onsite sewage system not more than 30 business days after receiving a complete application for the permit. Provides that a residential onsite sewage system may be installed in a lot meeting a certain description if at least one site on the lot is determined to be suitable for the installation of the residential onsite sewage system. Prohibits an officer or employee of a local health department from entering a property to inspect a residential onsite sewage system: (1) if a licensed septic system installer or inspector, an onsite sewage system technician, or a registered professional engineer has notified the local health department within the preceding 180 days that the residential onsite sewage system is functioning properly; or (2) if the owner or occupant has not been notified of the inspection by first class mail at least seven days before the inspection date. Provides that if a local health department determines that a residential onsite sewage system is in failure and orders that the system failure be corrected but the owner or occupant of the property contracts with an onsite sewage system technician, a professional engineer, or a system installer or inspector for an independent determination whether the residential onsite sewage system is in failure, the order of the local health department requiring that the system failure be corrected is stayed until the report of the independent determination is presented or until 60 days after the date of the order. Provides that if the onsite sewage system technician, professional engineer, or system installer or inspector determines that the residential onsite sewage system is not in system failure, the local health department shall: (1) withdraw its order; or (2) conduct an investigation to make a new determination whether the residential onsite sewage system is in system failure. Provides that an individual who: (1) is licensed in at least one county of Indiana to provide onsite sewage system service; and (2) is certified as an inspector or installer by the Indiana Onsite Wastewater Professionals Association (IOWPA) and is a member in good standing of IOWPA; is entitled to provide onsite sewage system service in any county in Indiana, but may be required to pay a county license fee before providing onsite sewage system service in a county other than the county in which the individual is licensed.

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March 29, 2023

First Regular Session of the 123rd General Assembly (2023)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1647

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

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

1 SECTION 1. IC 16-41-25-7.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 7.2. (a) As used in this section,**  
4 **"sinkhole" means a depression or hole in the ground caused by**  
5 **some form of collapse of the surface layer, as when subsurface**  
6 **limestone is dissolved or worn away by the movement of water**  
7 **underground.**

8 **(b) A residential onsite sewage system shall not be installed in a**  
9 **site less than twenty-five (25) feet from the edge of a sinkhole, as**  
10 **identified by a professional soil scientist registered under**  
11 **IC 25-31.5-4.**

12 SECTION 2. IC 16-41-25-8, AS ADDED BY P.L.167-2022,  
13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 8. (a) If:

15 **(1) an application has been filed with a local health**

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1 department for a permit for the installation of a residential  
2 onsite sewage system;

3 **(2) a professional soil scientist registered under IC 25-31.5-4**  
4 **has conducted an onsite evaluation, including a description of**  
5 **the soil profile, and has determined that the proposed site of**  
6 **the residential onsite sewage system is suitable for the**  
7 **installation of the residential onsite sewage system; and**

8 **(3) the design and specifications for a the residential onsite**  
9 **sewage system proposed for construction or installation at a**  
10 **particular location the site described in subdivision (2) have**  
11 **been approved by either:**

12 ~~(A)~~ **(A)** the local health department; or

13 ~~(B)~~ **(B)** at the option and expense of the property owner:

14 ~~(A)~~ **(i)** a professional engineer registered under IC 25-31-1;

15 ~~(B)~~ **(ii)** a registered soil scientist (as defined in  
16 IC 25-31.5-1-7);

17 ~~(C)~~ **(iii)** an individual or entity engaged in the business of  
18 constructing and installing residential onsite sewage  
19 systems; and a septic system installer or inspector  
20 licensed by the county in which the residential property  
21 would be installed; or

22 ~~(D)~~ **(iv)** the designer of the system, if the system was  
23 designed by someone other than a person referred to in  
24 clause ~~(A)~~ **item (i) or (C); (iii);**

25 the local health department shall issue a permit for the residential  
26 onsite sewage system not later than thirty (30) business days after  
27 receiving a complete application for the permit.

28 (b) Subject to IC 16-19-3-27.5, IC 16-19-3-27.6, and sections 5 and  
29 6 of this chapter, this section does not affect the authority of a local  
30 health department to inspect an onsite sewage system before or after  
31 the system's installation.

32 SECTION 3. IC 16-41-25-8.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2023]: **Sec. 8.5. (a) As used in this section,**  
35 **"lot" means the parcel of real property on which:**

36 **(1) a one (1) family or two (2) family dwelling; or**

37 **(2) two (2) single family dwellings located on the same**  
38 **property with a combined design daily flow of not more than**  
39 **seven hundred fifty (750) gallons per day;**

40 **have been constructed or are proposed for construction.**

41 **(b) A residential onsite sewage system may be installed in a lot**  
42 **described in subsection (a) if at least one (1) site on the lot is**



1 determined to be suitable for the installation of the residential  
2 onsite sewage system.

3 SECTION 4. IC 16-41-25-10 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2023]: **Sec. 10. (a) Neither an officer or**  
6 **employee of a local health department nor another agency, officer,**  
7 **or employee of a county or city may enter property on which a**  
8 **residential onsite sewage system is located for the purpose of**  
9 **inspecting the residential onsite sewage system if, not more than**  
10 **one hundred eighty (180) days before the date of the inspection, the**  
11 **owner or occupant of the residence served by the residential onsite**  
12 **sewage system and:**

13 (1) a septic system installer or inspector licensed by the county  
14 in which the residential onsite sewage system is located;

15 (2) an onsite sewage system technician; or

16 (3) an Indiana professional engineer registered under  
17 IC 25-31-1;

18 state in a writing transmitted to the local health department,  
19 county, or city that the residential onsite sewage system is  
20 functioning properly.

21 (b) Subject to subsection (c), if subsection (a) does not apply, an  
22 officer or employee of a local health department or another officer  
23 or employee of a county or city may not enter property on which  
24 a residential onsite sewage system is located for the purpose of  
25 inspecting the residential onsite sewage system unless the owner or  
26 occupant of the residence served by the residential onsite sewage  
27 system is given notice of the inspection by first class mail addressed  
28 to the residence at least seven (7) days before the day of the  
29 inspection.

30 (c) An advance notice to the owner or occupant of the residence  
31 is not required under subsection (b) in an urgent situation caused  
32 by a malfunction of the residential onsite sewage system that  
33 creates a clear and immediate danger to the public's health, safety,  
34 or property.

35 SECTION 5. IC 16-41-25-11 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2023]: **Sec. 11. (a) As used in this section,**  
38 **"residential onsite sewage system failure" has the meaning set**  
39 **forth in 410 IAC 6-8.3-33 as in effect July 1, 2023.**

40 (b) A local health department that determines that a residential  
41 onsite sewage system is in residential onsite sewage system failure  
42 may issue an order requiring that the failure be corrected.



1 However, an order issued under this subsection is stayed if the  
 2 owner or occupant of the residence served by the residential onsite  
 3 sewage system, within fourteen (14) days after the date of the  
 4 order, enters into a contract with:

- 5 (1) a septic system installer or inspector licensed by the county
- 6 in which the residential onsite sewage system is located;
- 7 (2) an onsite sewage system technician; or
- 8 (3) an Indiana professional engineer registered under
- 9 IC 25-31-1;

10 under which the installer or inspector, onsite sewage system  
 11 technician, or professional engineer agrees to conduct an  
 12 inspection to determine whether the residential onsite sewage  
 13 system is in residential onsite sewage system failure.

14 (c) An order is stayed under subsection (b) until the earlier of  
 15 the following:

- 16 (1) The date on which the installer or inspector, technician, or
- 17 engineer performs the inspection and presents the results of
- 18 the inspection in writing to:

- 19 (A) the owner or occupant of the residence served by the
- 20 residential onsite sewage system; and
- 21 (B) the local health department.

- 22 (2) The expiration of sixty (60) days after the date of the order
- 23 issued under subsection (b).

24 (d) If the installer or inspector, onsite sewage system technician,  
 25 or professional engineer states in the report provided to the local  
 26 health department that the residential onsite sewage system is not  
 27 in residential onsite sewage system failure, the local health  
 28 department shall:

- 29 (1) withdraw the order issued under subsection (b); or
- 30 (2) conduct an investigation of the residential onsite sewage
- 31 system to make a new determination whether the residential
- 32 onsite sewage system is in residential onsite sewage system
- 33 failure.

34 (e) If the local health department conducts an investigation  
 35 under subsection (d)(2), the order issued under subsection (b) is  
 36 stayed pending the new determination of the local health  
 37 department based on the investigation.

38 SECTION 6. IC 16-41-25-12 IS ADDED TO THE INDIANA  
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) As used in this section,  
 41 "onsite sewage system service" means:

- 42 (1) installing;



- 1           **(2) inspecting; and**  
2           **(3) providing maintenance and repair services for;**  
3 **residential onsite sewage systems.**  
4           **(b) An individual who:**  
5           **(1) is licensed in at least one (1) county of Indiana to provide**  
6           **onsite sewage system service in the county; and**  
7           **(2) is:**  
8           **(A) certified as an inspector or installer by the Indiana**  
9           **Onsite Wastewater Professionals Association; and**  
10           **(B) a member in good standing of the Indiana Onsite**  
11           **Wastewater Professionals Association, including being**  
12           **current in meeting all continuing education and training**  
13           **requirements;**  
14           **is entitled to provide onsite sewage system service in any county in**  
15           **Indiana.**  
16           **(c) An individual entitled to provide onsite sewage system**  
17           **service in any county under subsection (b) may be required to pay**  
18           **a license fee in a county in which the individual provides onsite**  
19           **sewage system service under subsection (b).**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1647, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 13.

Page 2, delete lines 25 through 39.

Page 3, delete line 42, begin a new paragraph and insert:

**"(b) A residential onsite sewage system may be installed in a lot described in subsection (a) if at least one (1) site on the lot is determined to be suitable for the installation of the residential onsite sewage system."**

Page 4, delete lines 1 through 12.

Page 4, line 32, delete "If" and insert **"Subject to subsection (c), if"**.

Page 4, line 39, delete "fourteen (14)" and insert **"seven (7)"**.

Page 4, line 39, delete "However, an", begin a new paragraph and insert:

**"(c) An"**.

Page 4, line 41, delete "this subsection" and insert **"subsection (b)"**.

Page 4, line 41, after "situation" insert **"caused by a malfunction of the residential onsite sewage system"**.

Page 4, line 41, delete "creating" and insert **"that creates"**.

Page 5, line 32, delete "one (1) year" and insert **"sixty (60) days"**.

Page 9, line 40, delete "section 5" and insert **"sections 5 and 6"**.

Page 11, between lines 22 and 23, begin a new paragraph and insert:

**"Sec. 6. (a) An individual who, before July 1, 2023, was actively engaged in the work of:**

- (1) installing;**
- (2) inspecting; or**
- (3) providing maintenance or repair services for;**

**onsite sewage systems is entitled to obtain a license from the board under this section.**

**(b) To obtain a license from the board under this section, an individual described in subsection (a) must do the following:**

- (1) Register with the board as an individual entitled to a license under subsection (a).**
- (2) Provide to the board:**
  - (A) the individual's name and place of residence; and**
  - (B) a short description of the work described in subsection (a) in which the individual was engaged before July 1, 2023.**





**(3) Upon request, provide to the board:**

**(A) information identifying the area of Indiana in which the individual was engaged before July 1, 2023, in the work described in subsection (a); and**

**(B) documents or other information verifying that the individual was engaged before July 1, 2023, in work described in subsection (a), such as:**

**(i) the names and contact information of one (1) or more persons for whom the work was performed; and**

**(ii) copies of billing documents showing that the individual performed a type of work described in subsection (a) and was paid for the work.**

**(c) If the board determines that an individual who takes the actions described in subsection (b) is not entitled to obtain a license from the board under this section, the individual:**

**(1) is subject to section 1(a) of this chapter; and**

**(2) may obtain a license only under section 2 of this chapter.**

**However, a determination by the board that an individual is not entitled to obtain a license from the board under this section may be appealed under IC 4-21.5.**

**(d) An individual who obtains a license under this section:**

**(1) must be at least eighteen (18) years of age;**

**(2) is not required to successfully complete an onsite sewage system technician training course approved by the board;**

**(3) is not required to successfully complete:**

**(A) a licensing examination; or**

**(B) an installer and inspector certificate program of the Indiana Onsite Wastewater Professional Association;**

**(4) is not required to submit proof of insurance or a surety bond as described in section 2(a)(7) of this chapter;**

**(5) is not required to pay a licensing fee under this chapter;**

**(6) is not required:**

**(A) to renew the individual's license; or**

**(B) to pay a renewal fee;**

**under IC 25-23.8-5-1; and**

**(7) is not subject to continuing education requirements established by the board under IC 25-23.8-5-2.**

**(e) An individual who obtains a license under this section:**

**(1) is required to engage in the work described in subsection (a) in a legal, professional, and ethical manner; and**

**(2) is potentially subject to disciplinary action for a violation described in IC 25-23.8-6-1."**



Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1647 as introduced.)

MORRISON

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1647 be returned to the second reading calendar forthwith for the purpose of amendment.

MORRIS

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1647 be amended to read as follows:

Page 3, delete lines 15 through 16, begin a new line block indented and insert:

**"(2) an onsite sewage system technician; or".**

Page 4, delete lines 8 through 9, begin a new line block indented and insert:

**"(2) an onsite sewage system technician; or".**

Page 4, delete lines 40 through 42.

Delete pages 5 through 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1647 as printed February 16, 2023.)

MORRIS



## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1647, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 32, delete "IC 16-41-25-9" and insert "IC 16-41-25-8.5".

Page 2, line 34, delete "Sec. 9." and insert "**Sec. 8.5.**".

Page 4, after line 37, begin a new paragraph and insert:

"SECTION 6. IC 16-41-25-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12. (a) As used in this section, "onsite sewage system service" means:**

**(1) installing;**  
**(2) inspecting; and**  
**(3) providing maintenance and repair services for;**  
**residential onsite sewage systems.**

**(b) An individual who:**

**(1) is licensed in at least one (1) county of Indiana to provide onsite sewage system service in the county; and**

**(2) is:**

**(A) certified as an inspector or installer by the Indiana Onsite Wastewater Professionals Association; and**

**(B) a member in good standing of the Indiana Onsite Wastewater Professionals Association, including being current in meeting all continuing education and training requirements;**

**is entitled to provide onsite sewage system service in any county in Indiana.**

**(c) An individual entitled to provide onsite sewage system service in any county under subsection (b) may be required to pay a license fee in a county in which the individual provides onsite sewage system service under subsection (b)."**

and when so amended that said bill do pass.

(Reference is to HB 1647 as reprinted February 24, 2023.)

NIEMEYER, Chairperson

Committee Vote: Yeas 7, Nays 2.

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