

# SENATE BILL No. 229

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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 of 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, 2022.

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January 6, 2022, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 229

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, 2022]: 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, 2022]: **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, 2022]: 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, 2022]: **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, 2022.**
- 37 **(b) Before a construction worker may work onsite on the**
- 38 **erection, installation, alteration, repair, or remodeling of 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.

