



March 16, 2021

ENGROSSED SENATE BILL No. 303

DIGEST OF SB 303 (Updated March 15, 2021 12:52 pm - DI 133)

Citations Affected: IC 16-44.

Synopsis: Petroleum product inspection and dispenser notice. Establishes new maximum vapor pressure limits for gasoline and for gasohol (a blend of gasoline and ethanol). Provides that a fuel dispenser from which a retail customer dispenses gasohol containing more than 10% and not more than 15% ethanol must display the statement "Attention: E15. Check owner's manual for compatibility and warranty requirements." or a similar statement approved by the United States Environmental Protection Agency. Requires that this statement be displayed on a fuel dispenser next to the fuel grade selection button, as a part of or in addition to the label about the use of ethanol in certain vehicles and certain engines that is required under current federal regulations. Makes the failure of an owner or operator of a fuel dispenser to comply with this requirement a Class A infraction. Provides that the requirement to display this warning statement remains in effect until the state department of health makes a finding that regulations of the United States Environmental Protection Agency: (1) require a consumer warning on gasohol fuel dispensers about engine compatibility with gasohol or the potential effect of gasohol use on warranty coverage; or (2) no longer require the display on gasohol fuel dispensers of the federal warning label about the use of ethanol in certain vehicles and certain engines.

Effective: July 1, 2021.

Messmer, Zay, Randolph Lonnie M
(HOUSE SPONSOR — MCNAMARA)

January 11, 2021, read first time and referred to Committee on Environmental Affairs.
February 15, 2021, amended, reported favorably — Do Pass.
February 22, 2021, read second time, amended, ordered engrossed.
February 23, 2021, engrossed. Read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Environmental Affairs.
March 16, 2021, reported — Do Pass.

ES 303—LS 6681/DI 55



March 16, 2021

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.

ENGROSSED SENATE BILL No. 303

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 16-44-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The inspections
3 and tests made by the state department under this chapter shall be
4 conducted in accordance with the methods outlined by the American
5 Society for Testing and Materials.
6 (b) The inspections and tests as to gasoline, gasohol, and kerosene
7 must reflect the following minimum specifications necessary for the
8 approval of the product:
9 (1) Gasoline or gasohol:
10 (A) Corrosion Test – Method ASTM D-130. A clean copper
11 strip may not show more than extremely slight discoloration
12 when submerged in the gasoline for three (3) hours at one
13 hundred twenty-two (122) degrees Fahrenheit.
14 (B) Distillation Range – Method ASTM D-86. When the
15 thermometer reads one hundred sixty-seven (167) degrees
16 Fahrenheit, not less than ten percent (10%) may be evaporated.
17 When the thermometer reads two hundred eighty-four (284)

ES 303—LS 6681/DI 55



1 degrees Fahrenheit, not less than fifty percent (50%) may be
 2 evaporated. When the thermometer reads three hundred
 3 ninety-two (392) degrees Fahrenheit, not less than ninety
 4 percent (90%) may be evaporated. The residue may not exceed
 5 two percent (2%). Percent evaporated is found by adding the
 6 distillation loss to the amount collected in the receiver at each
 7 specification temperature.

8 (C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may
 9 not exceed twenty-five hundredths of one percent (0.25%).

10 (D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191,
 11 or any other ASTM method to determine vapor pressure
 12 approved by the United States Environmental Protection
 13 Agency **apply to this clause and clauses (E) through (G).**
 14 For gasoline, the Reid vapor pressure at one hundred (100)
 15 degrees Fahrenheit may not exceed: ~~the following:~~

16 (i) fifteen (15) pounds per square inch at the normal
 17 barometric pressure at the point of delivery during
 18 ~~November~~, December, January, February, and March;

19 (ii) ~~Fourteen (14)~~ **thirteen and five-tenths (13.5)** pounds
 20 per square inch during April, ~~and~~ October, **and November;**
 21 **(iii) eleven and five-tenths (11.5) pounds per square inch**
 22 **during September 16 through September 30; and**

23 ~~(iii) (iv) Twelve (12)~~ **nine (9)** pounds per square inch during
 24 May, June, July, August, and September **1 through**
 25 **September 15;**

26 **as regulated by the United States Environmental**
 27 **Protection Agency.**

28 (E) ~~Except as provided in clauses (F) and (G), for gasohol (a~~
 29 ~~blend of gasoline and alcohol); permitted under federal tax~~
 30 ~~requirements); (also known as gasoline-ethanol blend)~~
 31 **containing ethanol in a concentration of at least one**
 32 **percent (1%) by volume and not more than fifteen percent**
 33 **(15%) by volume, the vapor pressure may not exceed: the**
 34 **following:**

35 (i) sixteen (16) pounds per square inch during November,
 36 December, January, February, and March;

37 (ii) ~~Fifteen (15)~~ **fourteen and five-tenths (14.5)** pounds per
 38 square inch during April, ~~May~~, and October; **and**

39 **(iii) twelve and five-tenths (12.5) pounds per square inch**
 40 **during September 16 through September 30;**

41 **as regulated by the United States Environmental**
 42 **Protection Agency.**



1 **(F) For gasohol (also known as gasoline-ethanol blend)**
 2 **containing ethanol in a concentration of at least one**
 3 **percent (1%) by volume and less than nine percent (9%)**
 4 **by volume, the vapor pressure may not exceed ~~(iii) Thirteen~~**
 5 **~~(13) nine (9)~~ pounds per square inch:**

6 **(i) during May 1 ~~June, July, August, and~~ through September**
 7 **15 if measured at the terminal; and**

8 **(ii) during June 1 through September 15 if measured at**
 9 **retail;**

10 **as regulated by the United States Environmental**
 11 **Protection Agency.**

12 **(G) For gasohol (also known as gasoline-ethanol blend)**
 13 **containing ethanol in a concentration of at least nine**
 14 **percent (9%) by volume and not more than fifteen percent**
 15 **(15%) by volume, the vapor pressure may not exceed ten**
 16 **(10) pounds per square inch:**

17 **(i) during May 1 through September 15 if measured at**
 18 **the terminal; and**

19 **(ii) during June 1 through September 15 if measured at**
 20 **retail;**

21 **as regulated by the United States Environmental**
 22 **Protection Agency.**

23 **~~(F)~~ (H) After July 23, 2004, gasoline may not contain more**
 24 **than one-half percent (0.5%) of MTBE by volume.**

25 **(2) Kerosene:**

26 **(A) Flash Test – Method ASTM D-56. Flash point may not be**
 27 **lower than one hundred (100) degrees Fahrenheit.**

28 **(B) For the purpose of this chapter, any petroleum product**
 29 **designated by name or reference as "kerosene" must meet the**
 30 **federal specifications for kerosene VV-K-211d in effect on**
 31 **March 1, 1977.**

32 **(c) Gasoline, gasohol, and kerosene products that do not comply**
 33 **with the minimum specifications described in subsection (b) may not**
 34 **be sold, offered for sale, or used in Indiana.**

35 **(d) Petroleum products other than gasoline, gasohol, or kerosene**
 36 **shall be inspected and tested by the methods as are necessary to**
 37 **determine the contents and characteristics of the product.**

38 **(e) Compliant conventional gasoline to which 326 IAC 13-3**
 39 **applies is subject to vapor pressure requirements more stringent**
 40 **than those set forth in subsection (b)(1)(D).**

41 **(f) Compliant conventional gasoline to which 326 IAC 13-3**
 42 **applies and federal reformulated gasoline are subject to vapor**



1 pressure requirements more stringent than those set forth in
2 subsection (b)(1)(E) through (b)(1)(G).

3 SECTION 2. IC 16-44-2-9.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2021]: Sec. 9.5. (a) As used in this section, "gasohol" means a
6 blend of gasoline and ethanol that includes, by volume, more than
7 ten percent (10%) and not more than fifteen percent (15%)
8 ethanol.

9 (b) Subject to subsection (c), there must be displayed on a fuel
10 dispenser from which a retail customer dispenses gasohol, next to
11 the fuel grade selection button, as a part of or in addition to the
12 label required to be affixed to the dispenser under 40 CFR 80.1501
13 as in effect on January 1, 2021, this printed statement in 14 point,
14 black, Helvetica Bold font: "Attention: E15. Check owner's manual
15 for compatibility and warranty requirements." or a similar
16 statement approved by the United States Environmental Protection
17 Agency.

18 (c) Subsection (b) remains in effect until the state department:
19 (1) makes a finding that the regulations of the United States
20 Environmental Protection Agency:

21 (A) require the display on gasohol fuel dispensers of a
22 consumer warning related to:

23 (i) engine compatibility with gasohol; or

24 (ii) the potential effect of gasohol use on warranty
25 coverage; or

26 (B) no longer require a label to be affixed to gasohol fuel
27 dispensers under 40 CFR 80.1501; and

28 (2) publishes its finding in the Indiana Register under
29 IC 4-22-7-7.

30 (d) A person who:

31 (1) owns or operates a fuel dispenser to which subsection (b)
32 applies; and

33 (2) fails to comply with subsection (b);

34 commits a Class A infraction.

35 SECTION 3. IC 16-44-2-22 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. Except as provided
37 in sections 9 and ~~10~~ 9.5 of this chapter, a person who recklessly
38 violates this chapter commits a Class B misdemeanor.



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 303, 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 3, line 20, delete "ethanol that includes, by volume, more than" and insert "**alcohol.**".

Page 3, delete lines 21 through 22.

Page 3, line 24, delete "gasohol," and insert "**gasohol that contains more than ten percent (10%) alcohol by volume, next to the place on the fuel dispenser where the fuel selection is made,**".

Page 3, delete lines 31 through 36, begin a new line block indented and insert:

"(1) makes a finding that the regulations of the United States Environmental Protection Agency:

(A) require the display on gasohol fuel dispensers of a consumer warning related to:

(i) engine compatibility with gasohol; or

(ii) the potential effect of gasohol use on warranty coverage; or

(B) no longer require a label to be affixed to gasohol fuel dispensers under 40 CFR 80.1501; and".

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 10, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 16-44-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

ES 303—LS 6681/DI 55



(b) The inspections and tests as to gasoline, gasohol, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

(1) Gasoline or gasohol:

(A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.

(B) Distillation Range – Method ASTM D-86. When the thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency **apply to this clause and clauses (E) through (G)**. For gasoline, the Reid vapor pressure at one hundred (100) degrees Fahrenheit may not exceed: ~~the following:~~

(i) fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during ~~November~~, December, January, February, and March;

(ii) ~~Fourteen (14)~~ **thirteen and five-tenths (13.5)** pounds per square inch during April, ~~and~~ October, **and November;**

(iii) eleven and five-tenths (11.5) pounds per square inch during September 16 through September 30; and

~~(iii) (iv) Twelve (12)~~ **nine (9)** pounds per square inch during May, June, July, August, and September **1 through September 15;**

as regulated by the United States Environmental Protection Agency.

(E) **Except as provided in clauses (F) and (G), for gasohol (a blend of gasoline and alcohol); permitted under federal tax requirements); (also known as gasoline-ethanol blend)**



containing ethanol in a concentration of at least one percent (1%) by volume and not more than fifteen percent (15%) by volume, the vapor pressure may not exceed: the following:

- (i) sixteen (16) pounds per square inch during November, December, January, February, and March;
- (ii) ~~Fifteen (15)~~ **fourteen and five-tenths (14.5)** pounds per square inch during April, ~~May~~, and October; **and**
- (iii) **twelve and five-tenths (12.5) pounds per square inch during September 16 through September 30;**

as regulated by the United States Environmental Protection Agency.

(F) For gasohol (also known as gasoline-ethanol blend) containing ethanol in a concentration of at least one percent (1%) by volume and less than nine percent (9%) by volume, the vapor pressure may not exceed ~~(iii) Thirteen (13)~~ **nine (9) pounds per square inch:**

- (i) during May 1 ~~June, July, August, and~~ **through September 15 if measured at the terminal; and**
- (ii) **during June 1 through September 15 if measured at retail;**

as regulated by the United States Environmental Protection Agency.

(G) For gasohol (also known as gasoline-ethanol blend) containing ethanol in a concentration of at least nine percent (9%) by volume and not more than fifteen percent (15%) by volume, the vapor pressure may not exceed **ten (10) pounds per square inch:**

- (i) **during May 1 through September 15 if measured at the terminal; and**
- (ii) **during June 1 through September 15 if measured at retail;**

as regulated by the United States Environmental Protection Agency.

~~(F)~~ **(H) After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.**

(2) Kerosene:

- (A) Flash Test – Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.
- (B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on



March 1, 1977.

(c) Gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product.

(e) Compliant conventional gasoline to which 326 IAC 13-3 applies is subject to vapor pressure requirements more stringent than those set forth in subsection (b)(1)(D).

(f) Compliant conventional gasoline to which 326 IAC 13-3 applies and federal reformulated gasoline are subject to vapor pressure requirements more stringent than those set forth in subsection (b)(1)(E) through (b)(1)(G)."

Delete page 2.

Page 3, delete lines 1 through 16.

Page 3, line 20, delete "alcohol." and insert **"ethanol that includes, by volume, more than ten percent (10%) and not more than fifteen percent (15%) ethanol."**

Page 3, line 22, delete "gasohol that" and insert **"gasohol,"**

Page 3, line 23, delete "contains more than ten percent (10%) alcohol by volume,".

Page 3, line 24, delete "place on the fuel dispenser where the fuel selection is made," and insert **"fuel grade selection button,"**

Page 3, line 26, delete "a" and insert **"this"**.

Page 3, line 27, delete "setting forth the following text".

Page 3, line 28, delete **"Check"** and insert **"Attention: E15. Check"**.

Page 3, line 29, after "requirements." insert **"or a similar statement approved by the United States Environmental Protection Agency."**

(Reference is to SB 303 as printed February 16, 2021.)

MESSMER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 303, has had the same under consideration and

ES 303—LS 6681/DI 55



begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 303 as reprinted February 23, 2021.)

GUTWEIN

Committee Vote: Yeas 11, Nays 1

