

# SENATE BILL No. 379

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-19-3-4; IC 16-20-1-21; IC 16-22-8-34; IC 20-34-3-27.

**Synopsis:** Schools and COVID-19. Provides that the governing body of a school corporation, a charter school, a state accredited nonpublic school, or an eligible school: (1) may require a student or employee to wear a face mask or face covering on school premises or while using school transportation; and (2) may not require a student or employee to quarantine or isolate unless the student or employee tests positive for COVID-19 or exhibits a symptom of COVID-19. Allows a student or employee who exhibits a symptom of COVID-19 to return to school if the student or employee has a subsequent negative COVID-19 test. Requires a school to adopt a policy concerning a student's or employee's religious and medical needs. Provides that certain governmental entities may make recommendations to, but may not impose certain requirements on, a school concerning the prevention of COVID-19. Makes conforming changes.

**Effective:** July 1, 2022.

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## Raatz

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January 11, 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. 379

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

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

1 SECTION 1. IC 16-19-3-4, AS AMENDED BY P.L.113-2014,  
2 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) **Except as provided in**  
4 **IC 20-34-3-27**, the executive board may, by an affirmative vote of a  
5 majority of its members, adopt reasonable rules on behalf of the state  
6 department to protect or to improve the public health in Indiana.  
7 (b) The rules may concern but are not limited to the following:  
8 (1) Nuisances dangerous to public health.  
9 (2) The pollution of any water supply other than where  
10 jurisdiction is in the environmental rules board and department of  
11 environmental management.  
12 (3) The disposition of excremental and sewage matter.  
13 (4) The control of fly and mosquito breeding places.  
14 (5) The detection, reporting, prevention, and control of diseases  
15 that affect public health.  
16 (6) The care of maternity and infant cases and the conduct of  
17 maternity homes.



- 1 (7) The production, distribution, and sale of human food.  
 2 (8) Except as provided in section 4.4 of this chapter, the conduct  
 3 of camps.  
 4 (9) Standards of cleanliness of eating facilities for the public.  
 5 (10) Standards of cleanliness of sanitary facilities offered for  
 6 public use.  
 7 (11) The handling, disposal, disinterment, and reburial of dead  
 8 human bodies.  
 9 (12) Vital statistics.  
 10 (13) Sanitary conditions and facilities in public buildings and  
 11 grounds, including plumbing, drainage, sewage disposal, water  
 12 supply, lighting, heating, and ventilation, other than where  
 13 jurisdiction is vested by law in the fire prevention and building  
 14 safety commission or other state agency.  
 15 (14) The design, construction, and operation of swimming and  
 16 wading pools. However, the rules governing swimming and  
 17 wading pools do not apply to a pool maintained by an individual  
 18 for the sole use of the individual's household and house guests.
- 19 SECTION 2. IC 16-20-1-21 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 21. **Except as**  
 21 **provided in IC 20-34-3-27**, each local health board has the  
 22 responsibility and authority to take any action authorized by statute or  
 23 rule of the state department to control communicable diseases. The  
 24 board of each local health department or a designated representative  
 25 may make sanitary and health inspections to carry out this chapter and  
 26 IC 16-20-8.
- 27 SECTION 3. IC 16-22-8-34, AS AMENDED BY P.L.229-2019,  
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: Sec. 34. (a) **Except as provided in IC 20-34-3-27**, the  
 30 board or corporation may do all acts necessary or reasonably incident  
 31 to carrying out the purposes of this chapter, including the following:  
 32 (1) As a municipal corporation, sue and be sued in any court with  
 33 jurisdiction.  
 34 (2) To serve as the exclusive local board of health and local  
 35 department of health within the county with the powers and duties  
 36 conferred by law upon local boards of health and local  
 37 departments of health.  
 38 (3) To adopt and enforce ordinances consistent with Indiana law  
 39 and administrative rules for the following purposes:  
 40 (A) To protect property owned or managed by the corporation.  
 41 (B) To determine, prevent, and abate public health nuisances.  
 42 (C) To establish isolation and quarantine regulations in



- 1 accordance with IC 16-41-9.  
 2 (D) To license, regulate, and establish minimum sanitary  
 3 standards for the operation of a business handling, producing,  
 4 processing, preparing, manufacturing, packing, storing,  
 5 selling, distributing, or transporting articles used for food,  
 6 drink, confectionery, or condiment in the interest of the public  
 7 health.  
 8 (E) To control:  
 9 (i) rodents, mosquitos, and other animals, including insects,  
 10 capable of transmitting microorganisms and disease to  
 11 humans and other animals; and  
 12 (ii) the animals' breeding places.  
 13 (F) Subject to subsection (c), to require persons to connect to  
 14 available sewer systems and to regulate the disposal of  
 15 domestic or sanitary sewage by private methods. However, the  
 16 board and corporation have no jurisdiction over publicly  
 17 owned or financed sewer systems or sanitation and disposal  
 18 plants.  
 19 (G) To control rabies.  
 20 (H) For the sanitary regulation of water supplies for domestic  
 21 use.  
 22 (I) To protect, promote, or improve public health. For public  
 23 health activities and to enforce public health laws, the state  
 24 health data center described in IC 16-19-10 shall provide  
 25 health data, medical information, and epidemiological  
 26 information to the corporation.  
 27 (J) To detect, report, prevent, and control disease affecting  
 28 public health.  
 29 (K) To investigate and diagnose health problems and health  
 30 hazards.  
 31 (L) To regulate the sanitary and structural conditions of  
 32 residential and nonresidential buildings and unsafe premises.  
 33 (M) To regulate the remediation of lead hazards.  
 34 (N) To license and regulate the design, construction, and  
 35 operation of public pools, spas, and beaches.  
 36 (O) To regulate the storage, containment, handling, use, and  
 37 disposal of hazardous materials.  
 38 (P) To license and regulate tattoo and body piercing facilities.  
 39 (Q) To regulate the storage and disposal of waste tires.  
 40 (4) To manage the corporation's hospitals, medical facilities, and  
 41 mental health facilities.  
 42 (5) To furnish health and nursing services to elementary and



- 1 secondary schools within the county.  
 2 (6) To furnish medical care to insured and uninsured residents of  
 3 the county.  
 4 (7) To furnish dental services to the insured and uninsured  
 5 residents of the county.  
 6 (8) To establish public health programs.  
 7 (9) To adopt an annual budget ordinance and levy taxes.  
 8 (10) To incur indebtedness in the name of the corporation.  
 9 (11) To organize the corporation into divisions.  
 10 (12) To acquire and dispose of property.  
 11 (13) To receive charitable contributions and gifts as provided in  
 12 26 U.S.C. 170.  
 13 (14) To make charitable contributions and gifts.  
 14 (15) To establish a charitable foundation as provided in 26 U.S.C.  
 15 501.  
 16 (16) To receive and distribute federal, state, local, or private  
 17 grants.  
 18 (17) To receive and distribute grants from charitable foundations.  
 19 (18) To establish corporations and enter into partnerships and  
 20 joint ventures to carry out the purposes of the corporation. This  
 21 subdivision does not authorize the merger of the corporation with  
 22 a hospital licensed under IC 16-21.  
 23 (19) To erect, improve, remodel, or repair corporation buildings.  
 24 (20) To determine operating procedures.  
 25 (21) To do the following:  
 26 (A) Adopt a schedule of reasonable charges for nonresidents  
 27 of the county for medical and mental health services.  
 28 (B) Collect the charges from the patient, the patient's insurance  
 29 company, or a government program.  
 30 (C) Require security for the payment of the charges.  
 31 (22) To adopt a schedule of and to collect reasonable charges for  
 32 medical and mental health services.  
 33 (23) To enforce Indiana laws, administrative rules, ordinances,  
 34 and the code of the health and hospital corporation of the county.  
 35 (24) To purchase supplies, materials, and equipment.  
 36 (25) To employ personnel and establish personnel policies.  
 37 (26) To employ attorneys admitted to practice law in Indiana.  
 38 (27) To acquire, erect, equip, and operate the corporation's  
 39 hospitals, medical facilities, and mental health facilities.  
 40 (28) To dispose of surplus property in accordance with a policy by  
 41 the board.  
 42 (29) To determine the duties of officers and division directors.



- 1 (30) To fix the compensation of the officers and division  
 2 directors.  
 3 (31) To carry out the purposes and object of the corporation.  
 4 (32) To obtain loans for hospital expenses in amounts and upon  
 5 terms agreeable to the board. The board may secure the loans by  
 6 pledging accounts receivable or other security in hospital funds.  
 7 (33) To establish fees for licenses, services, and records. The  
 8 corporation may accept payment by credit card for fees.  
 9 IC 5-14-3-8(d) does not apply to fees established under this  
 10 subdivision for certificates of birth, death, or stillbirth  
 11 registration.  
 12 (34) To use levied taxes or other funds to make intergovernmental  
 13 transfers to the state to fund governmental health care programs,  
 14 including Medicaid and Medicaid supplemental programs.  
 15 (b) The board shall exercise the board's powers and duties in a  
 16 manner consistent with Indiana law, administrative rules, and the code  
 17 of the health and hospital corporation of the county.  
 18 (c) This subsection does not affect a septic tank elimination program  
 19 approved by the commission. Except as provided in subsection (d), if,  
 20 within a county containing a consolidated city:  
 21 (1) a main sewer line is extended for the purpose of connecting  
 22 one (1) or more residential or commercial properties to a sanitary  
 23 sewer system; and  
 24 (2) the extension connecting the residential or commercial  
 25 property or properties referred to in subdivision (1) to the sanitary  
 26 sewer system, when completed, will be located close enough to  
 27 the property line of a residential property served by a septic  
 28 system to authorize the board or corporation to order the  
 29 connection of the residential property to the extension under the  
 30 ordinances adopted under section 6(b)(4) of this chapter;  
 31 the board or corporation may not exercise its power under subsection  
 32 (a)(3)(F) to require the residential property served by the septic system  
 33 to be connected to the extension referred to in subdivision (1).  
 34 (d) The board or corporation may exercise its power under  
 35 subsection (a)(3)(F) to require a residential property served by a septic  
 36 system to be connected to an extension described in subsection (c) if:  
 37 (1) the state department of health; or  
 38 (2) the board or corporation;  
 39 determines that the septic system serving the residential property is  
 40 failing, as described in IC 36-9-23-30.1(b).  
 41 SECTION 4. IC 20-34-3-27 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2022]: Sec. 27. (a) As used in this section, "COVID-19" has the  
2 meaning set forth in IC 16-39-11-1.

3 (b) As used in this section, "face mask or face covering" means  
4 a covering for the nose and mouth that is worn to reduce the  
5 spread of an infectious agent or other pathogen.

6 (c) As used in this section, "legislative body" means the  
7 following:

8 (1) Except as provided in subdivision (2), the board of county  
9 commissioners for a county operating a county health  
10 department under IC 16-20-2 or participating in a multiple  
11 county health department under IC 16-20-3.

12 (2) The county council for a county that is subject to  
13 IC 36-2-3.5.

14 (3) The common council for a city (as defined in IC 36-1-2-3)  
15 that operates a city health department under IC 16-20-4.

16 (4) The city-county council for a county having a consolidated  
17 city.

18 (d) As used in this section, "local health board" means a board  
19 of health referred to in IC 16-20 or IC 16-22-8.

20 (e) As used in this section, "local health officer" means a local  
21 health officer as referred to in IC 16-20 or IC 16-22-8.

22 (f) As used in this section, "school" means any of the following:

23 (1) A school maintained by a school corporation.

24 (2) A charter school.

25 (3) A state accredited nonpublic school.

26 (4) An eligible school (as defined in IC 20-51-1-4.7).

27 (g) As used in this section, "symptom" refers to a symptom that  
28 is recognized by the state department of health as a symptom of  
29 COVID-19.

30 (h) Notwithstanding any other law, the governing body of a  
31 school may require:

32 (1) a student; or

33 (2) an employee of the school;

34 to wear a face mask or face covering on school premises or while  
35 using school transportation.

36 (i) Notwithstanding any other law, the governing body of a  
37 school may not require a student or an employee of the school to  
38 isolate or quarantine unless the student or employee:

39 (1) has tested positive for; or

40 (2) exhibits a symptom of;

41 COVID-19. However, if a student or employee who exhibits a  
42 symptom of COVID-19 has a subsequent negative COVID-19 test,



- 1 the student or employee may return to school.
- 2 (j) A school shall adopt a policy to recognize a student's or  
3 employee's medical or religious needs.
- 4 (k) The state department of health, a local health board, a local  
5 health officer, or a legislative body may make recommendations to  
6 a school concerning the prevention of COVID-19, including the:
- 7 (1) use of face masks or face coverings; and  
8 (2) isolation or quarantining of a student or school employee  
9 who tests positive for or has been exposed to COVID-19.
- 10 (l) Notwithstanding any other law, the state department of  
11 health, a local health board, a local health officer, or a legislative  
12 body may not require that a student enrolled in a school or an  
13 employee of a school do any of the following:
- 14 (1) Wear a face mask or face covering on school premises or  
15 while using school transportation.  
16 (2) Isolate or quarantine unless the student or employee tests  
17 positive for COVID-19 or exhibits a symptom of COVID-19.

