

HOUSE BILL No. 1169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22-12-1; IC 12-8-10-1; IC 16-18-2; IC 16-19; IC 16-21-15; IC 16-38; IC 16-42-18.5; IC 16-46-16.5-2; IC 20-35-12; IC 25-1-2-8; IC 35-45-21-4; IC 36-2-14-6.7.

Synopsis: Department of health matters. Repeals and relocates laws concerning: (1) rules regulating the sanitary operation of tattoo parlors and body piercing facilities; (2) allowing the executive board of the state department of health (board) to adopt rules on behalf of the state department of health (department); (3) allowing the board to adopt emergency rules; (4) sanitation of public buildings and institutions; and (5) authority to adopt rules concerning the federal Clinical Laboratory Improvement Amendments. Repeals laws concerning: (1) safety guidelines for children during bad weather conditions; (2) automated external defibrillator rules in health clubs; (3) requiring the state health commissioner (commissioner) to comment on certain rules; (4) fees for serological tests; (5) the administrative unit for special institutions; (6) protection and regulation of department property; (7) allowing a parent of a child who is deaf or hard of hearing to opt out of the administration of the annual assessment; and (8) the registry of blind persons. Removes intemperance as a reason to remove a local health officer. Specifies that the department may request the office of administrative law proceedings to designate a person to administer a proceeding. Requires the department to provide facilities and disseminate information to the public concerning oral public health. Allows the department to have a designee to maintain a 24 hour poisons answering service. Adds information on prenatal care to the department's telephone information service concerning children with long term health care needs. Changes the reference from "illegal drug use" to "substance use disorder" for purposes of partnership and joint ventures with the department. Requires the department to employ a licensed
(Continued next page)

Effective: Upon passage; July 1, 2022.

Clere, Barrett, Lehman, Fleming

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



Digest Continued

physician as the chief medical officer. Allows the chief medical officer to perform the functions of the commissioner when the commissioner is not available. Specifies that the state health laboratory (laboratory) must be used to support public health. Changes the title of the person who manages the laboratory. Removes certain requirements concerning the appointment of the laboratory director and chemist. Removes a requirement that a director must report to the commissioner. Requires holders of a certificate of public advantage to pay for reasonable charges incurred by the department. Changes the requirement that the department "shall" to "may" use information compiled by a public or private entity to the greatest extent possible to develop a chronic disease registry. Allows the department to issue a certificate of free sale to a business that meets certain requirements. Amends the definition of "person" for purposes of the state health improvement plan and grant program. Amends the definition of "deaf or hard of hearing" for purposes of the laws governing language development for children who are deaf or hard of hearing. Requires a county coroner to perform a comprehensive autopsy before certifying the cause of death as sudden unexplained infant death. Makes technical and conforming changes.



Introduced

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.

HOUSE BILL No. 1169

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 5-22-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. This chapter applies
3 only to the following governmental bodies:
4 (1) A state institution (as defined in IC 12-7-2-184).
5 (2) A penal facility operated by the department of correction.
6 ~~(3) An institution operated by the state department of health under~~
7 ~~IC 16-19-6.~~
8 ~~(4)~~ **(3)** A political subdivision.
9 SECTION 2. IC 12-8-10-1, AS AMENDED BY P.L.32-2021,
10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2022]: Sec. 1. This chapter applies only to the indicated
12 money of the following state agencies to the extent that the money is
13 used by the agency to obtain services from grantee agencies to carry
14 out the program functions of the agency:
15 (1) Money appropriated or allocated to a state agency from money



- 1 received by the state under the federal Social Services Block
 2 Grant Act (42 U.S.C. 1397 et seq.).
 3 (2) The division of aging, except this chapter does not apply to
 4 money expended under the following:
 5 (A) The following statutes, unless application of this chapter
 6 is required by another subdivision of this section:
 7 (i) IC 12-10-6.
 8 (ii) IC 12-10-12 (before its expiration).
 9 (B) Epilepsy services.
 10 (3) The division of family resources, for money expended under
 11 the following programs:
 12 (A) The child development associate scholarship program.
 13 (B) The dependent care program.
 14 (C) Migrant day care.
 15 (D) The commodities program.
 16 (E) The migrant nutrition program.
 17 (F) Any emergency shelter program.
 18 (G) The energy weatherization program.
 19 (4) The state department of health, for money expended under ~~the~~
 20 ~~following statutes:~~
 21 ~~(A) IC 16-19-10.~~
 22 ~~(B) IC 16-38-3.~~
 23 (5) The group.
 24 (6) All state agencies, for any other money expended for the
 25 purchase of services if all the following apply:
 26 (A) The purchases are made under a contract between the state
 27 agency and the office of the secretary.
 28 (B) The contract includes a requirement that the office of the
 29 secretary perform the duties and exercise the powers described
 30 in this chapter.
 31 (C) The contract is approved by the budget agency.
 32 (7) The division of mental health and addiction.
 33 SECTION 3. IC 16-18-2-4 IS REPEALED [EFFECTIVE JULY 1,
 34 2022]. ~~Sec. 4. "Administrative unit", for purposes of IC 16-19-6, has~~
 35 ~~the meaning set forth in IC 16-19-6-1.~~
 36 SECTION 4. IC 16-18-2-52.2 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2022]: **Sec. 52.2. "Certificate of free sale",**
 39 **for purposes of IC 16-42-18.5, has the meaning set forth in**
 40 **IC 16-42-18.5-1.**
 41 SECTION 5. IC 16-18-2-62 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 62. (a) ~~"Commission";~~



1 for purposes of IC 16-19-6; refers to the commission for special
2 institutions.

3 ~~(b)~~ (a) "Commission", for purposes of IC 16-31, refers to the
4 Indiana emergency medical services commission.

5 ~~(c)~~ (b) "Commission", for purposes of IC 16-46-11.1, has the
6 meaning set forth in IC 16-46-11.1-1.

7 SECTION 6. IC 16-19-2-9 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. The members shall
9 elect one (1) member as ~~chairman~~ **chairperson** of the executive board.
10 The ~~chairman~~ **chairperson** shall serve for a term of two (2) years,
11 unless the person's term of office as a member of the executive board
12 expires sooner.

13 SECTION 7. IC 16-19-3-4, AS AMENDED BY P.L.113-2014,
14 SECTION 102, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The executive board may, by
16 an affirmative vote of a majority of its members, adopt reasonable rules
17 on behalf of the state department to protect or to improve the public
18 health in Indiana.

19 (b) The rules may concern but are not limited to the following:

- 20 (1) Nuisances dangerous to public health.
21 (2) The pollution of any water supply other than where
22 jurisdiction is in the environmental rules board and department of
23 environmental management.
24 (3) The disposition of excremental and sewage matter.
25 (4) The control of fly and mosquito breeding places.
26 (5) The detection, reporting, prevention, and control of diseases
27 that affect public health.
28 (6) The care of maternity and infant cases and the conduct of
29 maternity homes.
30 (7) The production, distribution, and sale of human food.
31 (8) Except as provided in section 4.4 of this chapter, the conduct
32 of camps.
33 (9) Standards of cleanliness of eating facilities for the public.
34 (10) Standards of cleanliness of sanitary facilities offered for
35 public use.
36 (11) The handling, disposal, disinterment, and reburial of dead
37 human bodies.
38 (12) Vital statistics.
39 (13) Sanitary conditions and facilities in public buildings and
40 grounds, including plumbing, drainage, sewage disposal, water
41 supply, lighting, heating, and ventilation, other than where
42 jurisdiction is vested by law in the fire prevention and building



1 safety commission or other state agency.

2 (14) The design, construction, and operation of swimming and
3 wading pools. However, the rules governing swimming and
4 wading pools do not apply to a pool maintained by an individual
5 for the sole use of the individual's household and house guests.

6 **(c) The executive board shall adopt reasonable rules to regulate
7 the following:**

8 **(1) The sanitary operation of tattoo parlors.**

9 **(2) The sanitary operation of body piercing facilities.**

10 **(d) The executive board may adopt rules on behalf of the state
11 department for the efficient enforcement of this title, except as
12 otherwise provided. However, fees for inspections relating to
13 weight and measures may not be established by the rules.**

14 **(e) The executive board may declare that a rule described in
15 subsection (d) is necessary to meet an emergency and adopt the
16 rule under IC 4-22-2-37.1.**

17 **(f) The rules of the state department may not be inconsistent
18 with this title and or any other state law.**

19 SECTION 8. IC 16-19-3-4.1 IS REPEALED [EFFECTIVE JULY
20 1, 2022]. Sec. 4.1: The executive board shall adopt reasonable rules to
21 regulate the sanitary operation of tattoo parlors.

22 SECTION 9. IC 16-19-3-4.2 IS REPEALED [EFFECTIVE JULY
23 1, 2022]. Sec. 4.2: The executive board shall adopt reasonable rules to
24 regulate the sanitary operation of body piercing facilities.

25 SECTION 10. IC 16-19-3-5 IS REPEALED [EFFECTIVE JULY 1,
26 2022]. Sec. 5: (a) The executive board may adopt rules on behalf of the
27 state department for the efficient enforcement of this title; except as
28 otherwise provided. However, fees for inspections relating to weight
29 and measures may not be established by the rules.

30 (b) The executive board may declare that a rule described in
31 subsection (a) is necessary to meet an emergency and adopt the rule
32 under IC 4-22-2-37.1.

33 SECTION 11. IC 16-19-3-6 IS REPEALED [EFFECTIVE JULY 1,
34 2022]. Sec. 6: The rules of the state department may not be inconsistent
35 with this title or any other Indiana statute.

36 SECTION 12. IC 16-19-3-6.5 IS REPEALED [EFFECTIVE JULY
37 1, 2022]. Sec. 6.5: (a) The state department shall adopt guidelines
38 concerning the safety of children during bad weather conditions.

39 (b) The guidelines adopted under subsection (a) must include a
40 listing of places that are safe during the following types of weather
41 conditions:

42 **(A) Blizzards.**



- 1 (B) Tornadoes.
 2 (C) Rain storms.
 3 (D) Lightning storms.
 4 (E) Hail storms.
 5 (F) Wind storms.
 6 (G) Extreme heat.
 7 (H) Any other weather condition for which the National Weather
 8 Service issues an advisory, a watch, or a warning.
 9 (e) The guidelines adopted under subsection (a) must cover the
 10 following types of events and places where children may be exposed to
 11 weather conditions:
 12 (1) Schools and activities organized by schools.
 13 (2) Child care centers and child care homes licensed under
 14 IC 12-17.2.
 15 (3) Preschool (as defined in IC 12-7-2-143.5).
 16 (4) Organized sporting events.
 17 (5) Public parks.
 18 (d) The state department shall:
 19 (1) distribute the guidelines adopted under subsection (a) to the
 20 department of education, which shall then distribute the
 21 guidelines to each:
 22 (A) school corporation; and
 23 (B) nonpublic school; and
 24 (2) make available the guidelines adopted under subsection (a) to
 25 any person that:
 26 (A) operates a place; or
 27 (B) organizes or conducts an activity or event;
 28 described in subsection (c).
 29 SECTION 13. IC 16-19-3-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The state
 31 department may make sanitary inspections and surveys throughout
 32 Indiana and of all public buildings and institutions.
 33 (b) The state department may make indoor air quality inspections of
 34 all public buildings and institutions that are occupied by an agency of
 35 state or local government.
 36 (c) **The state department may enforce all laws and rules**
 37 **concerning the character and location of plumbing, drainage,**
 38 **water supply, disposal of sewage, lighting, heating, and ventilation**
 39 **and all sanitary features of all public buildings and institutions.**
 40 (e) (d) After due notice is given, the state department may enter
 41 upon and inspect private property in regard to the presence of cases of
 42 infectious and contagious diseases and the possible cause and source



1 of diseases.

2 SECTION 14. IC 16-19-3-8 IS REPEALED [EFFECTIVE JULY 1,
3 2022]. ~~Sec. 8: The state department may enforce all laws and rules
4 concerning the character and location of plumbing, drainage, water
5 supply, disposal of sewage, lighting, heating, and ventilation and all
6 sanitary features of all public buildings and institutions.~~

7 SECTION 15. IC 16-19-3-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. The state
9 department may remove a local health officer in the state for any of the
10 following reasons:

11 ~~(1) Intemperance.~~

12 ~~(2) (1) Failure to collect vital statistics.~~

13 ~~(3) (2) Failure to obey rules.~~

14 ~~(4) (3) Failure to keep records.~~

15 ~~(5) (4) Failure to make reports.~~

16 ~~(6) (5) Failure to answer letters of inquiry of the state department
17 concerning the health of the people.~~

18 ~~(7) (6) Neglect of official duty.~~

19 SECTION 16. IC 16-19-3-17 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. Whenever a hearing
21 is provided for or authorized to be held by the state department, the
22 state department may **request that the office of administrative law**
23 **proceedings** designate a person as the state department's agent or
24 representative to ~~conduct the hearings.~~ **administer the proceeding.**
25 The agent or representative **selected by the office of administrative**
26 **law proceedings** shall ~~conduct the hearings~~ **administer the**
27 **proceeding** in the manner provided by law.

28 SECTION 17. IC 16-19-3-20 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. The state
30 department shall provide facilities and personnel for investigation,
31 research, and dissemination of knowledge to the public concerning
32 ~~dental oral~~ public health.

33 SECTION 18. IC 16-19-3-22 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 22. (a) The state
35 department **or the state department's designee** shall maintain a
36 toll-free telephone answering service to provide information on safety
37 precautions and emergency procedures with regard to poisons.

38 (b) The telephone number shall be widely disseminated throughout
39 Indiana and shall be manned on a twenty-four (24) hour per day basis.

40 (c) The telephone companies in Indiana, the state department, all
41 hospitals, and all other boards or commissions registering or licensing
42 health care professions or emergency medical services shall cooperate



1 in making the toll-free telephone number available to the public.

2 SECTION 19. IC 16-19-3-23 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 23. (a) The state
4 department shall maintain a toll-free telephone line to provide
5 information, referral, follow-up, and personal assistance concerning
6 federal, state, local, and private programs that provide **the following:**

7 (1) Services to children less than twenty-one (21) years of age
8 with long term health care needs.

9 (2) **Assistance to pregnant women to obtain prenatal care.**

10 (b) The state department shall provide the telephone service
11 **required in subsection (a)** to the following:

12 (1) Families with children having long term health care needs.

13 (2) **Pregnant women.**

14 ~~(2)~~ (3) Health care providers.

15 ~~(3)~~ (4) Employees of state and local governmental entities.

16 ~~(4)~~ (5) Educators.

17 ~~(5)~~ (6) Other entities that provide services to children with long
18 term health care needs.

19 ~~(b)~~ (c) The state department may adopt rules under IC 4-22-2 to
20 implement this section.

21 SECTION 20. IC 16-19-3-27.5, AS ADDED BY P.L.261-2019,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2022]: Sec. 27.5. (a) As used in this section, "technology new
24 to Indiana" (referred to in this section as "TNI") means sewage
25 treatment or disposal methods, processes, or equipment that are not
26 described in the administrative rules of the state department or the
27 executive board concerning residential onsite sewage systems (410
28 IAC 6-8.3) or commercial onsite sewage systems (410 IAC 6-10.1).

29 (b) The state department shall establish and maintain a technical
30 review panel consisting of individuals with technical or scientific
31 knowledge relating to onsite sewage systems. The technical review
32 panel shall:

33 (1) decide under subsection (f) whether to approve:

34 (A) proprietary residential wastewater treatment devices; and

35 (B) proprietary commercial wastewater treatment devices;

36 for general use in Indiana;

37 (2) biannually review the performance of residential septic
38 systems and commercial onsite sewage systems;

39 (3) assist the state department in developing standards and
40 guidelines for proprietary residential wastewater treatment
41 devices and proprietary commercial wastewater treatment
42 devices; and



- 1 (4) assist the executive board and the state department in updating
 2 rules adopted under ~~sections~~ **section 4 and 5** of this chapter
 3 concerning residential septic systems and commercial onsite
 4 sewage systems.
- 5 (c) The technical review panel shall include the following:
- 6 (1) A member of the staff of the state department, who shall serve
 7 as the chair.
- 8 (2) A local health department environmental health specialist
 9 appointed by the governor.
- 10 (3) An Indiana professional engineer registered under IC 25-31-1
 11 representing the American Council of Engineering Companies.
- 12 (4) A representative of the Indiana Builders Association.
- 13 (5) An Indiana registered professional soil scientist (as defined in
 14 IC 25-31.5-1-6) representing the Indiana Registry of Soil
 15 Scientists.
- 16 (6) A representative of an Indiana college or university with a
 17 specialty in engineering, soil science, environmental health, or
 18 biology appointed by the governor.
- 19 (7) A representative of the Indiana Onsite Wastewater
 20 Professionals Association.
- 21 (8) An Indiana onsite sewage system contractor appointed by the
 22 governor.
- 23 (9) A representative of the Indiana State Building and
 24 Construction Trades Council.
- 25 All members of the technical review panel are voting members.
- 26 (d) In the case of a tie vote of the technical review panel, the
 27 technical review panel shall, not more than seven (7) days after the day
 28 of the tie vote:
- 29 (1) contact the applicant by phone call and by mail; and
 30 (2) request more information or provide an explanation of how the
 31 applicant can modify the application to make it more complete.
- 32 The technical review panel shall review any new information provided
 33 by the applicant and vote again on the application not more than thirty
 34 (30) days after receiving the information.
- 35 (e) The technical review panel shall do the following:
- 36 (1) Receive applications for the approval of TNI for general use
 37 in:
- 38 (A) residential septic systems under sections 4 and 5 of ~~this~~
 39 ~~chapter~~, ~~section 27~~ of this chapter and IC 16-41-25; and
 40 (B) commercial onsite sewage systems under sections 4 and 5
 41 ~~of this chapter~~, ~~section 27~~ of this chapter and IC 16-19-3.5.
- 42 (2) Meet at least four (4) times per year to review applications



- 1 described in subdivision (1).
 2 (3) Notify each person who submits an application described in
 3 subdivision (1):
 4 (A) that the person's application has been received by the
 5 technical review panel; and
 6 (B) of whether the application is complete;
 7 not later than thirty (30) days after the technical review panel
 8 receives the application.
 9 (4) Inform each person who submits an application described in
 10 subdivision (1) of:
 11 (A) a tentative decision of the technical review panel; or
 12 (B) the technical review panel's final decision under
 13 subsection (f);
 14 concerning the application not more than ninety (90) days after
 15 the technical review panel notifies the person under subdivision
 16 (3) that the panel has received the person's application.
 17 (f) In response to each application described in subsection (e)(1),
 18 the technical review panel shall make, and inform the applicant of, one
 19 (1) of the following final decisions:
 20 (1) That the TNI to which the application relates is approved for
 21 general use in Indiana.
 22 (2) That the TNI to which the application relates is approved for
 23 use in Indiana with certain conditions, which may include:
 24 (A) a requirement that the TNI be used initially only in a pilot
 25 project;
 26 (B) restrictions on the number or type of installations of the
 27 TNI;
 28 (C) sampling and analysis requirements for TNI involving or
 29 comprising a secondary treatment system;
 30 (D) requirements relating to training concerning the TNI;
 31 (E) requirements concerning the operation and maintenance of
 32 the TNI; or
 33 (F) other requirements.
 34 (3) That the TNI to which the application relates is approved on
 35 a project-by-project basis.
 36 (4) That the TNI is not approved for use in Indiana, which must
 37 be accompanied by a statement of the reason for the decision.
 38 (g) If the technical review panel makes a decision under subsection
 39 (f)(4) that the TNI is not approved for use in Indiana, the applicant
 40 may:
 41 (1) submit a new application to the technical review panel under
 42 this section; or



- 1 (2) file a petition for review of the technical review panel's
 2 decision under IC 4-21.5-3.
- 3 (h) If the technical review panel fails to notify a person who submits
 4 an application of the technical review panel's tentative decision or final
 5 recommendation within ninety (90) days after receiving the application
 6 as required by subsection (e)(4), the person who submitted the
 7 application may use the TNI to which the application relates in a single
 8 residential septic system or commercial onsite sewage system, as if the
 9 TNI had been approved only for use in a pilot project.
- 10 (i) The technical review panel shall decide that the TNI to which an
 11 application relates is approved for general use in Indiana if:
- 12 (1) the TNI has been certified as meeting the NSF/ANSI 40
 13 Standard;
- 14 (2) a proposed Indiana design and installation manual for the TNI
 15 is submitted with the permit application; and
- 16 (3) the technical review panel certifies that the proposed Indiana
 17 design and installation manual meets the vertical and horizontal
 18 separation, sizing, and soil loading criteria of the state
 19 department.
- 20 (j) Subsection (k) applies if:
- 21 (1) a particular TNI meets the requirements of NSF/ANSI 40,
 22 NSF/ANSI 245, or NSF/ANSI 350;
- 23 (2) the proposed Indiana design and installation manual for the
 24 TNI meets the vertical and horizontal separation, sizing, and soil
 25 loading criteria of the state department; and
- 26 (3) an Indiana professional engineer registered under IC 25-31-1
 27 prepares site specific plans for the use of the TNI for a residential
 28 or commercial application.
- 29 (k) In a case described in subsection (j):
- 30 (1) if the TNI is to be used in a residential application, the site
 31 specific plans prepared under subsection (j)(3), after being
 32 submitted to the local health department of the county, city, or
 33 multiple county unit in which the TNI would be installed, may be
 34 approved by the local health department within the period set
 35 forth in IC 16-41-25-1(a); and
- 36 (2) if the TNI is to be used in a commercial application, the site
 37 specific plans prepared under subsection (j)(3) shall be approved
 38 by the state department upon submission of the site specific plans.
- 39 SECTION 21. IC 16-19-3-29.2 IS REPEALED [EFFECTIVE JULY
 40 1, 2022]. Sec. 29.2. The state department may adopt rules under
 41 IC 4-22-2 to implement the requirements set forth in IC 24-4-15
 42 concerning automated external defibrillators in health clubs.



1 SECTION 22. IC 16-19-3-30.5, AS ADDED BY P.L.208-2015,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 30.5. The state department may enter into
 4 partnerships and joint ventures to encourage best practices in the
 5 following:

6 (1) The identification and testing of populations at risk of disease
 7 related to ~~illegal drug use~~: **substance abuse disorder**.

8 (2) The health care treatment of incarcerated individuals for
 9 conditions related to ~~illegal drug use~~: **substance abuse disorder**.

10 SECTION 23. IC 16-19-3-32 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2022]: **Sec. 32. (a) The state department shall**
 13 **employ a licensed physician as chief medical officer for the state**
 14 **department.**

15 **(b) The chief medical officer serves as an advisor to the state**
 16 **health commissioner on clinical matters and may perform the**
 17 **functions of the commissioner when the commissioner is not**
 18 **available.**

19 SECTION 24. IC 16-19-4-9 IS REPEALED [EFFECTIVE JULY 1,
 20 2022]. Sec. 9: (a) This section applies:

21 (1) when a proposed rule is published in the Indiana Register by:

22 (A) the office of the secretary of family and social services;

23 (B) a division of family and social services; or

24 (C) the office of Medicaid policy and planning; and

25 (2) if the state department has rule making authority in an area
 26 similar to the area that would be affected by the proposed rule.

27 (b) The commissioner shall submit written comments on a proposed
 28 rule to the entity described in subsection (a) that proposed the rule not
 29 more than thirty (30) days after the rule is published in the Indiana
 30 Register.

31 SECTION 25. IC 16-19-5-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) In addition to
 33 other fees provided by this title, the state department may establish and
 34 collect reasonable fees for specific services described under subsection
 35 (b) provided by the state department. The fees may not exceed the cost
 36 of services provided.

37 (b) Fees may be charged for the following services:

38 (1) Plan reviews conducted under rules adopted under
 39 IC 16-19-3-4(b)(13).

40 (2) Licensing of agricultural labor camps under IC 16-41-26.

41 (3) Services provided to persons other than governmental entities
 42 under rules adopted under ~~IC 16-19-3-5~~: **IC 16-19-3-4(d)**.



1 (4) Services provided by the state health laboratory under
2 IC 16-19-8.

3 ~~(5) Services provided under IC 16-19-11-3.~~

4 ~~(6) (5) Services provided under IC 24-6 by the state metrology~~
5 ~~laboratory.~~

6 SECTION 26. IC 16-19-5-2 IS REPEALED [EFFECTIVE JULY 1,
7 2022]. ~~Sec. 2: In addition to other fees provided by this title, the state~~
8 ~~department shall charge and collect the following fees:~~

9 ~~(1) For performance of any standard serological test for an~~
10 ~~applicant for a marriage license, two dollars and fifty cents~~
11 ~~(\$2.50):~~

12 ~~(2) Fees prescribed in IC 16-19-3-21.~~

13 SECTION 27. IC 16-19-5-4, AS AMENDED BY P.L.32-2021,
14 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]: Sec. 4. (a) The weights and measures fund is
16 established for the purpose of providing funds for training and
17 equipment for weights and measures inspectors and the state metrology
18 laboratory. The state department shall administer the fund.

19 (b) The fund consists of fees collected under section ~~1(b)(6)~~ **1(b)(5)**
20 of this chapter.

21 (c) Money in the fund at the end of a state fiscal year does not revert
22 to the state general fund.

23 SECTION 28. IC 16-19-6 IS REPEALED [EFFECTIVE JULY 1,
24 2022]. (Administrative Unit for Special Institutions).

25 SECTION 29. IC 16-19-8-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The state health
27 laboratory shall be located ~~at~~ **in** Indianapolis and shall be used to:

28 (1) analyze foods and drugs for the purpose of enforcing the pure
29 food and drug laws; ~~and~~

30 (2) perform sanitary analyses, pathological examinations, and
31 studies in hygiene and preventive medicine; ~~and~~

32 **(3) support public health activities;**

33 to aid in the enforcement of the health laws and for no other purpose.

34 (b) All work done in the state health laboratory must be done
35 exclusively and entirely for the public benefit.

36 (c) The state department may establish fee schedules and charges
37 for services provided by the state health laboratory.

38 SECTION 30. IC 16-19-8-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) For the conduct
40 of the state health laboratory, the state department shall employ and
41 appoint a ~~superintendent~~ **laboratory director** other than the state
42 health commissioner.



1 (b) The ~~superintendent laboratory director~~ shall have charge of
 2 and manage the state health laboratory. The ~~superintendent laboratory~~
 3 ~~director~~ is entitled to receive a salary established by the state
 4 department subject to approval by the budget agency. The
 5 ~~superintendent laboratory director~~ must be learned and skilled in
 6 bacteriology and pathology.

7 (c) The state department shall also employ a skilled chemist, whose
 8 salary is established by the state department subject to approval by the
 9 budget agency.

10 (d) ~~Both appointees must be temperate, healthy, well recommended,~~
 11 ~~and of good moral character.~~

12 (e) ~~The state department may employ employees the state~~
 13 ~~department considers necessary for the successful conduct of the~~
 14 ~~laboratory. The state department may define the duties and fix the~~
 15 ~~compensation of the employees, whose employment is by consent of~~
 16 ~~the governor.~~

17 SECTION 31. IC 16-19-9-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The state department
 19 is the designated state agency to **adopt rules under IC 4-22-2 and**
 20 accept delegation from the federal Department of Health and Human
 21 Services to carry out the purposes of the Clinical Laboratory
 22 Improvement Amendments of 1988 (P.L.100-578) (42 U.S.C. 201,
 23 263a).

24 SECTION 32. IC 16-19-9-2 IS REPEALED [EFFECTIVE JULY 1,
 25 2022]. ~~Sec. 2: The state department is the designated state agency to~~
 26 ~~adopt rules under IC 4-22-2 to carry out the purposes of the Clinical~~
 27 ~~Laboratory Improvement Amendments of 1988 (P.L.100-578) (42~~
 28 ~~U.S.C. 201, 263a).~~

29 SECTION 33. IC 16-19-11 IS REPEALED [EFFECTIVE JULY 1,
 30 2022]. (Protection and Regulation of State Department of Health
 31 Property).

32 SECTION 34. IC 16-19-12-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) Except as
 34 otherwise provided, a person who recklessly violates or fails to comply
 35 with the following commits a Class B misdemeanor:

- 36 IC 16-19-1
- 37 IC 16-19-2
- 38 IC 16-19-3
- 39 IC 16-19-4
- 40 IC 16-19-5
- 41 IC 16-19-7
- 42 IC 16-19-10.



1 ~~IC 16-19-11.~~

2 (b) Each day a violation continues constitutes a separate offense.

3 SECTION 35. IC 16-19-13-4 IS AMENDED TO READ AS

4 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The state health

5 commissioner shall appoint persons to staff the office, including:

6 (1) the director of the office; and

7 (2) any other employees that the state health commissioner

8 determines are necessary.

9 (b) The employees appointed under subsection (a)(2) shall report to

10 the director. ~~The director shall report to the state health commissioner.~~

11 (c) The director shall supervise the employees assigned to the office.

12 (d) The director shall oversee the administrative functions of the

13 office.

14 SECTION 36. IC 16-21-15-3, AS ADDED BY P.L.104-2021,

15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16 UPON PASSAGE]: Sec. 3. (a) Any hospital entering into a merger

17 agreement with another hospital may submit an application to the state

18 department for a certificate of public advantage to govern the merger

19 agreement in the manner prescribed by the state department. However,

20 a hospital may not submit an application under this chapter after July

21 1, 2026.

22 (b) The application for a certificate of public advantage must

23 include the following:

24 (1) A written copy of the merger agreement.

25 (2) A written description of the nature and scope of the merger.

26 (c) Any documentation submitted under this section with the

27 application that is deemed to be proprietary information shall be clearly

28 identified as proprietary information and a copy of the application with

29 the proprietary information redacted for public records must be

30 submitted by the applicant.

31 (d) An applicant must also file a complete copy of the application

32 for a certificate of public advantage with:

33 (1) the office of the secretary of family and social services in a

34 manner prescribed by the office of the secretary; and

35 (2) the office of the attorney general in a manner prescribed by the

36 office of the attorney general.

37 (e) The state department shall assess a filing fee for an application

38 for a certificate of public advantage that is reasonably sufficient to fully

39 fund the costs of the review of the application and ongoing supervision

40 if the application is granted, including any fees for consultants and

41 experts. The state department may not spend any money on the

42 implementation of this chapter until the state department has received



1 a filed application and received the filing fee.

2 **(f) If the state department incurs costs of the review of the**
 3 **application and administration of the program that exceed the**
 4 **application fee, the applicant for a certificate of public advantage**
 5 **shall pay the reasonable charges incurred by the state department,**
 6 **as determined by the state department.**

7 **(g) The reasonable costs of services concerning the program:**

8 **(1) include the cost of fees for consultants and experts; and**

9 **(2) must be commensurate with the usual compensation for**
 10 **like services.**

11 SECTION 37. IC 16-21-15-6, AS ADDED BY P.L.104-2021,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 6. (a) The state department shall annually
 14 review a certificate of public advantage issued by the state department
 15 under this chapter.

16 (b) The **holder of a certificate of public advantage shall pay the**
 17 **reasonable costs incurred by the** state department ~~shall require a~~
 18 ~~reasonably sufficient fee~~ for the renewal of the certification of public
 19 advantage that covers the reasonable costs of the ongoing supervision
 20 of the certification, including any fees for consultants and experts.

21 (c) In conducting the review, the state department shall consider
 22 whether the hospital continues to meet the standards required for the
 23 issuance of a certificate under this chapter.

24 (d) This section expires July 1, 2026.

25 SECTION 38. IC 16-21-15-7, AS ADDED BY P.L.104-2021,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 7. (a) The state department shall monitor a
 28 hospital operating under a certificate of public advantage issued under
 29 this chapter to ensure that the conduct of the hospital furthers the
 30 purposes of this chapter.

31 (b) The **holder of a certificate of public advantage shall pay the**
 32 **reasonable costs incurred by the** state department ~~shall assess an~~
 33 ~~annual monitoring fee to a hospital issued a certificate of public~~
 34 ~~advantage under this chapter that covers to cover~~ the reasonable costs
 35 of the ongoing monitoring and supervision of the certification,
 36 including any fees for consultants and experts.

37 (c) A hospital operating under a certificate of public advantage may
 38 not increase the charge for each individual service the hospital offers
 39 by more than the increase in the preceding year's annual average of the
 40 Consumer Price Index for Medical Care as published by the federal
 41 Bureau of Labor Statistics.

42 (d) For the first five (5) years that a hospital is operating under a



1 certificate of public advantage the hospital must:

- 2 (1) invest the realized cost savings from the identified efficiencies
 3 and improvements included in the certificate of public advantage
 4 application in the areas of Indiana the hospital serves for the
 5 benefit of the community; and
 6 (2) summarize the realized cost savings and investments in the
 7 hospital's annual report submitted under section 8 of this chapter.

8 SECTION 39. IC 16-38-3 IS REPEALED [EFFECTIVE JULY 1,
 9 2022]. (Blind Registry).

10 SECTION 40. IC 16-38-6-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The state department
 12 ~~shall~~ **may** use information compiled by a public or private entity to the
 13 greatest extent possible in the development of a statewide chronic
 14 disease registry under this chapter.

15 SECTION 41. IC 16-42-18.5 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2022]:

18 **Chapter 18.5. Food: Certificate of Free Sale**

19 **Sec. 1. As used in this chapter, "certificate of free sale" means**
 20 **a document that:**

- 21 **(1) is issued to an Indiana food manufacturer, processor,**
 22 **packager, distributor, or warehouse that is inspected by the**
 23 **state department; and**
 24 **(2) verifies that the specified items are freely marketed in the**
 25 **United States and eligible for export to any foreign country,**
 26 **if the particular manufacturer, processor, packager,**
 27 **distributor, or warehouse does not have any unresolved**
 28 **enforcement actions pending before the state department**
 29 **under this article or rules adopted by the state department.**

30 **Sec. 2. A certificate of free sale is evidence that goods, including**
 31 **food items, are:**

- 32 **(1) legally sold or distributed in the open market freely**
 33 **without restriction; and**
 34 **(2) approved by the regulatory authorities in the United**
 35 **States.**

36 **Sec. 3. The state department may, upon request of a business,**
 37 **issue certificates of free sale for food items manufactured,**
 38 **processed, packaged, distributed, or warehoused in Indiana. A**
 39 **certificate of free sale may not include more than twenty-five (25)**
 40 **items and all items must be from the same manufacturer.**

41 **Sec. 4. (a) Before issuing a certificate of free sale, a business**
 42 **shall provide the following to the state department:**



- 1 (1) Proof of registration with the Indiana secretary of state.
- 2 (2) The most recent inspection report showing the business is
- 3 in good standing.
- 4 (3) A completed application.
- 5 (4) The fee for the certificate of free sale.

6 (b) The state department shall charge the following fees for
7 issuing a certificate of free sale:

- 8 (1) For each original certificate, a fee of forty dollars (\$40).
- 9 (2) For each additional copy, a fee of ten dollars (\$10).

10 Sec. 5. (a) The certificate of free sale fund is established for the
11 purpose of carrying out this chapter. The state department shall
12 administer the fund.

13 (b) The fund consists of fees collected under section 4(b) of this
14 chapter.

15 (c) The expenses of the certificate of free sale program shall be
16 paid from money in the fund.

17 (d) Money in the fund at the end of a state fiscal year does not
18 revert to the state general fund.

19 SECTION 42. IC 16-46-16.5-2, AS ADDED BY P.L.110-2021,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 2. As used in this chapter, "person" means an
22 individual, employer, employer association, nonprofit organization,
23 for-profit organization, ~~municipality (as defined in IC 36-1-2-11)~~, **unit**
24 **(as defined in IC 36-1-2-23)**, school corporation, charter school,
25 accredited nonpublic school, research institution, health insurance plan,
26 health insurance ministry, or any combination of these.

27 SECTION 43. IC 20-35-12-6, AS ADDED BY P.L.260-2019,
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2022]: Sec. 6. As used in this chapter, "deaf or hard of
30 hearing", which may be referred to as a hearing impairment, means the
31 following:

- 32 (1) A disability that, with or without the use of an amplification
33 device, adversely affects the student's:
 - 34 (A) ability to use hearing for developing language and
35 learning;
 - 36 (B) educational performance; and
 - 37 (C) developmental progress.
- 38 (2) The hearing loss may be:
 - 39 (A) permanent or fluctuating;
 - 40 (B) mild to profound; or
 - 41 (C) unilateral or bilateral.
- 42 (3) Students who are deaf or hard of hearing may use:



- 1 (A) spoken language;
- 2 (B) sign language; or
- 3 (C) a combination of spoken language and signed systems.
- 4 **(4) Students who are deaf or hard of hearing who may have:**
- 5 **(A) an individualized family service plan;**
- 6 **(B) an individualized education program;**
- 7 **(C) a plan developed under Section 504 of the federal**
- 8 **Rehabilitation Act of 1973, 29 U.S.C. 794;**
- 9 **(D) a service plan;**
- 10 **(E) a choice special education plan; or**
- 11 **(F) no educational plan or program.**

12 SECTION 44. IC 20-35-12-16, AS ADDED BY P.L.260-2019,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2022]: Sec. 16. ~~Subject to section 18 of this chapter,~~ The
 15 office of the secretary may administer annually to a child who is:
 16 (1) less than three (3) years of age; and
 17 (2) deaf or hard of hearing;
 18 at least one (1) of the assessments approved by the center under section
 19 15 of this chapter.

20 SECTION 45. IC 20-35-12-17, AS ADDED BY P.L.260-2019,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 17. ~~Subject to section 18 of this chapter,~~ Each
 23 school corporation may administer annually to a child who:
 24 (1) is at least three (3) years of age and less than eleven (11) years
 25 of age;
 26 (2) is deaf or hard of hearing; and
 27 (3) has legal settlement in the school corporation;
 28 at least one (1) of the assessments approved by the center under section
 29 15 of this chapter.

30 SECTION 46. IC 20-35-12-18 IS REPEALED [EFFECTIVE JULY
 31 1, 2022]. ~~Sec. 18: (a) A parent of a child who is deaf or hard of hearing
 32 may opt the child out of the administration of the annual assessment
 33 required under section 16 or 17 of this chapter. To opt out of an annual
 34 assessment required under this chapter, a parent of a child who is deaf
 35 or hard of hearing must provide, in writing, to the office of the
 36 secretary or the school corporation, whichever is applicable, the
 37 parent's intent to opt out of the annual assessment for the child.~~
 38 (b) The office of the secretary and a school corporation is not
 39 required to administer an annual assessment to a child who is deaf or
 40 hard of hearing under this chapter if the parent provides, in writing, to
 41 the office of the secretary or the school corporation, whichever is
 42 applicable, the parent's intent to opt out of the annual assessment.



1 SECTION 47. IC 20-35-12-20, AS ADDED BY P.L.260-2019,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 20. Subject to any applicable federal laws, the
 4 office of the secretary and each school corporation shall provide to the
 5 center the results of ~~any~~ **all** tools and assessments administered to a
 6 child in accordance with this chapter.

7 SECTION 48. IC 25-1-2-8, AS AMENDED BY P.L.128-2017,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 8. This chapter applies to the imposition and
 10 collection of fees under the following:

11 (1) IC 14-24-10.

12 ~~IC 16-19-5-2~~

13 (2) IC 25-30-1-17.

14 SECTION 49. IC 35-45-21-4, AS ADDED BY P.L.158-2013,
 15 SECTION 547, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) As used in this section,
 17 "tattoo" means:

18 (1) any indelible design, letter, scroll, figure, symbol, or other
 19 mark placed with the aid of needles or other instruments; or

20 (2) any design, letter, scroll, figure, or symbol done by scarring;
 21 upon or under the skin.

22 (b) As used in this section, "body piercing" means the perforation
 23 of any human body part other than an earlobe for the purpose of
 24 inserting jewelry or other decoration or for some other nonmedical
 25 purpose.

26 (c) Except as provided in subsection (e), a person who recklessly,
 27 knowingly, or intentionally provides a tattoo to a person who is less
 28 than eighteen (18) years of age commits tattooing a minor, a Class A
 29 misdemeanor.

30 (d) This subsection does not apply to an act of a health care
 31 professional (as defined in IC 16-27-2-1) licensed under IC 25 when
 32 the act is performed in the course of the health care professional's
 33 practice. Except as provided in subsection (e), a person who recklessly,
 34 knowingly, or intentionally performs body piercing upon a person who
 35 is less than eighteen (18) years of age commits body piercing a minor,
 36 a Class A misdemeanor.

37 (e) A person may provide a tattoo to a person who is less than
 38 eighteen (18) years of age or perform body piercing upon a person who
 39 is less than eighteen (18) years of age if a parent or legal guardian of
 40 the person receiving the tattoo or undergoing the body piercing:

41 (1) is present at the time the tattoo is provided or the body
 42 piercing is performed; and



- 1 (2) provides written permission for the person to receive the tattoo
 2 or undergo the body piercing.
- 3 (f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in
 4 IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or
 5 more restrictive than this section or a rule adopted under
 6 ~~IC 16-19-3-4.1 or IC 16-19-3-4.2.~~ **IC 16-19-3-4(c).**
- 7 SECTION 50. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007,
 8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 6.7. (a) This section applies to a child who:
 10 (1) died suddenly and unexpectedly;
 11 (2) was less than three (3) years of age at the time of death; and
 12 (3) was in apparent good health before dying.
- 13 (b) A child death pathologist or a pathology resident acting under
 14 the direct supervision of a child death pathologist shall conduct an
 15 autopsy of a child described in subsection (a).
- 16 (c) A county coroner may not certify the cause of death of a child **as**
 17 **a sudden unexplained infant death** described in subsection (a) until
 18 ~~an~~ **a comprehensive** autopsy is performed at county expense **that**
 19 **includes the following:**
 20 (1) **Imaging.**
 21 (2) **Pathology.**
 22 (3) **Toxicology.**
 23 (4) **Death scene photos.**
 24 (5) **Submission of the sudden unexplained infant death report**
 25 **form to a child death pathologist.**
- 26 (d) The county coroner shall contact the parent or guardian of a
 27 child described in subsection (a) and notify the parent or guardian that
 28 an autopsy will be conducted at county expense.
- 29 (e) The child death pathologist shall:
 30 (1) ensure that a tangible summary of the autopsy results is
 31 provided;
 32 (2) provide informational material concerning sudden infant death
 33 syndrome; and
 34 (3) unless the release of autopsy results would jeopardize a law
 35 enforcement investigation, provide notice that a parent or
 36 guardian has the right to receive the preliminary autopsy results;
 37 to the parents or guardian of the child within one (1) week after the
 38 autopsy.
- 39 (f) If a parent or guardian of a child described in subsection (a)
 40 requests the autopsy report of the child, the coroner shall provide the
 41 autopsy report to the parent or guardian within thirty (30) days after
 42 the:



- 1 (1) request; or
- 2 (2) completion of the autopsy report;
- 3 whichever is later, at no cost.
- 4 (g) A coroner shall notify:
- 5 (1) a local child fatality review team; or
- 6 (2) if the county does not have a local child fatality review team,
- 7 the statewide child fatality review committee;
- 8 of the death of a child described in subsection (a).
- 9 **SECTION 51. An emergency is declared for this act.**

