



Reprinted  
January 25, 2022

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## HOUSE BILL No. 1169

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DIGEST OF HB 1169 (Updated January 24, 2022 4:27 pm - DI 131)

**Citations Affected:** IC 5-22; IC 12-8; IC 16-18; IC 16-19; IC 16-21; IC 16-38; IC 16-42; IC 16-46; IC 20-35; IC 25-1; IC 35-45; IC 36-2.

**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; and (7) 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.  
(Continued next page)

**Effective:** Upon passage; July 1, 2022.

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**Clere, Barrett, Lehman, Fleming**

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January 6, 2022, read first time and referred to Committee on Public Health.  
January 13, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
January 20, 2022, reported — Do Pass.  
January 24, 2022, read second time, amended, ordered engrossed.

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HB 1169—LS 7145/DI 77



## Digest Continued

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 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. Provides that a county coroner may not certify the cause of death for certain infants as a sudden unexplained infant death until a comprehensive death investigation is performed. Makes technical and conforming changes.

**HB 1169—LS 7145/DI 77**



Reprinted  
January 25, 2022

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

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

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

- 1 SECTION 1. IC 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

HB 1169—LS 7145/DI 77



- 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) Tornados.  
 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 and  
10 other services to promote healthy women, babies, and  
11 families.**

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

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

15 (2) **Pregnant women.**

16 (2) (3) Health care providers.

17 (3) (4) Employees of state and local governmental entities.

18 (4) (5) Educators.

19 (5) (6) Other entities that provide services to children with long  
20 term health care needs.

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

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

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

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

36 (A) proprietary residential wastewater treatment devices; and

37 (B) proprietary commercial wastewater treatment devices;

38 for general use in Indiana;

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

41 (3) assist the state department in developing standards and  
42 guidelines for proprietary residential wastewater treatment



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



- 1                    ~~of this chapter, section 27~~ of this chapter and IC 16-19-3.5.
- 2                    (2) Meet at least four (4) times per year to review applications
- 3                    described in subdivision (1).
- 4                    (3) Notify each person who submits an application described in
- 5                    subdivision (1):
- 6                    (A) that the person's application has been received by the
- 7                    technical review panel; and
- 8                    (B) of whether the application is complete;
- 9                    not later than thirty (30) days after the technical review panel
- 10                   receives the application.
- 11                   (4) Inform each person who submits an application described in
- 12                   subdivision (1) of:
- 13                   (A) a tentative decision of the technical review panel; or
- 14                   (B) the technical review panel's final decision under
- 15                   subsection (f);
- 16                   concerning the application not more than ninety (90) days after
- 17                   the technical review panel notifies the person under subdivision
- 18                   (3) that the panel has received the person's application.
- 19                   (f) In response to each application described in subsection (e)(1),
- 20                   the technical review panel shall make, and inform the applicant of, one
- 21                   (1) of the following final decisions:
- 22                   (1) That the TNI to which the application relates is approved for
- 23                   general use in Indiana.
- 24                   (2) That the TNI to which the application relates is approved for
- 25                   use in Indiana with certain conditions, which may include:
- 26                   (A) a requirement that the TNI be used initially only in a pilot
- 27                   project;
- 28                   (B) restrictions on the number or type of installations of the
- 29                   TNI;
- 30                   (C) sampling and analysis requirements for TNI involving or
- 31                   comprising a secondary treatment system;
- 32                   (D) requirements relating to training concerning the TNI;
- 33                   (E) requirements concerning the operation and maintenance of
- 34                   the TNI; or
- 35                   (F) other requirements.
- 36                   (3) That the TNI to which the application relates is approved on
- 37                   a project-by-project basis.
- 38                   (4) That the TNI is not approved for use in Indiana, which must
- 39                   be accompanied by a statement of the reason for the decision.
- 40                   (g) If the technical review panel makes a decision under subsection
- 41                   (f)(4) that the TNI is not approved for use in Indiana, the applicant
- 42                   may:



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



1 IC 4-22-2 to implement the requirements set forth in IC 24-4-15  
2 concerning automated external defibrillators in health clubs:

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

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

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

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

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

21 SECTION 24. IC 16-19-4-9 IS REPEALED [EFFECTIVE JULY 1,  
22 2022]. Sec. 9: (a) This section applies:

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

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

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

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

27 (2) if the state department has rule making authority in an area  
28 similar to the area that would be affected by the proposed rule:

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

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

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

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

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



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

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

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

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

8 SECTION 26. IC 16-19-5-2 IS REPEALED [EFFECTIVE JULY 1,  
9 2022]. ~~Sec. 2. In addition to other fees provided by this title, the state~~  
10 ~~department shall charge and collect the following fees:~~

11 ~~(1) For performance of any standard serological test for an~~  
12 ~~applicant for a marriage license, two dollars and fifty cents~~  
13 ~~(\$2.50).~~

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

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

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

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

25 SECTION 28. IC 16-19-6 IS REPEALED [EFFECTIVE JULY 1,  
26 2022]. (Administrative Unit for Special Institutions).

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

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

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

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

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

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

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

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



1 appoint a **superintendent laboratory director** other than the state  
2 health commissioner.

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

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

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

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

19 SECTION 31. IC 16-19-9-1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The state department  
21 is the designated state agency to **adopt rules under IC 4-22-2 and**  
22 accept delegation from the federal Department of Health and Human  
23 Services to carry out the purposes of the Clinical Laboratory  
24 Improvement Amendments of 1988 (P.L.100-578) (42 U.S.C. 201,  
25 263a).

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

31 SECTION 33. IC 16-19-11 IS REPEALED [EFFECTIVE JULY 1,  
32 2022]. (Protection and Regulation of State Department of Health  
33 Property).

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

- 38 IC 16-19-1
- 39 IC 16-19-2
- 40 IC 16-19-3
- 41 IC 16-19-4
- 42 IC 16-19-5



1 IC 16-19-7  
2 IC 16-19-10.  
3 ~~IC 16-19-11.~~  
4 (b) Each day a violation continues constitutes a separate offense.  
5 SECTION 35. IC 16-19-13-4 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The state health  
7 commissioner shall appoint persons to staff the office, including:  
8 (1) the director of the office; and  
9 (2) any other employees that the state health commissioner  
10 determines are necessary.  
11 (b) The employees appointed under subsection (a)(2) shall report to  
12 the director. ~~The director shall report to the state health commissioner.~~  
13 (c) The director shall supervise the employees assigned to the office.  
14 (d) The director shall oversee the administrative functions of the  
15 office.  
16 SECTION 36. IC 16-21-15-3, AS ADDED BY P.L.104-2021,  
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 3. (a) Any hospital entering into a merger  
19 agreement with another hospital may submit an application to the state  
20 department for a certificate of public advantage to govern the merger  
21 agreement in the manner prescribed by the state department. However,  
22 a hospital may not submit an application under this chapter after July  
23 1, 2026.  
24 (b) The application for a certificate of public advantage must  
25 include the following:  
26 (1) A written copy of the merger agreement.  
27 (2) A written description of the nature and scope of the merger.  
28 (c) Any documentation submitted under this section with the  
29 application that is deemed to be proprietary information shall be clearly  
30 identified as proprietary information and a copy of the application with  
31 the proprietary information redacted for public records must be  
32 submitted by the applicant.  
33 (d) An applicant must also file a complete copy of the application  
34 for a certificate of public advantage with:  
35 (1) the office of the secretary of family and social services in a  
36 manner prescribed by the office of the secretary; and  
37 (2) the office of the attorney general in a manner prescribed by the  
38 office of the attorney general.  
39 (e) The state department shall assess a filing fee for an application  
40 for a certificate of public advantage that is reasonably sufficient to fully  
41 fund the costs of the review of the application and ongoing supervision  
42 if the application is granted, including any fees for consultants and





1 experts. The state department may not spend any money on the  
 2 implementation of this chapter until the state department has received  
 3 a filed application and received the filing fee.

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

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

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

11 **(2) must be commensurate with the usual compensation for**  
 12 **like services.**

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

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

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

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

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

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

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



- 1 Bureau of Labor Statistics.
- 2 (d) For the first five (5) years that a hospital is operating under a
- 3 certificate of public advantage the hospital must:
- 4 (1) invest the realized cost savings from the identified efficiencies
- 5 and improvements included in the certificate of public advantage
- 6 application in the areas of Indiana the hospital serves for the
- 7 benefit of the community; and
- 8 (2) summarize the realized cost savings and investments in the
- 9 hospital's annual report submitted under section 8 of this chapter.
- 10 SECTION 39. IC 16-38-3 IS REPEALED [EFFECTIVE JULY 1,
- 11 2022]. (Blind Registry).
- 12 SECTION 40. IC 16-38-6-3 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The state department
- 14 ~~shall~~ **may** use information compiled by a public or private entity to the
- 15 greatest extent possible in the development of a statewide chronic
- 16 disease registry under this chapter.
- 17 SECTION 41. IC 16-42-18.5 IS ADDED TO THE INDIANA
- 18 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2022]:
- 20 **Chapter 18.5. Food: Certificate of Free Sale**
- 21 **Sec. 1. As used in this chapter, "certificate of free sale" means**
- 22 **a document that:**
- 23 **(1) is issued to an Indiana food manufacturer, processor,**
- 24 **packager, distributor, or warehouse that is inspected by the**
- 25 **state department; and**
- 26 **(2) verifies that the specified items are freely marketed in the**
- 27 **United States and eligible for export to any foreign country,**
- 28 **if the particular manufacturer, processor, packager,**
- 29 **distributor, or warehouse does not have any unresolved**
- 30 **enforcement actions pending before the state department**
- 31 **under this article or rules adopted by the state department.**
- 32 **Sec. 2. A certificate of free sale is evidence that goods, including**
- 33 **food items, are:**
- 34 **(1) legally sold or distributed in the open market freely**
- 35 **without restriction; and**
- 36 **(2) approved by the regulatory authorities in the United**
- 37 **States.**
- 38 **Sec. 3. The state department may, upon request of a business,**
- 39 **issue certificates of free sale for food items manufactured,**
- 40 **processed, packaged, distributed, or warehoused in Indiana. A**
- 41 **certificate of free sale may not include more than twenty-five (25)**
- 42 **items and all items must be from the same manufacturer.**



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

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

8           **(b) The state department shall charge the following fees for**  
 9 **issuing a certificate of free sale:**

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

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

15           **(b) The fund consists of fees collected under section 4(b) of this**  
 16 **chapter.**

17           **(c) The expenses of the certificate of free sale program shall be**  
 18 **paid from money in the fund.**

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

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

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

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



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

14 SECTION 44. IC 20-35-12-20, AS ADDED BY P.L.260-2019,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2022]: Sec. 20. Subject to any applicable federal laws, the  
 17 office of the secretary and each school corporation shall provide to the  
 18 center the results of ~~any~~ **all** tools and assessments administered to a  
 19 child in accordance with this chapter.

20 SECTION 45. IC 25-1-2-8, AS AMENDED BY P.L.128-2017,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2022]: Sec. 8. This chapter applies to the imposition and  
 23 collection of fees under the following:

- 24 (1) IC 14-24-10.
- 25 ~~IC 16-19-5-2~~
- 26 (2) IC 25-30-1-17.

27 SECTION 46. IC 35-45-21-4, AS ADDED BY P.L.158-2013,  
 28 SECTION 547, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) As used in this section,  
 30 "tattoo" means:

- 31 (1) any indelible design, letter, scroll, figure, symbol, or other
- 32 mark placed with the aid of needles or other instruments; or
- 33 (2) any design, letter, scroll, figure, or symbol done by scarring;
- 34 upon or under the skin.

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

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



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

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

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

14 (2) provides written permission for the person to receive the tattoo  
 15 or undergo the body piercing.

16 (f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in  
 17 IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or  
 18 more restrictive than this section or a rule adopted under  
 19 ~~IC 16-19-3-4.1 or IC 16-19-3-4.2.~~ **IC 16-19-3-4(c).**

20 SECTION 47. IC 36-2-14-5.5, AS ADDED BY P.L.225-2007,  
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2022]: Sec. 5.5. A child death pathologist shall:

23 (1) consult with a coroner concerning a death described in section  
 24 6.3(b) of this chapter;

25 (2) conduct an autopsy of a child as described in sections 6.3(c)  
 26 and 6.7(b) of this chapter; and

27 (3) perform duties described in section ~~6.7(e)~~ **6.7(f)** of this  
 28 chapter.

29 SECTION 48. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007,  
 30 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2022]: Sec. 6.7. (a) This section applies to a child who:

32 (1) died suddenly and unexpectedly;

33 (2) was less than three (3) years of age at the time of death; and

34 (3) was in apparent good health before dying.

35 (b) A child death pathologist or a pathology resident acting under  
 36 the direct supervision of a child death pathologist shall conduct an  
 37 autopsy of a child described in subsection (a).

38 (c) A county coroner may not certify the cause of death of a child  
 39 described in subsection (a) until an autopsy is performed at county  
 40 expense.

41 (d) The county coroner shall contact the parent or guardian of a  
 42 child described in subsection (a) and notify the parent or guardian that



1 an autopsy will be conducted at county expense.

2 **(e) A county coroner may not certify the cause of death for an**  
 3 **infant described in subsection (a) as a sudden unexplained infant**  
 4 **death, including sudden infant death syndrome, until a**  
 5 **comprehensive death investigation is performed at the county's**  
 6 **expense that includes the following:**

7 **(1) Comprehensive autopsy including the following:**

8 **(A) Imaging.**

9 **(B) Pathology.**

10 **(C) Toxicology.**

11 **(2) Death scene investigation to include death scene photos.**

12 **(3) Submission of the sudden unexplained infant death report**  
 13 **form to a child death pathologist.**

14 ~~(e)~~ **(f)** The child death pathologist shall:

15 (1) ensure that a tangible summary of the autopsy results is  
 16 provided;

17 (2) provide informational material concerning sudden infant death  
 18 syndrome; and

19 (3) unless the release of autopsy results would jeopardize a law  
 20 enforcement investigation, provide notice that a parent or  
 21 guardian has the right to receive the preliminary autopsy results;  
 22 to the parents or guardian of the child within one (1) week after the  
 23 autopsy.

24 ~~(f)~~ **(g)** If a parent or guardian of a child described in subsection (a)  
 25 requests the autopsy report of the child, the coroner shall provide the  
 26 autopsy report to the parent or guardian within thirty (30) days after  
 27 the:

28 (1) request; or

29 (2) completion of the autopsy report;

30 whichever is later, at no cost.

31 ~~(g)~~ **(h)** A coroner shall notify:

32 (1) a local child fatality review team; or

33 (2) if the county does not have a local child fatality review team,  
 34 the statewide child fatality review committee;

35 of the death of a child described in subsection (a).

36 **SECTION 49. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 15, line 4, delete "fee," and insert "**fee collected**,".

Page 18, delete lines 12 through 42.

Page 20, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 47. IC 36-2-14-5.5, AS ADDED BY P.L.225-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5.5. A child death pathologist shall:

- (1) consult with a coroner concerning a death described in section 6.3(b) of this chapter;
- (2) conduct an autopsy of a child as described in sections 6.3(c) and 6.7(b) of this chapter; and
- (3) perform duties described in section ~~6.7(e)~~ **6.7(f)** of this chapter.

SECTION 48. IC 36-2-14-6.7, AS ADDED BY P.L.225-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.7. (a) This section applies to a child who:

- (1) died suddenly and unexpectedly;
- (2) was less than three (3) years of age at the time of death; and
- (3) was in apparent good health before dying.

(b) A child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct an autopsy of a child described in subsection (a).

(c) A county coroner may not certify the cause of death of a child described in subsection (a) until an autopsy is performed at county expense.

(d) The county coroner shall contact the parent or guardian of a child described in subsection (a) and notify the parent or guardian that an autopsy will be conducted at county expense.

**(e) A county coroner may not certify the cause of death for an infant described in subsection (a) as a sudden unexplained infant death, including sudden infant death syndrome, until a comprehensive death investigation is performed at the county's expense that includes the following:**

- (1) Comprehensive autopsy including the following:**
  - (A) Imaging.**
  - (B) Pathology.**
  - (C) Toxicology.**

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- (2) Death scene investigation to include death scene photos.**
- (3) Submission of the sudden unexplained infant death report form to a child death pathologist.**

~~(e)~~ **(f)** The child death pathologist shall:

- (1) ensure that a tangible summary of the autopsy results is provided;
- (2) provide informational material concerning sudden infant death syndrome; and
- (3) unless the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guardian has the right to receive the preliminary autopsy results; to the parents or guardian of the child within one (1) week after the autopsy.

~~(f)~~ **(g)** If a parent or guardian of a child described in subsection (a) requests the autopsy report of the child, the coroner shall provide the autopsy report to the parent or guardian within thirty (30) days after the:

- (1) request; or
- (2) completion of the autopsy report;

whichever is later, at no cost.

~~(g)~~ **(h)** A coroner shall notify:

- (1) a local child fatality review team; or
- (2) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of the death of a child described in subsection (a)."

Page 21, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1169 as introduced.)

BARRETT

Committee Vote: yeas 11, nays 0.





COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1169 as printed January 13, 2022.)

BROWN T

Committee Vote: Yeas 22, Nays 0

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1169 be amended to read as follows:

Page 7, line 9, delete "care." and insert "**care and other services to promote healthy women, babies, and families.**".

(Reference is to HB 1169 as printed January 20, 2022.)

CLERE

