

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1270

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 4-21.5-3-1, AS AMENDED BY HEA 1060-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This section applies to:

- (1) the giving of any notice;
- (2) the service of any motion, ruling, order, or other filed item; or
- (3) the filing of any document with the ultimate authority or the office of administrative law proceedings;

in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

- (1) United States mail;
- (2) personal service;
- (3) electronic mail; or
- (4) any other method approved by the Indiana Rules of Trial Procedure.

(c) ~~The following~~ **A complaint under section 8 of this chapter** shall be served by United States mail or personal service.

~~(1) The initial notice of a determination under section 6 of this chapter:~~

~~(2) A complaint under section 8 of this chapter:~~

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

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(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is considered complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority or the office of administrative law proceedings:

(A) under subsection (b) or (c); and

(B) in compliance with subsection (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority or the office of administrative law proceedings by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority or the office of administrative law proceedings by private carrier.

(4) The date of the electronic submission containing the document, if the document is sent by electronic mail.

SECTION 2. IC 4-31-8-5, AS AMENDED BY P.L.1-2006, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 5. Each applicant for a permit shall, before the opening of the applicant's racing season, request an inspection of the racetrack premises and obtain a certificate from the ~~division of fire and building safety~~ **department of homeland security** stating that the premises are in compliance with all safety requirements.

SECTION 3. IC 5-1.2-7-19, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. On behalf of the authority, the board of directors or board of managers of the hospital shall, before the execution of a lease, submit to and receive the approval of the board of commissioners of the county of the plans, specifications, and estimates of cost for the building or renovation. The plans and specifications shall be submitted to and approved by the state board of health, the ~~division of fire and building safety;~~ **department of homeland security**, and other state agencies that are required by law to pass on plans and specifications for public buildings.

SECTION 4. IC 5-2-1-3, AS AMENDED BY P.L.197-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of the following members:

- (1) The superintendent of the Indiana state police department, who shall serve as chairperson of the board.
- (2) The ~~deputy executive~~ director of the ~~division of preparedness and training~~ of the department of homeland security **appointed under IC 10-19-3-1**. The ~~deputy executive~~ director shall serve as the vice chair of the board.
- (3) The chief of police of a consolidated city.
- (4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).
- (5) One (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population.
- (6) One (1) county sheriff from a county of under fifty thousand (50,000) population.
- (7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.
- (8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.
- (9) One (1) chief of police, police officer, or town marshal from



a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) One (1) member representing professional journalism.

(13) One (1) member representing the medical profession.

(14) One (1) member representing education.

(15) One (1) member representing business and industry.

(16) One (1) member representing labor.

(17) One (1) member representing Indiana elected officials of counties, cities, and towns.

SECTION 5. IC 5-2-1-9, AS AMENDED BY SEA 81-2021, SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.



(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

- (A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;
- (B) missing endangered adults (as defined in IC 12-7-2-131.3); and
- (C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

- (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
- (B) Identification of human and sexual trafficking.
- (C) Communicating with traumatized persons.
- (D) Therapeutically appropriate investigative techniques.
- (E) Collaboration with federal law enforcement officials.
- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating



sexual assault cases involving adult victims. This training must include instruction on:

- (A) the neurobiology of trauma;
- (B) trauma informed interviewing; and
- (C) investigative techniques.

~~(H)~~ **(12)** Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;



designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high



risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal



basic training program.

(6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the ~~division of fire and building safety~~ **department of homeland security** appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a



program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
 - (A) at least two (2) years; and
 - (B) less than six (6) years before the officer is hired under subdivision (1); and
- (3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:
 - (A) completing the pre-basic course; or
 - (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).



(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:



- (A) the position held by the police chief or town marshal; and
- (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

(x) This subsection applies only to the sexual assault training described in subsection (a)(11). The board shall:

- (1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and
- (2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

(y) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(11) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

(z) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(11) by attending a:

- (1) statewide or national training; or
- (2) department hosted local training.

SECTION 6. IC 5-16-3-1, AS AMENDED BY P.L.1-2006, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A public official, board, commission, or other public agency having charge of the construction of a public building, an addition to the building, or an alteration of the building shall file in the ~~division of fire and building safety,~~ **department of homeland security**, within sixty (60) days after the completion of the building project, a complete set of blueprints and a complete set of bound specifications for the public building, addition, or alteration.

(b) Subsection (a) does not apply to buildings, additions, or alterations that are constructed at a cost of less than twenty-five



thousand dollars (\$25,000).

SECTION 7. IC 5-16-3-2, AS AMENDED BY P.L.1-2006, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~division of fire and building safety of the~~ department of homeland security shall provide a safe depository for all blueprints and specifications filed as provided in section 1 of this chapter and retain them for inspection and loan under the conditions and restrictions as the fire prevention and building safety commission shall determine by rule. The fire prevention and building safety commission may designate the librarian of the state of Indiana as the custodian of any blueprints and specifications filed with it, at any time, and it shall be the duty of the state librarian to safely preserve the same in the state archives as public documents.

SECTION 8. IC 7.1-5-12-6, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The commission shall enforce this chapter.

(b) This chapter may also be enforced by:

- (1) the state department of health established by IC 16-19-1-1;
- (2) a local health department, as defined in IC 16-18-2-211;
- (3) a health and hospital corporation established by IC 16-22-8-6;
- (4) ~~the division of fire and building safety established within the~~ department of homeland security **established** by ~~IC 10-19-7-1;~~ **IC 10-19-2-1;** and
- (5) a law enforcement officer;

in cooperation with the commission.

(c) The commission, the state department of health, a local health department, a health and hospital corporation, the ~~division of fire and building safety;~~ **department of homeland security**, or a law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.

SECTION 9. IC 7.1-5-12-9, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A local health department may enforce this chapter by filing a civil action under IC 16-20-1-26.

(b) A health and hospital corporation may enforce this chapter by filing a civil action under IC 16-22-8-31.

(c) The ~~division of fire and building safety~~ **department of homeland security** may enforce this chapter by filing a civil action under IC 22-12-7-13.

SECTION 10. IC 10-19-2-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 2. **(a) The department consists of the following divisions: shall do the following:**

- ~~(1) The division of planning and assessment.~~
- ~~(2) The division of preparedness and training.~~
- ~~(3) The division of emergency response and recovery.~~
- ~~(4) The division of fire and building safety.~~
- (1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.**
- (2) Assess state and local security needs.**
- (3) Administer all state emergency management and response training programs.**
- (4) Administer the state's emergency operations functions during an emergency.**
- (5) Administer the following:**
 - (A) IC 10-14.**
 - (B) IC 16-31.**
 - (C) IC 22-11.**
 - (D) IC 22-12.**
 - (E) IC 22-13.**
 - (F) IC 22-14.**
 - (G) IC 22-15.**

(b) The executive director may organize the personnel and functions of the department into divisions and subdivisions to carry out the executive director's powers and duties and the powers and duties of the department. The executive director may periodically consolidate, divide, or abolish divisions and subdivisions as is necessary to carry out those powers and duties.

SECTION 11. IC 10-19-3-3, AS AMENDED BY P.L.43-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The executive director shall do the following:

- (1) Serve as the chief executive and administrative officer of the department.
- (2) Serve as the director of the council.
- (3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.
- (4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.
- (5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.



(6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.

(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.

(8) Partner with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.

(9) Appoint an individual to serve as the state emergency medical services medical director as provided in section 3.5 of this chapter.

SECTION 12. IC 10-19-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. (a) For purposes of this section, "EMS" means emergency medical services.**

(b) For purposes of this section, "state EMS medical director" refers to the state emergency medical services medical director appointed under subsection (c).

(c) The executive director shall appoint an individual to serve as the state emergency medical services medical director. The individual must have the following qualifications:

(1) Thorough knowledge of state EMS laws and administrative rules and regulations.

(2) At least five (5) years experience in the following:

(A) Medical direction of out of hospital EMS.

(B) Emergency department treatment of acutely ill and injured patients.

(3) Significant experience and familiarity with the following:

(A) The design and operation of statewide EMS systems.

(B) Working with national and other state EMS committees.

(4) At the time of the individual's appointment, has a valid and unrestricted license to practice medicine in Indiana.

(5) Be certified by the American Board of Emergency Medicine.

(6) Other areas of knowledge and expertise that the executive director determines essential.

The state EMS medical director shall be an employee of the department.

(d) The executive director shall submit the name of the



individual whom the executive director would like to appoint as state EMS medical director to the Indiana emergency medical services commission created by IC 16-31-2-1. The commission may, by a majority of the members, vote not later than thirty (30) days after the submission on whether to approve the appointment. If the commission:

- (1) does not take any action; or
- (2) by a majority of the commission votes to approve the appointment of the individual;

not later than thirty (30) days after, the appointment shall become effective. If a majority of the commission votes not later than thirty (30) days after the submission of the appointment to not approve the appointment, the executive director shall restart the appointment process and submit an alternative individual for appointment.

(e) The state EMS medical director shall oversee all pre-hospital aspects of the statewide EMS system, including the following:

- (1) Medical components for systems of care that interface or integrate with the statewide EMS system, including the following:

- (A) Statewide planning for trauma, burn, cardiac, and stroke care.
- (B) Domestic preparedness.
- (C) EMS for children.

- (2) For all levels of emergency responders, establishment of the following:

- (A) Statewide model guidelines and best practices for all patient care activities to ensure delivery of medical care consistent with professionally recognized standards.
- (B) A statewide EMS continuous quality improvement program.
- (C) A statewide EMS advocacy program.

- (3) In cooperation with appropriate state and local agencies, training and certification of all EMS providers.

(f) The state EMS medical director shall assist the executive director on all issues related to statewide EMS, including the following:

- (1) Consulting with EMS medical directors.
- (2) In consultation with the Indiana emergency medical services commission created by IC 16-31-2-1, providing guidance and assistance on the following matters:
 - (A) Scope of practice for EMS providers.



- (B) Restrictions placed on EMS certifications.**
- (C) Appropriate corrective and disciplinary actions for EMS personnel.**
- (D) Education and training on emerging issues in EMS.**
- (3) EMS system research.**
- (4) Coordination of all medical activities for disaster planning and response.**
- (5) Improving quality of care, research, and injury prevention programs.**
- (6) Partnering with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.**

SECTION 13. IC 10-19-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Division of Planning and Assessment).

SECTION 14. IC 10-19-5 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Division of Preparedness and Training).

SECTION 15. IC 10-19-6 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Division of Emergency Response and Recovery).

SECTION 16. IC 10-19-7-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 1: The division of fire and building safety is established within the department.~~

SECTION 17. IC 10-19-7-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 2: The division shall administer the following:~~

- ~~(1) IC 16-31.~~
- ~~(2) IC 22-11.~~
- ~~(3) IC 22-12.~~
- ~~(4) IC 22-13.~~
- ~~(5) IC 22-14.~~
- ~~(6) IC 22-15.~~

SECTION 18. IC 10-19-7-3, AS AMENDED BY P.L.43-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2 shall ~~do~~ **manage the department's administration of** the following:

- (1) IC 16-31.**
- (2) IC 22-11.**
- (3) IC 22-12.**
- (4) IC 22-13.**
- (5) IC 22-14.**
- (6) IC 22-15.**
- ~~(1) Serve as a deputy executive director to manage the division.~~
- ~~(2) Administer the division.~~



(b) In carrying out the duties under subsection (a), the state fire marshal shall do the following:

- (3) (1) Provide **department** staff to support the fire prevention and building safety commission established by IC 22-12-2-1.
- (4) (2) Partner with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.
- (b) (c) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:
 - (1) The fire prevention and building safety commission.
 - (2) The state building commissioner.
- (e) (d) The state fire marshal may delegate the state fire marshal's authority to the appropriate ~~division~~ **department** staff.

SECTION 19. IC 10-19-7-5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 5: (a) For purposes of this section, "EMS" means emergency medical services:

(b) For purposes of this section, "state EMS medical director" refers to the state emergency medical services medical director appointed under subsection (c):

(c) The executive director shall appoint an individual to serve as the state emergency medical services medical director. The individual must have the following qualifications:

- (1) Thorough knowledge of state EMS laws and administrative rules and regulations:
- (2) At least five (5) years experience in the following:
 - (A) Medical direction of out of hospital EMS:
 - (B) Emergency department treatment of acutely ill and injured patients:
- (3) Significant experience and familiarity with the following:
 - (A) The design and operation of statewide EMS systems:
 - (B) Working with national and other state EMS committees:
- (4) At the time of the individual's appointment, has a valid and unrestricted license to practice medicine in Indiana:
- (5) Be certified by the American Board of Emergency Medicine:
- (6) Other areas of knowledge and expertise that the executive director determines essential.

The state EMS medical director shall be an employee of the department:

(d) The executive director shall submit the name of the individual whom the executive director would like to appoint as state EMS medical director to the Indiana emergency medical services commission created by IC 16-31-2-1. The commission may, by a



majority of the members; vote not later than thirty (30) days after the submission on whether to approve the appointment. If the commission:

- (1) does not take any action; or
- (2) by a majority of the commission votes to approve the appointment of the individual;

not later than thirty (30) days after, the appointment shall become effective. If a majority of the commission votes not later than thirty (30) days after the submission of the appointment to not approve the appointment, the executive director shall restart the appointment process and submit an alternative individual for appointment.

(e) The state EMS medical director shall oversee all pre-hospital aspects of the statewide EMS system, including the following:

- (1) Medical components for systems of care that interface or integrate with the statewide EMS system, including the following:
 - (A) Statewide planning for trauma, burn, cardiac, and stroke care.
 - (B) Domestic preparedness.
 - (C) EMS for children.

(2) For all levels of emergency responders; establishment of the following:

- (A) Statewide model guidelines and best practices for all patient care activities to ensure delivery of medical care consistent with professionally recognized standards.
- (B) A statewide EMS continuous quality improvement program.
- (C) A statewide EMS advocacy program.

(3) In cooperation with appropriate state and local agencies; training and certification of all EMS providers.

(f) The state EMS medical director shall assist the executive director on all issues related to statewide EMS, including the following:

- (1) Consulting with EMS medical directors.
- (2) In consultation with the Indiana emergency medical services commission created by IC 16-31-2-1, providing guidance and assistance on the following matters:
 - (A) Scope of practice for EMS providers.
 - (B) Restrictions placed on EMS certifications.
 - (C) Appropriate corrective and disciplinary actions for EMS personnel.
 - (D) Education and training on emerging issues in EMS.
- (3) EMS system research.
- (4) Coordination of all medical activities for disaster planning and response.



(5) Improving quality of care, research, and injury prevention programs;

(6) Partnering with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs;

SECTION 20. IC 10-19-9-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 1. As used in this chapter, "division" refers to the division of preparedness and training.

SECTION 21. IC 10-19-9-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "public safety service provider" or "provider" means an officer or employee of the state, an officer or employee of a governmental unit, or a volunteer who is engaged in at least one (1) of the following activities:

- (1) Firefighting.
- (2) Emergency management.
- (3) Environmental management.
- (4) Fire or building inspection.
- (5) Emergency medical service.
- (6) Any other public safety or homeland security activity that the **division department** may designate.

SECTION 22. IC 10-19-9-3, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The **division department** shall develop and provide a training program for public safety service providers.

(b) Participation in the training program is optional for a provider.

SECTION 23. IC 10-19-9-4, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. Subject to section 3(b) of this chapter, the **division department** shall establish and conduct advanced training programs in public safety and homeland security subjects on a voluntary enrollment basis. The **division department** may offer courses to any public safety service provider that the **division department** determines will benefit from the training.

SECTION 24. IC 10-19-9-5, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. The **division department** may establish training facilities at which the **division department** provides programs. The **division department** shall establish policies and procedures for the use of any training facilities that the **division department** establishes.

SECTION 25. IC 10-19-9-6, AS ADDED BY P.L.22-2005,



SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The ~~division~~ **department** may recommend or conduct studies or surveys. The ~~division~~ **department** may require reports from the chief executive of a governmental or volunteer provider organization for the purposes of this chapter.

SECTION 26. IC 10-19-9-7, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division~~ **department** may originate, compile, and disseminate training materials to providers.

SECTION 27. IC 10-19-9-8, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may establish a system of issuing diplomas or certificates for persons who successfully complete the ~~division's~~ **department's** training programs.

SECTION 28. IC 10-19-9-9, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. Upon request, the ~~division~~ **department** may assist a provider organization in the development of training programs for the organization's personnel.

SECTION 29. IC 10-19-9-10, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. The ~~division~~ **department** may consult, cooperate, or contract with the law enforcement training board, a college or university, or any other individual or entity for the development and providing of courses of study for public safety service providers.

SECTION 30. IC 10-19-9-11, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The ~~division's~~ **department's** facilities are available for the training of any public safety or health services provider that the ~~division~~ **department** determines will benefit from the training.

(b) The ~~division~~ **department** shall determine the terms and conditions for use of the ~~division's~~ **department's** facilities by the providers listed in subsection (a).

SECTION 31. IC 10-19-9-12, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may establish fee schedules and charges for the following:

- (1) Items or services provided by the ~~division~~ **department** under this chapter.
- (2) Training conducted by the ~~division~~ **department** under this



chapter.

(3) Other ~~division~~ **department** activities conducted under this chapter.

SECTION 32. IC 10-19-9-13, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. The ~~division~~ **department** may accept gifts and grants from any source and use them for the purposes of this chapter.

SECTION 33. IC 10-19-9-14, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. The ~~division~~ **department** may perform any other acts that are necessary or appropriate to implement this chapter.

SECTION 34. IC 10-19-11-2, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) ~~"Agency" refers to the department of homeland security established by IC 10-19-2-1.~~

(c) ~~(b)~~ "Agreement state" means a state with which the United States Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

(d) ~~(c)~~ For purposes of this chapter, exposures are "as low as is reasonably achievable" if every reasonable effort has been made to maintain exposures to ionizing radiation as far below the dose limits as is practical:

- (1) consistent with the purpose for which the licensed activity is undertaken;
- (2) taking into account the state of technology and the economics of improvements; and
- (3) in relation to:
 - (A) benefits to the public health and safety;
 - (B) other societal and socioeconomic considerations; and
 - (C) utilization of nuclear energy and licensed materials in the public interest.

(e) ~~(d)~~ "Atomic Energy Act of 1954" refers to the federal Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1, 2014.

(f) ~~(e)~~ "Byproduct material" means any of the following:

- (1) Radioactive material, except special nuclear material, yielding in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
- (2) The tailings or wastes produced by the extraction or



concentration of uranium or thorium from ore.

(3) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity.

(4) Any material that:

(A) has been made radioactive by use of a particle accelerator; and

(B) is:

(i) produced;

(ii) extracted; or

(iii) converted after extraction;

for use for a commercial, medical, or research activity.

(5) Any discrete source of naturally occurring radioactive material, other than source material, that:

(A) is determined by the Nuclear Regulatory Commission, in consultation with the administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, to pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) is:

(i) extracted; or

(ii) converted after extraction;

for use in a commercial, medical, or research activity.

(f) "Department" refers to the department of homeland security established by IC 10-19-2-1.

(g) "General license" means an export or import license that:

(1) is issued through rulemaking by the Nuclear Regulatory Commission;

(2) is effective without the filing of a specific application with the Nuclear Regulatory Commission or the issuance of licensing documents to a particular person;

(3) is not an exemption from the requirements of the Nuclear Regulatory Commission; and

(4) does not relieve a person from complying with other applicable Nuclear Regulatory Commission, federal, or state requirements.

(h) "Inspection" means an official examination or observation by the ~~agency.~~ **department.** The term includes tests, surveys, and monitoring to determine compliance with this chapter and the rules adopted under



this chapter.

(i) "Ionizing radiation" means:

- (1) alpha particles;
- (2) beta particles;
- (3) gamma rays;
- (4) x-rays;
- (5) neutrons;
- (6) high-speed electrons;
- (7) high-speed protons; and
- (8) other particles capable of producing ions.

The term does not include nonionizing radiation such as radio waves, microwaves, and visible light, infrared light, or ultraviolet light.

(j) "License" means a license issued under the Nuclear Regulatory Commission regulations or by an agreement state as stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

(k) "Licensed material" means:

- (1) source material;
- (2) special nuclear material; or
- (3) byproduct material;

that is received, possessed, used, transferred, or disposed of under a general or specific license issued by the Nuclear Regulatory Commission or the ~~agency.~~ **department.**

(l) "Nuclear Regulatory Commission" refers to the United States Nuclear Regulatory Commission.

(m) "Person" means an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(n) "Radioactive material" means:

- (1) byproduct material;
- (2) source material;
- (3) special nuclear material; or
- (4) any solid, liquid, or gas that emits radiation spontaneously.

(o) "Registration" means registration with the ~~agency.~~ **department.**

(p) "Source material" means:

- (1) natural uranium, depleted uranium, thorium, or any other combination of natural uranium, depleted uranium, and thorium, in any physical or chemical form other than special nuclear material; or
- (2) ores that contain by weight at least five-hundredths of one percent (0.05%) of:
 - (A) natural uranium;
 - (B) depleted uranium;



(C) thorium; or

(D) any combination of natural uranium, depleted uranium, and thorium.

(q) "Special nuclear material" means:

(1) plutonium;

(2) uranium-233; or

(3) uranium enriched above seven hundred eleven thousandths of one percent (0.711%) by weight in the isotope uranium-235.

(r) "Specific license" means an export or import license document that is issued to a named person and authorizes the export or import of specified nuclear equipment or materials based upon the review and approval of an NRC Form 7 (Application for NRC Export or Import License, amendment, renewal, or consent request(s)) application.

(s) "Unnecessary radiation" means radiation used in such a manner as to be injurious or dangerous to health, life, or property.

(t) "The state" refers to the state of Indiana.

SECTION 35. IC 10-19-11-3, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The **agency department** or the **agency's department's** agent may enter at any reasonable time any private or public property for the purpose of an inspection and investigation of conditions relating to radiation control.

(b) An owner or tenant of private or public property shall, upon reasonable notice, make available to the **agency department** for inspection records maintained in accordance with 10 CFR 20, this chapter, and the rules adopted under this chapter.

(c) An owner or tenant of private or public property shall permit the **agency department** to:

(1) perform radiation surveys in the air using portable survey equipment; and

(2) take environmental samples for analysis;

as the **agency department** considers appropriate and necessary for public health and safety.

SECTION 36. IC 10-19-11-4, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Byproduct material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of byproduct material under subsection (d).

(b) Source material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the



state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of source materials under subsection (d).

(c) Special nuclear material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission to assume regulation of the use of special nuclear material under subsection (d).

(d) The governor, or the governor's appointee on behalf of the state, may enter into an agreement with the Nuclear Regulatory Commission to assume regulation, as authorized under the federal Atomic Energy Act of 1954, of the use of the following:

- (1) Byproduct material.
- (2) Source material.
- (3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its responsibilities with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the **agency department** may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

SECTION 37. IC 10-19-11-5, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the **agency department** on forms prescribed by the agency.

SECTION 38. IC 10-19-11-6, AS AMENDED BY P.L.57-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing or an electronic format with the **agency department**, giving the pertinent information the **agency department** requires, in accordance with the procedures prescribed by the **agency department**.

(b) A person that uses, stores, or disposes of radioactive materials



may be exempted by the ~~agency~~ **department** from licensure or registration under this chapter if the ~~agency~~ **department** determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 39. IC 10-19-11-8, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. In addition to adopting rules under section 4(f) of this chapter, the ~~agency~~ **department** may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

SECTION 40. IC 10-19-11-9, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. A person who:

- (1) produces radiation; or
- (2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the ~~agency~~, **department**, constitutes a separate offense.

SECTION 41. IC 11-12-4-7, AS AMENDED BY P.L.1-2006, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. After conducting the review required by section 6 of this chapter, the department shall send a copy of the department's report to the ~~division of fire and building safety~~ **department of homeland security** and make a public report to the board of county commissioners. In the report, the department shall evaluate whether the jail, if constructed according to the plans and specifications submitted to the department, meets the minimum standards adopted by the department under section 1 of this chapter.

SECTION 42. IC 11-12-4-8, AS AMENDED BY P.L.1-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section does not apply to the approval of the plans and specifications for a county jail under IC 22-15-3 if the department has failed to submit its report under section 7 of this chapter to the ~~division of fire and building safety~~ **department of homeland security** within ten (10) regular working days of the date that the department received the plans and specifications from the board of county commissioners.

(b) The ~~division of fire and building safety~~ **department of homeland security** may not issue a design release for a county jail under IC 22-15-3 until the ~~division of fire and building safety~~ **department of homeland security** receives the report of the



department for that county jail under section 7 of this chapter.

SECTION 43. IC 12-17-12-14, AS AMENDED BY P.L.1-2006, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. The division may not approve a grant from the fund to an applicant that is planning to use a facility not located in a school, unless the applicant's facility meets the following:

- (1) Standards for sanitation that are adopted by the director of the division.
- (2) Standards for fire safety that are adopted by the ~~division of fire and building safety.~~ **department of homeland security.**

SECTION 44. IC 12-17.2-2-9, AS AMENDED BY P.L.1-2006, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A program operated to serve migrant children that is exempted under section 8(6) of this chapter and is certified by the United States Department of Health and Human Services shall be:

- (1) granted a provisional license by the division, for a limited period not to exceed one (1) year and that is subject to review every three (3) months, if the division determines that the program reasonably complies with the rules adopted by the division; and
- (2) inspected by the ~~division of fire and building safety.~~ **department of homeland security.**

(b) The division and the fire prevention and building safety commission shall adopt rules under IC 4-22-2 that apply only to programs operated to serve migrant children that take into consideration the fact that the programs:

- (1) operate in donated space;
- (2) provide services for children from migrant worker families; and
- (3) are operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(c) This section does not prohibit a program operated to serve migrant children from applying for a license under this article.

SECTION 45. IC 12-17.2-6-2, AS AMENDED BY HEA 1247-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) An unlicensed child care ministry under section 1 of this chapter may not operate unless the child care ministry has registered with and met the requirements of the division and the ~~division of fire and building safety.~~ **department of homeland security.** Registration application forms shall be provided



by the division and the ~~division of fire and building safety~~. **department of homeland security.**

(b) A registration application under this section must include a current and valid electronic mail address for the applicant.

(c) Registration under this section expires two (2) years after the date of issuance unless revoked, modified to a probationary or suspended status, or voluntarily returned.

SECTION 46. IC 12-17.2-6-5, AS AMENDED BY P.L.1-2006, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this section, "primary use of the building" means the occupancy classification that is:

- (1) most closely related to the intended use of the building; and
- (2) determined by the rules of the fire prevention and building safety commission in effect at the time that the child care ministry is first registered.

(b) The state fire marshal shall inspect a child care ministry registered under section 2 of this chapter to ensure that the child care ministry complies with the requirements of subsection (c).

(c) Except as provided in the following, a registered child care ministry shall comply with all rules of the fire prevention and building safety commission applicable to the primary use of the building:

- (1) A registered child care ministry with an occupant load of at least fifty (50) shall do either of the following:

- (A) Install and maintain a fire alarm system in compliance with the rules of the fire prevention and building safety commission.

- (B) Provide a notice on a form prescribed by the ~~division of fire and building safety~~ **department of homeland security** to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.

- (2) Each registered child care ministry with an occupant load of less than fifty (50) shall do either of the following:

- (A) Install and maintain in good operating condition at least one (1) battery operated smoke detector in each room and corridor used by the ministry.

- (B) Provide a notice on a form prescribed by the ~~division of fire and building safety~~ **department of homeland security** to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.



(3) Each registered child care ministry shall comply with the rules of the fire prevention and building safety commission concerning fire drills.

For purposes of this subsection, occupant load is determined by dividing the total square footage of the area used by the child care ministry by thirty-five (35) and rounding any result that is not a whole number up to the next whole number.

(d) The state fire marshal shall make an inspection of a child care ministry registered under section 2 of this chapter at least annually.

(e) During an inspection, the state fire marshal shall inspect the structure in which the child care ministry is conducted for fire safety and life safety with respect to the structure's primary use.

SECTION 47. IC 12-17.2-6-6, AS AMENDED BY P.L.145-2006, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the ~~division of fire and building safety~~ **department of homeland security** shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY RESOURCES

THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE _____

SIGNATURE _____

~~DIVISION OF FIRE AND BUILDING SAFETY".~~ **DEPARTMENT OF HOMELAND SECURITY".**

SECTION 48. IC 13-18-17-5, AS AMENDED BY P.L.113-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:



- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

- (1) The department.
- (2) The department of natural resources.
- (3) The state department of health.
- (4) The office of the state chemist.
- (5) ~~The division of fire and building safety.~~ **department of homeland security.**

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

SECTION 49. IC 14-23-6-1, AS AMENDED BY P.L.1-2006, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The department shall do the following:

- (1) Organize, establish, and maintain a program of education, training, and service throughout Indiana to combat forest, brush, or open fires occurring in Indiana.
- (2) Establish an organization of trained volunteer forest firefighters to be known and designated as the Indiana volunteer forest firefighters service.
- (3) Cooperate with local firefighting services and the ~~division of fire and building safety~~ **department of homeland security** to combat fires under this section.

SECTION 50. IC 16-19-3.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. As used in this chapter,**



"department" refers to the department of homeland security established under IC 10-19-2-1.

SECTION 51. IC 16-19-3.5-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 3. As used in this chapter, "division" means the division of fire and building safety established by IC 10-19-7-1.~~

SECTION 52. IC 16-19-3.5-7, AS ADDED BY P.L.49-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The state department shall accept an application for a construction permit that is submitted by an applicant by either of the following methods:

- (1) The applicant may submit an application to the ~~division~~ **department** that is a combined application for:
 - (A) a construction permit under this chapter; and
 - (B) a design release under IC 22-15-3.
- (2) The applicant may submit separate applications for:
 - (A) a construction permit to the state department; and
 - (B) a design release under IC 22-15-3 to the ~~division~~ **department**.

Not later than the next business day, the ~~division~~ **department** shall provide a copy of the application submitted under subdivision (1) to the state department to initiate processing of the construction permit under this chapter.

SECTION 53. IC 16-21-1-10, AS AMENDED BY P.L.141-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) Licensure inspections of an institution or agency shall be made regularly in accordance with rules adopted under this chapter. The state department shall make all health and sanitation inspections, including inspections in response to an alleged breach of this chapter or rules adopted under this chapter. ~~The division of fire and building safety~~ **department of homeland security** shall make all fire safety inspections.

(b) An employee of the state department who knowingly or intentionally informs an institution or agency of the exact date of an unannounced inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be in writing and sent to the institution or agency.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 54. IC 16-22-6-25, AS AMENDED BY P.L.1-2006, SECTION 296, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2021]: Sec. 25. Before the execution of a lease the governing board of the hospital and the county executive shall approve the plans, specifications, and estimates of cost for the building, equipment, and appurtenances that the authority proposes to lease to a lessee. The plans and specifications also shall be submitted to and approved by the state department, the ~~division of fire and building safety~~, **department of homeland security**, and other state agencies designated by law to pass on plans and specifications for public buildings.

SECTION 55. IC 16-22-7-28, AS AMENDED BY P.L.1-2006, SECTION 297, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. Before executing a lease, the governing board of the hospital shall approve the plans, specifications, and estimates of cost for the building, including equipment and appurtenances, that the authority proposes to lease to a lessee. The plans and specifications shall be submitted to and approved by the state department, the ~~division of fire and building safety~~, **department of homeland security**, and other state agencies designated by law to pass on plans and specifications for public buildings.

SECTION 56. IC 16-28-1-13, AS AMENDED BY P.L.141-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Licensure inspections of health facilities shall be made regularly in accordance with rules adopted under this chapter. The division shall make all health and sanitation inspections. The ~~division of fire and building safety~~ **department of homeland security** shall make all fire safety inspections.

(b) The exact date of an inspection of a health facility under this chapter may not be announced or communicated directly or indirectly to the owner, administrator, or an employee of the facility before the inspection. An employee of the state department who knowingly or intentionally informs a health facility of the exact date of an inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be:

- (1) in writing; and
- (2) sent to the health facility.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 57. IC 16-31-2-2, AS AMENDED BY P.L.100-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The commission is composed of fourteen



(14) members. The governor shall appoint the members for four (4) year terms as follows:

(1) One (1) must be appointed from a volunteer fire department that provides emergency medical service.

(2) One (1) must be appointed from a full-time municipal fire or police department that provides emergency medical service.

(3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.

(4) One (1) must be a provider of private ambulance services.

(5) One (1) must be a state licensed paramedic.

(6) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in emergency medical services; and

(B) is currently practicing in an emergency medical services facility.

(7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.

(8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.

(9) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in trauma care; and

(B) is practicing in a trauma facility.

(10) One (1) must be a state certified emergency medical service technician.

(11) One (1) must be an individual who:

(A) represents the public at large; and

(B) is not in any way related to providing emergency medical services.

(12) One (1) must be a program director (as defined in 836 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life support training institution.

(13) One (1) must be the ~~deputy~~ executive director ~~appointed under IC 10-19-5-3 to manage the division of preparedness and training~~ of the department of homeland security **appointed under IC 10-19-3-1** or the designee of the ~~deputy~~ executive director.

(14) One (1) must be a representative of an entity that provides air ambulance services.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.



(c) Not more than eight (8) members may be from the same political party.

SECTION 58. IC 16-31-2-8, AS AMENDED BY P.L.188-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The commission may do the following:

- (1) Develop training and certification standards for emergency medical responders under this article.
- (2) Require emergency medical responders to be certified under the standards developed under subdivision (1).
- (3) Develop reciprocal certification training standards for individuals who have received medical training by a branch of the United States armed forces.
- (4) Not later than thirty (30) days after the executive director of the department of homeland security submits an appointment for state emergency medical services medical director to the commission, vote concerning whether to approve the appointment in accordance with ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**. If the commission votes on the appointment in accordance with ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**, a vote by a majority of the members of the commission is necessary under this subdivision in order to approve or not approve the appointment.

SECTION 59. IC 20-18-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.5. "School based enterprise" means a program that:**

- (1) includes interactions with customers or clients;**
- (2) is a career based course; and**
- (3) includes ongoing business training provided by a teacher.**

SECTION 60. IC 20-26-7-27.5, AS ADDED BY P.L.132-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27.5. (a) Notwithstanding any other law, if:

- (1) as a result of an inspection of a school building under IC 22-14-2-11 that is not an inspection to determine compliance with a legal standard for accreditation, ~~the division of fire and building safety~~ of the department of homeland security determines that there is a violation of a fire safety law at the school building;
- (2) the fire safety law that the ~~division~~ **department of homeland security** determines has been violated at the school building incorporates a standard that:
 - (A) was not a fire safety law at the time of the construction or renovation of the school building and is being applied retroactively to the building by an employee of the ~~division~~ of



~~fire and building safety; department of homeland security;~~

or

(B) previously was not applicable to the building; and

(3) the violation is not a condition that creates an immediate safety hazard and is monitored under daily maintenance and supervision;

the school corporation shall abate the violation before the earlier of one (1) year after the violation determination or six (6) months after the start of the school corporation's next budget year following the violation determination.

(b) The expense of the abatement may be paid out of funds appropriated for such purposes in the budget year following a violation determination under subsection (a).

SECTION 61. IC 20-26-7-28, AS AMENDED BY P.L.1-2006, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. A report of the inspection described in section 27 of this chapter shall be made to the ~~division of fire and building safety~~ **department of homeland security** before September 1 of each year. The report shall be made on forms prescribed and approved by the ~~division of fire and building safety;~~ **department of homeland security.**

SECTION 62. IC 20-37-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) As used in this section, **"applicable high school" means a high school at which all the students participate in a work based learning course (as defined in IC 20-43-8-0.7) or school based enterprise.**

(b) As used in this section, **"primary use of the building" means an occupancy classification that is:**

(1) most closely related to the intended use of the building;
and

(2) determined by the rules of the fire prevention and building safety commission established by IC 22-12-2-1 in effect at the time that the applicable high school is first opened.

(c) **An applicable high school shall comply with all rules of the fire prevention and building safety commission applicable to the primary use of the building.**

SECTION 63. IC 22-11-14-2, AS AMENDED BY P.L.57-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The fire prevention and building safety commission shall:

(1) adopt rules under IC 4-22-2 for the granting of permits for



supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing or an electronic format; and
- (4) be received with the applicable fee by the ~~division of fire and building safety~~ **department of homeland security** at least five
- (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 64. IC 22-11-14-4.5, AS ADDED BY P.L.187-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a tent under the following conditions:

- (1) The tent may not be larger than one thousand five hundred (1,500) square feet.
- (2) There may be only one (1) tent for each registration granted under section 11(a) of this chapter.
- (3) The tent may not be located closer than one hundred (100) feet from a permanent structure.
- (4) A vehicle may not be parked closer than twenty (20) feet from



the edge of the tent.

(5) The tent must be fire retardant.

(6) The sales site must comply with all applicable local zoning and land use rules.

(7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.

(8) The weight of consumer fireworks in a tent may not exceed three thousand (3,000) gross pounds of consumer fireworks.

(9) A retailer that legally operated a tent with a registration in 2005 may continue operation in a tent in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years. For purposes of this subdivision, a retailer includes a resident wholesaler who supplied consumer fireworks to an applicant for a tent registration in 2005.

(10) The retailer holds a valid registration under section 11(a) of this chapter.

(b) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a Class 1 structure (as defined in IC 22-12-1-4) if the Class 1 structure meets the requirements of any of the following subdivisions:

(1) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:

(A) in which consumer fireworks were sold or stored on or before July 4, 2003; and

(B) in which no subsequent intervening nonfireworks sales or storage use has occurred.

(2) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1;

(A) in which consumer fireworks were sold or stored on or before July 4, 2003;

(B) in a location at which the retailer was registered as a resident wholesaler in 2005; and

(C) in which the retailer's primary business is not the sale of consumer fireworks.

(3) The structure complies with the rules for an H-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission established



under IC 22-12-2-1, or the equivalent occupancy classification adopted by subsequent rules of the fire prevention and building safety commission.

(4) The structure complies with the rules adopted after July 3, 2003, by the fire prevention and building safety commission established under IC 22-12-2-1 for an M building occupancy classification under the Indiana building code.

A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(c) This subsection does not apply to a structure identified in subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a structure under the following conditions:

(1) The structure must be a Class 1 structure in which consumer fireworks are sold and stored.

(2) The sales site must comply with all applicable local zoning and land use rules.

(3) The weight of consumer fireworks in the structure may not exceed three thousand (3,000) gross pounds of consumer fireworks.

(4) The retailer holds a valid registration under section 11(a) of this chapter.

(5) A retailer that sold consumer fireworks and operated from a structure with a registration in 2005 may continue in operation in the structure in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(d) The state fire marshal or a member of the ~~division of fire and building safety~~ **department of homeland security** staff shall, under section 9 of this chapter, inspect tents and structures in which fireworks are sold. The state fire marshal may delegate this responsibility to a responding fire department with jurisdiction over the tent or structure, subject to the policies and procedures of the state fire marshal.

(e) A retailer shall file an application for each retail location on a form to be provided by the state fire marshal.

(f) This chapter does not limit the quantity of items referenced in section 8(a) of this chapter that may be sold from any Class 1 structure that complied with the rules of the fire prevention and building safety commission in effect before May 21, 2003.

SECTION 65. IC 22-11-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:



(1) "Commission" refers to the Indiana fire prevention and building safety commission.

(2) "Exit" means a continuous and unobstructed means of egress to a public way designated as an exit pursuant to the rules of the commission. The term includes doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, and yards.

(3) "Owner" means a person having control or custody of any building covered by this chapter.

(4) "Public building" means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three (3) or more tenants. It also means all educational buildings, day care centers, hospitals, institutions, health facilities, residential-custodial care facilities, mercantile occupancies, and office occupancies.

(5) "Special egress control device" means an **electronically controlled** exit locking system that:

(A) allows a delay in exiting through an exit in a nonemergency situation; and

(B) complies with rules adopted by the commission.

SECTION 66. IC 22-11-17-2, AS AMENDED BY P.L.211-2018(ss), SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in subsections (b) and (d) and section 2.5 of this chapter, an owner of a public building shall not permit an exit to be locked or obstructed in any manner that denies the public a continuous and unobstructed means of egress while lawfully occupied by anyone who is not an officer or an employee.

(b) The commission may adopt rules under IC 4-22-2 that:

(1) allow the owner of a public building to equip an exit with a special egress control device;

(2) limit the circumstances under which a special egress control device may be used; and

(3) allow an exit that was in compliance with the rules of the commission when the exit was constructed to be equipped with a special egress control device.

(c) An owner of a public building shall not permit a fire alarm to be disconnected or otherwise rendered inoperative, except in cases of routine maintenance or for repair.

(d) A school that has one (1) or more employees ~~may barricade or block a door for a period not to exceed three (3) minutes in the event of an unplanned fire alarm activation in order for a designated school~~



official to investigate the alarm. The school must initiate evacuation and safety procedures after the three (3) minute period expires. However, the period may be extended in the event that an active shooter has been verified to be on the school's property **shall develop a plan to address unplanned fire alarm activation as part of its emergency operations plan.**

(e) A school's emergency operations plan for unplanned fire alarm activation shall include procedures for the following:

(1) Evacuation of the building when the fire alarm is heard. A school with a fire alarm panel that allows for a positive fire alarm sequence may:

(A) develop a plan to investigate an unplanned fire alarm activation before activating the audible and visual alarms requiring evacuation;

(B) designate school officials to acknowledge that an alarm has been activated and initiate an investigation within fifteen (15) seconds;

(C) secure-in-place for up to three (3) minutes in order for a designated school official to determine, by investigation, if an active shooter is on the property; and

(D) following the three (3) minute period under clause (C), the school must evacuate, unless an active shooter has been verified to be on the school's property.

(2) Compliance with all provisions of 675 IAC 28-1-28.

SECTION 67. IC 22-12-3-2, AS AMENDED BY P.L.40-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The education board consists of thirteen (13) voting members as follows:

(1) The state fire marshal or the state fire marshal's designee.

(2) The **executive** director of the **department of homeland security appointed under IC 10-19-3-1** ~~department's division of preparedness and training~~ or the **executive** director's designee.

(3) Eleven (11) members appointed by the governor, each serving a four (4) year term.

(b) Each appointed member of the education board must be qualified by experience or education in the field of fire protection and related fields.

(c) Each appointed member of the education board must be a resident of Indiana.

(d) The education board must include the following appointed members:

(1) Seven (7) individuals who are members of fire departments.



Appointments under this subdivision must include the following:

- (A) At least one (1) individual who is a full-time firefighter (as defined in IC 36-8-10.5-3).
- (B) At least one (1) individual who is a volunteer firefighter (as defined in IC 36-8-12-2).
- (C) At least one (1) individual who is a fire department officer.
- (2) Two (2) citizens who are not members of a fire department.
- (3) One (1) emergency management director.
- (4) One (1) paramedic licensed under IC 16-31-3.

SECTION 68. IC 22-12-3-7, AS AMENDED BY P.L.1-2006, SECTION 351, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division of fire and building safety~~ **department of homeland security** shall provide facilities and staff to carry out the responsibilities of the education board.

SECTION 69. IC 22-12-6-1, AS AMENDED BY P.L.249-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The fire and building services fund is established for the purpose of defraying the personal services, other operating expense, and capital outlay of the following:

- (1) The department.
- (2) The education board.
- (3) The commission.

(b) The fund shall be administered by the department. Money collected for deposit in the fund shall be deposited at least monthly with the treasurer of state.

(c) The treasurer of state shall deposit the following collected amounts in the fund:

- (1) Fire insurance policy premium taxes assessed under section 5 of this chapter.
- (2) Except as provided in section 6(d) of this chapter, all fees collected under this chapter.
- ~~(3) Any money not otherwise described in this subsection but collected by the division of fire and building safety.~~
- ~~(4)~~ (3) Any money not otherwise described in this subsection but collected by the department, commission, or education board and designated for distribution to the fund by statute or the executive director of the department.
- ~~(5)~~ (4) A fee collected by the education board for the issuance of a certification under IC 22-14-2-7.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.



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

SECTION 70. IC 22-12-6-3, AS AMENDED BY P.L.1-2006, SECTION 354, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The statewide fire and building safety education fund is established to provide money to:

- (1) local fire and building inspection departments for enrollment in education and training programs approved by the department; and
- (2) the ~~division of fire and building safety~~ **department** for:
 - (A) enrollment in education and training programs approved by the department; and
 - (B) the sponsoring of training conferences.

(b) The department shall administer the fund. The department shall distribute money from the fund in accordance with the rules adopted under IC 4-22-2 by the commission.

(c) The fund consists of:

- (1) money allocated under section 6(d) of this chapter; and
- (2) fees collected under subsection (e).

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

(e) The department may charge a fee for a person's participation in a training conference. The department shall deposit the fees collected under this subsection in the fund. The department shall pay all expenses associated with training conferences out of the fund.

SECTION 71. IC 22-12-6-7, AS AMENDED BY P.L.1-2006, SECTION 355, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section does not apply to a nonpublic school (as defined in IC 20-18-2-12) or a school operated by a school corporation (as defined in IC 20-18-2-16).

(b) The ~~division of fire and building safety~~ **department** shall charge an application fee set by rules adopted by the commission under IC 4-22-2 for amusement and entertainment permits issued under IC 22-14-3.

(c) The ~~division of fire and building safety~~ **department** shall collect an inspection fee set by rules adopted by the commission under IC 4-22-2 whenever the ~~division~~ **department** conducts an inspection for a special event endorsement under IC 22-14-3.

(d) Halls, gymnasiums, or places of assembly in which contests, drills, exhibitions, plays, displays, dances, concerts, or other types of amusement are held by colleges, universities, social or fraternal organizations, lodges, farmers organizations, societies, labor unions,



trade associations, or churches are exempt from the fees charged or collected under subsections (b) and (c), unless rental fees are charged or collected.

(e) The fees set for applications or inspections under this section must be sufficient to pay all the direct and indirect costs of processing an application or performing an inspection for which the fee is set. In setting the fees, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

SECTION 72. IC 22-12-6-15, AS AMENDED BY P.L.249-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) As used in this section, "credit card" means a bank card, debit card, charge card, prepaid card, or other similar device used for payment.

(b) In addition to other methods of payment allowed by law, the department may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the following:

- (1) The department.
- ~~(2) The division of preparedness and training.~~
- ~~(3) (2) The fire prevention and building safety commission.~~
- ~~(4) (3) The Indiana homeland security foundation.~~
- ~~(5) The division of fire and building safety.~~

(c) The department may enter into appropriate agreements with banks or other organizations authorized to do business in Indiana to enable the department to accept payment by credit card.

(d) The department may recognize net amounts remitted by the bank or other organization as payment in full of amounts due the department.

(e) The department may pay any applicable credit card service charge or fee.

SECTION 73. IC 22-12-7-6, AS AMENDED BY P.L.1-2006, SECTION 357, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An emergency or other temporary order may be issued under IC 4-21.5-4 whenever the appropriate person under section 1 of this chapter determines that conduct or a condition of property:

- (1) presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) is prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or IC 22-15 or another statute administered by a person described in section 1 of this chapter and the license has not been issued; or
- (3) will conceal a violation of law.



(b) An emergency or other temporary order issued by an employee or agent of the ~~division of fire and building safety~~ **department** must be approved by the state fire marshal or by the executive director of the department.

(c) An approval under subsection (b) may be orally communicated to the employee or agent issuing the order. However, the department shall maintain a written record of the approval.

SECTION 74. IC 22-13-2-4.1, AS ADDED BY P.L.49-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.1. (a) This section applies only to a plan review for a design release performed:

- (1) before construction of a Class 1 structure; and
- (2) to determine compliance with the rules of the commission.

(b) This section does not apply to a plan review for the issuance of a building permit, an improvement permit, a fire protection system permit, or any other permit issued by a state agency or a city, town, or county.

(c) A plan review for a design release must be:

- (1) authorized under IC 22-15-3; and
- (2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.

(d) If the commission has certified that a city, town, or county is qualified to perform a plan review for a design release under IC 22-15-3, both of the following may perform the plan review for a design release:

- (1) The ~~division of fire and building safety~~ **department**.
- (2) The city, town, or county.

However, only the entity described in subdivision (1) or (2) that performs the initial plan review for a design release may charge a fee for the plan review for a design release. The other entity shall not charge a fee for the plan review for a design release.

SECTION 75. IC 22-13-2-10, AS AMENDED BY P.L.22-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) A county, city, or town may regulate regulated lifting devices if the unit's regulatory program is approved by the commission.

(b) A unit must submit its ordinances and other regulations that regulate lifting devices to the commission for approval. The ordinance or other regulation is not effective until it is approved by the commission. If any of these ordinances or regulations conflict with the commission's rules, the commission's rules supersede the local ordinance or other regulation.



(c) A unit may issue permits only to applicants who qualify under IC 22-15-5. However, the unit may specify a lesser fee than that set under IC 22-12-6-6(a)(7).

(d) A unit must inspect regulated lifting devices with inspectors who possess the qualifications necessary to be employed by ~~the division of fire and building safety~~ of the department of homeland security as a regulated lifting device inspector.

SECTION 76. IC 22-13-2-13, AS AMENDED BY P.L.1-2006, SECTION 359, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The commission may adopt rules under IC 4-22-2 to implement this article, IC 22-12, IC 22-14, and IC 22-15.

(b) Any power of the state fire marshal or the ~~division of fire and building safety~~ department to adopt rules to implement this article, **IC 22-12, IC 22-14, and IC 22-15** shall be exercised by the commission.

SECTION 77. IC 22-13-2-14.1, AS ADDED BY P.L.171-2019, SECTION 5, AND AS ADDED BY P.L.249-2019, SECTION 27, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14.1. (a) The commission *or department shall may* consult with an industry expert ~~experts or call a special meeting~~ to discuss a variance application or an update to a rule or safety standard concerning:

- (1) a boiler or pressure vessel; ~~boiler and pressure vessels;~~ or
- (2) a regulated amusement device. ~~regulated amusement devices.~~

(b) An industry expert for the purposes of consulting under subsection (a)(1) must be:

- (1) a professional engineer registered under IC 25-31; and
- (2) knowledgeable in and have experience with boiler and pressure vessels.

SECTION 78. IC 22-13-3-2, AS AMENDED BY P.L.1-2006, SECTION 360, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies to the following laboratories:

- (1) Analytical laboratories approved by the ~~division of fire and building safety~~ department under the alternative criteria established by the commission in its rules.
- (2) Laboratories that are:
 - (A) operated by a college, university, school, or other educational entity for the purpose of instruction or research; and
 - (B) approved by the ~~division of fire and building safety~~



department under the alternative criteria established by the commission in the rules.

(b) The commission may:

(1) apply different rules to the manufacture of regulated explosives (as defined in IC 35-47.5-2-13) in a laboratory described in subsection (a) than apply to other places where regulated explosives (as defined in IC 35-47.5-2-13) are manufactured; and

(2) adopt rules under IC 4-22-2 to exempt laboratories described in subsection (a) from the regulated explosive magazines permit requirement under IC 35-47.5-4.

SECTION 79. IC 22-13-5-2, AS AMENDED BY P.L.57-2020, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the ~~division of fire and building safety~~ **department** shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

(1) an interested person submits a written or electronic request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and

(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection

(a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 80. IC 22-14-1-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: "~~Division~~" refers to the ~~division of fire and building safety established by IC 10-19-7-1.~~

SECTION 81. IC 22-14-2-2, AS AMENDED BY P.L.1-2006, SECTION 363, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The governor shall appoint a



state fire marshal. ~~to direct the division.~~ The state fire marshal serves at the pleasure of the governor.

(b) The state fire marshal must have:

- (1) a recognized interest and knowledge in the areas of fire prevention and fire protection; and
- (2) experience as an administrator.

(c) The state fire marshal shall serve as a full-time employee of the ~~division.~~ **department.**

SECTION 82. IC 22-14-2-4, AS AMENDED BY P.L.1-2006, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) ~~To carry out its responsibilities,~~ The ~~division~~ **department** may:

- (1) enter and inspect any property, at a reasonable hour;
- (2) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13;
- (3) direct a fire department to assist the ~~division;~~ **department;**
- (4) cooperate with law enforcement officers; and
- (5) provide hazardous materials and counterterrorism:
 - (A) training;
 - (B) support; and
 - (C) response assistance.

(b) To carry out the state fire marshal's responsibility to conduct an investigation into the causes and circumstances surrounding a fire or an explosion, the state fire marshal or a ~~division~~ **department** fire investigator authorized by the state fire marshal may:

- (1) exercise the powers of a law enforcement officer to prevent fires and conduct arson investigations;
- (2) direct a fire department to assist the state fire marshal or ~~division~~ **department** fire investigator; and
- (3) cooperate with law enforcement officers.

SECTION 83. IC 22-14-2-5, AS AMENDED BY P.L.1-2006, SECTION 365, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department** shall carry out a program to provide public information concerning fire prevention and maintain data and statistics concerning fires and fire prevention activities.

(b) The ~~division~~ **department** shall provide a copy of the fire safety rules adopted by the commission to the chief of each fire department. The ~~division~~ **department** may exclude, from the rules distributed under this subsection, any text that is incorporated by reference into the rules published in the Indiana Administrative Code.

SECTION 84. IC 22-14-2-6, AS AMENDED BY P.L.40-2015,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may establish the fire and public safety academy training system to create and conduct programs to train public safety personnel.

(b) The ~~division~~ **department** may develop programs to train:

- (1) fire department personnel and volunteers;
- (2) emergency medical services personnel;
- (3) telecommunicators;
- (4) emergency management personnel; and
- (5) chemical, biological, radiological, nuclear, and explosives personnel.

(c) The ~~division~~ **department** may develop training programs in cooperation with:

- (1) any accredited educational institution;
- (2) any fire fighting association;
- (3) the Indiana emergency response commission established by IC 13-25-1-1;
- (4) the Indiana emergency medical services commission established by IC 16-31-2-1;
- (5) the board of firefighting personnel standards and education established by IC 22-12-3-1; or
- (6) any other public safety agency of the state or political subdivision of the state, or public safety organization or association.

The academy or the accredited educational institution under subdivision (1) may conduct the programs.

(d) The programs developed under this section must cover the areas of:

- (1) fire prevention;
- (2) enforcement of fire safety laws;
- (3) firefighting;
- (4) emergency medical services; and
- (5) other areas of public safety.

(e) The ~~division~~ **department** shall establish inspection training requirements for members of volunteer fire companies and certify individuals who meet these requirements.

(f) If the ~~division~~ **department** establishes a training program under subsection (a), the academy shall collaborate with public safety boards and commissions of the state to establish criteria for certification and credentialing of public safety personnel.

(g) The academy may provide programs for research, professional development, and accreditation.



(h) The ~~division~~ **department** shall provide staff and meeting facilities to the education board to carry out section 7 of this chapter.

SECTION 85. IC 22-14-2-8, AS AMENDED BY P.L.1-2006, SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Regardless of the extent of the investigation conducted by a fire department under IC 36-8-17-7, the state fire marshal or a ~~division~~ **department** fire investigator authorized by the state fire marshal may conduct an investigation into the causes and circumstances surrounding any fire or explosion.

(b) To carry out this section, the state fire marshal or a ~~division~~ **department** fire investigator authorized by the state fire marshal may:

- (1) exercise its powers under section 4 of this chapter;
- (2) assist a prosecuting attorney with any criminal investigation;
- (3) subpoena witnesses and order the production of books, documents, and other evidence;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings;
- (6) separate witnesses and otherwise regulate the course of proceedings; and
- (7) obtain and secure evidence.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(d) A person who is summoned and testifies under this section is entitled to receive a minimum salary per diem and a mileage allowance from the fire and building services fund. The budget agency shall set the amount of the per diem and mileage allowance.

(e) The state fire marshal and the ~~division~~ **department** fire investigators authorized by the state fire marshal have law enforcement authority at all times while discharging their duties under this section as employees of the department.

(f) The executive director of the department ~~of homeland security~~ has law enforcement authority at all times while discharging the duties of the executive director under this section.

SECTION 86. IC 22-14-2-9, AS AMENDED BY P.L.1-2006, SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The ~~division~~ **department** shall review and may approve plans and specifications presented to the ~~division~~ **department** for a design release under IC 22-15-3 for compliance with the fire safety laws.

SECTION 87. IC 22-14-2-10, AS AMENDED BY P.L.1-2006, SECTION 369, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department**



shall carry out a program to:

- (1) enforce all fire safety laws and related variances and other orders; and
- (2) protect the public from fire hazards.

(b) The ~~division~~ **department** shall carry out a program to investigate complaints.

SECTION 88. IC 22-14-2-11, AS AMENDED BY P.L.1-2006, SECTION 370, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. The ~~division~~ **department** shall carry out a program to periodically inspect structures and other property that are used by the state, a county, a city, a town, or a school corporation, including institutions where inmates are involuntarily detained. Inspections shall be conducted under the schedule specified by the ~~division~~ **department**. The ~~division~~ **department** may exclude a class of buildings or other property from inspection under this section, if the ~~division~~ **department** determines that the public interest will be served without inspection.

SECTION 89. IC 22-14-2-12, AS AMENDED BY P.L.1-2006, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. Whenever a ~~division~~ **department** fire investigator retires after at least twenty (20) years of service, the ~~division~~ **department** shall, in recognition of the investigator's service to the ~~division~~ **department**, do the following:

- (1) Allow the investigator to retain the service weapon issued to the investigator by the ~~division~~ **department**.
- (2) Issue the investigator a badge that indicates the investigator is a retired ~~division~~ **department** fire investigator.
- (3) Issue the investigator an identification card that contains the following information:
 - (A) The name of the ~~division~~ **department**.
 - (B) The name of the investigator.
 - (C) The investigator's position title before the investigator's retirement.
 - (D) A statement that the investigator is retired.
 - (E) A statement that the investigator is authorized to retain the service weapon issued to the investigator by the ~~division~~ **department**.

SECTION 90. IC 22-14-3-1, AS AMENDED BY P.L.1-2006, SECTION 372, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections** (c) and (d), this chapter does not apply to a nonpublic school (as defined in IC 20-18-2-12) or a school operated by



a school corporation (as defined in IC 20-18-2-16).

(b) The ~~division~~ **department** shall carry out an inspection program to periodically inspect regulated places of amusement or entertainment. These inspections shall be conducted at least annually.

(c) A school that holds amusement or entertainment events shall be inspected at least one (1) time each year. The inspection may be performed by either the ~~division~~ **department** or the fire department that has jurisdiction over the school.

(d) At the time of each annual inspection performed by the ~~division~~, **department**, the ~~division~~ **department** shall provide a fire safety checklist to each school that holds amusement or entertainment events. Each school shall be responsible for ensuring compliance with the items on the fire safety checklist for each amusement or entertainment event held at the school.

SECTION 91. IC 22-14-3-2, AS AMENDED BY P.L.110-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** shall issue an amusement and entertainment permit to an applicant who qualifies under section 3 of this chapter.

(b) A permit issued under section 3 of this chapter expires one (1) year after the date of issuance. The permit applies only to the place, maximum occupancy, and use specified in the permit.

SECTION 92. IC 22-14-3-3, AS AMENDED BY P.L.1-2006, SECTION 374, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. To qualify for an amusement and entertainment permit, an applicant must:

- (1) submit an application sworn or affirmed under penalties of perjury on forms provided by the ~~division~~ **department** upon request;
- (2) provide:
 - (A) the applicant's full name and address;
 - (B) the full name and address of each of the applicant's partners (if the applicant is a partnership), members or managers, if any (if the applicant is a limited liability company), and principal officers (if the applicant is a corporation);
 - (C) an indication of whether the applicant is an owner, lessee, occupant, or agent for the place covered by the application;
 - (D) a description of the place covered by the application, including a description of every building and room covered by the application; and
 - (E) any information required under the commission's rules;



- (3) demonstrate through an inspection that the place covered by the application complies with applicable fire safety laws; and
- (4) pay the fee set under IC 22-12-6-7.

SECTION 93. IC 22-14-3-4, AS AMENDED BY P.L.1-2006, SECTION 375, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department** may modify an amusement and entertainment permit with a special event endorsement that covers one (1) or more events not specified in the initial permit.

- (b) To qualify for a special event endorsement, an applicant must:
 - (1) provide the information required by the commission;
 - (2) demonstrate through an inspection that the special events covered by the application will be conducted in compliance with applicable fire safety laws; and
 - (3) pay the inspection fee set under IC 22-12-6-7.

SECTION 94. IC 22-14-6-3, AS ADDED BY P.L.107-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall administer the fund.

SECTION 95. IC 22-15-1-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: "~~Division~~" refers to the ~~division of fire and building safety established by IC 10-19-7-1.~~

SECTION 96. IC 22-15-2-5.5, AS ADDED BY P.L.218-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) The governor shall appoint a state building commissioner. The state building commissioner shall serve:

- (1) at the pleasure of the governor; and
- (2) as a full-time employee of the ~~office.~~ **department of homeland security established by IC 10-19-2-1.**

(b) The state building commissioner must be a registered or licensed design professional under IC 25-4 or IC 25-31, as appropriate, with at least ten (10) years of experience in the building trades industry.

SECTION 97. IC 22-15-2-6, AS AMENDED BY P.L.218-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) To carry out the ~~division's~~ **department's** responsibilities, the ~~division~~ **department** or an employee or another agent of the ~~division~~ **department** may:

- (1) exercise any program of supervision that is approved by the commission, if the responsibility involves the administration or enforcement of a building law;
- (2) enter and inspect any property, at a reasonable hour;
- (3) issue and enforce administrative orders under IC 22-12-7 and



apply for judicial orders under IC 22-12-7-13; and

(4) cooperate with law enforcement officers and political subdivisions that have jurisdiction over a matter.

(b) To carry out the state building commissioner's responsibilities, the state building commissioner shall issue a written interpretation of any building law under IC 22-13-5.

SECTION 98. IC 22-15-2-7, AS AMENDED BY P.L.1-2006, SECTION 385, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall carry out a program to enforce all laws described by one (1) or more of the following:

(1) Building laws and related variances and other orders that apply to Class 1 structures.

(2) Building laws and related variances and other orders that apply to industrialized building systems.

(3) Building laws and related variances and other orders that apply to mobile structures.

(4) Building laws, equipment laws, and related variances and other orders that apply to regulated lifting devices.

(5) Equipment laws and related variances and other orders.

SECTION 99. IC 22-15-3-1, AS AMENDED BY P.L.49-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The state building commissioner or a city, town, or county certified under subsection (d) shall issue a design release for the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter.

(b) The state building commissioner shall issue a design release for the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) The commission may certify a city, town, or county as qualified to issue design releases, if the city, town, or county:

(1) is competent under the commission's objective criteria; and

(2) has adopted the rules of the commission under IC 22-13-2-3.

(e) A city, town, or county that is certified by the commission under subsection (d) may issue design releases. A design release issued by a certified city, town, or county must be:

(1) in accordance with the commission's objective criteria; and

(2) for a construction type for which the city, town, or county is certified.

All records held by a certified city, town, or county that pertain to the



design release must be submitted to the ~~division~~ **department** to be held in a central repository.

SECTION 100. IC 22-15-3-2, AS AMENDED BY P.L.1-2006, SECTION 386, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and fire safety laws;
- (2) pay the fees set under IC 22-12-6-6;
- (3) have the plans and specifications:
 - (A) prepared by a registered architect or professional engineer who is:
 - (i) competent to design the construction covered by the application as determined by the ~~division;~~ **department;** and
 - (ii) registered under IC 25-4 or IC 25-31;
 - (B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
 - (C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
- (4) submit a certificate prepared on a form provided by the ~~division~~ **department** and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):
 - (A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;
 - (B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;
 - (C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and
 - (D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in



accordance with the released plans and specifications.

SECTION 101. IC 22-15-3-5, AS AMENDED BY P.L.1-2006, SECTION 387, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

- (1) materials;
- (2) methods of construction; or
- (3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c).

(c) The state fire marshal and the ~~division~~ **department** may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

- (1) contains limitations, conditions, or standards for alternative materials, methods of construction, or design procedures; and
- (2) is published by an independent, nationally recognized testing laboratory or other organization that is approved under the rules adopted by the commission.

SECTION 102. IC 22-15-3-6, AS AMENDED BY P.L.218-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Pending the completion of the review of an application, the ~~division~~ **department** may issue:

- (1) a design release for part of the construction proposed in an application, if that part of the construction qualifies for release under this chapter; or
- (2) a provisional release for any part of the construction proposed in an application, under the conditions specified by the ~~division~~ **department**.

(b) Issuance of a design release or provisional release under this section for any part of construction proposed in an application does not toll or affect the time limitations for completing the review of the application or providing notice under IC 22-15-3.2.

SECTION 103. IC 22-15-3.2-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 4. As used in this chapter, "division" means the division of fire and building safety.~~

SECTION 104. IC 22-15-3.2-6, AS AMENDED BY P.L.49-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the ~~division~~ **department**.



(b) This subsection applies only to an applicant for a design release for a project listed in 410 IAC 6-12-7 for which the applicant must obtain a construction permit from the state department of health under IC 16-19-3.5. After December 31, 2016, an applicant may submit a combined application to the ~~division~~ **department** that is an application for:

- (1) a construction permit under IC 16-19-3.5; and
- (2) a design release under this chapter.

Not later than the next business day after receiving the combined application, the ~~division~~ **department** shall provide a copy of the application to the state department of health.

SECTION 105. IC 22-15-3.2-7, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A design release shall be issued to an applicant without a plan review if:

- (1) the applicant submits a complete application; and
- (2) the ~~division~~ **department** does not select the application for a plan review under this section.

(b) The ~~division~~ **department** may select any application for design release to be subject to a plan review. The ~~division~~ **department** has complete discretion in the criteria used by the ~~division~~ **department** to select a design release application for a plan review. A criterion used by the ~~division~~ **department** may be whether the design professional has received disciplinary sanctions under IC 25-1-11-12 within the preceding five (5) years.

SECTION 106. IC 22-15-3.2-8, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. Upon receiving a complete application for a design release, the ~~division~~ **department** shall do one (1) of the following:

- (1) Not later than ten (10) business days after the application is received, send written notice to the applicant that a design release will be issued. Not later than the next business day after the date the notice is sent, the ~~division~~ **department** shall provide the applicant with:
 - (A) a copy of the design release; or
 - (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.
- (2) Not later than ten (10) business days after the application is received, send written notice that a plan review will be conducted. However, if the applicant does not receive the notice within the



period specified in this subdivision, the ~~division~~ **department** shall, not later than the eleventh day after the date a complete application is received, provide the applicant with:

- (A) a copy of the design release; or
- (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

SECTION 107. IC 22-15-3.2-9, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If the ~~division~~ **department** sends an applicant notice of a plan review under section 8(2) of this chapter within the period required, the ~~division~~ **department** shall do one (1) of the following:

(1) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that the plans and specifications have been approved for a design release as submitted. The ~~division~~ **department** shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

- (A) a copy of the design release; or
- (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that a design release will not be issued until the applicant submits corrections to the plans. However, if the applicant does not receive notice within the period specified in this subdivision, the ~~division~~ **department** shall, not later than the twenty-first business day after the date that notice of a plan review is sent under section 10 of this chapter, provide the applicant with:

- (A) a copy of the design release; or
- (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

SECTION 108. IC 22-15-3.2-10, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) If the ~~division~~ **department** receives corrections to a plan in response to a notice sent under section 9(2) of this chapter, and any time the ~~division~~ **department** receives corrections to a notice under subdivision (2) thereafter, the ~~division~~ **department** shall do one (1) of the following:



(1) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that the corrected plans have been approved for a design release as submitted. The ~~division~~ **department** shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

- (A) a copy of the design release; or
- (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that a design release will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision, the ~~division~~ **department** shall, not later than the eleventh business day after the date that the corrections are received by the ~~division~~, **department**, provide the applicant with:

- (A) a copy of the design release; or
- (B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(b) A review under this section is limited to the corrections required by the ~~division~~ **department** pursuant to notice sent under section 9(2) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the ~~division~~, **department**, including previously completed corrections that the ~~division~~ **department** has already accepted, are deemed approved for a design release and may not be included in subsequent notice requests sent under this section. Except for a project reviewed under IC 22-15-3-6 and subject to the deadlines set forth in this chapter, the ~~division~~ **department** may delay issuing a design release until all corrections to a project have been accepted by the ~~division~~, **department**.

SECTION 109. IC 22-15-3.2-11, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) This section applies if the results of a plan review reveal that a design professional knowingly or recklessly submitted plans or specifications containing one (1) or more violations of the rules of the commission that are determined by the ~~division~~ **department** and the commission to pose a wanton and willful disregard for the public health, safety, or welfare.

(b) The provisions regarding the time limitations for review and



notice under this chapter do not apply, and the ~~division~~ **department** is not required to issue a design release and confirmation number for providing notice. The ~~division~~ **department** shall send written notice of its determination to:

- (1) the design professional's licensing or registration authority under IC 25-4-1 or IC 25-31, as appropriate, for the purpose of conducting a hearing under IC 4-21.5 to determine if action under IC 4-21.5-3-8 is appropriate;
- (2) the design professional; and
- (3) the project owner or general contractor on whose behalf the application was submitted.

(c) An applicant that receives notice under subsection (b) may withdraw the application and submit a new application and plans to the ~~division~~ **department** that are prepared by a different design professional. Withdrawal of an application does not affect any disciplinary action against the professional of record that prepared the plans described in subsection (a).

SECTION 110. IC 22-15-3.2-12, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The ~~division~~ **department** shall maintain the following information for every application:

- (1) The type of project that is the subject of the application.
- (2) The name and profession of the design professional.
- (3) The location of the project.
- (4) The date the application was submitted to the ~~division~~ **department**.
- (5) Whether the application was selected for plan review.
- (6) If the application was selected for a review:
 - (A) whether the ~~division~~ **department** requested corrections to the plans and specifications;
 - (B) the dates that corrections were requested by the ~~division~~ **department**; and
 - (C) the dates that the applicant responded to the requests under clause (B).
- (7) Whether a design release was issued by the ~~division~~ **department**. The date a design release was issued (if any) or other final action was taken.
- (8) Any other significant plan review activity related to an application.

(b) The ~~division~~ **department** shall maintain the information described in subsection (a) in a single electronic file in a format that permits easy comparison of the information for each applicant. The



~~division department~~ shall update the information at least quarterly.

SECTION 111. IC 22-15-3.2-13, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. The ~~division department~~ may contract with a person or an entity to perform the ~~division's department's~~ plan review responsibilities under this chapter.

SECTION 112. IC 22-15-4-1, AS AMENDED BY P.L.1-2006, SECTION 389, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division department~~ shall certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the ~~division department~~ shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

- (1) submit proof that the ~~division department~~ has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;
- (2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws and fire safety laws; and
- (3) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to an industrialized building system certified under this section.

SECTION 113. IC 22-15-4-2, AS AMENDED BY P.L.1-2006, SECTION 390, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division department~~ shall certify a mobile structure for sale and use in Indiana for an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the ~~division department~~ shall provide the applicant with a seal for the certified mobile structure.

(b) To qualify for certification under this section, an applicant must:

- (1) submit proof that the ~~division department~~ has issued a design release under IC 22-15-3 for the model or series of mobile structures being constructed;
- (2) demonstrate, in an in-plant inspection, that the mobile structure covered by the application has been constructed in conformity with all applicable building laws and fire safety laws;
- (3) certify in an affidavit that a seal provided by the ~~division department~~ will not be attached to a mobile structure that does not conform to the requirements adopted by the commission in its



rules; and

(4) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to a mobile structure certified under this chapter.

SECTION 114. IC 22-15-4-6, AS AMENDED BY P.L.1-2006, SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. A person who offers to sell or sells a mobile structure that:

(1) was certified under IC 9-8-1.5 (before its repeal on July 1, 1987) or certified by the ~~division~~ **department** under section 2 or 4 of this chapter; and

(2) has been altered or converted in violation of a rule adopted by the commission;

commits a Class C infraction.

SECTION 115. IC 22-15-5-1, AS AMENDED BY P.L.1-2006, SECTION 392, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division~~ **department** shall issue a regulated lifting device installation or alteration permit to an applicant who qualifies under this section.

(b) To qualify for a permit under this section, an applicant must meet the following requirements:

(1) Demonstrate through the submission of complete plans, including:

(A) copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building;

(B) plans showing the location of the machine room and the equipment to be installed, relocated, or altered;

(C) plans showing the structural supporting members, including foundations; and

(D) a specification of all materials employed and loads to be supported or conveyed;

that the installation or alteration covered by the application will comply with all applicable equipment laws. All plans and specifications must be sufficiently complete to illustrate all details of construction and design.

(2) Pay the fee set under IC 22-12-6-6(a)(7).

(3) Be the holder of a current elevator contractor license, if applicable, as set forth under IC 22-15-5-7.

(c) A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(d) The regulated lifting device must be installed or altered in



compliance with:

- (1) applicable codes; and
- (2) the details of the application, plans, specifications, and conditions of the permit.

(e) The regulated lifting device must be installed or altered under the direction and control of a licensed contractor. The elevator contractor does not have to be present at the site.

(f) The responsibilities of the ~~division~~ **department** under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

SECTION 116. IC 22-15-5-3, AS AMENDED BY P.L.1-2006, SECTION 393, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) All regulated lifting devices shall be registered under this section.

(b) The ~~division~~ **department** shall issue a registration for a regulated lifting device to an applicant who qualifies under this section.

(c) To register a regulated lifting device under this section, an applicant must submit, on a form approved by the ~~division~~, **department**, the following information:

- (1) Type, rated load and speed, name of manufacturer, location, and the nature of the use of the regulated lifting device.
- (2) Any information required under the rules adopted by the commission.

SECTION 117. IC 22-15-5-4, AS AMENDED BY P.L.57-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department** shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device.

(b) A permit issued under this section expires on the earlier of:

- (1) one (1) year after issuance; or
- (2) when the regulated lifting device is altered.

(c) After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The ~~division~~ **department** shall issue an initial operating certificate for a regulated lifting device if:

- (1) the applicant demonstrates:
 - (A) through an acceptance inspection made by an elevator inspector licensed under section 11 of this chapter that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance,



and operation; and

(B) that the applicant has paid the fee set under IC 22-12-6-6(a)(7); and

(2) the **division department** verifies, through an inspection, that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The **division department** shall issue a renewal operating certificate if the applicant:

(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device;

(2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and

(3) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The **division department** may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The **division department** may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and materials.

(g) The responsibilities of the **division department** under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. In addition to the requirements of this subsection, the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator in a location that is easily viewed and scanned by a person riding on the elevator.

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 118. IC 22-15-5-14, AS AMENDED BY P.L.2-2007, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section does not apply to the following:



- (1) An individual employed by the following:
- (A) The state.
 - (B) A county.
 - (C) A municipality.
 - (D) A state educational institution.
- (2) A state educational institution.
- (b) The department may not issue an elevator inspector or elevator contractor license until the applicant has filed with the department a certificate of insurance indicating that the applicant has liability insurance:
- (1) in effect with an insurer that is authorized to write insurance in Indiana; and
 - (2) that provides general liability coverage to a limit of at least:
 - (A) one million dollars (\$1,000,000) for the injury or death of any number of persons in any one (1) occurrence; and
 - (B) five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence.
- (c) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.
- (d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:
- (1) thirty (30) days written notice; and
 - (2) a complete report of the reasons for the cancellation to the ~~division~~ **department**.
- (e) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the department within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage below the amounts established in this section.
- (f) If an insurance policy required under this section:
- (1) is canceled during the policy's term;
 - (2) lapses for any reason; or
 - (3) has the policy's coverage fall below the required amount;
- the license holder shall replace the policy with another policy that complies with this section.
- (g) If a license holder fails to file a certificate of insurance for new or replacement insurance, the license holder:
- (1) must cease all operations under the license immediately; and



(2) may not conduct further operations until the license holder receives the approval of the department to resume operations after the license holder complies with the requirements of this section.

SECTION 119. IC 22-15-6-2, AS AMENDED BY P.L.156-2020, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** may conduct a program of inspections of regulated boilers and pressure vessels.

(b) The ~~division~~ **department** shall do the following:

- (1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.
- (2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.
- (3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.
- (4) Conduct a program to audit inspections completed by a boiler and pressure vessel inspector licensed under section 5 of this chapter.

(c) Except as provided in subsection (e), an operating permit issued under this section expires one (1) year after it is issued.

(d) To qualify for an operating permit or to renew an operating permit under this section, an applicant must do the following:

- (1) Apply for an operating permit on a form approved by the ~~division~~ **department**.
- (2) Demonstrate through an inspection, performed by an inspector licensed under section 5 of this chapter, that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the commission.
- (3) Submit a report of the inspection conducted under subdivision (2) to the ~~division~~ **department**.
- (4) Pay the fee set under IC 22-12-6-6(a)(8).

(e) The commission may, by rule adopted under IC 4-22-2, specify:

- (1) a period between inspections of more than one (1) year; and
- (2) an expiration date for an operating permit longer than one (1) year from the date of issuance.

However, the commission may not set an inspection period of greater than five (5) years or issue an operating permit valid for a period of more than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(f) For any inspection conducted by the ~~division~~ **department** under this section, the ~~division~~ **department** may designate an inspector licensed under section 5 of this chapter to act as the ~~division's~~



department's agent for purposes of the inspection.

(g) The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter. An emergency rule adopted under this subsection expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.
- (3) July 1, 2021.

SECTION 120. IC 22-15-6-5, AS AMENDED BY P.L.156-2020, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department** shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

- (1) meet the qualifications set by the commission in its rules;
- (2) pass an examination approved by the commission and conducted, supervised, and graded as prescribed by the commission; and
- (3) pay the fee set under IC 22-12-6-6(a)(9).

(c) The commission may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

- (1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or
- (2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

(d) The commission may sanction a boiler and pressure vessel inspector under IC 22-12-7 if the boiler and pressure vessel inspector violates this chapter or rules adopted by the commission.

SECTION 121. IC 22-15-7-1, AS AMENDED BY P.L.1-2006, SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall carry out a program of periodic on-site inspections of the erection and operation of regulated amusement devices. These inspections are not a prerequisite for operation of a device that is covered by a regulated amusement device operating permit.

SECTION 122. IC 22-15-7-2, AS AMENDED BY P.L.1-2006, SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** shall issue a regulated amusement device operating permit to an



applicant who qualifies under this section. If an applicant qualifies for a permit under this section, an inspector shall place an inspection seal on the device that is covered by the permit.

(b) A permit issued under this section:

- (1) expires one (1) year from the date the permit was issued; and
- (2) may be renewed if the applicant continues to qualify for a permit under this section.

(c) To qualify for a permit under this section, an applicant or an authorized officer of the applicant shall pay the inspection fee set under IC 22-12-6-6 and execute an application form affirming under penalties for perjury the following:

- (1) That all information provided in the application is true to the best of the applicant's or officer's knowledge and belief after reasonable investigation.
- (2) That all personnel employed by the applicant having maintenance responsibility for the amusement devices have or will have sufficient background, knowledge, skills, and training to adequately maintain the amusement devices under the rules of the commission.
- (3) That all persons employed by the applicant having operational responsibility for the amusement devices have or will have sufficient background, knowledge, skills, and training to adequately operate the amusement devices under the rules of the commission.
- (4) That adequate training will be provided or otherwise made available on an ongoing basis to maintenance and operational personnel to ensure the continuous compliance of the personnel with the standards set forth in subdivisions (2) and (3).
- (5) That all maintenance and operational personnel will be trained to recognize and report any condition that would prohibit the safe operation of the amusement device.
- (6) That, upon discovering a condition that would prohibit the safe operation of an amusement device, both operational and maintenance personnel must possess the requisite authority to immediately shut down the amusement device and report the condition of the amusement device to supervisory personnel. An amusement device that is shut down under this subdivision may not be returned to operation until the amusement device complies with ASTM standards for operation.
- (7) That the applicant assumes full financial responsibility for:
 - (A) any condition or circumstance occasioned by, caused by, or resulting from noncompliance with the maintenance and



operational standards set forth in subdivisions (2) through (6);
and

(B) any death, injury, or other loss occasioned by, caused by,
or resulting from noncompliance with the maintenance and
operational standards set forth in subdivisions (2) through (6).

(d) The execution of an application under subsection (c) by an
officer of an applicant corporation does not create individual financial
liability for the officer.

(e) The applicant must satisfy an inspector for the ~~division~~
department that the regulated amusement device meets the safety
requirements set by the commission.

SECTION 123. IC 22-15-7-2.5, AS AMENDED BY P.L.1-2006,
SECTION 403, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) Except as provided in
subsection (g) or (h), the ~~division~~ **department** may not issue a permit
under this chapter until the applicant has filed with the ~~division~~
department a certificate of insurance indicating that the applicant has
liability insurance:

(1) in effect with an insurer that is authorized to write insurance
in Indiana on the operation of regulated amusement devices; and

(2) except for an applicant that is subject to the provisions of
IC 34-13-3, that provides coverage to a limit of at least:

(A) one million dollars (\$1,000,000) per occurrence and five
million dollars (\$5,000,000) in the annual aggregate;

(B) five hundred thousand dollars (\$500,000) per occurrence
and two million dollars (\$2,000,000) in the annual aggregate
if the applicant operates only:

(i) a ski lift;

(ii) a surface lift or tow; or

(iii) both items (i) and (ii); or

(C) one million dollars (\$1,000,000) per occurrence and two
million dollars (\$2,000,000) in the annual aggregate if the
applicant operates only regulated amusement devices that are
designed to be used and are ridden by persons who are not
more than forty-two (42) inches in height.

(b) An insurance policy required under this section may include a
deductible clause if the clause provides that any settlement made by the
insurance company with an injured person or a personal representative
must be paid as though the deductible clause did not apply.

(c) An insurance policy required under this section must provide by
the policy's original terms or an endorsement that the insurer may not
cancel the policy without:



- (1) thirty (30) days written notice; and
- (2) a complete report of the reasons for the cancellation to the division.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the ~~division~~ **department** within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage to a limit of less than one million dollars (\$1,000,000) because of bodily injury or death in an occurrence.

(e) If an insurance policy required under this section:

- (1) is canceled during the policy's term;
- (2) lapses for any reason; or
- (3) has the policy's coverage fall below the required amount;

the permittee shall replace the policy with another policy that complies with this section.

(f) If a permittee fails to file a certificate of insurance for new or replacement insurance, the permittee:

- (1) must cease all operations under the permit immediately; and
- (2) may not conduct further operations until the permittee receives the approval of the ~~division~~ **department** to resume operations after the permittee complies with the requirements of this section.

(g) The ~~division~~ **department** may issue a permit under this chapter to an applicant that:

- (1) is subject to IC 34-13-3; and
- (2) has not filed a certificate of insurance under subsection (a);

if the applicant has filed with the ~~division~~ **department** a notification indicating that the applicant is self-insured for liability.

(h) The ~~division~~ **department** may reduce the annual aggregate liability insurance coverage required under subsection (a)(2)(A) to one million dollars (\$1,000,000) in the annual aggregate for an applicant that:

- (1) operates only regulated amusement devices that are bull ride simulators that are multiride electric units with bull ride attachments; and
- (2) otherwise complies with the requirements of this chapter.

SECTION 124. IC 22-15-7-4, AS AMENDED BY P.L.68-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to define appropriate training for a person who inspects regulated amusement devices.



(b) The rules required under this section must, at a minimum, provide the following:

(1) The adoption by reference of:

(A) ASTM F 698 (1994 edition) ("Specification for Physical Information to be Provided to Amusement Rides and Devices");

(B) ASTM F 770 (1993 edition) ("Practice for Operation Procedures for Amusement Rides and Devices");

(C) ASTM F 846 (1992 edition) ("Guide for Testing Performance of Amusement Rides and Devices");

(D) ASTM F 853 (1993 edition) ("Practice for Maintenance Procedures for Amusement Rides and Devices");

(E) ASTM F 893 (1987 edition) ("Guide for Inspection of Amusement Rides and Devices");

(F) ASTM F 1305 (1994 edition) ("Standard Guides for the Classification of Amusement Ride and Device Related Injuries and Illnesses"); or

(G) any subsequent published editions of the ASTM standards described in clauses (A) through (F).

(2) A requirement that inspectors employed or contracted by the ~~division:~~ **department:**

(A) have and maintain at least:

(i) a Level 1 certification from the National Association of Amusement Ride Safety Officials or an equivalent organization approved by the commission; or

(ii) an equivalent certification under a process or system approved by the commission; and

(B) conduct inspections that conform to the rules of the commission.

(3) A requirement that regulated amusement devices be operated and maintained in accordance with the rules of the commission.

(4) The commission's chief inspector or supervisor of regulated amusement device inspectors must have and maintain a Level I certification.

SECTION 125. IC 22-15-7-5, AS AMENDED BY P.L.1-2006, SECTION 405, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) A permittee shall, during the permit period, maintain at each location operated by the permittee for each regulated amusement device at the location the following:

(1) A current owner's manual.

(2) Any operational manuals or maintenance guides.

(3) Complete maintenance records describing all repairs and



modifications.

(4) Daily operation and inspection logs or checklists.

(5) Personnel training records.

(b) The materials described in subsection (a) must be made available to an inspector from the ~~division~~ **department**:

(1) upon request; and

(2) within a reasonable time.

The failure by the permittee to have, maintain, or make available for review the materials described in subsection (a) constitutes grounds for the ~~division~~ **department** to temporarily suspend a permit during the term of failure or refusal.

SECTION 126. IC 24-4-15-7, AS AMENDED BY P.L.134-2008, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The:

(1) state department and the ~~division of fire and building safety~~ **department of homeland security** may inspect a health club at any time:

(A) according to rules adopted by the state department; or

(B) in response to a filed complaint alleging noncompliance with this chapter; and

(2) fire department that serves the area in which a health club is located shall inspect the health club for compliance with this chapter if the health club is inspected as part of an inspection program under IC 36-8-17-8.

SECTION 127. IC 25-4-1-33, AS ADDED BY P.L.218-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 33. The board shall send written notice to the ~~division of fire and building safety established by IC 10-19-7-1~~ **department of homeland security established by IC 10-19-2-1** of the determination of the board in a disciplinary action against an architect under IC 25-1-11. The board shall send the notice not later than three (3) business days after the date of the board's determination.

SECTION 128. IC 25-31-1-36, AS ADDED BY P.L.218-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 36. The board shall send written notice to the ~~division of fire and building safety established by IC 10-19-7-1~~ **department of homeland security established by IC 10-19-2-1** of the determination of the board in a disciplinary action against an engineer under IC 25-1-11. The board shall send the notice not later than three (3) business days after the date of the board's determination.

SECTION 129. IC 35-47.5-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2021]: **Sec. 3.5. "Department" refers to the department of homeland security established by IC 10-19-2-1.**

SECTION 130. IC 35-47.5-2-10 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 10: "Division" refers to the division of fire and building safety:~~

SECTION 131. IC 35-47.5-4-1, AS AMENDED BY P.L.1-2006, SECTION 540, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall carry out a program to periodically inspect places where regulated explosives are manufactured.

SECTION 132. IC 35-47.5-4-2, AS AMENDED BY P.L.1-2006, SECTION 541, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** may order any person engaged in the manufacture or handling of a regulated explosive and any person with control over a place where regulated explosives are manufactured or handled to maintain insurance covering fire and explosion losses. The order is not effective until sixty (60) days after the date that notice of the order is received.

(b) The state fire marshal shall specify the insurance required under subsection (a) in an amount not less than ten thousand dollars (\$10,000) nor more than two hundred fifty thousand dollars (\$250,000).

(c) Proof of the insurance required under this section must be maintained with the department of insurance.

(d) The insurance commissioner may exempt a person from the insurance requirements under this section if an applicant for the exemption submits proof that the applicant has the financial ability to discharge all judgments in the amount specified by the state fire marshal. The insurance commissioner may revoke an exemption under this subsection if the commissioner requires additional proof of financial ability and:

- (1) the exempted person fails to comply with the order; or
- (2) the insurance commissioner determines that the exempted person has failed to provide adequate proof of financial ability.

SECTION 133. IC 35-47.5-4-3, AS AMENDED BY P.L.1-2006, SECTION 542, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall carry out a program to periodically inspect places where regulated explosives are stored.

SECTION 134. IC 35-47.5-4-4, AS AMENDED BY P.L.1-2006, SECTION 543, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department**



shall issue a regulated explosives magazine permit to maintain an explosives magazine to an applicant who qualifies under section 5 of this chapter.

(b) A permit issued under subsection (a) expires one (1) year after it is issued. The permit is limited to storage of the types and maximum quantities of explosives specified in the permit in the place covered by the permit and under the construction and location requirements specified in the rules of the commission.

SECTION 135. IC 35-47.5-4-4.5, AS AMENDED BY P.L.1-2006, SECTION 544, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) This section does not apply to:

- (1) a person who is regulated under IC 14-34; or
- (2) near surface or subsurface use of regulated explosives associated with oil and natural gas:
 - (A) exploration;
 - (B) development;
 - (C) production; or
 - (D) abandonment activities or procedures.

(b) The commission shall adopt rules under IC 4-22-2 to:

- (1) govern the use of a regulated explosive; and
- (2) establish requirements for the issuance of a license for the use of a regulated explosive.

(c) The commission shall include the following requirements in the rules adopted under subsection (b):

- (1) Relicensure every three (3) years after the initial issuance of a license.
- (2) Continuing education as a condition of relicensure.
- (3) An application for licensure or relicensure must be submitted to the ~~division~~ **department** on forms approved by the commission.
- (4) A fee for licensure and relicensure.
- (5) Reciprocal recognition of a license for the use of a regulated explosive issued by another state if the licensure requirements of the other state are substantially similar to the licensure requirements established by the commission.

(d) A person may not use a regulated explosive unless the person has a license issued under this section for the use of a regulated explosive.

(e) The ~~division~~ **department** shall carry out the licensing and relicensing program under the rules adopted by the commission.

(f) As used in this section, "regulated explosive" does not include



either of the following:

- (1) Consumer fireworks (as defined in 27 CFR 555.11).
- (2) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

SECTION 136. IC 36-1-10-10, AS AMENDED BY P.L.218-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) A lessor proposing to build, acquire, improve, remodel, or expand a structure for lease to a political subdivision or agency shall submit plans, specifications, and estimates to the leasing agent before executing a lease. The leasing agent shall submit the plans and specifications to the ~~division of fire and building safety~~ **department of homeland security** or the state building commissioner, and other agencies designated by law.

(b) A lessor proposing to acquire a transportation project or system may enter into a lease without submitting plans, designs, or specifications to any political subdivision or agency. However, before the execution of the lease, the lessor must submit to the lessee or lessees an estimate of the cost and a description of the transportation project or system.

SECTION 137. IC 36-1-12-10, AS AMENDED BY P.L.1-2006, SECTION 553, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. All plans and specifications for public buildings must be approved by the state department of health, the ~~division of fire and building safety,~~ **department of homeland security**, and other state agencies designated by statute.

SECTION 138. IC 36-1-12-11, AS AMENDED BY P.L.1-2006, SECTION 554, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The board must, within sixty (60) days after the completion of the public work project, file in the ~~division of fire and building safety~~ **department of homeland security** a complete set of final record drawings for the public work project. However, this requirement does not apply to a public work project constructed at a cost less than one hundred thousand dollars (\$100,000). In addition, the filing of the drawings is required only if the project involves a public building.

(b) The ~~division of fire and building safety~~ **department of homeland security** shall provide a depository for all final record drawings filed, and retain them for inspection and loan under regulated conditions. The fire prevention and building safety commission may designate the librarian of Indiana as the custodian of the final record



drawings. The librarian shall preserve the final record drawings in the state archives as public documents.

SECTION 139. IC 36-1-12.5-8, AS AMENDED BY P.L.168-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. Conservation measures installed under a utility efficiency program or a guaranteed savings contract must be approved by the following:

- (1) The state department of health, ~~division of fire and building safety~~, **department of homeland security**, and any other state agency designated by statute.
- (2) An architect or engineer licensed under IC 25-4 or IC 25-31 if the conservation measures have a cost of more than fifty thousand dollars (\$50,000).

SECTION 140. IC 36-7-18-38, AS AMENDED BY P.L.1-2006, SECTION 569, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) A housing authority shall file with the state department of health a description of each proposed project, including plans and layout. The state department shall, within thirty (30) days, transmit its approval or disapproval to the authority.

(b) A housing authority shall file all plans for new construction with the ~~division of fire and building safety~~ **department of homeland security** in the manner prescribed by IC 22-15-3.

SECTION 141. IC 36-8-10.5-7, AS AMENDED BY P.L.10-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, subject to subsection (b) and section 7.5 of this chapter. The requirements must include training in the following areas:

- (1) Orientation.
- (2) Personal safety.
- (3) Forcible entry.
- (4) Ventilation.
- (5) Apparatus.
- (6) Ladders.
- (7) Self-contained breathing apparatus.
- (8) Hose loads.
- (9) Streams.
- (10) Basic recognition of special hazards.

(b) A person who fulfills the certification requirements for:

- (1) Firefighter I; as ~~described in 655 IAC 1-2.1-4~~;
- (2) Firefighter II; as ~~described in 655 IAC 1-2.1-5~~;



is considered to comply with the requirements established under subsection (a).

(c) In addition to the requirements of subsections (a) and (d), the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(d) In addition to the requirements of subsections (a) and (c), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board shall adopt rules under IC 4-22-2 to operate this course.

(e) In addition to the requirements of subsections (a), (c), and (d), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of a basic or inservice course of education and training in interacting with individuals with autism that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1).

(f) The education board may adopt emergency rules in the manner provided under IC 4-22-2-37.1 concerning the adoption of the most current edition of the following National Fire Protection Association standards, subject to amendment by the board:

- (1) NFPA 472.
- (2) NFPA 1001.
- (3) NFPA 1002.
- (4) NFPA 1003.
- (5) NFPA 1006.
- (6) NFPA 1021.
- (7) NFPA 1031.
- (8) NFPA 1033.
- (9) NFPA 1035.
- (10) NFPA 1041.
- (11) NFPA 1521.
- (12) NFPA 1670.

(g) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary, an emergency rule described in subsection (f) expires on the earlier of the following dates:

- (1) Two (2) years after the date on which the emergency rule is accepted for filing with the publisher of the Indiana Register.
- (2) The date a permanent rule is adopted under this chapter.



(h) At least sixty (60) days before the education board adopts an emergency rule under subsection (f), the education board shall:

- (1) notify the public of its intention to adopt an emergency rule by publishing a notice of intent to adopt an emergency rule in the Indiana Register; and
- (2) provide a period for public hearing and comment for the proposed rule.

The publication notice described in subdivision (1) must include an overview of the intent and scope of the proposed emergency rule and the statutory authority for the rule.

SECTION 142. IC 36-8-10.5-7.5, AS ADDED BY P.L.110-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.5. (a) Except as provided in subsection (b), an individual whose employment by a fire department as a full-time firefighter begins after December 31, 2009, must complete the training for Firefighter I (as described in ~~655 IAC 1-2.1-4~~) and Firefighter II (as described in ~~655 IAC 1-2.1-5~~) during the firefighter's first year of employment. The fire department that employs a firefighter shall report to the education board when the firefighter has completed the training requirements established by this subsection.

(b) The education board may grant a firefighter any number of extensions of six (6) months to complete the training required under subsection (a). An extension must be requested by the fire department that employs the firefighter. An extension may be requested for any reason, including the following:

- (1) The firefighter has been attending training in accordance with section 8 of this chapter in any of the following:
 - (A) Hazardous materials.
 - (B) Paramedic training.
 - (C) Emergency medical technician training.
 - (D) Technical training.
- (2) The firefighter was unable to complete the training due to economic reasons.

(c) The education board shall determine whether a firefighter receives an extension under this section.

SECTION 143. IC 36-8-10.5-10 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. ~~10~~. (a) ~~This section applies to the following certifications:~~

- ~~(1) Mandatory training (as described in 655 IAC 1-4-2).~~
- ~~(2) Basic firefighter (as described in 655 IAC 1-2.1-3).~~
- ~~(3) Firefighter I (as described in 655 IAC 1-2.1-4).~~
- ~~(4) Firefighter II (as described in 655 IAC 1-2.1-5).~~



(b) Before January 2, 2012, the board may not mandate that the written tests for the certifications listed in subsection (a) be taken solely using a computer, the Internet, or another online arrangement.

SECTION 144. IC 36-8-10.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 10.6. Fire Chief Executive Training Program

Sec. 0.5. This chapter does not apply to a fire chief who is appointed as a volunteer in an unpaid position.

Sec. 1. As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

Sec. 2. As used in this chapter, "executive training program" means the fire chief executive training program described in section 4 of this chapter.

Sec. 3. (a) After January 1, 2022, a newly appointed fire chief of a political subdivision must successfully complete the executive training program within one (1) year of appointment unless:

- (1) a course is not offered within the twelve (12) months after the date that the fire chief initially takes office; or
- (2) space in the program is not available at a time that will allow the fire chief to complete the program within twelve (12) months after the date that the fire chief initially takes office.

(b) If a fire chief is unable to successfully complete the executive training program within one (1) year of appointment for any of the reasons described in subsection (a), the fire chief must successfully complete the next available executive training program that is presented by the department.

Sec. 4. The executive training program must consist of not less than forty (40) hours of instruction and must include training in the following subject areas:

- (1) Leadership development.
- (2) Accounting, budgets, and state funding.
- (3) Diversity and inclusion.
- (4) Discipline and conflict resolution.
- (5) Laws and regulations.
- (6) Policies and procedures.
- (7) Record management and retention.
- (8) Media relations.
- (9) Worker's compensation and liability.
- (10) State and local government operations.

Sec. 5. The department shall do the following:



- (1) Develop curriculum for the executive training program.
- (2) Offer an executive training program, either in person or by electronic means, at least two (2) times per year.
- (3) Pay any costs of the executive training program out of the regional public safety training fund established by IC 10-15-3-12.
- (4) Provide a certificate of completion to any fire service personnel who complete the executive training program offered by the department.

Sec. 6. (a) If there is any available space in an executive training program course that has not been filled by fire chiefs who are required to attend the executive training program as provided in this chapter, the department may allow any of the following individuals to enroll in the executive training program until the course is full:

- (1) A chief officer.
- (2) Management level personnel.
- (3) A volunteer fire chief.
- (4) A volunteer chief officer.
- (5) Volunteer management level personnel.

(b) A person who successfully completes the executive training program while serving in a capacity other than fire chief is deemed to have complied with the training requirements under this chapter if the person is subsequently appointed as fire chief.

Sec. 7. An appointed fire chief of a political subdivision is only required to complete the executive training program one (1) time during the fire chief's career.

Sec. 8. A fire chief who fails to successfully complete the executive training program as provided in this chapter may not continue to serve as fire chief until the individual successfully completes the executive training program.

Sec. 9. The department may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 145. IC 36-8-17-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 4.** As used in this chapter, "division" refers to the division of fire and building safety.

SECTION 146. IC 36-8-17-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.5.** As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

SECTION 147. IC 36-8-17-5, AS AMENDED BY P.L.29-2011,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The fire chief and the designees of the fire chief in every fire department are assistants to the state fire marshal.

(b) A fire department shall comply with an order issued by the ~~division~~ **department** under IC 22-14-2-4 that directs the fire department to assist the ~~division~~ **department**.

(c) This section also applies to a fire department established by the board of trustees of Purdue University under IC 21-39-7.

SECTION 148. IC 36-8-17-7, AS AMENDED BY P.L.57-2020, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A fire department shall investigate and determine the causes and circumstances surrounding each fire occurring within the territory served by the fire department. The fire department shall begin the investigation when the fire occurs. The fire department shall immediately notify the ~~division~~ **department** if the fire chief believes that a crime may have been committed and shall submit a written or electronic report to the ~~division~~ **department** concerning every investigation at the end of each month. The fire department shall submit the report on the form prescribed by the ~~division~~ **department** and shall include the following information in the report:

- (1) A statement of the facts relating to the cause and origin of the fire.
- (2) The extent of damage caused by the fire.
- (3) The amount of insurance on the property affected by the fire.
- (4) Other information required in the commission's rules.

(b) To carry out this section, a fire department may:

- (1) enter and inspect any real or personal property at a reasonable hour;
- (2) cooperate with the prosecuting attorney and assist the prosecuting attorney with any criminal investigation;
- (3) request that the office subpoena witnesses under IC 22-14-2-8 or order the production of books, documents, and other papers;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings; and
- (6) separate witnesses and otherwise regulate the course of proceedings.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

SECTION 149. IC 36-8-17-8, AS AMENDED BY P.L.17-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) A fire department serving an area that does not include a city may engage in an inspection program to promote



compliance with fire safety laws. Upon the request of an owner or a primary lessee who resides in a private dwelling, the fire department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5. The fire department shall maintain a written report for each inspection. These reports shall be made available to the ~~division~~ **department** upon request.

(b) The fire department serving an area that includes a city shall inspect every place and public way within the jurisdiction of the city, except the interiors of private dwellings, for compliance with the fire safety laws. Upon the request of an owner or a primary lessee who resides in a private dwelling, the fire department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5. Except as otherwise provided in the rules adopted by the commission, the fire chief of the fire department shall specify the schedule under which places and public ways are inspected and may exclude a class of places or public ways from inspection under this section, if the fire chief determines that the public interest will be served without inspection. The fire department shall maintain a written report for each inspection. The fire department shall submit monthly reports to the ~~division~~, **department**, on forms prescribed by the ~~division~~, **department**, containing the following information:

- (1) The total number of inspections made.
- (2) The total number of defects found, classified as required by the office.
- (3) The total number of orders issued for correction of each class of defect.
- (4) The total number of orders complied with.

(c) A volunteer fire department may carry out inspections under this section only through an individual who is certified under IC 22-14-2-6(c).

SECTION 150. IC 36-8-17-9, AS AMENDED BY P.L.1-2006, SECTION 580, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A fire department may issue orders under IC 4-21.5-3-6 to require a person to cease and correct a violation of the fire safety laws. The order must grant a reasonable time in which to correct a violation of law covered by the order.

(b) A fire department may issue an emergency or temporary order under IC 4-21.5-4 if the fire department determines that conduct or a condition of property:

- (1) presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) is prohibited without a permit, registration, certification,



release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the ~~division~~ **department** and the license has not been issued; or

(3) will conceal a violation of law.

(c) An emergency or other temporary order issued under subsection (b) must be approved by the state fire marshal. The approval may be communicated orally to the fire department. However, the ~~division~~ **department** shall maintain a written record of the approval.

(d) An order under IC 4-21.5-3-6 or IC 4-21.5-4 may include the following, singly or in combination:

(1) Require a person who has taken a substantial step toward violating a fire safety law or has violated a fire safety law to cease and correct the violation.

(2) Require a person who has control over property that is affected by a violation to take reasonable steps to:

(A) protect persons and property from the hazards of the violation; and

(B) correct the violation.

(3) Require persons to leave an area that is affected by a violation and prohibit persons from entering the area until the violation is corrected.

SECTION 151. IC 36-8-17-10, AS AMENDED BY P.L.1-2006, SECTION 581, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department** shall give a person who:

(1) is aggrieved by an order issued under section 9 of this chapter; and

(2) requests review of the order in verbal or written form;

an opportunity to informally discuss the order with the ~~division~~ **department**. Review under this subsection does not suspend the running of the time period in which a person must petition under IC 4-21.5-3-7 to appeal the order.

(b) The ~~division~~ **department** may, on its own initiative or at the request of any person, modify or reverse an order issued under section 9 of this chapter.

SECTION 152. IC 36-8-17-12, AS AMENDED BY P.L.1-2006, SECTION 582, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may enforce an order issued under this chapter under IC 4-21.5-6.

SECTION 153. IC 36-8-25-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 1. As used in this chapter, "division" means the division of fire and building safety established by IC 10-19-7-1.~~



SECTION 154. IC 36-8-25-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.**

SECTION 155. IC 36-8-25-5, AS ADDED BY P.L.54-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in section 11 of this chapter, after June 30, 2020, a public safety telecommunicator must successfully complete, at least every two (2) years, a T-CPR training program that meets or exceeds evidence based nationally recognized emergency cardiovascular care guidelines adopted by the division. A T-CPR training program shall include:

- (1) recognition protocols for out of hospital cardiac arrest; and
- (2) compression only cardiopulmonary resuscitation instructions for telephone callers.

(b) The ~~division~~ **department** shall establish T-CPR training continuing education requirements for public safety telecommunicators.

SECTION 156. IC 36-8-25-6, AS ADDED BY P.L.54-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may:

- (1) provide a T-CPR training program or continuing education course; or
- (2) approve a T-CPR training program or continuing education course provided by a third party;

that meets the requirements of this chapter.

(b) The ~~division~~ **department** shall establish requirements and a certification program for third party T-CPR instructors that provide T-CPR training programs or continuing education courses.

SECTION 157. IC 36-8-25-7, AS ADDED BY P.L.54-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall set the minimum standards for a T-CPR training program including:

- (1) course approval;
- (2) instruction; and
- (3) examination;

which may include online training based on the nationally recognized guidelines adopted by the ~~division~~ **department**. The ~~division~~ **department** shall provide a person with a certificate for successfully completing T-CPR training.

SECTION 158. IC 36-8-25-8, AS ADDED BY P.L.54-2019,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may impose a reasonable fee for:

- (1) providing a T-CPR program or continuing education course; and
- (2) certifying a person who successfully completes a T-CPR program or any T-CPR instructor requirements.

The ~~division~~ **department** shall deposit any fees collected in the fire and building services fund established by IC 22-12-6-1.

SECTION 159. IC 36-8-25-9, AS ADDED BY P.L.54-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. Nothing in this chapter prohibits a public safety agency from entering into a reciprocal agreement with another public safety agency to provide T-CPR instruction to telephone callers, if the public safety agency that accepts the telephone call has a public safety telecommunicator who has successfully completed a T-CPR training program approved by the ~~division~~ **department**.

SECTION 160. IC 36-8-25-12, AS ADDED BY P.L.54-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. A public safety telecommunicator who has successfully completed:

- (1) a T-CPR training program approved by the ~~division~~ **department**; and
- (2) any continuing education requirements;

is immune from civil liability for damages arising out of T-CPR instruction provided to a telephone caller, except for acts or omissions constituting gross negligence or willful or wanton misconduct.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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