

HOUSE BILL No. 1352

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-25; IC 36-11-2-2.

Synopsis: Inspection of residential onsite sewage systems. Prohibits a local health department and other local officers or employees from inspecting a residential onsite sewage system unless the manufacturer of the system requires inspection of the system multiple times a year. Allows a nonresidential onsite sewage system to be installed in a lot if at least one site on the lot is determined to be suitable for the installation of the nonresidential onsite sewage system. Provides that a county onsite waste management district may not assess a periodic inspection fee against an owner of an onsite sewage disposal system for a particular period if the district does not inspect the owner's system during that period.

Effective: July 1, 2024.

Morris, Judy, Pressel

January 10, 2024, read first time and referred to Committee on Environmental Affairs.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

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

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

1 SECTION 1. IC 16-41-25-8.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: **Sec. 8.7. (a) As used in this section,**
4 **"lot" means the parcel of real property on which any one (1) of the**
5 **following has been constructed or is proposed for construction:**
6 **(1) An apartment building.**
7 **(2) A church or other place of worship.**
8 **(3) A commercial establishment.**
9 **(4) A condominium.**
10 **(5) A medical facility.**
11 **(6) A motel.**
12 **(7) An office building.**
13 **(8) A restaurant.**
14 **(9) A school.**
15 **(b) A nonresidential onsite sewage system (as defined in**
16 **IC 16-19-3.5-3.5) may be installed in a lot described in subsection**
17 **(a) if at least one (1) site on the lot is determined to be suitable for**



1 **the installation of the nonresidential onsite sewage system (as**
 2 **defined in IC 16-19-3.5-3.5).**

3 SECTION 2. IC 16-41-25-10, AS ADDED BY P.L.232-2023,
 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2024]: Sec. 10. (a) Neither an officer or employee of a local
 6 health department nor another agency, officer, or employee of a county,
 7 city, or town may enter property on which a residential onsite sewage
 8 system is located for the purpose of inspecting the residential onsite
 9 sewage system if, not more than one hundred eighty (180) days before
 10 the date of the inspection, the owner or occupant of the residence
 11 served by the residential onsite sewage system and:

12 (1) a septic system installer or inspector registered with the
 13 county in which the residential onsite sewage system is located;

14 (2) an onsite sewage system technician; or

15 (3) an Indiana professional engineer registered under IC 25-31-1;
 16 state in a writing transmitted to the local health department, county,
 17 city, or town that the residential onsite sewage system is functioning
 18 properly.

19 (b) Subject to subsection (d), if subsection (a) does not apply, an
 20 officer or employee of a local health department or another officer or
 21 employee of a county, city, or town may not enter property on which a
 22 residential onsite sewage system is located for the purpose of
 23 inspecting the residential onsite sewage system unless the owner or
 24 occupant of the residence served by the residential onsite sewage
 25 system is given notice of the inspection by first class mail addressed to
 26 the residence at least seven (7) days before the day of the inspection.

27 (c) Subject to subsection (d):

28 (1) **an officer or employee of a local health department; or**

29 (2) **another officer or employee of a:**

30 (A) **county;**

31 (B) **city;**

32 (C) **town; or**

33 (D) **county onsite waste management district;**

34 **may inspect a residential onsite sewage system or a nonresidential**
 35 **onsite sewage system (as defined in IC 16-19-3.5-3.5) after**
 36 **installation only if a the manufacturer of a the residential onsite**
 37 **sewage system requires inspection of the system multiple times a year.**
 38 **an owner of the property on which a residential onsite sewage system**
 39 **is located may request an officer or employee of a local health**
 40 **department or another agency, officer, or employee of a county, city, or**
 41 **town to inspect the residential onsite sewage system located on the**
 42 **owner's property; but the inspection may only occur if the owner of the**



1 residential onsite sewage system invites the inspector to the property.
2 (d) An advance notice to the owner or occupant of the residence is
3 not required under subsection (b) in an urgent situation caused by a
4 malfunction of the residential onsite sewage system that creates a clear
5 and immediate danger to the public's health, safety, or property.
6 SECTION 3. IC 36-11-2-2 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2024]: **Sec. 2. A district may not assess a periodic inspection fee**
9 **against an owner of a system for a period if the district does not**
10 **inspect the owner's system during that period.**

