



Reprinted  
January 31, 2024

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## HOUSE BILL No. 1352

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DIGEST OF HB 1352 (Updated January 30, 2024 3:13 pm - DI 150)

**Citations Affected:** IC 16-41; IC 36-11.

**Synopsis:** Inspection of residential onsite sewage systems. Establishes when a local health department and other local officers or employees may inspect a residential onsite sewage system. 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 district or local health department may not assess a periodic permit or inspection fee that exceeds the actual cost of the inspection incurred by the district or local health department on an onsite sewage system or an onsite residential sewage discharging disposal system (as defined in IC 13-11-2-144.7).

**Effective:** Upon passage; July 1, 2024.

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**Morris, Judy, Pressel, Miller D**

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January 10, 2024, read first time and referred to Committee on Environmental Affairs.  
January 18, 2024, reported — Do Pass.  
January 30, 2024, read second time, amended, ordered engrossed.

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HB 1352—LS 7036/DI 150





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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.

## HOUSE BILL No. 1352

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**

HB 1352—LS 7036/DI 150



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), **an officer or employee of a local**  
 28 **health department may inspect residential onsite sewage systems**  
 29 **and onsite residential sewage discharging disposal systems (as**  
 30 **defined in IC 13-11-2-144.7) after installation if:**

31 (1) ~~a manufacturer of a residential onsite sewage system requires~~  
 32 ~~inspection of the system multiple times a year; an owner of the~~  
 33 ~~property on which a residential onsite sewage system is located~~  
 34 ~~may request an officer or employee of a local health department~~  
 35 ~~or another agency, officer, or employee of a county, city, or town~~  
 36 ~~to inspect the residential onsite sewage system located on the~~  
 37 ~~owner's property; but the inspection may only occur if the owner~~  
 38 ~~of the residential onsite sewage system invites the inspector to the~~  
 39 ~~property. **the manufacturer of a residential onsite sewage**~~  
 40 **system requires inspection of the system multiple times a**  
 41 **year;**

42 (2) **an inspection of the residential onsite sewage system is**



1 otherwise mandated by a state or federal law;

2 (3) an owner of the property on which a residential onsite  
3 sewage system is located requests an officer or employee of a  
4 local health department or another agency, officer, or  
5 employee of a county, city, or town to inspect the residential  
6 onsite sewage system located on the owner's property; or

7 (4) a complaint is filed with the local health department  
8 requiring an inspection or inspections to protect the health of  
9 the community.

10 (d) An advance notice to the owner or occupant of the residence is  
11 not required under subsection (b) in an urgent situation caused by a  
12 malfunction of the residential onsite sewage system that creates a clear  
13 and immediate danger to the public's health, safety, or property.

14 SECTION 3. IC 36-11-2-2 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
16 **UPON PASSAGE]: Sec. 2. A district or local health department**  
17 **may not assess a periodic permit or inspection fee that exceeds the**  
18 **actual cost of the inspection incurred by the district or local health**  
19 **department on an onsite sewage system or an onsite residential**  
20 **sewage discharging disposal system (as defined in**  
21 **IC 13-11-2-144.7).**

22 SECTION 4. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1352 as introduced.)

MORRISON

Committee Vote: Yeas 12, Nays 0

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1352 be amended to read as follows:

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

"(c) Subject to subsection (d), **an officer or employee of a local health department may inspect residential onsite sewage systems and onsite residential sewage discharging disposal systems (as defined in IC 13-11-2-144.7) after installation if:**

- (1) a manufacturer of a residential onsite sewage system requires inspection of the system multiple times a year; an owner of the property on which a residential onsite sewage system is located may request an officer or employee of a local health department or another agency, officer, or employee of a county, city, or town to inspect the residential onsite sewage system located on the owner's property; but the inspection may only occur if the owner of the residential onsite sewage system invites the inspector to the property. **the manufacturer of a residential onsite sewage system requires inspection of the system multiple times a year;**
- (2) **an inspection of the residential onsite sewage system is otherwise mandated by a state or federal law;**
- (3) **an owner of the property on which a residential onsite sewage system is located requests an officer or employee of a local health department or another agency, officer, or employee of a county, city, or town to inspect the residential onsite sewage system located on the owner's property; or**
- (4) **a complaint is filed with the local health department requiring an inspection or inspections to protect the health of the community."**

HB 1352—LS 7036/DI 150



Page 3, delete line 1.

Page 3, delete lines 6 through 10, begin a new paragraph and insert:

"SECTION 3. IC 36-11-2-2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A district or local health department may not assess a periodic permit or inspection fee that exceeds the actual cost of the inspection incurred by the district or local health department on an onsite sewage system or an onsite residential sewage discharging disposal system (as defined in IC 13-11-2-144.7).**

SECTION 4. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1352 as printed January 18, 2024.)

PRESSEL

