



Reprinted
March 1, 2024

ENGROSSED HOUSE BILL No. 1352

DIGEST OF HB 1352 (Updated February 29, 2024 3:30 pm - DI 150)

Citations Affected: IC 16-19; IC 16-41; IC 36-11.

Synopsis: Inspection of residential onsite sewage systems. Establishes when certain officials may inspect a residential onsite sewage system or nonresidential 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 county onsite waste management district (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.

Effective: Upon passage; July 1, 2024.

Morris, Judy, Pressel, Miller D

(SENATE SPONSORS — BYRNE, GARTEN, BROWN L, DORIOT)

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.
January 31, 2024, engrossed. Read third time, passed. Yeas 81, nays 14.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Environmental Affairs.
February 26, 2024, amended, reported favorably — Do Pass.
February 29, 2024, read second time, amended, ordered engrossed.

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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.

ENGROSSED 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 16-19-3-27, AS AMENDED BY P.L.56-2023,
2 SECTION 146, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The state department
4 shall:
5 (1) study the use of:
6 (A) ~~effluent filters~~;
7 (B) (A) recirculation media filters;
8 (C) (B) aeration treatment units;
9 (D) (C) drip irrigation;
10 (E) (D) graveless trenches; and
11 (F) (E) new technologies;
12 for ~~residential septic systems~~ **residential onsite sewage systems**
13 that will cause systems to perform satisfactorily as alternatives to
14 currently operating systems that do not perform satisfactorily
15 because of soil characteristics, lot sizes, topographical conditions,
16 or high water tables; and
17 (2) take all actions necessary to develop plans and specifications

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1 for use of the technologies listed in subdivision (1) in ~~residential~~
 2 ~~septic systems~~ **residential onsite sewage systems.**

3 (b) The executive board shall adopt reasonable rules under
 4 IC 4-22-2 to:

5 (1) promulgate the plans and specifications developed under
 6 subsection (a); and

7 (2) allow for the issuance of operating permits for:

8 (A) ~~residential septic systems~~ **residential onsite sewage**
 9 **systems** that are installed in compliance with the plans and
 10 specifications promulgated under subdivision (1); and

11 (B) onsite residential sewage discharging disposal systems in
 12 a county ~~having a population of more than three hundred fifty~~
 13 ~~thousand (350,000) and less than four hundred thousand~~
 14 ~~(400,000) that comply~~ **that complies** with IC 13-18-12-9.

15 SECTION 2. IC 16-41-25-8.7 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2024]: **Sec. 8.7. (a) As used in this section,**
 18 **"lot" means the parcel of real property on which any one (1) of the**
 19 **following has been constructed or is proposed for construction:**

20 (1) **An apartment building.**

21 (2) **A church or other place of worship.**

22 (3) **A commercial establishment.**

23 (4) **A condominium.**

24 (5) **A medical facility.**

25 (6) **A motel.**

26 (7) **An office building.**

27 (8) **A restaurant.**

28 (9) **A school.**

29 (b) **A nonresidential onsite sewage system (as defined in**
 30 **IC 16-19-3.5-3.5) may be installed in a lot described in subsection**
 31 **(a) if at least one (1) site on the lot is determined to be suitable for**
 32 **the installation of the nonresidential onsite sewage system (as**
 33 **defined in IC 16-19-3.5-3.5).**

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



1 (1) a septic system installer or inspector registered with the
 2 county in which the residential onsite sewage system is located;
 3 (2) an onsite sewage system technician; or
 4 (3) an Indiana professional engineer registered under IC 25-31-1;
 5 state in a writing transmitted to the local health department, county,
 6 city, or town that the residential onsite sewage system is functioning
 7 properly.

8 (b) Subject to subsection (d), if subsection (a) does not apply, an
 9 officer or employee of a local health department or another officer or
 10 employee of a county, city, or town may not enter property on which a
 11 residential onsite sewage system is located for the purpose of
 12 inspecting the residential onsite sewage system unless the owner or
 13 occupant of the residence served by the residential onsite sewage
 14 system is given notice of the inspection by first class mail addressed to
 15 the residence at least seven (7) days before the day of the inspection.

16 (c) Subject to subsection (d), **an officer or employee of a local**
 17 **health department may inspect residential onsite sewage systems**
 18 **and nonresidential onsite sewage systems (as defined in**
 19 **IC 16-19-3.5-3.5):**

20 (1) **after installation if:**

21 (A) a manufacturer of a residential onsite sewage system
 22 requires inspection of the system multiple times a year; an
 23 owner of the property on which a residential onsite sewage
 24 system is located may request an officer or employee of a local
 25 health department or another agency; officer, or employee of
 26 a county, city, or town to inspect the residential onsite sewage
 27 system located on the owner's property; but the inspection may
 28 only occur if the owner of the residential onsite sewage system
 29 invites the inspector to the property. **the manufacturer of a**
 30 **residential onsite sewage system recommends inspection of**
 31 **the system multiple times a year;**

32 (B) **an owner of the property on which a residential onsite**
 33 **sewage system is located requests an officer or employee of**
 34 **a local health department or another agency, officer, or**
 35 **employee of a county, city, or town to inspect the**
 36 **residential onsite sewage system located on the owner's**
 37 **property; or**

38 (C) **a complaint is filed with the local health department**
 39 **requiring an inspection or inspections to protect the health**
 40 **of the community;**

41 (2) **to verify compliance with a permit issued under best**
 42 **judgment pursuant to rules adopted under IC 4-22-2 not more**



1 **than once per year; or**
2 **(3) to verify compliance with an operating permit issued**
3 **pursuant to rules adopted under IC 4-22-2 at least once per**
4 **year.**

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

9 **(e) This section shall not be interpreted as prohibiting or**
10 **restricting the periodic:**

11 **(1) inspection;**

12 **(2) servicing;**

13 **(3) testing; or**

14 **(4) maintenance;**

15 **of an onsite residential sewage discharging disposal system (as**
16 **defined in IC 13-11-2-144.7).**

17 SECTION 4. IC 36-11-1-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "System" means:
19 a sewage disposal system (as defined in IC 13-11-2-201).

20 **(1) a cluster decentralized waste water treatment system (as**
21 **described in 410 IAC 6-10.1-6); or**

22 **(2) an onsite residential sewage discharging disposal system**
23 **(as defined in IC 13-11-2-144.7).**

24 SECTION 5. IC 36-11-2-2 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 2. A district or local health department
27 may not assess a periodic permit or inspection fee that exceeds the
28 actual cost of the inspection incurred by the district or local health
29 department on an onsite sewage system or an onsite residential
30 sewage discharging disposal system (as defined in
31 IC 13-11-2-144.7).

32 SECTION 6. 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

 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."**

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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."**

Renumber all SECTIONS consecutively.

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

PRESSEL

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-263.6, AS ADDED BY P.L.181-2018, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 263.6. "Onsite sewage system", for purposes of **IC 16-41-25 and** IC 16-41-25.5, has the meaning set forth in IC 16-41-25.5-1.

SECTION 2. IC 16-19-3-27, AS AMENDED BY P.L.56-2023, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The state department shall:

- (1) study the use of:
 - ~~(A)~~ **(A)** effluent filters;
 - ~~(B)~~ **(A)** recirculation media filters;
 - ~~(C)~~ **(B)** aeration treatment units;
 - ~~(D)~~ **(C)** drip irrigation;
 - ~~(E)~~ **(D)** graveless trenches; and

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- (F) ~~(E)~~ new technologies;
 for ~~residential septic systems~~ **residential onsite sewage systems**
 that will cause systems to perform satisfactorily as alternatives to
 currently operating systems that do not perform satisfactorily
 because of soil characteristics, lot sizes, topographical conditions,
 or high water tables; and
 (2) take all actions necessary to develop plans and specifications
 for use of the technologies listed in subdivision (1) in ~~residential
 septic systems~~ **residential onsite sewage systems**.
- (b) The executive board shall adopt reasonable rules under
 IC 4-22-2 to:
- (1) promulgate the plans and specifications developed under
 subsection (a); and
 - (2) allow for the issuance of operating permits for:
 - (A) ~~residential septic systems~~ **residential onsite sewage
 systems** that are installed in compliance with the plans and
 specifications promulgated under subdivision (1); and
 - (B) onsite residential sewage discharging disposal systems in
 a county having a population of more than three hundred fifty
 thousand (350,000) and less than four hundred thousand
 (400,000) that comply with IC 13-18-12-9.

SECTION 3. IC 16-41-25-8.6 IS ADDED TO THE INDIANA
 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: **Sec. 8.6. (a) An owner who installs
 an onsite sewage system shall notify the local health department in
 the county in which the onsite sewage system is located of the
 maintenance schedule recommended by the manufacturer of the
 new onsite sewage system.**

(b) An owner with an onsite sewage system shall:

- (1) notify the local health department in the county in which
 the onsite sewage system is located of recent inspections by a
 professional certified by the manufacturer of the onsite
 sewage system; and**
- (2) provide all necessary documentation to the local health
 department in the county in which the onsite sewage system
 is located to demonstrate that the onsite sewage system
 located on the owner's property is operating correctly."**

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, or another officer or employee of a county, city,
 town, or county onsite waste management district, may inspect a**



residential onsite sewage system or a nonresidential onsite sewage system (as defined in IC 16-19-3.5-3.5) 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 owner of the property on which the residential onsite sewage system or the nonresidential onsite sewage system is located requests that an officer or employee of the local health department or another office, department, or agency of the county, city, town, or county onsite waste management district inspect the residential onsite sewage system or the nonresidential onsite sewage system located on the owner's property;**
- (2) the person is performing an inspection to verify compliance with a construction permit issued in accordance with the best judgment of the local department of health pursuant to 410 IAC 6-8.3-53(i);**
- (3) the person is performing an inspection to verify compliance with an onsite sewage system operating permit under 410 IAC 6-8.3-54 and 410 IAC 6-10.1-54;**
- (4) a complaint is filed with the local health department about an urgent situation caused by a malfunction in the residential onsite sewage system or the nonresidential onsite sewage system that creates a clear and immediate danger to the public's:

 - (A) health;**
 - (B) safety; or**
 - (C) property; or****
- (5) an officer or employee of a local health department or another county officer or employee accompanies a professional certified by the manufacturer of the residential onsite sewage system or a nonresidential onsite sewage system that is carrying out a recommended inspection of the residential onsite sewage system or a nonresidential onsite sewage system."**

Page 3, delete lines 1 through 9.

Page 3, between lines 13 and 14, begin a new paragraph and insert:

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"(e) This section shall not be interpreted as prohibiting or restricting the periodic:

- (1) inspection;**
- (2) servicing;**
- (3) testing; or**
- (4) maintenance;**

of an onsite residential sewage discharging disposal system (as defined in IC 13-11-2-144.7).

SECTION 3. IC 36-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "System" means: a sewage disposal system (as defined in IC 13-11-2-201).

- (1) a cluster decentralized waste water treatment system (as described in 410 IAC 6-10.1-6); or**
- (2) an onsite residential sewage discharging disposal system (as defined in IC 13-11-2-144.7)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1352 as reprinted January 31, 2024.)

NIEMEYER, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1352 be amended to read as follows:

Page 1, delete lines 1 through 5.

Page 2, delete lines 16 through 19, begin a new line double block indented and insert:

"(B) onsite residential sewage discharging disposal systems in a county having a population of more than three hundred fifty thousand (350,000) and less than four hundred thousand (400,000) that comply that complies with IC 13-18-12-9."

Page 2, delete lines 20 through 35.

Page 3, delete lines 37 through 42.

Page 4, delete lines 1 through 37, 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 nonresidential onsite sewage systems (as defined in

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IC 16-19-3.5-3.5):

(1) after installation if:

(A) 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 recommends inspection of the system multiple times a year;

(B) 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

(C) a complaint is filed with the local health department requiring an inspection or inspections to protect the health of the community;

(2) to verify compliance with a permit issued under best judgment pursuant to rules adopted under IC 4-22-2 not more than once per year; or

(3) to verify compliance with an operating permit issued pursuant to rules adopted under IC 4-22-2 at least once per year."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1352 as printed February 27, 2024.)

BYRNE

