

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 ENROLLED ACT No. 1352

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. 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
 - ~~(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

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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~~ **that complies** with IC 13-18-12-9.

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

- (1) An apartment building.**
- (2) A church or other place of worship.**
- (3) A commercial establishment.**
- (4) A condominium.**
- (5) A medical facility.**
- (6) A motel.**
- (7) An office building.**
- (8) A restaurant.**
- (9) A school.**

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

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

- (1) a septic system installer or inspector registered with the county in which the residential onsite sewage system is located;**
- (2) an onsite sewage system technician; or**
- (3) an Indiana professional engineer registered under IC 25-31-1; state in a writing transmitted to the local health department, county,**



city, or town that the residential onsite sewage system is functioning properly.

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

(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 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.

(d) An advance notice to the owner or occupant of the residence is



not required under subsection (b) in an urgent situation caused by a malfunction of the residential onsite sewage system that creates a clear and immediate danger to the public's health, safety, or property.

(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 4. 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).**

SECTION 5. 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 6. **An emergency is declared for this act.**



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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