

HOUSE BILL No. 1359

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-12.

Synopsis: Bed bug remediation in rental units. Requires the tenant of a dwelling unit to notify the tenant's landlord if the tenant knows or reasonably suspects that the tenant's dwelling unit contains bed bugs. Requires the landlord, upon receiving the tenant's notice, to have the dwelling unit inspected by a qualified inspector. Requires the landlord, after receiving the inspection report, to provide to the tenant written notice indicating whether the dwelling unit contains bed bugs. Requires the landlord to begin taking reasonable measures to treat the bed bug presence if an inspection indicates the presence of bed bugs. Establishes responsibilities for the tenant and landlord concerning: (1) notice; (2) access to the dwelling unit; and (3) the payment of costs; associated with the inspection for, and treatment of, bed bugs. Authorizes the state chemist to adopt rules to implement these provisions. Requires the state chemist to establish requirements for the certification of a bed bug inspector.

Effective: July 1, 2025.

Porter

January 13, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1359



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

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

1 SECTION 1. IC 32-31-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]:
4 **Chapter 12. Bed Bug Remediation**
5 **Sec. 1. Except as otherwise provided in this chapter, the**
6 **definitions in IC 32-31-3 apply throughout this chapter.**
7 **Sec. 2. As used in this chapter, "bed bug" means the common**
8 **bed bug, or cimex lectularius.**
9 **Sec. 3. As used in this chapter, "contiguous dwelling unit" refers**
10 **to a dwelling unit that is contiguous to another dwelling unit that**
11 **is owned, managed, leased, or subleased by the same landlord that**
12 **owns, manages, leases, or subleases the dwelling unit.**
13 **Sec. 4. As used in this chapter, "dwelling unit" means a**
14 **structure, or the part of a structure, that is used as a home,**
15 **residence, or sleeping place by a tenant.**
16 **Sec. 5. As used in this chapter, "electronic notice" means notice**
17 **by:**



- 1 (1) electronic mail; or
- 2 (2) any:
 - 3 (A) electronic portal; or
 - 4 (B) management communications system;
- 5 that is available to both a landlord and a tenant.
- 6 **Sec. 6. As used in this chapter, "pest control applicator" means**
- 7 **a:**
 - 8 (1) licensed applicator for hire (as defined in IC 15-16-5-16);
 - 9 or
 - 10 (2) registered technician (as defined in IC 15-16-5-33).
- 11 **Sec. 7. As used in this chapter, "qualified inspector" means:**
 - 12 (1) a local health department official;
 - 13 (2) a licensed pest inspector (as defined in IC 15-16-5-18);
 - 14 (3) an individual who meets the requirements established by
 - 15 the state chemist under section 17 of this chapter for
 - 16 certification as a bed bug inspector; or
 - 17 (4) a canine scent detection team that holds a current,
 - 18 independent, third party certification in accordance with the
 - 19 Guidelines for Minimum Standards for Canine Bed Bug
 - 20 Detection Team Certification established by the National Pest
 - 21 Management Association or its successor organization;
- 22 that is retained by a landlord to conduct an inspection for bed
- 23 bugs.
- 24 **Sec. 8. As used in this chapter, "tenant" means a person entitled**
- 25 **under a rental agreement to occupy a dwelling unit to the exclusion**
- 26 **of others.**
- 27 **Sec. 9. (a) A tenant shall promptly notify the tenant's landlord**
- 28 **by written or electronic notice when the tenant knows or**
- 29 **reasonably suspects that the tenant's dwelling unit contains bed**
- 30 **bugs. A tenant who gives a landlord electronic notice concerning**
- 31 **potential bed bugs shall send the notice only to the:**
 - 32 (1) electronic mail address;
 - 33 (2) telephone number; or
 - 34 (3) electronic portal;
- 35 **specified in the rental agreement for transmitting communications**
- 36 **to the landlord. However, if there is not a provision in the rental**
- 37 **agreement specifying a method of communication, the tenant shall**
- 38 **communicate with the landlord in a manner that the landlord has**
- 39 **previously used to communicate with the tenant. The tenant shall**
- 40 **retain sufficient proof of the delivery of the notice required by this**
- 41 **subsection.**
- 42 **(b) Not later than ninety-six (96) hours after receiving notice of**



1 the presence of bed bugs or the suspected presence of bed bugs
 2 under subsection (a), a landlord, after providing the notice to the
 3 tenant required under section 11 of this chapter:

4 (1) shall obtain an inspection of the dwelling unit by a
 5 qualified inspector; and

6 (2) may enter the dwelling unit or any contiguous dwelling
 7 unit for the purpose of allowing the inspection described in
 8 section 12 of this chapter.

9 (c) If the inspection of the dwelling unit confirms the presence
 10 of bed bugs, the landlord shall have an inspection of all contiguous
 11 dwelling units performed as promptly as is reasonably practical.

12 Sec. 10. (a) A landlord who obtains an inspection of a dwelling
 13 unit for bed bugs, whether under section 9 of this chapter or
 14 otherwise, shall, not later than two (2) business days after receiving
 15 the inspection report, provide to the tenant of the dwelling unit
 16 written notice indicating whether the dwelling unit contains bed
 17 bugs.

18 (b) If a qualified inspector conducting an inspection determines
 19 that neither a dwelling unit nor any contiguous dwelling unit
 20 contains bed bugs, the notice provided by the landlord under
 21 subsection (a) must inform the tenant of the dwelling unit that if
 22 the tenant remains concerned that the dwelling unit contains bed
 23 bugs, the tenant may contact the local health department to report
 24 any concerns.

25 (c) If a qualified inspector conducting an inspection determines
 26 that a dwelling unit or any contiguous dwelling unit contains bed
 27 bugs in any stage of a bed bug's life cycle, the qualified inspector
 28 shall provide an inspection report to the landlord not later than
 29 twenty-four (24) hours after completing the inspection. Not later
 30 than five (5) business days after receiving an inspection report that
 31 indicates the presence of bed bugs, the landlord shall begin taking
 32 reasonable measures, as determined by the qualified inspector, to
 33 effectively treat the bed bug presence, including retaining the
 34 services of a pest control applicator to treat the dwelling unit and
 35 any contiguous dwelling unit.

36 (d) Except as provided in section 12(c) of this chapter, a
 37 landlord is responsible for all costs associated with an inspection for,
 38 and treatment of, bed bugs in a dwelling unit and any
 39 contiguous dwelling units.

40 (e) Nothing in this section prohibits a tenant from contacting
 41 any governmental agency at any time concerning the presence of
 42 bed bugs in the tenant's dwelling unit or in the structure of which



1 the tenant's dwelling unit is a part.

2 Sec. 11. (a) If a landlord, qualified inspector, or pest control
3 applicator must enter a dwelling unit for the purpose of conducting
4 an inspection for, or treating the presence of, bed bugs, the
5 landlord shall provide the tenant reasonable written or electronic
6 notice of the fact at least forty-eight (48) hours before the landlord,
7 qualified inspector, or pest control applicator attempts to enter the
8 dwelling unit, unless the rental agreement provides for a different
9 minimum time for the notice. A tenant who receives notice under
10 this section may not unreasonably deny the landlord, qualified
11 inspector, or pest control applicator access to the dwelling unit.

12 (b) A tenant may waive the notice requirement described in
13 subsection (a).

14 Sec. 12. (a) A qualified inspector who is inspecting a dwelling
15 unit for bed bugs may conduct an initial visual and manual
16 inspection of a tenant's bedding and upholstered furniture. The
17 qualified inspector may inspect items other than bedding and
18 upholstered furniture when the qualified inspector determines that
19 such an inspection is necessary and reasonable.

20 (b) If a qualified inspector finds bed bugs in a dwelling unit or
21 in any contiguous dwelling unit, the qualified inspector has the
22 right to such additional access to the tenant's personal belongings
23 as the qualified inspector determines is necessary and reasonable.

24 (c) A tenant must comply with reasonable measures to permit
25 the inspection for, and the treatment of, the presence of bed bugs
26 as determined by a qualified inspector. The tenant is responsible
27 for all costs associated with preparing the tenant's dwelling unit for
28 inspection and treatment. A tenant who knowingly and
29 unreasonably fails to comply with the inspection and treatment
30 requirements set forth in this chapter is liable for the cost of any
31 bed bug treatments of the dwelling unit and any contiguous
32 dwelling units if the need for the treatment of bed bugs arises from
33 the tenant's noncompliance.

34 (d) If any furniture, clothing, equipment, or personal property
35 belonging to a tenant is found to contain bed bugs, the qualified
36 inspector shall advise the tenant that the furniture, clothing,
37 equipment, or personal property should not be removed from the
38 dwelling unit until a pest control applicator determines that a bed
39 bug treatment has been completed. The tenant may not dispose of
40 personal property that was determined to contain bed bugs in any
41 common area where the disposal may risk the infestation of other
42 dwelling units.



1 (e) This section does not require a landlord to provide a tenant
2 with alternative lodging or to pay to replace a tenant's personal
3 property.

4 (f) This section does not preempt or restrict the application of
5 any state or federal law concerning reasonable accommodations
6 for persons with disabilities.

7 Sec. 13. (a) A landlord may not offer for rent a dwelling unit
8 that the landlord knows or reasonably suspects to contain bed
9 bugs. Upon request from a prospective tenant, a landlord shall
10 disclose to the prospective tenant whether, to the landlord's
11 knowledge, the dwelling unit that the landlord is offering for rent
12 contained bed bugs within the previous eight (8) months.

13 (b) Upon request from a tenant or a prospective tenant, a
14 landlord shall disclose the last date, if any, on which a dwelling unit
15 being rented or offered for rent was inspected for, and found to be
16 free of, bed bugs.

17 Sec. 14. (a) A landlord who fails to comply with this chapter is
18 liable to the tenant for the tenant's actual damages.

19 (b) A landlord may file an action in a circuit or superior court
20 in the county where the dwelling unit is located to obtain injunctive
21 relief against a tenant who:

- 22 (1) refuses to provide reasonable access to a dwelling unit; or
23 (2) fails to comply with a reasonable request for inspection or
24 treatment of a dwelling unit.

25 (c) If a court finds that a tenant has unreasonably failed to
26 comply with any of the requirements set forth in this chapter, the
27 court may issue a temporary order that does one (1) or more of the
28 following:

- 29 (1) Grants the landlord access to the tenant's dwelling unit.
30 (2) Grants the landlord the right to engage in bed bug
31 inspection and treatment measures in the tenant's dwelling
32 unit.
33 (3) Requires the tenant to comply with specific bed bug
34 inspection and treatment measures.
35 (4) Assesses the tenant with costs and damages related to the
36 tenant's noncompliance.

37 (d) A court order granting a landlord access to a dwelling unit
38 must be served upon the tenant at least twenty-four (24) hours
39 before a landlord, qualified inspector, or pest control applicator
40 enters the dwelling unit.

41 (e) The remedies in this section are in addition to any other
42 remedies available at law or in equity to any person.



1 **(f) This section does not limit or restrict the authority of any**
2 **state or local housing agency or health department.**
3 **Sec. 15. A landlord who complies with this chapter is considered**
4 **to have satisfied the requirements of habitability of a dwelling unit**
5 **with respect to matters concerning bed bugs.**
6 **Sec. 16. The state chemist may adopt rules under IC 4-22-2 to**
7 **implement this chapter concerning the following:**
8 **(1) The inspection for bed bugs by a qualified inspector.**
9 **(2) The application of pesticides for bed bugs by a pest control**
10 **applicator.**
11 **(3) Other matters necessary for the administration of this**
12 **chapter.**
13 **Sec. 17. The state chemist shall establish requirements for the**
14 **certification of a bed bug inspector.**

