

# HOUSE BILL No. 1519

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-15.

**Synopsis:** Government limitations on hours of operation. Limits the authority of state agencies and political subdivisions to restrict the hours of operation of a private business or other nongovernmental entity. Provides for the revision of statutes to bring them into conformity with this act.

**Effective:** May 1, 2021 (retroactive).

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## Morris, Goodrich

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January 14, 2021, read first time and referred to Committee on Commerce, Small Business and Economic Development.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1519



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

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

1 SECTION 1. IC 24-15 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE MAY 1,  
3 2021 (RETROACTIVE)]:  
4 **ARTICLE 15. GOVERNMENT RESTRICTIONS**  
5 **Chapter 1. Definitions**  
6 **Sec. 1. The definitions in this chapter apply throughout this**  
7 **article.**  
8 **Sec. 2. "Political subdivision" has the meaning set forth in**  
9 **IC 36-1-2-13.**  
10 **Sec. 3. "State agency" has the meaning set forth in IC 4-1-10-2.**  
11 **The term includes the governor and the state department of health.**  
12 **Chapter 2. Hours of Operation**  
13 **Sec. 1. This chapter applies after April 30, 2021.**  
14 **Sec. 2. A state agency may not limit or otherwise regulate the**  
15 **hours of operation of a private business or other nongovernmental**  
16 **entity, including a sole proprietorship or association, (regardless**  
17 **of whether the entity is declared to be essential or nonessential),**



1 except to the extent:

- 2 (1) the hours are expressly set by a state law, federal law, or  
 3 federal regulation;  
 4 (2) a state law, federal law, or federal regulation expressly  
 5 specifies the number of hours that the entity must be available  
 6 to provide services; or  
 7 (3) a state law expressly authorizes the state agency to limit or  
 8 otherwise regulate the hours.

9 **Sec. 3. Orders under IC 10-14-3, orders and rules of the state**  
 10 **department of health, and other executive orders of the governor**  
 11 **are subject to section 2 of this chapter. A rule of a state agency or**  
 12 **an executive order that is inconsistent with section 2 of this chapter**  
 13 **is void.**

14 **Sec. 4. After April 30, 2021, a political subdivision (including**  
 15 **any local health department or officer) may not limit or otherwise**  
 16 **regulate the hours of operation of a private business or other**  
 17 **nongovernmental entity, including a sole proprietorship or**  
 18 **association, (regardless of whether the entity is declared to be**  
 19 **essential or nonessential), except to the extent:**

20 (1) either:

- 21 (A) the hours are expressly set by a state law, federal law,  
 22 or federal regulation;  
 23 (B) a state law, federal law, or federal regulation expressly  
 24 specifies the number of hours that the entity must be  
 25 available to provide services; or  
 26 (C) a state law expressly authorizes a state agency (as  
 27 defined in IC 24-15-1-3) to limit or otherwise regulate the  
 28 hours; and

29 (2) state law expressly authorizes the political subdivision to  
 30 enforce the state law.

31 **Sec. 5. A rule, ordinance, or other policy that is inconsistent with**  
 32 **section 4 of this chapter is void.**

33 **SECTION 2. [EFFECTIVE MAY 1, 2021 (RETROACTIVE)] (a)**  
 34 **The legislative council is urged to assign to the appropriate interim**  
 35 **study committee, during the 2021 legislative interim, the task of**  
 36 **studying Indiana law to bring Indiana law into conformity with**  
 37 **IC 24-15-2, as added by this act, and to prepare appropriate**  
 38 **legislation for introduction in the 2022 session of the general**  
 39 **assembly.**

40 (b) This SECTION expires January 1, 2022.

41 SECTION 3. An emergency is declared for this act.

