

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 387

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AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-19-4-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The division shall do the following:

- (1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.
- (2) Assess state and local security needs.
- (3) ~~Disburse federal and state homeland security money for all Indiana state and local governments.~~

SECTION 2. IC 10-19-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

### **Chapter 11. Radiation and Radioactive Material Control**

**Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if used properly, but may impair the health of the public and the industrial and agricultural potentials of Indiana if used improperly, it is the public policy of Indiana to encourage constructive uses of radiation and to control the harmful effects of radiation.**

**Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.**

**(b) "Agency" refers to the department of homeland security**

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established by IC 10-19-2-1.

(c) "Agreement state" means a state with which the United States Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

(d) For purposes of this chapter, exposures are "as low as is reasonably achievable" if every reasonable effort has been made to maintain exposures to ionizing radiation as far below the dose limits as is practical:

- (1) consistent with the purpose for which the licensed activity is undertaken;
- (2) taking into account the state of technology and the economics of improvements; and
- (3) in relation to:
  - (A) benefits to the public health and safety;
  - (B) other societal and socioeconomic considerations; and
  - (C) utilization of nuclear energy and licensed materials in the public interest.

(e) "Atomic Energy Act of 1954" refers to the federal Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1, 2014.

(f) "Byproduct material" means any of the following:

- (1) Radioactive material, except special nuclear material, yielding in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
- (2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore.
- (3) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity.
- (4) Any material that:
  - (A) has been made radioactive by use of a particle accelerator; and
  - (B) is:
    - (i) produced;
    - (ii) extracted; or
    - (iii) converted after extraction;
 for use for a commercial, medical, or research activity.
- (5) Any discrete source of naturally occurring radioactive material, other than source material, that:
  - (A) is determined by the Nuclear Regulatory Commission,



in consultation with the administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, to pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) is:

- (i) extracted; or
- (ii) converted after extraction;

for use in a commercial, medical, or research activity.

(g) "General license" means an export or import license that:

- (1) is issued through rulemaking by the Nuclear Regulatory Commission;
- (2) is effective without the filing of a specific application with the Nuclear Regulatory Commission or the issuance of licensing documents to a particular person;
- (3) is not an exemption from the requirements of the Nuclear Regulatory Commission; and
- (4) does not relieve a person from complying with other applicable Nuclear Regulatory Commission, federal, or state requirements.

(h) "Inspection" means an official examination or observation by the agency. The term includes tests, surveys, and monitoring to determine compliance with this chapter and the rules adopted under this chapter.

(i) "Ionizing radiation" means:

- (1) alpha particles;
- (2) beta particles;
- (3) gamma rays;
- (4) x-rays;
- (5) neutrons;
- (6) high-speed electrons;
- (7) high-speed protons; and
- (8) other particles capable of producing ions.

The term does not include nonionizing radiation such as radio waves, microwaves, and visible light, infrared light, or ultraviolet light.

(j) "License" means a license issued under the Nuclear Regulatory Commission regulations or by an agreement state as stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

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(k) "Licensed material" means:

- (1) source material;
- (2) special nuclear material; or
- (3) byproduct material;

that is received, possessed, used, transferred, or disposed of under a general or specific license issued by the Nuclear Regulatory Commission or the agency.

(l) "Nuclear Regulatory Commission" refers to the United States Nuclear Regulatory Commission.

(m) "Person" means an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(n) "Radioactive material" means:

- (1) byproduct material;
- (2) source material;
- (3) special nuclear material; or
- (4) any solid, liquid, or gas that emits radiation spontaneously.

(o) "Registration" means registration with the agency.

(p) "Source material" means:

- (1) natural uranium, depleted uranium, thorium, or any other combination of natural uranium, depleted uranium, and thorium, in any physical or chemical form other than special nuclear material; or
- (2) ores that contain by weight at least five-hundredths of one percent (0.05%) of:
  - (A) natural uranium;
  - (B) depleted uranium;
  - (C) thorium; or
  - (D) any combination of natural uranium, depleted uranium, and thorium.

(q) "Special nuclear material" means:

- (1) plutonium;
- (2) uranium-233; or
- (3) uranium enriched above seven hundred eleven thousandths of one percent (0.711%) by weight in the isotope uranium-235.

(r) "Specific license" means an export or import license document that is issued to a named person and authorizes the export or import of specified nuclear equipment or materials based upon the review and approval of an NRC Form 7 (Application for NRC Export or Import License, amendment, renewal, or consent request(s)) application.



(s) "Unnecessary radiation" means radiation used in such a manner as to be injurious or dangerous to health, life, or property.

(t) "The state" refers to the state of Indiana.

**Sec. 3. (a)** The agency or the agency's agent may enter at any reasonable time any private or public property for the purpose of an inspection and investigation of conditions relating to radiation control.

(b) An owner or tenant of private or public property shall, upon reasonable notice, make available to the agency for inspection records maintained in accordance with 10 CFR 20, this chapter, and the rules adopted under this chapter.

(c) An owner or tenant of private or public property shall permit the agency to:

- (1) perform radiation surveys in the air using portable survey equipment; and
- (2) take environmental samples for analysis;

as the agency considers appropriate and necessary for public health and safety.

**Sec. 4. (a)** Byproduct material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of byproduct material under subsection (d).

(b) Source material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of source materials under subsection (d).

(c) Special nuclear material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission to assume regulation of the use of special nuclear material under subsection (d).

(d) The governor, or the governor's appointee on behalf of the state, may enter into an agreement with the Nuclear Regulatory Commission to assume regulation, as authorized under the federal Atomic Energy Act of 1954, of the use of the following:

- (1) Byproduct material.
- (2) Source material.
- (3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its



responsibilities with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the agency may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the agency on forms prescribed by the agency.

Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

Sec. 7. A person transporting, handling, using, storing, or keeping ionizing radiation sources shall:

- (1) transport, handle, use, store, or keep the ionizing radiation sources so as to prevent unnecessary radiation; and
- (2) make every effort to keep exposures as low as is reasonably achievable.

Sec. 8. In addition to adopting rules under section 4(f) of this chapter, the agency may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

Sec. 9. A person who:

- (1) produces radiation; or
- (2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the agency, constitutes a separate offense.

SECTION 3. IC 16-18-2-28 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 28: "Atomic energy", for purposes of

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IC 16-41-35; has the meaning set forth in IC 16-41-35-3.

SECTION 4. IC 16-18-2-45 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 45: "Byproduct material"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-4.

SECTION 5. IC 16-18-2-147 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 147: "General license"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-6.

SECTION 6. IC 16-18-2-294 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 294: "Production facility"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-7.

SECTION 7. IC 16-18-2-334 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 334: "Source material"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-11.

SECTION 8. IC 16-18-2-335 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 335: "Special nuclear material"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-12.

SECTION 9. IC 16-18-2-336 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 336: "Specific license"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-13.

SECTION 10. IC 16-18-2-362 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 362: "Utilization facility"; for purposes of IC 16-41-35; has the meaning set forth in IC 16-41-35-15.

SECTION 11. IC 16-41-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if properly utilized but may impair the health of the public and the industrial and agricultural potentials of Indiana if improperly utilized, it is declared to be the public policy of Indiana to encourage the constructive **medical** uses of radiation and to control harmful effects of radiation.

SECTION 12. IC 16-41-35-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 3: As used in this chapter, "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

SECTION 13. IC 16-41-35-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 4: As used in this chapter, "byproduct material" means any radioactive material; except special nuclear materials; yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.

SECTION 14. IC 16-41-35-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 6: As used in this chapter, "general license"



means a license effective under rules promulgated by the state department without filing an application to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

SECTION 15. IC 16-41-35-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 7: As used in this chapter, "production facility" means:

- (1) any equipment or device capable of producing special nuclear material in a quantity significant to the common defense and security or in a manner that affects the health and safety of the public; or
- (2) any important component part especially designed for that equipment or device.

SECTION 16. IC 16-41-35-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 11: As used in this chapter, "source material" means:

- (1) uranium, thorium, or any other material that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material to be source material; or
- (2) ores containing at least one (1) of the materials described in subdivision (1) in the concentration that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material in that concentration to be source material.

SECTION 17. IC 16-41-35-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 12: As used in this chapter, "special nuclear material" means:

- (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the state department declares to be special nuclear material after the United States Nuclear Regulatory Commission has determined the material to be special nuclear material; or
- (2) any material artificially enriched by any of the material described in subdivision (1).

SECTION 18. IC 16-41-35-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 13: As used in this chapter, "specific license" means a license issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.





SECTION 19. IC 16-41-35-15 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 15: As used in this chapter, "utilization facility" means:

- (1) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in a quantity significant to the common defense and security; or in a manner that affects the health and safety of the public; or peculiarly adapted for making use of atomic energy in a quantity significant to the common defense and security; or in a manner that affects the health and safety of the public; or
- (2) any important component part especially designed for such equipment or device.

SECTION 20. IC 16-41-35-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. (a) The state department shall issue general or specific licenses for at least one (1) of the following:

- (1) Byproduct material.
- (2) Source material.
- (3) Special nuclear material.
- (4) Other radioactive materials occurring naturally or produced artificially.
- (5) Devices or equipment utilizing this material.

(b) A license shall be issued only when the state department finds that the items described under subsection (a) may produce radiation sufficient to result in hazard or injury to health, life, or property.

(c) The state department shall adopt rules under this chapter providing for granting, suspending, revoking, or amending licenses. No licensing of materials, devices, or equipment now under the jurisdiction of the United States Nuclear Regulatory Commission shall be made effective before the effective date of an agreement that discontinues the federal government's regulation of sources of radiation involved, as provided in section 27(c) of this chapter.

(d) A person who is not required to have a general or specific license may not produce radiation or produce, use, store, sell, or otherwise dispose of radioactive materials, radiation machines or electronic products, unless the person registers in writing with the state department, giving the pertinent information the state department requires, in accordance with the procedures prescribed by the state department.

SECTION 21. IC 16-41-35-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 27: (a) A registration under section 26(d) of this chapter is effective until there is a change that may significantly



increase the number of sources, source strength, or output of energy of radiation produced. A registration that includes at least one (1) source that subsequently requires licensing under section 26(a) of this chapter expires with respect to that particular source upon the effective date of the license. If a change occurs, the change shall be registered with the state department within thirty (30) days as an amendment to the original registration, unless exempted under rules adopted under this chapter.

(b) The state department shall specify the expiration date for a license in the license.

(c) The governor may, on behalf of the state, enter into an agreement with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of radiation and the assumption of those responsibilities by the state.

(d) A person who, on the effective date of an agreement under subsection (c), possesses a license issued by the federal government is considered to possess an equivalent license issued under this chapter that expires:

(1) ninety (90) days after receipt from the state department of a notice of expiration of the license; or

(2) on the date of expiration specified in the federal license;

whichever is earlier.

(e) The term of a license issued under this section by the state department is twenty-four (24) months.

(f) The license fee for a new or renewal license is two hundred fifty dollars (\$250).

(g) If the department of state revenue notifies the department that a person is on the most recent tax warrant list, the department shall not issue or renew the person's license until:

(1) the person provides to the department a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or

(2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 22. IC 16-41-35-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 28. (a) The state department shall adopt rules under IC 4-22-2 concerning the production, transportation, use, storage, sale, or other disposition of radioactive material, radiation machines, or electronic products **used for medical purposes on human beings** to do the following:

(1) Prohibit and prevent unnecessary radiation.

(2) Carry out this chapter.

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(b) Standards relative to unnecessary radiation included in the rules must be in general conformance with the recommendations of the National Council on Radiation Protection and Measurements (**NCRP**) and performance standards promulgated by appropriate federal agencies.

SECTION 23. IC 16-41-35-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 33. A person may not produce radiation or produce, use, store, sell, or otherwise dispose of radioactive materials, radiation machines, or electronic products, except in accordance with this chapter and rules adopted under this chapter **or IC 10-19**.

SECTION 24. IC 16-41-35-39 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. Sec. 39. (a) Upon receiving advance notification, under 10 CFR 71.5a and 71.5b, of the transport of any nuclear waste to, through, or across the boundary of Indiana:

(1) the governor; or

(2) the governor's designee for the transport of nuclear waste; shall provide to the sheriff of each county through which the nuclear waste is to be transported the notification required by subsection (b):

(b) The notification provided to each sheriff must include the following information from the notification given to the governor or the governor's designee if the information has been made available to the governor or the governor's designee:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment.

(2) A description of the nuclear waste contained in the shipment.

(3) The point of origin of the shipment and the seven (7) day period during which departure of the shipment is estimated to occur.

(4) The seven (7) day period during which arrival of the shipment at state boundaries is estimated to occur.

(5) The destination of the shipment and the seven (7) day period during which arrival of the shipment is estimated to occur.

(6) A point of contact with a telephone number for current shipment information.

(7) Information regarding necessary safety steps to be taken if an accident occurs during shipment of the nuclear waste.

(c) The notification prescribed by subsection (b) must be given in writing delivered by first class mail or by a faster means of delivery to the sheriff of each county through which the shipment of nuclear waste is to pass within twenty-four (24) hours after the governor or the governor's designee receives advance notification of the shipment

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under 10 CFR 71.5a and 71.5b.

(d) If the governor or the governor's designee is notified under 10 CFR 71.5a and 71.5b that the schedule for a shipment of nuclear waste will not be met or that a shipment of nuclear waste has been canceled, the governor or the governor's designee shall notify each sheriff previously notified about the shipment as to the delay or cancellation. The notification given by the governor or the governor's designee under this subsection must be provided under the same requirements prescribed in subsection (c) for the initial notification of sheriffs.

SECTION 25. IC 16-41-35-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 40. A person who:

(1) produces radiation; or

(2) produces, uses, stores, sells, or otherwise disposes of radioactive materials; radiation machines or electronic products;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the state department, constitutes a separate offense.

SECTION 26. IC 16-41-35-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 42. (a) In addition to other penalties provided under this chapter, the state department shall adopt rules under IC 4-22-2 that establish a schedule of civil penalties that may be levied upon a person for the violation of this chapter.

(b) A penalty included in the schedule of civil penalties adopted under this chapter may not exceed one thousand dollars (\$1,000) for each violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

(1) fails to comply with this ~~section~~ **chapter** or a rule adopted under this ~~section;~~ **chapter**; or

(2) interferes with or obstructs the state department or the department's designated agent in the performance of duties under this ~~section.~~ **chapter.**

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this chapter or a rule adopted under this chapter.

SECTION 27. IC 22-12-2-5, AS AMENDED BY P.L.1-2006, SECTION 349, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The governor shall appoint a member of the commission to be the commission's chair.

(b) The member appointed by the governor serves as the commission's chair at the governor's pleasure.

**(c) The commission shall, from the commission's members, elect a vice chair of the commission. The vice chair shall, in the absence of the chair, perform the duties of the chair.**

SECTION 28. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

~~(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the~~

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recommendations:

- (1) Section 2406.1 (675 IAC 22-2.3-233).
- (2) Section 2406.2.
- (3) Section 2406.3.

(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.

(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3.

(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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