

2018 Indiana Legislative Bills Relevant to Environmental Health

Submitted by the General Environmental Health Services Committee

v. 01/09/2018

SB 158: Scleral tattooing.

Authored by: Sen. John Ruckelshaus

Digest: Scleral tattooing. Defines "scleral tattooing". Prohibits the act of performing or offering to perform scleral tattooing. Provides an exception for the act of a licensed health care professional when the act is performed in the scope of the health care professional's practice. Provides that the attorney general: (1) has authority to receive and investigate complaints regarding violations of the statute; (2) may seek civil penalties of up to \$10,000 per violation of the statute; and (3) may seek an injunction to restrain a person from continuing to violate the statute.

Bill Actions as of 01/09/18

S 01/03/2018 Authored by Senator Ruckelshaus

S 01/03/2018 First reading: referred to Committee on Civil Law

S 01/08/2018 Committee report: do pass, adopted

S 01/09/2018 Senator Buck added as second author

S 01/09/2018 Senator Brown L added as third author

SB 168: Ban on sale or use of coal tar pavement products.

Authored by: Sen. David Niezgodski

Digest: Ban on sale or use of coal tar pavement products. Prohibits the: (1) sale or offer for sale; and (2) application to pavement; of a coal tar pavement product except as required for purposes of research on the effects of the coal tar pavement product on the environment.

Bill Actions as of 01/9/18

S 01/03/2018 Authored by Senator Niezgodski

S 01/03/2018 First reading: referred to Committee on Environmental Affairs

S 01/08/2018 Senator Stoops added as coauthor

SB 178: Taking of sand from bed of Lake Michigan.

Authored by: Sen. Karen Tallian

Digest: Taking of sand from bed of Lake Michigan. Provides that sand taken from the bed or from under the bed of Lake Michigan pursuant to a permit from the department of natural resources (DNR) may only be deposited on the beach of Lake Michigan and may not be removed to any other place or used for any other purpose. Provides, however, that the sand shall be disposed of in a manner consistent with the hazardous waste management law if the director of the DNR determines that the sand contains a toxic material or a substance that is potentially harmful to human health or to the environment.

Bill Actions as of 01/09/18

S 01/08/2018 Authored by Senator Tallian

S 01/08/2018 First reading: referred to Committee on Natural Resources

SB 274: Underground storage tanks subject to delivery prohibition.

Authored by: Sen. Eric Bassler

Digest: Underground storage tanks subject to delivery prohibition. Authorizes the commissioner of the department of environmental management (IDEM), after issuing an initial temporary order prohibiting the use of a particular underground storage tank, to reissue the temporary order prohibiting the use of the tank if the tank remains ineligible for delivery, deposit, or acceptance of a regulated substance when the initial order expires. Authorizes the commissioner of IDEM to require the closure of an underground storage tank

that is subject to delivery prohibition if: (1) the owner or operator of the tank has failed to complete the corrective actions required by the commissioner in an earlier order; and (2) the tank has been the subject of one temporary order prohibiting the use of the underground storage tank and at least two consecutive actions by the commissioner reissuing the order prohibiting the use of the underground storage tank.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Bassler

S 01/04/2018 First reading: referred to Committee on Environmental Affairs

SB 286: SPEA study of Indiana environmental policy.

Authored by: Sen. Timothy Lanane

Digest: SPEA study of Indiana environmental policy. Requires the Indiana University School of Public and Environmental Affairs (SPEA) to: (1) conduct a study that evaluates how Indiana compares to other states in enacting environmental policies and achieving performance goals in the areas of pollution control, renewable energy deployment, and natural resource management; and (2) assess the potential for development of low-carbon and green industries in Indiana and the job creation, economic growth, and wealth generation that could result for Indiana communities from the development of these industries. Requires SPEA to report the results of its study and assessment to the legislative council not later than December 1, 2018.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Lanane

S 01/04/2018 First reading: referred to Committee on Environmental Affairs

SB 316: Regulation of confined feeding operations.

Authored by: Sen. Mark Stoops

Digest: Regulation of confined feeding operations. Amends the law on confined feeding operations (CFOs, which include any confined feeding of at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses). Provides that a person who owns a CFO, owns the livestock in a CFO, applies for a permit, permit renewal, or permit modification for a CFO, or is otherwise in direct or responsible charge of a CFO is a "responsible party" with respect to the CFO. Provides that a person may not start construction or operation of a CFO without obtaining a permit from the department of environmental management (IDEM) and may not modify a CFO without obtaining a permit modification from IDEM. Requires IDEM to provide public access to a permit application through IDEM's Virtual File Cabinet, to publish a notice requesting public comments on the application, to allow interested persons to submit written comments, and to hold a public hearing on the permit application upon written request. Requires the commissioner of IDEM (commissioner) to deny an application for a permit or permit modification if the proposed activity would substantially endanger public health or the environment. Authorizes the commissioner to revoke a permit to prevent or abate a substantial endangerment to public health or the environment. Requires the environmental rules board to adopt rules establishing new requirements for new CFOs and for existing or expanding CFOs, including the requirement to maintain at least one mile in distance between a CFO's structures and the boundary of any property on which an existing residence is located and the requirement to meet an odor standard. Removes from the Indiana Code a statement that the Indiana Code shall be construed to protect the rights of farmers to choose among all generally accepted farming and livestock production practices. Amends the law stating that an agricultural operation that has been in operation for more than one year does not become a nuisance by a change in conditions if there is no "significant change" in the type of operation by eliminating provisions of the law declaring that certain types of changes are not significant changes.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Stoops

S 01/04/2018 First reading: referred to Committee on Agriculture

SB 320: Lead-based paint renovation hazards program.

Authored by: Sen. Jean Breaux

Digest: Lead-based paint renovation hazards program. Requires the state department of health to seek authorization from the United States Environmental Protection Agency (EPA) to administer and enforce, in Indiana, the EPA's program to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in certain housing structures and facilities.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Breaux

S 01/04/2018 First reading: referred to Committee on Environmental Affairs

SB 322: Lead poisoning of children.

Authored by: Sen. Jean Breaux

Digest: Lead poisoning of children. Requires the state department of health to develop and distribute to primary health care providers a one page informational form that sets forth a series of questions for a child's family concerning the child's exposure to lead and directs a primary health care provider to have a child's blood tested for lead if the child's family gives certain answers to the questions. Requires a primary health care provider who provides well child health care services to a child less than six years of age to recommend a blood lead screening test under certain circumstances and to order a blood lead screening test under certain circumstances. Provides an exception if the parents of the child object to the blood lead screening test on religious grounds. Establishes requirements for blood lead screening tests and confirmatory blood lead screening tests. Requires a clinical laboratory that performs an analysis of the blood of a child for lead to report the results to the state health commissioner (commissioner). Provides that the commissioner, when provided test results showing that a child has a blood lead level of at least five micrograms per deciliter, is required to order a public health lead investigation to determine the source of the child's lead poisoning if the child is less than six years of age, and may order a public health lead investigation if the child is more than six but less than 16 years of age. Provides that the public health lead investigation must include an onsite investigation of the child's residential unit, child care center, or school if the child has a blood lead level of at least 10 micrograms per deciliter. Provides that the commissioner must require a public health lead risk assessment of a child's residential unit, child care center, or school upon determining that the property is a possible source of the child's lead poisoning. Provides that if the public health lead risk assessment indicates that one or more lead hazards in the residential unit, child care center, or school are contributing to a child's lead poisoning, the commissioner shall issue an order to have each lead hazard controlled. Requires the owner or manager of the residential unit, child care center, or school to choose from among certain acceptable methods to control each lead hazard specified in the commissioner's order. Requires the commissioner to issue a noncompliance order prohibiting the use of the property if the owner or manager of the residential unit, child care center, or school does not comply with the lead hazard control order. Requires the commissioner to lift a lead hazard control order when all lead hazards specified in the control order have been sufficiently controlled.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Breaux

S 01/04/2018 First reading: referred to Committee on Commerce and Technology

SB 361: Water infrastructure task force.

Authored by: Sen. Ed Charbonneau

Digest: Water infrastructure task force. Establishes a water infrastructure task force (task force) consisting of two members of the senate, two members of the house of representatives, and five governor's appointees, one of whom the governor shall appoint to serve as chair of the task force. Requires the task force to: (1) study drinking water systems and wastewater management systems; and (2) develop a long term plan for addressing drinking water and wastewater needs in Indiana. Requires the Indiana Finance Authority to provide staff support to the task force. Requires the task force to submit a report containing certain recommendations to the general assembly and the governor not later than December 1, 2018.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Charbonneau

S 01/04/2018 First reading: referred to Committee on Environmental Affairs

SB 362: Regulation of water and wastewater systems.

Authored by: Sen. Ed Charbonneau

Digest: Regulation of water and wastewater systems. Provides that a water or wastewater utility that begins providing service to the public after June 30, 2018, is subject to the jurisdiction of the Indiana utility regulatory commission with respect to rates and charges and other matters for the period of 10 years beginning on the day on which the water or wastewater utility begins providing service to the public. Amends the laws concerning the wastewater revolving loan program and the drinking water revolving loan program to require a demonstration that each participant to which a loan would be made has the financial, managerial, technical, and legal capability of operating and maintaining its system and has developed or is in the process of developing an asset management program. Establishes new requirements for water treatment plants and wastewater treatment plants applying to the department of environmental management for the issuance or amendment of a permit, including a cost-benefit analysis, a capital asset management plan, and a cybersecurity program.

Bill Actions as of 01/09/18

S 01/04/2018 Authored by Senator Charbonneau

S 01/04/2018 First reading: referred to Committee on Environmental Affairs

HB 1012: Neonicotinoid pesticides.

Authored by: Rep. B Patrick Bauer

Digest: Neonicotinoid pesticides. Requires the pesticide review board (board) to adopt rules prohibiting the use of neonicotinoids (certain insecticides having a chemical structure similar to the chemical structure of nicotine). Allows the board, according to its best judgment in weighing certain factors, to determine the date on which the prohibition will take full effect and to implement the prohibition gradually. Authorizes the board, for purposes of the period before the prohibition against using neonicotinoids is fully in effect, to adopt emergency rules restricting when and where neonicotinoids can be used and imposing requirements for the training of certified applicators using neonicotinoids.

Bill Actions as of 01/09/18

H 01/09/2018 Authored by Representative Bauer

H 01/09/2018 First reading: referred to the Committee on Agriculture and Rural Development

HB 1073: Child care location and safety.

Authored by: Rep. Julie Olthoff

Digest: Child care location and safety. Includes other weapons among the items that must be inaccessible to children in the care of certain child care providers, and amends accordingly the child care law concerning the list of imminent threats to children. Prohibits reapplication or granting of a license as a child care home or child care center less than one year after a previous license is revoked. Requires a child care provider to provide documentation from the county, city, or town that the child care provider meets all requirements of any applicable local ordinances.

Bill Actions as of 01/09/18

H 01/03/2018 Authored by Representative Olthoff

H 01/03/2018 First reading: referred to the Committee on Family, Children and Human Affairs

HB 1096: Construction requirements of MS4 operators.

Authored by: Rep. Wes Culver

Digest: Construction requirements of MS4 operators. Prohibits a city, town, conservancy district, or other entity designated an "MS4 operator" from imposing construction requirements more stringent than the construction requirements established by the administrative rule of the environmental rules board concerning storm water runoff associated with construction activity.

Bill Actions as of 01/09/18

H 01/03/2018 Authored by Representative Culver

H 01/03/2018 First reading: referred to the Committee on Environmental Affairs

HB 1120: State department of health matters.

Authored by: Rep. Cindy Kirchhofer

Digest: State department of health matters. Changes references to "methamphetamine laboratory" to "contaminating controlled substance". Requires a law enforcement agency to report to the department of child services if a child is found at a site used for the illegal manufacture, use, or disposal of a contaminating controlled substance. Authorizes the state department of health (state department) instead of the Indiana department of environmental management (department) to certify qualified inspectors and oversee the decontamination of a site that has been used in the illegal manufacture, use, or disposal of a contaminating controlled substance. Specifies the responsibilities and procedure a property owner must complete regarding the decontamination and notice concerning a site that has been used in the illegal manufacture, use, or disposal of a contaminating controlled substance. Transfers from the department to the state department powers, duties, records, property, and rules concerning decontamination of a site that has been contaminated by a contaminating controlled substance. Requires a local board of health or health officer that issues an order to vacate a dwelling to record the order and any subsequent revocation of the order with the county recorder at no cost. Repeals the postnatal donation initiative. Makes conforming amendments.

Bill Actions as of 01/09/18

H 01/04/2018 Authored by Representative Kirchhofer

H 01/04/2018 First reading: referred to Committee on Public Health

HB 1128: Compulsory sewer system connection.

Authored by: Rep. Jeffrey Thompson

Digest: Compulsory sewer system connection. Provides that, for a municipality to require a property owner to discontinue use of the property owner's septic system and connect to a sewer system, the sanitary sewer must be located within 300 feet of the foundation of the building on the property owner's property from which the sewage is discharged. (Under current law, it is necessary only for the sanitary sewer to be located within 300 feet of the

property line of the property.) Provides that a property owner cannot be required to discontinue use of the property owner's septic system and connect to the sewer system of a municipality, a not-for-profit sewer utility, or a regional sewage district if, in connecting the property owner's property to the sewer system, it would be necessary: (1) for the connection to cross property owned by any other property owner; or (2) for the connection to pass under a roadway. Makes these new limitations and conditions apply beginning January 1, 2018, except that they do not apply to the exercise by a not-for-profit utility, regional sewage district, or municipality of its power to require a property owner to discontinue use of the property owner's septic system and connect to a sewer system if, before January 1, 2018, the not-for-profit utility, regional sewage district, or municipality gave written notice by certified mail to the property owner that it was exercising its power to require the property owner to connect to the sewer system.

Bill Actions as of 01/09/18

H 01/04/2018 Authored by Representative Thompson

H 01/04/2018 First reading: referred to Committee on Environmental Affairs