

## **2021 Indiana Legislative Bills Relevant to Environmental Health**

Submitted by the General Environmental Health Services Committee

v. 02/10/2021

++proceeding a bill indicates that the bill has been newly added to the tracking list

*Italicized text marks an updated digest.*

### **SB 5: Appeal of local health enforcement actions.**

**Authored by Sen. Chris Garten, Sen. Ron Alting, Sen. Mark Messmer.**

**Digest:** Appeal of local health enforcement actions. Establishes an appeals process before legislative bodies of enforcement actions taken by local boards of health and local health officers.

#### **Bill Actions as of 02/10/2021**

S02/09/2021 Referred to the House

S02/08/2021 Cosponsor: Representative Morrison

S02/08/2021 House sponsor: Representative Lehman

S02/08/2021 Third reading: passed; Roll Call 65: yeas 40, nays 8

S02/02/2021 Amendment #4 (Tallian) failed; voice vote

S02/02/2021 Amendment #2 (Garten) prevailed; voice vote

S02/02/2021 Second reading: amended, ordered engrossed

S01/28/2021 Committee report: amend do pass, adopted

S01/07/2021 First reading: referred to Committee on Public Policy

S01/07/2021 Coauthored by Senators Doriot, Zay, Holdman, Houchin, Baldwin, Sandlin, Buchanan, Koch, Perfect, Rogers, Brown L, Buck, Leising, Charbonneau, Raatz, Tomes, Freeman, Bassler, Niemeyer, Young M, Crane, Boots, Ford Jon, Gaskill, Walker G, Busch, Walker K, Donato, Glick, Grooms, Kruse, Bohacek

S01/07/2021 Authored by Senators Garten, Alting, Messmer

### **SB 20: Regulation of micro market food sales.**

**Authored by Sen. Jon Ford.**

**Digest:** Regulation of micro market food sales. Specifies that "micro market display" includes a hot beverage brewer. Specifies that a "vending machine" includes a self-service device that can be activated by the use of a software application on a smartphone. Provides that a micro market can sell hot beverages. (Under current law, a micro market cannot sell hot beverages.)

#### **Bill Actions as of 02/10/2021**

S01/25/2021 Senator Niezgodski added as coauthor

S01/04/2021 First reading: referred to Committee on Health and Provider Services

S01/04/2021 Authored by Senator Ford Jon

### **SB 29: Annual inspections of CAFOs.**

**Authored by Sen. Rick Niemeyer.**

**Digest:** Annual inspections of CAFOs. Requires the department of environmental management, at least once per year, to conduct an onsite inspection of every concentrated animal feeding operation or "CAFO" (which, under the definition in federal regulations, is: (1) a large CAFO, at which more than 1,000 head of beef cattle, 700 dairy cows, 2,500 swine weighing more than 55 pounds, or 125,000 broiler chickens are confined onsite for more than 45 days during a year; (2) a medium CAFO, at which 300 to 999 head of beef cattle, 200 to 699 dairy cows, 750 to 2,499 swine weighing more than 55 pounds, or 37,500 to 124,999 broiler chickens are confined onsite for more than 45 days during a year, and from which pollutants are discharged directly or through a manmade device into waters of the United States; or (3) a small CAFO, at which fewer animals are confined than at a medium CAFO but which has been determined to be a significant contributor of pollutants to waters of the United States).

**Bill Actions as of 02/10/2021**

S01/04/2021 First reading: referred to Committee on Agriculture

S01/04/2021 Authored by Senator Niemeyer

**GEHSC Bill Notes:** This bill is very similar to 2020's SB 248, which was also authored by Rep. Niemeyer.

**SB 48: Local health board and officer limitations.**

**Authored by Sen. James Tomes, Sen. Blake Doriot, Sen. Ron Alting.**

**Digest:** Local health board and officer limitations. Limits the time in which an order, mandate, or prohibition issued by a local health board or local health officer may be in effect unless approved by the relevant county executive or city executive. Limits the fines that may be assessed for a violation of the order, mandate, or prohibition. Establishes a cause of action for an individual to file a court action concerning certain enforcement actions taken by a local health officer or local health board.

**Bill Actions as of 02/10/2021**

S01/25/2021 Senator Garten added as coauthor

S01/04/2021 First reading: referred to Committee on Health and Provider Services

S01/04/2021 Authored by Senators Tomes, Doriot, Alting

**++SB 53: Local health board and officer limitations.**

**Authored by Authored by Sen. Jean Leising, Sen. Susan Glick.**

**Digest:** Testing and reporting of diseased animals. Provides that a veterinarian, owner, caretaker, or custodian of an animal who knows or suspects that an animal has a disease or condition declared reportable by the state board of animal health (board) must report the existence of the disease or condition to the state veterinarian or local health officer not later than 24 hours after discovering the occurrence or suspected occurrence of the disease or condition. (Currently, they have 48 hours to report a disease.) Provides that a laboratory or animal health professional shall report: (1) the type of test performed; and (2) positive diagnoses for certain diseases; not later than 24 hours after a test renders a positive diagnosis. Authorizes the board to adopt rules it considers necessary to carry out the reporting of diseases and conditions. Provides that the board may issue notice by electronic mail.

**Bill Actions as of 02/10/2021**

S01/26/2021 Referred to the House

S01/26/2021 Senator Randolph added as coauthor

S01/25/2021 Cosponsor: Representative Prescott

S01/25/2021 House sponsor: Representative Lehe

S01/25/2021 Third reading: passed; Roll Call 9: yeas 49, nays 0

S01/14/2021 Senator Glick added as second author

S01/14/2021 Second reading: ordered engrossed

S01/12/2021 Committee report: do pass, adopted

S01/04/2021 First reading: referred to Committee on Agriculture

S01/04/2021 Authored by Senator Leising

**SB 185: Home based vendors.**

**Authored by Sen. James Tomes, Sen. Blake Doriot, Sen. Ron Alting.**

**Digest:** *Home based vendors. Requires that the state department of health, state board of animal health, and state department of agriculture shall, in consultation with industry groups and food safety experts, submit recommendations concerning home based vendors to the general assembly.*

**Bill Actions as of 02/10/2021**

S02/08/2021 Committee report: amend do pass, adopted

S02/04/2021 Senator Doriot added as coauthor  
S01/05/2021 First reading: referred to Committee on Agriculture  
S01/05/2021 Authored by Senator Walker G

**SB 265: Statewide mobile food unit license.**

**Authored by Sen. Blake Doriot.**

**Digest:** Statewide mobile food unit license. Defines "mobile food unit" as a food truck or another mobile unit from which food ready for immediate consumption is provided to the public. Requires the state department of health (state department) to adopt rules establishing: (1) a statewide mobile food unit license; and (2) standards for the licensing, operation, and inspection of mobile food units. Provides that a statewide mobile food unit license authorizes the use of the mobile food unit in any county without: (1) inspection by a county or local health department inspector; (2) obtaining a county or local license or permit; or (3) paying a county or local inspection fee or license or permit fee. Provides that the mobile food unit standards established by the state department: (1) must recognize the advanced technical capabilities of modern mobile food units in the safe and sanitary preparation and handling of food; and (2) must be written to ensure that they will be uniformly interpreted and applied throughout the state. Provides for the inspection of each mobile food unit at least two times per year. Requires the state department to establish license fees and inspection fees.

**Bill Actions as of 02/10/2021**

S01/11/2021 First reading: referred to Committee on Health and Provider Services  
S01/11/2021 Authored by Senator Doriot

**SB 271: The department of environmental management.**

**Authored by Sen. Mark Messmer.**

**Digest:** The department of environmental management. Provides that a property owner claiming the industrial waste control facility property tax exemption must: (1) provide a written statement attesting that the property claimed as exempt meets the requirements for the exemption; and (2) file the statement along with the exemption claim. Eliminates provisions under which: (1) the property owner must mail a copy of the exemption claim to the department of environmental management (department); (2) the department may certify to the assessor its written determination whether the property for which the exemption is claimed is being used as an industrial waste control facility; and (3) the assessor is required to allow the total exemption claimed by the property owner if the department does not certify its determination to the assessor within 120 days after the property owner mailed the exemption claim to the department. Amends the law concerning the department's preparation of a list of impaired waters to provide for the list to be posted to the department's Internet web site instead of being published in the Indiana Register and to require that the list be made available for public comment for at least 45 days instead of at least 90 days.

**Bill Actions as of 02/10/2021**

S02/10/2021 Referred to the House  
S02/09/2021 House sponsor: Representative Gutwein  
S02/09/2021 Third reading: passed; Roll Call 88: yeas 47, nays 0  
S02/08/2021 Amendment #1 (Tallian) prevailed; voice vote  
S02/08/2021 Second reading: amended, ordered engrossed  
S02/04/2021 Senator Randolph added as coauthor  
S02/04/2021 Senator Niemeyer added as second author  
S02/01/2021 Committee report: do pass, adopted  
S01/11/2021 First reading: referred to Committee on Environmental Affairs  
S01/11/2021 Authored by Senator Messmer

**SB 348: Wastewater task force.****Authored by Sen. Eric Koch.**

**Digest:** Wastewater task force. Establishes the task force on wastewater infrastructure investment and service to underserved areas (task force). Provides that the task force consists of the following 14 members: (1) Four members of the senate, with the president pro tempore appointing three members (one of whom serves as co-chair of the task force), and the minority leader appointing one member. (2) Four members of the house of representatives, with the speaker appointing three members (one of whom serves as co-chair of the task force), and the minority leader appointing one member. (3) Six gubernatorial appointees, including the following: (A) One officer or employee of the state. (B) One member representing operators of wastewater management systems. (C) One engineer, or another professional, with expertise in wastewater management systems. (D) One member representing ratepayers. (E) One member representing municipalities served by a wastewater operator not under the jurisdiction of the utility regulatory commission (IURC). (F) One member of the general public. Sets forth the duties of the task force. Requires the task force to develop a long term plan for addressing wastewater needs in Indiana. Requires the task force to issue a report setting forth its recommendations to: (1) the executive director of the legislative services agency for distribution to members of the general assembly; and (2) the governor; not later than December 1, 2021. Provides that the bill's provisions concerning the task force expire January 1, 2022.

**Bill Actions as of 02/10/2021**

S02/05/2021 Referred to the House

S02/04/2021 Senator Randolph added as coauthor

S02/02/2021 Senator Zay added as coauthor

S02/02/2021 Senator Kruse added as coauthor

S02/02/2021 Senators Doriot, Perfect, Glick, Yoder added as coauthors

S02/02/2021 Senator Houchin added as third author

S02/02/2021 Senator Charbonneau added as second author

S02/02/2021 House sponsor: Representative Soliday

S02/02/2021 Third reading: passed; Roll Call 59: yeas 45, nays 0

S02/01/2021 Amendment #1 (Koch) prevailed; voice vote

S02/01/2021 Second reading: amended, ordered engrossed

S01/28/2021 Committee report: do pass, adopted

S01/11/2021 First reading: referred to Committee on Utilities

S01/11/2021 Authored by Senator Koch

**SB 367: Disposal of coal combustion residuals.****Authored by Sen. Karen Tallian.**

**Digest:** Disposal of coal combustion residuals. Provides that the rules of the environmental rules board may not allow coal combustion residuals produced by the burning of coal to generate electric power (CCR) to be disposed of if, after the disposal: (1) any of the CCR or any portion of the disposal structure, landfill, or impoundment in which the CCR would be disposed of would be within a 500 year flood zone; (2) any portion of the CCR would be in contact with ground water during any portion of the year; or (3) there would be potential for migration of the hazardous constituents of the CCR into the uppermost aquifer. Prohibits the department of environmental management from approving a plan for closure of a disposal facility for CCR located at the site where the CCR were generated if: (1) any portion of the disposal structure, landfill, or impoundment at the site is within a 500 year flood zone; (2) any portion of the CCR disposed of at the site would be in contact with ground water during any portion of the year; (3) there has been documented migration of the hazardous constituents of the CCR into the uppermost aquifer at the site; (4) there is potential for migration of the hazardous constituents of the CCR into the uppermost aquifer at the site; or

(5) the impoundment that would be used for disposal of the CCR at the site does not have a liner compliant with federal liner design criteria or is structurally unstable. Requires the Indiana utility regulatory commission (IURC) to review an electric utility's plan for closure of its CCR surface impoundment and provides that the IURC must require the utility to provide an assessment of the potential cost of remediating ground water contamination resulting from the surface impoundment. Permits the IURC to allow the utility to recover the costs of closing its surface impoundment if the closure plan is in the public interest and the costs of the plan are not excessive.

**Bill Actions as of 02/10/2021**

S02/09/2021 Senator Ford Jon added as coauthor

S01/11/2021 First reading: referred to Committee on Environmental Affairs

S01/11/2021 Authored by Senator Tallian

**SB 389: Repeals state regulated wetlands law.**

**Authored by Sen. Chris Garten, Sen. Mark Messmer, Sen. Linda Rogers.**

**Digest:** *Repeals state regulated wetlands law. Repeals the law requiring a permit from the department of environmental management for wetland activity in a state regulated wetland. Makes corresponding changes to eliminate references to that law. States that the repeal of that law is not intended to affect: (1) the regulation in Indiana under the federal Clean Water Act of the discharge of dredged or fill material into waters of the United States; or (2) the authorization of the state of Indiana to administer the National Pollutant Discharge Elimination System permit program. Provides that the repeal of that law extinguishes any judicial or administrative proceeding concerning an alleged violation of IC 13-18-22, an administrative rule concerning IC 13-18-22, or the terms of a permit issued under IC 13-18-22.*

**Bill Actions as of 02/10/2021**

S02/02/2021 Referred to the House

S02/01/2021 Senators Holdman, Kruse, Tomes, Leising added as coauthors

S02/01/2021 Senator Boots added as coauthor

S02/01/2021 Cosponsors: Representatives Gutwein and Thompson

S02/01/2021 House sponsor: Representative Lehman

S02/01/2021 Third reading: passed; Roll Call 33: yeas 29, nays 19

S01/28/2021 Senators Buck and Perfect added as coauthors

S01/28/2021 Amendment #1 (Tallian) failed; Roll Call 24: yeas 19, nays 29

S01/28/2021 Second reading: ordered engrossed

S01/26/2021 Senator Crane added as coauthor

S01/26/2021 Senator Busch added as coauthor

S01/26/2021 Committee report: amend do pass, adopted

S01/25/2021 Senator Houchin added as coauthor

S01/25/2021 Senators Freeman and Koch added as coauthors

S01/25/2021 Senator Brown L added as coauthor

S01/14/2021 First reading: referred to Committee on Environmental Affairs

S01/14/2021 Coauthored by Senators Baldwin, Zay, Sandlin, Doriot, Gaskill, Niemeyer

S01/14/2021 Authored by Senators Garten, Messmer, Rogers

**SB 419: Septic systems, wells, and regulated drains.**

**Authored by Sen. Shelli Yoder.**

**Digest:** Septic systems, wells, and regulated drains. Provides that a fee simple interest in: (1) a dwelling connected to a residential onsite sewage system; (2) a nondwelling structure connected to a commercial onsite sewage system; or (3) a tract of land containing a water well in addition to a residential or commercial onsite sewage system; cannot be transferred unless the onsite sewage system is inspected by a qualified inspector and water from the

water well is tested by a qualified tester, the test results are provided to the local health department, the county recorder, and the person to whom the fee simple interest is being transferred, and any cause of failure of the onsite sewage system is eliminated. Provides exceptions. Requires the state department of health to adopt rules establishing requirements and standards for inspections and testing, qualifications for inspectors and testers, and requirements and standards for the training and certification of inspectors and testers. Authorizes a county surveyor to classify a regulated drain as a drain in need of reconstruction or a drain in need of periodic maintenance based upon the interests of public health, the reduction of undesirable environmental effects, or flood reduction benefits. Provides that the maintenance fund established for a regulated drain or combination of regulated drains may be used to: (1) better serve the interests of public health; (2) reduce undesirable environmental effects; (3) provide flood reduction benefits; (4) improve drainage control; or (5) provide drainage water storage infrastructure or technology associated with water that flows in or into a particular regulated drain or combination of regulated drains. Authorizes a county surveyor, when determining the best method of reconstructing a regulated drain or the best method of drainage for the area to which a petition to establish a new regulated drain relates, to consider cost effective drainage designs that limit undesirable environmental effects, improve public health, or provide flood reduction benefits.

**Bill Actions as of 02/10/2021**

S01/14/2021 First reading: referred to Committee on Environmental Affairs

S01/14/2021 Authored by Senator Yoder

## **HB 1001: State budget.**

**Authored by Rep. Timothy Brown.**

**Digest:** State budget. Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Replaces the governor with the budget director or the budget director's designee on the state board of finance. Renames the personal services/fringe benefits contingency fund as the budget agency contingency fund (fund). Adds the following authorized fund uses: (1) Emergency capital project expenses. (2) Necessary expenses for existing programs as determined by the governor and budget director. Removes a provision that prevents transfers from the fund for other purposes. Requires the budget committee to be advised of each transfer from the fund that exceeds \$500,000. Replaces the state librarian with the budget director as a member of the enhanced access fee committee. Transfers the operations of the Indiana department of gaming research into a newly established gaming research division of the Indiana gaming commission. Repeals the exoneration fund. Provides that any money remaining in the fund is transferred to the state general fund. Replaces the director of the budget agency with the director of the office of management and budget as an ex officio voting member of the board of trustees of the Indiana public retirement system (INPRS). Removes the annual appropriation provision for the examinations fund of the state board of accounts. Replaces the state superintendent of public instruction with the secretary of education or the secretary's designee as a member of the distressed unit appeal board. Amends the venture capital investment tax credit to apply to taxpayers that provide qualified investment capital to certain qualified Indiana investment funds (qualified fund). Provides that the Indiana economic development corporation (IEDC) may only certify a fund as a qualified fund if the fund meets the definition of a venture capital fund under federal regulations and the fund makes investments according to specified policy requirements and priorities. Provides that a taxpayer may not claim a credit certified with regard to a qualified fund before July 1, 2023. Specifies the maximum available tax credits in a calendar year with regard to a qualified fund. Increases the maximum available tax credits in a calendar year with regard to qualified Indiana businesses under current law, including an additional increase in the maximum amount if the qualified Indiana business is a minority business enterprise or a women's business enterprise. Caps the total amount of credits that the IEDC may award in a calendar year at \$20,000,000, provided that not more than \$7,500,000 is awarded for proposed investments in a qualified fund. Provides that, beginning July 1, 2021, all aviation fuel excise tax revenue is transferred to the airport development grant fund (under current law, 50% of the aviation fuel excise tax revenue is transferred to the general fund and 50% is transferred to the airport development grant fund). Adjusts the distributions from the excise fund to increase the amount transferred to the enforcement and administration fund and correspondingly decrease the amount transferred to the state general fund. Clarifies the equal opportunity procurement and contracting requirements for certain projects. Removes the sunset of provisions regarding public-private agreements that provide that legislative approval is not required to impose tolls on certain projects. Specifies that, except for those certain projects, the general assembly must enact authorizing legislation before the Indiana department of transportation (INDOT), the Indiana finance authority (IFA), or an operator may enter into public-private agreements that impose user fees on motor vehicles for use on highways and roads in existence or under construction on July 1, 2011. Provides that the IFA must be a party to any public-private agreement that requires payments to be made to an operator after the operator receives final payment for construction. Specifies the IFA's bonding authority for public-private partnership projects. Removes annual budget committee review of the distribution formula established by INDOT for the public mass transportation fund. Extends the expiration of the hospital assessment fee and the quality assessment fee from June 30, 2021, to June 30, 2023. Removes a provision that prevents unused money

appropriated to the department of education for the advanced placement program from reverting to the state general fund. Establishes a definition of "virtual instruction" for purposes of determining a school corporation's basic tuition support using the average daily membership (ADM). Provides that any increase in the maximum higher education award and freedom of choice award by the commission for higher education is subject to approval by the budget agency. (Under current law, the commission's annual determination of the maximum awards is subject to approval by the budget agency with review by the budget committee.) Requires money from judicial insurance adjustment fees to be deposited in the state general fund. Appropriates \$400,000,000 from the state general fund to the pre-1996 account of the teachers' retirement fund of the INPRS. Appropriates amounts for defeasing bonds. Allows the budget agency to augment the county jail maintenance contingency fund appropriation from the state general fund for the 2020-2021 state fiscal year by an amount necessary to cover jail and parole holds. Specifies the uses for the augmented amount. Makes corresponding changes.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Ways and Means

H01/14/2021 Coauthored by Representatives Porter, Cherry and Sullivan

H01/14/2021 Authored by Representative Brown T

**HB 1014: Hazardous materials facilities near waterways.**

**Authored by Rep. Carolyn Jackson.**

**Digest:** Hazardous materials facilities near waterways. Requires the department of environmental management (department) to make quarterly inspections of a facility if: (1) one or more hazardous materials are present in the facility in more than a minimal quantity on at least 30 days per year; and (2) because of the physical proximity of the facility to a surface body of water, there is a substantial risk that a hazardous material accidentally released from the facility will enter the surface body of water. Provides that an inspection of a facility must determine whether the hazardous materials present in the facility are being stored and handled safely and whether reasonable steps are being taken to prevent releases of hazardous materials from the facility. Authorizes the department to delegate its investigation responsibility to an agency or department of a city, town, or county under certain circumstances. Requires the environmental rules board to adopt: (1) rules concerning the identification of facilities to which the inspection requirement applies; and (2) rules establishing requirements for the safe handling and storage of hazardous materials in facilities, the prevention of releases of hazardous materials from facilities into surface bodies of water, and the performance of quarterly inspections of facilities.

**Bill Actions as of 02/10/2021**

H01/04/2021 First reading: referred to Committee on Environmental Affairs

H01/04/2021 Authored by Representative Jackson

**HB 1038: Septic system inspection before property transfer.**

**Authored by Rep. Mike Aylesworth.**

**Digest:** Septic system inspection before property transfer. Provides that, beginning July 1, 2022, before a fee simple interest in a dwelling connected to a residential onsite sewage system, a nondwelling structure connected to a commercial onsite sewage system, or a lot or tract of land containing a water well in addition to a residential or commercial onsite sewage system may be transferred: (1) the residential or commercial onsite sewage system must be inspected by a qualified inspector and (if applicable) water from the water well must be tested by a qualified tester; (2) a document certifying that the inspection or testing has been conducted and setting forth the results of the inspection or testing must be provided to the local health department, the county recorder, and the person to whom the fee simple interest is being transferred; and (3) any cause of failure of the residential or commercial

onsite sewage system must be eliminated before the county recorder may record a deed transferring a fee simple interest in the property. Provides exceptions. Provides that the failure of the owner of the dwelling, nondwelling structure, or lot or tract of land on which a water well is located to provide the document to the transferee or prospective transferee: (1) is a complete defense to an action brought by the owner against the prospective transferee for breach of a contract to purchase the property; and (2) is a breach of a legal duty owed to the transferee for which the transferee may bring a civil action against the owner for compensatory damages. Provides that if an inspection indicates that a dwelling's residential onsite sewage system exhibits any conditions constituting failure, or the testing of water from the water well indicates a reportable presence of arsenic, nitrate, lead, or coliform bacteria: (1) the owner of the dwelling shall state the results of the inspection or testing in the disclosure form that the owner is required to prepare before an offer for the sale of the dwelling is accepted; and (2) the failure of the seller to state this information in the disclosure form makes the sale of the dwelling voidable at the election of the buyer, even after the closing. Requires the state department of health to adopt rules establishing: (1) requirements and standards for inspections and testing; (2) qualifications for inspectors and testers; and (3) requirements and standards for the training and certification of inspectors and testers.

**Bill Actions as of 02/10/2021**

H01/04/2021 First reading: referred to Committee on Environmental Affairs

H01/04/2021 Authored by Representative Aylesworth

**GEHSC Bill Notes:** This bill is very similar to 2020's HB 1154, which was also authored by Rep. Aylesworth.

**HB 1045: Preschool and child care facility drinking water.**

**Authored by Rep. Carolyn Jackson.**

**Digest:** Preschool and child care facility drinking water. Requires the person or entity having authority over a child care facility or preschool to test the drinking water in the child care facility or preschool before January 1, 2024, to determine whether lead is present in the drinking water in a concentration equal to or exceeding 15 parts per billion. Excepts a child care facility or preschool from this testing requirement if its drinking water: (1) was or will be tested through the Lead Sampling Program for Schools and Child Care Facilities conducted by the Indiana finance authority in 2019 and 2020; or (2) has otherwise been tested for lead at least once after 2017. Provides that, if testing indicates that lead in the drinking water of a child care facility or preschool equals or exceeds 15 parts per billion, the person or entity having authority over the child care facility or preschool is required to take action to reduce the concentration of lead to below 15 parts per billion.

**Bill Actions as of 02/10/2021**

H01/04/2021 First reading: referred to Committee on Environmental Affairs

H01/04/2021 Coauthored by Representative Aylesworth

H01/04/2021 Authored by Representative Jackson

**++HB 1077: Child operated refreshment stands.**

**Authored by Rep. Jim Pressel.**

**Digest:** Child operated refreshment stands. Provides that a local health department, the health and hospital corporation, a county, a municipality, or a township may not adopt or enforce a law, rule, ordinance, or resolution that prohibits or regulates, including by requiring a license, permit, or fee, the sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual who is less than 18 years of age. Provides that the individual who operates the stand must comply with certain requirements. Provides that a stand is not considered a food establishment and does not require a certified food protection manager. Provides that the governing documents of a homeowners

association may not prohibit or regulate, including by requiring a permit or fee, the sale of lemonade or other nonalcoholic beverages from a stand on property located in the subdivision by an individual who is less than 18 years of age. Provides that a homeowners association: (1) does not owe a duty of care to persons participating in a beverage sale; and (2) is not liable for any injury to persons participating in a beverage sale; except for willful or wanton acts or gross negligence of the homeowners association.

**Bill Actions as of 02/10/2021**

H02/10/2021 Referred to the Senate

H02/09/2021 Senate sponsor: Senator Bohacek

H02/09/2021 Third reading: passed; Roll Call 101: yeas 96, nays 0

H02/08/2021 Representative Carbaugh added as coauthor

H02/08/2021 Second reading: ordered engrossed

H02/04/2021 Committee report: amend do pass, adopted

H01/04/2021 First reading: referred to Committee on Commerce, Small Business and Economic Development

H01/04/2021 Coauthored by Representative Lindauer

H01/04/2021 Authored by Representative Pressel

**HB 1087: Lead free plumbing products in school buildings.**

**Authored by Rep. Earl Harris.**

**Digest:** Lead free plumbing products in school buildings. Requires the governing body of a school corporation to ensure that every plumbing product: (1) acquired for installation in; (2) installed as part of; or (3) used in repairing or installing; the potable water system of a school building is lead free, according to the definition in the federal Safe Drinking Water Act regulations.

**Bill Actions as of 02/10/2021**

H01/04/2021 First reading: referred to Committee on Environmental Affairs

H01/04/2021 Authored by Representative Harris

**HB 1103: Home based vendors.**

**Authored by Rep. Steven Davisson.**

**Digest:** Home based vendors. Provides that a home based vendor who does not sell potentially hazardous food products and meets certain requirements may sell food made, grown, or raised by the individual to an end consumer directly, remotely, or through an agent or third party vendor of the home based vendor. Allows the state egg board to adopt emergency rules concerning the packaging or labeling of eggs, or in an emergency situation or sudden disruption that affects the supply or distribution of eggs.

**Bill Actions as of 02/10/2021**

H01/07/2021 First reading: referred to Committee on Agriculture and Rural Development

H01/07/2021 Authored by Representative Davisson

**HB 1129: PFAS in public water systems.**

**Authored by Rep. Ryan Dvorak.**

**Digest:** PFAS in public water systems. Requires the state department of health (state department) to establish state maximum contaminant levels for PFAS in water provided by public water systems. Provides that maximum contaminant levels established by the state department: (1) must be protective of public health, including the health of vulnerable subpopulations; and (2) may not be less stringent than any maximum contaminant level or health advisory promulgated by the United States Environmental Protection Agency.

**Bill Actions as of 02/10/2021**

H01/07/2021 First reading: referred to Committee on Environmental Affairs

H01/07/2021 Authored by Representative Dvorak

**HB 1151: Notice of environmental contamination.****Authored by Rep. Pat Boy.**

**Digest:** Notice of environmental contamination. Requires a person who causes a spill of certain substances into waters of the state to report the spill immediately to the following: (1) The department of environmental management (department). (2) The county health officer of each county that may be affected by the spill. (3) A water user within five miles upstream and 25 miles downstream of where the spill occurred. (4) At least one emergency response agency. (5) Each park located in the county in which the spill occurred. Requires the department, the county health officer, the water user, the emergency response agency, and each park (entity) to: (1) post the information received about the spill on each entity's Internet web site; and (2) in a manner determined by each entity, make the information received about the spill available to the public. Provides that a county health officer who receives a report of a spill must notify: (1) each park located within five miles upstream and 25 miles downstream of where the spill occurred; and (2) news media in each county that may be affected by the spill. Provides that a person who fails to make the required report is liable for a civil penalty determined by the board. Provides that a person who knowingly or intentionally fails to make the report required by this act commits a Class A misdemeanor. Specifies that a person commits a Level 6 felony if the person has a prior unrelated conviction for a violation of the reporting requirements. Provides that money collected for a civil violation of the reporting requirements shall be deposited into the environmental management special fund. Adds definitions of "water user", "objectionable substance", "park", and "spill". Makes conforming changes.

**Bill Actions as of 02/10/2021**

H01/07/2021 First reading: referred to Committee on Environmental Affairs

H01/07/2021 Authored by Representative Boy

**GEHSC Bill Notes:** This bill is very similar to 2020's HB 1257, which was also authored by Rep. Boy.

**HB 1162: Fertilizer runoff and Lake Michigan discharges.****Authored by Rep. Ryan Dvorak.**

**Digest:** Fertilizer runoff and Lake Michigan discharges. Amends the water pollution control law effective July 1, 2023, to: (1) eliminate an exception to the prohibition against causing water pollution that applies to fertilizer runoff from a field in a storm event or irrigation return flow if the fertilizer was applied to the land in compliance with rules of the state chemist; (2) eliminate a provision requiring the commissioner of the department of environmental management (commissioner) to allow for a mixing zone in a permit that involves a discharge into Lake Michigan if the permit applicant can demonstrate that the mixing zone will not cause harm to human health or aquatic life; and (3) eliminate a provision under which the commissioner, in issuing a permit authorizing a discharge into a mixing zone in Lake Michigan, is required to allow for mixing initiated by the use of submerged, high rate diffuser outfall structures (or their equivalent) that provide turbulent initial mixing and minimize organism exposure times.

**Bill Actions as of 02/10/2021**

H01/07/2021 First reading: referred to Committee on Environmental Affairs

H01/07/2021 Authored by Representative Dvorak

**++HB 1287: Water or wastewater service for underserved areas.****Authored by Rep. Jim Pressel.**

**Digest:** Water or wastewater service for underserved areas. Allows a water or wastewater utility to extend service to a developed but underserved area without a deposit from customers if the extension of service will result in a positive contribution to the utility's overall

cost of service over a 20 year period. Defines "developed but underserved area" as an area in which prospective service would be provided predominantly to existing and occupied structures that receive water from private wells or from which wastewater is disposed of through onsite private systems such as septic tanks. Provides that a water or wastewater utility's extension of service to a developed but underserved area will be considered as resulting in a positive contribution to the utility's overall cost of service over a 20 year period to the extent that rates to be paid by 50% or more of the customers who could be served by the extension of service would enable the utility to fully recover the weighted cost of debt and depreciation expense attributable to the cost of the main extension for the extension of service. Provides that if a water or wastewater utility determines that an extension of service to a developed but underserved area will not result in a positive contribution to the utility's overall cost of service over a 20 year period, the utility may require a deposit or other adequate assurance of performance from the customers to be served by the extension of service. Provides that if a property owner makes an improvement to the property owner's property, the property owner is not required to upgrade the property's septic tank soil absorption system or to connect to a sewer system, and to discontinue use of a septic tank soil absorption system if the improvement does not include the addition of a bedroom or bedroom equivalent and the property owner receives a written determination from a qualified inspector that the septic tank soil absorption system is not failing.

**Bill Actions as of 02/10/2021**

H02/03/2021 Referred to the Senate

H02/02/2021 Senate sponsors: Senators Ford Jon and Koch

H02/02/2021 Third reading: passed; Roll Call 52: yeas 95, nays 0

H02/01/2021 Second reading: ordered engrossed

H01/28/2021 Committee report: amend do pass, adopted

H01/14/2021 First reading: referred to Committee on Utilities, Energy and Telecommunications

H01/14/2021 Coauthored by Representative Manning

H01/14/2021 Authored by Representative Pressel

**HB 1341: Radon testing in school buildings.**

**Authored by Rep. Mike Andrade.**

**Digest:** Radon testing in school buildings. Requires each person or entity having authority over a public school building to test for radon in the school building. Requires the reporting of the test results to the state department of health. Requires the state department of health to record the test results in a database and to use the database in its efforts to reduce the health risks of radon to the people of Indiana.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Public Health

H01/14/2021 Authored by Representative Andrade

Ron Clark: would change rule from recommend to require. Would be a cost to schools to perform this work.

**HB 1344: Greenhouse gas emissions inventory grant program.**

**Authored by Rep. Pat Boy.**

**Digest:** Greenhouse gas emissions inventory grant program. Requires the department of environmental management (department) to establish and administer the greenhouse gas emissions inventory grant program. Provides that the department may award a grant to a town, city, or county that partners with the Indiana Sustainability Development Program or any other accredited college or university in Indiana with a similar program to conduct a greenhouse gas inventory. Provides that a grant may not exceed \$1,000 for a town, city, or county having a population of less than 100,000, or \$2,000 for a town, city, or county having

a population of more than 100,000. Allows the department to award a grant of more than \$2,000 to a town, city, or county having a population of more than 200,000 if money is available in the fund. Establishes the greenhouse gas emissions inventory fund.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Authored by Representative Boy

**HB 1359: Air pollution.**

**Authored by Rep. Justin Moed.**

**Digest:** Air pollution. Defines "odor nuisance" as a situation in which the repeated or persistent discharge into the outdoor atmosphere of air contaminants causes an odor that: (1) substantially obstructs the free use of property; or (2) is injurious to human health. Requires the environmental rules board (board) to adopt administrative rules that: (1) establish a means of determining when an odor nuisance exists; and (2) identify practical and economically feasible methods of eliminating odor nuisances at their source. Sets forth certain: (1) means of determining when an odor nuisance exists; and (2) methods of eliminating odor nuisances; that the board may include in the rules. Authorizes the commissioner of the department of environmental management (department) to order a person that creates an odor nuisance in a city to implement one or more of the methods of eliminating the odor nuisance. Provides that a person who violates an order of the commissioner is subject to a civil penalty. Authorizes the department to bring a civil action to enjoin a person's violation of an order of the commissioner. Provides that one or more persons adversely affected by a purported odor nuisance in a city may bring an action to abate the purported odor nuisance. Provides that if the commissioner of the department issues an order under the air pollution control laws directing a person to cease and desist, imposing a monetary penalty, mandating corrective action, or revoking or modifying a permit, and if the commissioner's order is stayed during an administrative appeal, the stay of the order expires not more than 180 days after it begins. Provides that if the commissioner's order is later determined to have been an abuse of discretion, arbitrary and capricious, contrary to substantial or reliable evidence, or contrary to law, the effects of the order will be reversed.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Authored by Representative Moed

**HB 1380: Environmental nuisance actions.**

**Authored by Rep. Alan Morrison.**

**Digest:** Environmental nuisance actions. Specifies that a civil action brought for monetary or injunctive relief due to the discharge of a contaminant in substantial compliance with a permit issued by the United States Environmental Protection Agency (EPA) or the Indiana department of environmental management (IDEM) may be brought only as a nuisance action. Defines "stigma damages" and specifies that in a nuisance action brought in connection with a discharge that substantially complies with an EPA or IDEM permit, the plaintiff: (1) must establish certain damages by clear and convincing evidence; and (2) is not entitled to stigma damages.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Authored by Representative Morrison

**HB 1415: Bed bug control.**

**Authored by Rep. Gregory Porter.**

**Digest:** Bed bug control. Requires a tenant to inform the landlord if the tenant reasonably suspects the presence of bed bugs. Requires the landlord to have the dwelling inspected by a qualified inspector. Requires the landlord to inform the tenant if the inspection report indicates the presence of bed bugs. Requires the landlord to have a pest control applicator treat a dwelling that contains bed bugs. Establishes responsibilities for the tenant and landlord concerning notice, access, and costs. Allows the state chemist to adopt rules concerning bed bug inspections and the application of pesticides for bed bugs in dwelling units.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Public Health

H01/14/2021 Authored by Representative Porter

**HB 1469: Coal combustion residuals.**

**Authored by Rep. Pat Boy.**

**Digest:** Coal combustion residuals. Requires that a public hearing be held on the question of the approval or denial of a closure or postclosure plan for a coal combustion residuals surface impoundment. Provides that the public hearing shall be held at a time that will allow for the greatest participation of the community and at a location nearest to the site of the proposed or existing facility. Establishes requirements for the disposal of coal combustion residuals and the closure of a coal combustion residual surface impoundment. Provides that an owner or operator of a coal combustion residuals surface impoundment must develop a transportation plan for the coal combustion residuals.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Authored by Representative Boy

**HB 1475: Wastewater holding tanks in RV campgrounds.**

**Authored by Rep. Karen Engleman.**

**Digest:** Wastewater holding tanks in RV campgrounds. Provides that a recreational vehicle campground that is not connected to a public sewer system may include one or more holding tanks in which waste water from recreational vehicles is stored before processing. Limits the capacity of a holding tank to not more than 10,000 gallons.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Authored by Representative Engleman

**HB 1540: Farm processed meat.**

**Authored by Rep. Curt Nisly.**

**Digest:** Farm processed meat. Provides, if certain requirements are met, that meat products from a custom exempt slaughter establishment in Indiana are eligible for sale by the owner of the slaughtered or processed livestock or poultry: (1) through any market venue, including a retail establishment, farmers market, farm consignment store, and roadside stand; and (2) directly to the consumer. Provides that certain livestock and poultry may be slaughtered and processed on a farm without a facility or animal-by-animal inspection and offered for sale. Provides that legally hunted deer may be processed on a farm without a facility or animal-by-animal inspection and offered for sale. Establishes labeling requirements. Requires at least one person from each farm involved in the slaughtering and processing of livestock and poultry on the farm to: (1) obtain a certificate as a food protection manager; and (2) develop a hazard analysis and critical control point plan.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Agriculture and Rural Development

H01/14/2021 Authored by Representative Nisly

**HB 1559: Data base of potentially contaminated properties.**

**Authored by Rep. Peggy Mayfield.**

**Digest:** Data base of potentially contaminated properties. Requires the department of environmental management (department) to establish and maintain an electronic data base of information on potentially contaminated properties. Requires the inclusion of information on a property in the data base if the property: (1) is the site of an existing or former hazardous waste facility; (2) was included in the federal government's Comprehensive Environmental Response, Compensation, and Liability Information System and a hazardous substance remains on the property; (3) contains an underground storage tank; (4) is included in the department's registry of sites at which contamination of groundwater has been detected; (5) is undergoing remediation subject to the authority of the department; or (6) is included in the list of properties used in the illegal manufacture of a controlled substance that is maintained on the Internet by the state police department. Requires that the data base be available to users without cost through the Internet and that information on properties be presented in the data base in a manner that is easily searchable and intuitive to users. Provides for the removal of information on a property from the data base when the condition causing the property to be included in the data base is resolved or if the information was included by error. Provides that a person is not entitled to initiate or participate in an administrative review of a decision of the department concerning the inclusion of a property in the data base unless the person owns or has another legal interest in the property. Provides that the inclusion of information on a property in the data base does not subject a person associated with the property to civil or criminal liability, is not grounds for a civil or administrative action against a person associated with the property, and does not disqualify a person associated with the property from any right, power, privilege, or immunity.

**Bill Actions as of 02/10/2021**

H01/14/2021 First reading: referred to Committee on Environmental Affairs

H01/14/2021 Coauthored by Representatives Aylesworth and Baird

H01/14/2021 Authored by Representative Mayfield

# 2021 Session Legislative Deadlines—obtained from

<http://iga.in.gov/>

Date	Description
<b>Monday, October 19, 2020</b>	Senators may begin filing bills for the 2021 Session (Senate Rule 44). Senators can file no more than a total of ten bills or joint resolutions (Senate Rule 48(a)).
<b>Tuesday, November 17, 2020</b>	Organization Day for the 2021 Session (IC 2-2.1-1-2(a)). Representatives may begin filing bills (House Rule 103).
<b>Wednesday, January 6, 2021</b>	Senators may file only two bills per business day beginning today (Senate Rule 48(b)).
<b>Friday, January 8, 2021</b>	Deadline for filing Senate bills (Senate Rule 48(b)) not later than 4:00 p.m.
<b>Monday, January 11, 2021</b>	Latest day session must reconvene (IC 2-2.1-1-2(d)).
<b>Wednesday, January 13, 2021</b>	Deadline for filing House bills (Fourth meeting day in January)(House Rule 107.1, not later than 2:00 p.m).
<b>Thursday, January 14, 2021</b>	Filing of House vehicle bills (Fifth meeting day in January)(House Rule 106.1).
<b>Friday, January 15, 2021</b>	Last day Senate bills may be assigned to Senate committees (Seven (7) calendar days following the last day for filing Senate bills and resolutions (Senate Rule 49(a)).
<b>Monday, February 22, 2021</b>	Last day for 3rd reading of House bills in House (House Rules 147.1 & 2.1).

<b>Date</b>	<b>Description</b>
<b>Tuesday, February 23, 2021</b>	Last day for Senate to receive House bills (Senate Rule 79(c), subject to Senate Rule 88(b)).
<b>Tuesday, February 23, 2021</b>	Last day for 3rd reading of Senate bills in Senate (Senate Rule 79(a), subject to Senate Rule 88(b)).
<b>Monday, April 19, 2021</b>	Last day for House adoption of conference committee reports without Rules Committee approval (House Rule 161.1).
<b>Monday, April 19, 2021</b>	Last day for 3rd reading of Senate bills in House (House Rule 148.1).
<b>Tuesday, April 20, 2021</b>	Last day for 3rd reading of House bills in the Senate (Senate Rule 79(b)).
<b>Tuesday, April 20, 2021</b>	Last day for Senate adoption of conference committee reports without Rules Committee approval (Senate Rule 86(k)).
<b>Thursday, April 29, 2021</b>	Last day for adjournment of both houses (IC 2-2.1-1-2(e)).