

HOUSE BILL No. 1412

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-3; IC 16-20-1; IC 16-41-9-1.6.

Synopsis: State of disaster emergencies. Provides that the governor shall not limit the operation of a business, industry, or religious organization as long as the business, industry, or religious organization is following standard safety procedures and guidelines when making, amending, and rescinding the necessary orders, rules, and regulations in the event of a disaster or emergency beyond local control. Provides that: (1) the initial state of disaster emergency may not continue longer than 30 days following the initial date of the declaration; and (2) a state of disaster emergency may not be renewed or extended by the governor without the approval of the general assembly. Provides that if the governor calls a special session, the special session shall be limited only to consideration of the purpose for which the initial state of disaster emergency was declared. Provides that if a local emergency is declared, a political subdivision may not limit the operation of a business, industry, or religious organization as long as the business, industry, or religious organization is following standard safety procedures and guidelines. Provides that an emergency order or emergency action longer than seven days that is issued by a county health officer or municipal health officer must be approved by the executive of a unit that has an established health department. Provides that any extensions of an emergency order or emergency action issued by a county health officer or a municipal health officer must be approved by the executive of a unit every 30 days. Repeals the provision giving local health officers the authority to order churches closed when considered necessary by the local health officers to prevent and stop epidemics. Provides that a public health authority
(Continued next page)

Effective: July 1, 2021.

Ellington, Abbott, VanNatter

January 14, 2021, read first time and referred to Committee on Government and Regulatory Reform.



Digest Continued

shall not limit the operation of a business, industry, or religious organization in the event of a quarantine as long as the business, industry, or religious organization is following standard safety procedures and guidelines. Makes conforming changes.



Introduced

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1412

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

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

1 SECTION 1. IC 10-14-3-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The governor
3 has general direction and control of the agency and is responsible for
4 carrying out this chapter. In the event of disaster or emergency beyond
5 local control, the governor may assume direct operational control over
6 all or any part of the emergency management functions within Indiana.
7 (b) In performing the governor's duties under this chapter, the
8 governor may do the following:
9 (1) Make, amend, and rescind the necessary orders, rules, and
10 regulations to carry out this chapter with due consideration of the
11 plans of the federal government. **However, the governor shall**
12 **not limit the operation of a business, industry, or religious**
13 **organization as long as the business, industry, or religious**
14 **organization is following standard safety procedures and**
15 **guidelines.**



- 1 (2) Cooperate with the President of the United States and the
 2 heads of the armed forces, the Federal Emergency Management
 3 Agency, and the officers and agencies of other states in matters
 4 pertaining to emergency management and disaster preparedness,
 5 response, and recovery of the state and nation. In cooperating
 6 under this subdivision, the governor may take any measures that
 7 the governor considers proper to carry into effect any request of
 8 the President of the United States and the appropriate federal
 9 officers and agencies for any emergency management action,
 10 including the direction or control of disaster preparations,
 11 including the following:
- 12 (A) Mobilizing emergency management forces and other tests
 13 and exercises.
 - 14 (B) Providing warnings and signals for drills, actual
 15 emergencies, or disasters.
 - 16 (C) Shutting off water mains, gas mains, and electric power
 17 connections and suspending any other utility service.
 - 18 (D) Conducting civilians and the movement and cessation of
 19 movement of pedestrians and vehicular traffic during, before,
 20 and after drills, actual emergencies, or other disasters.
 - 21 (E) Holding public meetings or gatherings.
 - 22 (F) Evacuating and receiving the civilian population.
- 23 (3) Take any action and give any direction to state and local law
 24 enforcement officers and agencies as may be reasonable and
 25 necessary for securing compliance with this chapter and with any
 26 orders, rules, and regulations made under this chapter.
- 27 (4) **Except as provided in subdivision (1)**, employ any measure
 28 and give any direction to the state department of health or local
 29 boards of health as is reasonably necessary for securing
 30 compliance with this chapter or with the findings or
 31 recommendations of the state department of health or local boards
 32 of health because of conditions arising from actual or threatened:
- 33 (A) national security emergencies; or
 - 34 (B) manmade or natural disasters or emergencies.
- 35 (5) Use the services and facilities of existing officers, agencies of
 36 the state, and of political subdivisions. All officers and agencies
 37 of the state and of political subdivisions shall cooperate with and
 38 extend services and facilities to the governor as the governor may
 39 request.
- 40 (6) Establish agencies and offices and appoint executive,
 41 technical, clerical, and other personnel necessary to carry out this
 42 chapter, including the appointment of full-time state and area



1 directors.

2 SECTION 2. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 12. (a) The governor shall declare a disaster
5 emergency by executive order ~~or proclamation~~ if the governor
6 determines that a disaster has occurred or that the occurrence or the
7 threat of a disaster is imminent. **Except as provided in subsection (b),**
8 the state of disaster emergency continues until the ~~governor~~ **earlier of**
9 **the following:**

10 (1) **The governor:**

11 (A) determines that the threat or danger has passed or the
12 disaster has been dealt with to the extent that emergency
13 conditions no longer exist; and

14 ~~(2) (B) terminates the state of disaster emergency by executive~~
15 ~~order. or proclamation.~~

16 (2) **Thirty (30) days after the initial date of the governor's**
17 **executive order.**

18 **An executive order issued under this section must indicate the**
19 **nature of the disaster, the area or areas threatened, and the**
20 **conditions which have brought the disaster about or that make**
21 **possible the termination of the state of disaster emergency. An**
22 **executive order under this section shall be disseminated promptly**
23 **by means calculated to bring the order's contents to the attention**
24 **of the general public. Unless the circumstances attendant upon the**
25 **disaster prevent or impede, an executive order shall be promptly**
26 **filed with the secretary of state and with the clerk of the city or**
27 **town affected or with the circuit court clerk of the county affected.**

28 (b) **A state of disaster emergency may not continue for longer than**
29 **thirty (30) days unless the state of disaster emergency is renewed by the**
30 **governor. The following apply to the duration of a state of disaster**
31 **emergency under this section:**

32 (1) **The initial state of disaster emergency may not continue**
33 **longer than thirty (30) days following the initial date of the**
34 **declaration.**

35 (2) **A state of disaster emergency may not be renewed or**
36 **extended by the governor without the approval of the general**
37 **assembly. If the governor calls a special session for purpose of**
38 **this subsection, the special session shall be limited only to**
39 **consideration of the purpose for which the initial state of**
40 **disaster emergency was declared.**

41 The general assembly, by concurrent resolution, may terminate a state
42 of disaster emergency at any time. If the general assembly terminates



1 a state of disaster emergency under this subsection, the governor shall
 2 issue an executive order ~~or proclamation~~ ending the state of disaster
 3 emergency **as described under subsection (a)**. ~~All executive orders or~~
 4 ~~proclamations issued under this subsection must indicate the nature of~~
 5 ~~the disaster; the area or areas threatened; and the conditions which have~~
 6 ~~brought the disaster about or that make possible termination of the state~~
 7 ~~of disaster emergency. An executive order or proclamation under this~~
 8 ~~subsection shall be disseminated promptly by means calculated to bring~~
 9 ~~the order's or proclamation's contents to the attention of the general~~
 10 ~~public. Unless the circumstances attendant upon the disaster prevent or~~
 11 ~~impede, an executive order or proclamation shall be promptly filed~~
 12 ~~with the secretary of state and with the clerk of the city or town affected~~
 13 ~~or with the clerk of the circuit court.~~

14 ~~(b)~~ **(c)** An executive order ~~or proclamation~~ of a state of disaster
 15 emergency: **renewed or extended under this section:**

16 (1) activates the disaster response and recovery aspects of the
 17 state, local, and interjurisdictional disaster emergency plans
 18 applicable to the affected political subdivision or area; and

19 (2) is authority for:

20 (A) deployment and use of any forces to which the plan or
 21 plans apply; and

22 (B) use or distribution of any supplies, equipment, materials,
 23 and facilities assembled, stockpiled, or arranged to be made
 24 available under this chapter or under any other law relating to
 25 disaster emergencies.

26 ~~(c)~~ **(d)** During the continuance of any state of disaster emergency,
 27 the governor is commander-in-chief of the organized and unorganized
 28 militia and of all other forces available for emergency duty. To the
 29 greatest extent practicable, the governor shall delegate or assign
 30 command authority by prior arrangement embodied in appropriate
 31 executive orders or regulations. This section does not restrict the
 32 governor's authority to delegate or assign command authority by orders
 33 issued at the time of the disaster emergency.

34 ~~(d)~~ **(e)** In addition to the governor's other powers, the governor may
 35 do the following while the state of emergency exists:

36 (1) Suspend the provisions of any regulatory statute prescribing
 37 the procedures for conduct of state business, or the orders, rules,
 38 or regulations of any state agency if strict compliance with any of
 39 these provisions would in any way prevent, hinder, or delay
 40 necessary action in coping with the emergency.

41 (2) Use all available resources of the state government and of
 42 each political subdivision of the state reasonably necessary to



- 1 cope with the disaster emergency.
 2 (3) Transfer the direction, personnel, or functions of state
 3 departments and agencies or units for performing or facilitating
 4 emergency services.
 5 (4) Subject to any applicable requirements for compensation
 6 under section 31 of this chapter, commandeer or use any private
 7 property if the governor finds this action necessary to cope with
 8 the disaster emergency.
 9 (5) Assist in the evacuation of all or part of the population from
 10 any stricken or threatened area in Indiana if the governor
 11 considers this action necessary for the preservation of life or other
 12 disaster mitigation, response, or recovery.
 13 (6) Prescribe routes, modes of transportation, and destinations in
 14 connection with evacuation.
 15 (7) Control ingress to and egress from a disaster area, the
 16 movement of persons within the area, and the occupancy of
 17 premises in the area.
 18 (8) Suspend or limit the sale, dispensing, or transportation of
 19 alcoholic beverages, explosives, and combustibles.
 20 (9) Make provision for the availability and use of temporary
 21 emergency housing.
 22 (10) Allow persons who:
 23 (A) are registered as volunteer health practitioners by a
 24 approved registration system under IC 10-14-3.5; or
 25 (B) hold a license to practice:
 26 (i) medicine;
 27 (ii) dentistry;
 28 (iii) pharmacy;
 29 (iv) nursing;
 30 (v) engineering;
 31 (vi) veterinary medicine;
 32 (vii) mortuary service; and
 33 (viii) similar other professions as may be specified by the
 34 governor;
 35 to practice their respective profession in Indiana during the period
 36 of the state of emergency if the state in which a person's license
 37 or registration was issued has a mutual aid compact for
 38 emergency management with Indiana.
 39 (11) Give specific authority to allocate drugs, foodstuffs, and
 40 other essential materials and services.

41 SECTION 3. IC 10-14-3-29, AS AMENDED BY P.L.172-2014,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2021]: Sec. 29. (a) A local disaster emergency:
 2 (1) may be declared only by the principal executive officer of a
 3 political subdivision; and
 4 (2) may not be continued or renewed for more than seven (7) days
 5 except by or with the consent of the governing board of the
 6 political subdivision.
 7 Any order or proclamation declaring, continuing, or terminating a local
 8 disaster emergency shall be given prompt and general publicity and
 9 shall be filed promptly in the office of the clerk of the political
 10 subdivision.
 11 (b) The effect of a declaration of a local disaster emergency is to:
 12 (1) activate the response and recovery aspects of all applicable
 13 local or interjurisdictional disaster emergency plans; and
 14 (2) authorize the furnishing of aid and assistance under the plans.
 15 (c) An interjurisdictional agency or official may not declare a local
 16 disaster emergency unless expressly authorized by the agreement under
 17 which the agency functions. However, an interjurisdictional disaster
 18 agency shall provide aid and services according to the agreement.
 19 (d) If a local disaster emergency is declared under this section, the
 20 political subdivision may not prohibit individuals engaged in
 21 employment necessary to:
 22 (1) maintain a safe rail system;
 23 (2) restore utility service; or
 24 (3) provide any other emergency public service;
 25 from traveling on the highways within the political subdivision during
 26 the local disaster emergency.
 27 (e) If a local disaster emergency is declared under this section, the
 28 political subdivision may not prohibit individuals trained and certified
 29 as first response broadcasters, as set forth in section 22.5 of this
 30 chapter, from traveling on the highways within the political subdivision
 31 during the local disaster emergency.
 32 (f) If a local emergency is declared under this section, the political
 33 subdivision may not prohibit individuals trained and certified as first
 34 response communications service providers, as set forth in section 22.6
 35 of this chapter, from traveling on the highways within the political
 36 subdivision during the local disaster emergency.
 37 **(g) If a local emergency is declared under this section, a political**
 38 **subdivision may not limit the operation of a business, industry, or**
 39 **religious organization as long as the business, industry, or religious**
 40 **organization is following standard safety procedures and**
 41 **guidelines.**
 42 SECTION 4. IC 10-14-3-29.7 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 29.7. (a) Any emergency order or**
 3 **emergency action longer than seven (7) days that is issued by a**
 4 **county health officer or municipal health officer must be approved**
 5 **by the executive (as defined in IC 36-1-2-5) of a unit (as defined in**
 6 **IC 36-1-2-23) that has an established health department.**

7 **(b) Any extensions of an emergency order or emergency action**
 8 **described in subsection (a) must be approved by the executive of a**
 9 **unit every thirty (30) days.**

10 SECTION 5. IC 16-20-1-21 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. **Subject to**
 12 **IC 10-14-3-29.7 and IC 16-41-9-1.6(a)(6)**, each local health board has
 13 the responsibility and authority to take any action authorized by statute
 14 or rule of the state department to control communicable diseases. The
 15 board of each local health department or a designated representative
 16 may make sanitary and health inspections to carry out this chapter and
 17 IC 16-20-8.

18 SECTION 6. IC 16-20-1-24 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) **Except as**
 20 **provided in IC 16-41-9-1.6(a)(6)**, local health officers may order
 21 schools ~~and churches~~ closed and forbid public gatherings when
 22 considered necessary to prevent and stop epidemics.

23 (b) An individual who takes action under this section shall comply
 24 with state laws and rules.

25 SECTION 7. IC 16-41-9-1.6, AS AMENDED BY P.L.1-2007,
 26 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2021]: Sec. 1.6. (a) A public health authority
 28 may impose or petition a court to impose a quarantine and do the
 29 following:

- 30 (1) Distribute information to the public concerning:
 31 (A) the risks of the disease;
 32 (B) how the disease is transmitted;
 33 (C) available precautions to reduce the risk of contracting the
 34 disease;
 35 (D) the symptoms of the disease; and
 36 (E) available medical or nonmedical treatments available for
 37 the disease.
 38 (2) Instruct the public concerning social distancing.
 39 (3) Request that the public inform the public health authority or
 40 a law enforcement agency if a family member contracts the
 41 disease.
 42 (4) Instruct the public on self quarantine and provide a distinctive



1 means of identifying a home that is self quarantined.

2 (5) Instruct the public on the use of masks, gloves, disinfectant,
3 and other means of reducing exposure to the disease.

4 (6) Close schools, athletic events, and other nonessential
5 situations in which people gather. **However, a public health**
6 **authority shall not limit the operation of a business, industry,**
7 **or religious organization under this section as long as the**
8 **business, industry, or religious organization is following**
9 **standard safety procedures and guidelines.**

10 If a quarantine is imposed under section 1.5 of this chapter, the public
11 health authority shall ensure that, to the extent possible, quarantined
12 individuals have sufficient supplies to remain in their own home.

13 (b) If an out of home, nonhospital quarantine is imposed on a
14 individual, the individual shall be housed as close as possible to the
15 individual's residence.

16 (c) In exercising the powers described in this section or in section
17 1.5 of this chapter, the public health authority may not prohibit a
18 person lawfully permitted to possess a firearm from possessing one (1)
19 or more firearms unless the person is quarantined in a mass quarantine
20 location. The public health authority may not remove a firearm from
21 the person's home, even if the person is quarantined in a mass
22 quarantine location.

23 (d) This section does not prohibit a public health authority from
24 adopting rules and enforcing rules to implement this section if the rules
25 are not inconsistent with this section.

