

SENATE BILL No. 609

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-19-3; IC 16-20-1-19.

Synopsis: Safety measures at recreational ponds. Allows the state department of health to adopt reasonable rules concerning small lakes or ponds near residential areas that are attractive nuisances dangerous to the safety of children. Provides for enforcement of the rules by the state department of health and local departments of health.

Effective: July 1, 1999.

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January 21, 1999, read first time and referred to Committee on Public Policy.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 609



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

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

- 1 SECTION 1. IC 16-19-3-4 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The executive
- 3 board may, by an affirmative vote of a majority of its members, adopt
- 4 reasonable rules on behalf of the state department to protect or to
- 5 improve the public health in Indiana.
- 6 (b) The rules may concern but are not limited to the following:
- 7 (1) Nuisances dangerous to public health.
- 8 (2) The pollution of any water supply other than where
- 9 jurisdiction is in the water pollution control board and department
- 10 of environmental management.
- 11 (3) The disposition of excremental and sewage matter.
- 12 (4) The control of fly and mosquito breeding places.
- 13 (5) The detection, reporting, prevention, and control of diseases
- 14 that affect public health.
- 15 (6) The care of maternity and infant cases and the conduct of
- 16 maternity homes.
- 17 (7) The production, distribution, and sale of human food.



- 1 (8) The conduct of camps.
 2 (9) Standards of cleanliness of eating facilities for the public.
 3 (10) Standards of cleanliness of sanitary facilities offered for
 4 public use.
 5 (11) The handling, disposal, disinterment, and reburial of dead
 6 human bodies.
 7 (12) Vital statistics.
 8 (13) Sanitary conditions and facilities in public buildings and
 9 grounds, including plumbing, drainage, sewage disposal, water
 10 supply, lighting, heating, and ventilation, other than where
 11 jurisdiction is vested by law in the fire prevention and building
 12 safety commission or other state agency.
 13 (14) The design, construction, and operation of swimming and
 14 wading pools. However, the rules governing swimming and
 15 wading pools do not apply to a pool maintained by an individual
 16 for the sole use of the individual's household and house guests.

17 **(c) To protect or to improve public safety in Indiana, the**
 18 **executive board may, by an affirmative vote of a majority of its**
 19 **members, adopt reasonable rules on behalf of the state department**
 20 **concerning small lakes or ponds near residential areas that are**
 21 **attractive nuisances dangerous to the safety of children.**

22 SECTION 2. IC 16-19-3-12 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) When, in the
 24 opinion of the state department:

25 (1) a local health authority fails or refuses to enforce the laws and
 26 rules necessary to prevent and control the spread of
 27 communicable or infectious disease declared to be dangerous to
 28 the public health;

29 **(2) a local health authority fails to enforce the rules adopted**
 30 **under section 4(c) of this chapter; or**

31 ~~(2)~~ **(3) a public health emergency exists;**

32 the state department may enforce the orders and rules of the state
 33 department within the territorial jurisdiction of the local health
 34 authorities. In that situation, the state department may exercise all the
 35 powers given by law to local health authorities. All expenses incurred
 36 are charges against the respective counties or cities.

37 (b) In such cases, the failure or refusal of any local health officer or
 38 local health board to carry out and enforce the lawful orders and rules
 39 of the state department is sufficient cause for the removal of the local
 40 health officer or the members of the local health board from office.

41 (c) Upon removal of a local health officer or a member of the local
 42 health board, the proper county or city authorities shall immediately

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1 appoint a successor, other than the person removed, as provided by law
2 for original appointments.

3 SECTION 3. IC 16-20-1-19 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. Local health
5 officers shall enforce the health **and safety** laws, ordinances, orders,
6 rules, and regulations of the officer's own and superior boards of health.

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