



January 11, 2008

SENATE BILL No. 156

DIGEST OF SB 156 (Updated January 9, 2008 11:40 am - DI 104)

Citations Affected: IC 4-22; IC 16-41.

Synopsis: Communicable disease rules. Specifies that the state department of health may adopt emergency rules concerning communicable diseases. (The introduced version of this bill was prepared by the health finance commission.)

Effective: Upon passage.

Miller

January 8, 2008, read first time and referred to Committee on Health and Provider Services.
January 10, 2008, reported favorably — Do Pass.

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SB 156—LS 6400/DI 97+



January 11, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 156

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 4-22-2-37.1, AS AMENDED BY P.L.204-2007,
2 SECTION 2, AS AMENDED BY P.L.233-2007, SECTION 1, AND
3 AS AMENDED BY P.L.218-2007, SECTION 1, IS CORRECTED
4 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
5 PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action
6 resulting in any of the following rules:

7 (1) An order adopted by the commissioner of the Indiana
8 department of transportation under IC 9-20-1-3(d) or
9 IC 9-21-4-7(a) and designated by the commissioner as an
10 emergency rule.

11 (2) An action taken by the director of the department of natural
12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.

13 (3) An emergency temporary standard adopted by the
14 occupational safety standards commission under
15 IC 22-8-1.1-16.1.

16 (4) An emergency rule adopted by the solid waste management
17 board under IC 13-22-2-3 and classifying a waste as hazardous.

SB 156—LS 6400/DI 97+



- 1 (5) A rule, other than a rule described in subdivision (6), adopted
- 2 by the department of financial institutions under IC 24-4.5-6-107
- 3 and declared necessary to meet an emergency.
- 4 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 5 department of financial institutions and declared necessary to
- 6 meet an emergency under IC 24-4.5-6-107.
- 7 (7) A rule adopted by the Indiana utility regulatory commission to
- 8 address an emergency under IC 8-1-2-113.
- 9 (8) An emergency rule adopted by the state lottery commission
- 10 under IC 4-30-3-9.
- 11 (9) A rule adopted under IC 16-19-3-5 or **IC 16-41-2-1** that the
- 12 executive board of the state department of health declares is
- 13 necessary to meet an emergency.
- 14 (10) An emergency rule adopted by the Indiana finance authority
- 15 under IC 8-21-12.
- 16 (11) An emergency rule adopted by the insurance commissioner
- 17 under IC 27-1-23-7.
- 18 (12) An emergency rule adopted by the Indiana horse racing
- 19 commission under IC 4-31-3-9.
- 20 (13) An emergency rule adopted by the air pollution control
- 21 board, the solid waste management board, or the water pollution
- 22 control board under IC 13-15-4-10(4) or to comply with a
- 23 deadline required by *or other date provided by federal law,*
- 24 *provided:*
- 25 (A) the variance procedures are included in the rules; and
- 26 (B) permits or licenses granted during the period the
- 27 emergency rule is in effect are reviewed after the emergency
- 28 rule expires.
- 29 (14) An emergency rule adopted by the Indiana election
- 30 commission under IC 3-6-4.1-14.
- 31 (15) An emergency rule adopted by the department of natural
- 32 resources under IC 14-10-2-5.
- 33 (16) An emergency rule adopted by the Indiana gaming
- 34 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, *or*
- 35 *IC 4-33-4-14, or IC 4-35-4-2.*
- 36 (17) An emergency rule adopted by the alcohol and tobacco
- 37 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 38 IC 7.1-3-20-24.4.
- 39 (18) An emergency rule adopted by the department of financial
- 40 institutions under IC 28-15-11.
- 41 (19) An emergency rule adopted by the office of the secretary of
- 42 family and social services under IC 12-8-1-12.

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- 1 (20) An emergency rule adopted by the office of the children's
- 2 health insurance program under IC 12-17.6-2-11.
- 3 (21) An emergency rule adopted by the office of Medicaid policy
- 4 and planning under IC 12-15-41-15 *or IC 12-15-44-19(b)*.
- 5 (22) An emergency rule adopted by the Indiana state board of
- 6 animal health under IC 15-2.1-18-21.
- 7 (23) An emergency rule adopted by the board of directors of the
- 8 Indiana education savings authority under IC 21-9-4-7.
- 9 (24) An emergency rule adopted by the Indiana board of tax
- 10 review under IC 6-1.1-4-34 (repealed).
- 11 (25) An emergency rule adopted by the department of local
- 12 government finance under IC 6-1.1-4-33 (repealed).
- 13 (26) An emergency rule adopted by the boiler and pressure vessel
- 14 rules board under IC 22-13-2-8(c).
- 15 (27) An emergency rule adopted by the Indiana board of tax
- 16 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 17 adopted by the department of local government finance under
- 18 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 19 (28) An emergency rule adopted by the board of the Indiana
- 20 economic development corporation under IC 5-28-5-8.
- 21 (29) A rule adopted by the department of financial institutions
- 22 under IC 34-55-10-2.5.
- 23 (30) A rule adopted by the Indiana finance authority:
- 24 (A) under IC 8-15.5-7 approving user fees (as defined in
- 25 IC 8-15.5-2-10) provided for in a public-private agreement
- 26 under IC 8-15.5;
- 27 (B) under IC 8-15-2-17.2(a)(10):
- 28 (i) establishing enforcement procedures; and
- 29 (ii) making assessments for failure to pay required tolls;
- 30 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 31 establishing procedures for the implementation of the
- 32 collection of user fees by electronic or other nonmanual
- 33 means; or
- 34 (D) to make other changes to existing rules related to a toll
- 35 road project to accommodate the provisions of a public-private
- 36 agreement under IC 8-15.5.
- 37 (31) *An emergency rule adopted by the board of the Indiana*
- 38 *health informatics corporation under IC 5-31-5-8.*
- 39 (b) The following do not apply to rules described in subsection (a):
- 40 (1) Sections 24 through 36 of this chapter.
- 41 (2) IC 13-14-9.
- 42 (c) After a rule described in subsection (a) has been adopted by the

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1 agency, the agency shall submit the rule to the publisher for the
 2 assignment of a document control number. The agency shall submit the
 3 rule in the form required by section 20 of this chapter and with the
 4 documents required by section 21 of this chapter. The publisher shall
 5 determine the format of the rule and other documents to be submitted
 6 under this subsection.

7 (d) After the document control number has been assigned, the
 8 agency shall submit the rule to the publisher for filing. The agency
 9 shall submit the rule in the form required by section 20 of this chapter
 10 and with the documents required by section 21 of this chapter. The
 11 publisher shall determine the format of the rule and other documents
 12 to be submitted under this subsection.

13 (e) Subject to section 39 of this chapter, the publisher shall:

- 14 (1) accept the rule for filing; and
- 15 (2) electronically record the date and time that the rule is
 16 accepted.

17 (f) A rule described in subsection (a) takes effect on the latest of the
 18 following dates:

- 19 (1) The effective date of the statute delegating authority to the
 20 agency to adopt the rule.
- 21 (2) The date and time that the rule is accepted for filing under
 22 subsection (e).
- 23 (3) The effective date stated by the adopting agency in the rule.
- 24 (4) The date of compliance with every requirement established by
 25 law as a prerequisite to the adoption or effectiveness of the rule.

26 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
 27 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
 28 subsections (j), (k), and (l), a rule adopted under this section expires
 29 not later than ninety (90) days after the rule is accepted for filing under
 30 subsection (e). Except for a rule adopted under subsection (a)(13),
 31 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
 32 another rule under this section, but only for one (1) extension period.
 33 The extension period for a rule adopted under subsection (a)(28) may
 34 not exceed the period for which the original rule was in effect. A rule
 35 adopted under subsection (a)(13) may be extended for two (2)
 36 extension periods. Subject to subsection (j), a rule adopted under
 37 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
 38 number of extension periods. Except for a rule adopted under
 39 subsection (a)(13), for a rule adopted under this section to be effective
 40 after one (1) extension period, the rule must be adopted under:

- 41 (1) sections 24 through 36 of this chapter; or
- 42 (2) IC 13-14-9;

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1 as applicable.

2 (h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29)

3 expires on the earlier of the following dates:

4 (1) The expiration date stated by the adopting agency in the rule.

5 (2) The date that the rule is amended or repealed by a later rule

6 adopted under sections 24 through 36 of this chapter or this

7 section.

8 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

9 (j) A rule described in subsection (a)(24) or (a)(25) expires not later

10 than January 1, 2006.

11 (k) A rule described in subsection (a)(28) expires on the expiration

12 date stated by the board of the Indiana economic development

13 corporation in the rule.

14 (l) A rule described in subsection (a)(30) expires on the expiration

15 date stated by the Indiana finance authority in the rule.

16 SECTION 2. IC 16-41-2-1 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The state

18 department may adopt rules under IC 4-22-2, **including emergency**

19 **rules under IC 4-22-2-37.1**, that do the following:

20 (1) Define and classify the following:

21 (A) Communicable diseases.

22 (B) Other diseases that are a danger to health based upon the

23 characteristics of the disease.

24 (2) Establish reporting, monitoring, and preventive procedures for

25 communicable diseases.

26 SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 156 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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