Adopted	Rejected

COMMITTEE REPORT

YES: 11
NO: 0

MR. SPEAKER:

Your Committee on **Public Health**, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 3. IC 16-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. ~~(a) Except as provided in subsection (b), the local health officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.~~

(a) Upon showing official identification and having the consent of the owner or occupant of a premises, a local health officer or the local health officer's designee may enter the premises at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and

rules.

(b) If a local health officer or the local health officer's designee does not obtain consent under subsection (a), the local health officer or the local health officer's designee may seek from a circuit or superior court in the jurisdiction where the premises are located an order authorizing the investigation, evaluation, inspection, testing, or taking of specimens or samples for testing.

(c) A court referred to in subsection (b) may authorize an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing after finding that the local health officer or local health officer's designee, upon oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.

(d) If a condition poses an imminent and serious threat to the health of an individual or the public and the local health officer or the health officer's designee believes that the delay could result in a greater health risk, the local health officer or the health officer's designee may enter the affected premises to inspect, investigate, and evaluate the conditions on the premises without obtaining consent under subsection (a) or an order under subsection (b).

(e) A local health officer or the health officer's designee may enter:

(1) a public place; and

(2) an area in plain or open view;

to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules without obtaining consent under subsection (a) or an order under subsection (b).

(f) Consistent with the terms and condition of a license issued by a local health department or a health and hospital corporation, a local health officer or the local health officer's designee may enter a premises at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

~~(b)~~ **(g)** However, a local health officer, or a person acting under the local health officer, shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such

inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

~~(c)~~ **(h)** This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. ~~If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.~~

SECTION 4. IC 16-20-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. (a) A local board of health or local health officer may enforce the board's or officer's orders, **citations, and administrative notices** by an action in the circuit or superior court. ~~In the action,~~ The court may ~~enforce~~ **take any appropriate action in a proceeding under this section, including any of** the ~~order by~~ **following:**

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing an order and conditions under IC 16-41-9.

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering that a property be vacated.

(7) Ordering that a structure be demolished.

(8) Imposing a penalty not to exceed the amount set forth in IC 36-1-3-8(a)(10).

(9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.

(10) Ordering the respondent to take appropriate action to comply with the order of the local board of health or local health officer within a specified time.

(11) Ordering a local board of health or local health officer to take appropriate action to enforce the board's or officer's order within a specified time.

(b) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, **local board of health, or health and hospital corporation** employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.".

Page 2, line 16, strike "2011," and insert "**2012,**".

Page 2, line 19, strike "2011," and insert "**2012,**".

1 Page 3, delete lines 30 through 42.
2 Page 4, delete lines 1 through 2.
3 Page 5, delete lines 10 through 38.
4 Renumber all SECTIONS consecutively.
(Reference is to SB 175 as reprinted January 27, 2010.)

and when so amended that said bill do pass.

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Representative Brown C