

Adopted	Rejected
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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:*

- 1 Page 2, between lines 13 and 14, begin a new paragraph and insert:
- 2 "SECTION 3. IC 16-20-1-23 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) Except as
- 4 provided in subsection (b), the local health officer or the officer's
- 5 designee may enter upon and inspect private property, at proper times
- 6 after due notice, in regard to the possible presence, source, and cause
- 7 of disease. The local health officer or designee may order what is
- 8 reasonable and necessary for prevention and suppression of disease and
- 9 in all reasonable and necessary ways protect the public health.
- 10 (a) Upon showing official identification and having the consent
- 11 of the owner or occupant of a premises, a local health officer or the
- 12 local health officer's designee may enter the premises at any
- 13 reasonable time to inspect, investigate, evaluate, conduct tests, or
- 14 take specimens or samples for testing that may be reasonably
- 15 necessary to determine compliance with public health laws and

1 rules.

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

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

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

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

23 (1) a public place; and

24 (2) an area in plain or open view;

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

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

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

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

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

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

- 14 **(1) Issuing an injunction.**
15 **(2) Entering a judgment.**
16 **(3) Issuing an order and conditions under IC 16-41-9.**
17 **(4) Ordering the suspension or revocation of a license.**
18 **(5) Ordering an inspection.**
19 **(6) Ordering that a property be vacated.**
20 **(7) Ordering that a structure be demolished.**
21 **(8) Imposing a penalty not to exceed the amount set forth in**
22 **IC 36-1-3-8(a)(10).**
23 **(9) Imposing court costs and fees in accordance with**
24 **IC 33-37-4-2 and IC 33-37-5.**
25 **(10) Ordering the respondent to take appropriate action to**
26 **comply with the order of the local board of health or local**
27 **health officer within a specified time.**
28 **(11) Ordering a local board of health or local health officer to**
29 **take appropriate action to enforce the board's or officer's**
30 **order within a specified time.**

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

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

38 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.

Representative Brown C