January 15, 2010

SENATE BILL No. 175

DIGEST OF SB 175 (Updated January 14, 2010 10:55 am - DI 104)

Citations Affected: IC 16-18; IC 16-37; IC 16-41; IC 16-42; IC 31-11.

Synopsis: Various health matters. Sets a maximum fee for searching or copying a record in the division of vital records. Authorizes a physician last in attendance of a deceased to initiate the document process for the death record. Maintains current system for reporting of stillbirths after changes in the reporting of births and deaths are implemented. Allows the state department to charge food establishments for subsequent inspections that result from a failed inspection. Establishes the food establishment data base fund. Requires the state department to establish a lead-based paint poisoning prevention program concerning renovations performed for compensation in target housing and child-occupied facilities. Establishes the lead-based paint poisoning prevention program fund. Requires the state department of health to post HIV and communicable disease materials on the department's web site in a format that allows a clerk of a circuit court to print and distribute the materials to marriage license applicants (current law requires the state department of health to distribute the materials).

Effective: Upon passage; July 1, 2010.

Miller

January 5, 2010, read first time and referred to Committee on Health and Provider Services.
January 14, 2010, amended, reported favorably — Do Pass.

C o p y

January 15, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

C o p y

SENATE BILL No. 175

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

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

SECTION 1. IC 16-18-2-54.7, AS ADDED BY P.L.57-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54.7. "Child-occupied facility", for purposes of lead-based paint activities, **IC 16-41-39.2,** and IC 16-41-39.8, means a building or a portion of a building that:

(1) was constructed before 1978;

(2) does not qualify as target housing (as defined in section 346.3 of this chapter); and

(3) is visited regularly by a child who is not more than six (6) years of age under the following circumstances described in clause (A), (B), or (C):

(A) The child visits at least two (2) days a week (Sunday through Saturday) and each of the visits lasts at least three (3) hours.

(B) The child visits at least six (6) hours each week.

(C) The child's combined annual visits during a calendar year total at least sixty (60) hours.

The term includes day care centers, preschools, and kindergarten classrooms. **The term also includes common areas and building exteriors.**

SECTION 2. IC 16-18-2-346.3, AS ADDED BY P.L.57-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 346.3. (a) "Target housing", for purposes of lead-based paint activities, **IC 16-41-39.2,** and IC 16-41-39.8, means housing constructed before January 1, 1978.

(b) The term does not include the following:

(1) Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child of not more than six (6) years of age.

(2) A building without a bedroom.

SECTION 3. IC 16-37-1-3.1, AS ADDED BY P.L.61-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.

(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

(1) funeral directors;

(2) physicians;

(3) coroners;

(4) medical examiners;

(5) persons in attendance at birth; and

(6) local health departments;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

(A) physician last in attendance upon the deceased; or

(B) person in charge of interment;

shall initiate the document process. ~~and~~ **If the person in charge of interment initiates the process, the person in charge of interment shall** electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.

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(2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

(A) initiating the document process; or

(B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.

SECTION 4. IC 16-37-1-5, AS AMENDED BY P.L.61-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The local health officer, on the fourth day of each month, shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month. ~~However,~~

(b) After December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death. **The local health department shall continue to report stillbirths in the manner described in subsection (a).**

~~(b)~~ **(c)** If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information each month in a format prescribed by the state department.

SECTION 5. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The state department shall charge and collect a fee ~~of eight dollars ($8)~~ **not to exceed fifteen dollars ($15)** for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee ~~of four dollars ($4)~~ **not to exceed eight dollars ($8)** for each record.

(b) The state department shall charge and collect an additional fee ~~of eight dollars ($8)~~ **not to exceed fifteen dollars ($15)** for any amendment to a record previously filed with the division of vital records.

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(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

SECTION 6. IC 16-41-39.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 39.2. Lead-Based Paint Poisoning Prevention Program

Sec. 1. (a) The state department shall establish a lead-based paint poisoning prevention program under the federal Toxic Substances Control Act (15 U.S.C. 2682 et seq.) concerning prerenovation education and renovation activities performed for compensation in target housing and child-occupied facilities to ensure the following:

(1) Individuals engaged in these activities are properly trained.

(2) Training programs are accredited.

(3) Contractors engaged in these activities are certified.

(b) The state department shall include the following in the program:

(1) Standards for performing renovations, including:

(A) reliability;

(B) effectiveness; and

(C) safety.

(2) A requirement that all renovation activities performed for compensation in target housing and child-occupied facilities be done by or overseen by certified individuals.

(3) Rules governing education requirements that must be completed by an individual before the renovation activities for compensation may occur.

Sec. 2. The state department's program must:

(1) be as protective as, but not more protective than, the federal regulations under 40 CFR Par 745, Subparts E and L; and

(2) provide for adequate enforcement.

Sec. 3. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 4. An individual who is certified under federal or state law to perform activities described in this chapter is not required to obtain another certification under this chapter.

Sec. 5. (a) The lead-based paint poisoning prevention program fund is established for the purpose of receiving fees and grant money and for the purpose of paying expenses related to administration of the lead-based paint poisoning prevention

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program established under this chapter. The fund shall be administered by the state department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 7. IC 16-42-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. **(a)** The state department may do the following:

(1) Enter at any time a food establishment or place suspected of being a food establishment.

(2) Inspect the premises, utensils, fixtures, equipment, furniture, and machinery used in food handling.

(3) Collect a reasonable fee from a food establishment for a subsequent inspection that results from the food establishment's failure of an inspection under this chapter.

(b) The food establishment data base fund is established for the implementation and administration of a food establishment data base. The fund shall be administered by the state department and includes money appropriated to the fund and fees collected under subsection (a)(3).

(c) Money in the food establishment data base fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 8. IC 31-11-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written information or videotaped information approved by the AIDS advisory council of the state department of health concerning dangerous communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV) infection and other dangerous communicable diseases that are sexually transmitted. The information must include an explanation of the following:

(1) The etiology of dangerous communicable diseases that are sexually transmitted.

(2) The behaviors that create a high risk of transmission of such diseases.

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(3) Precautionary measures that reduce the risk of contracting such diseases.

(4) The necessity for consulting medical specialists if infection is suspected.

(c) At the time of application for a marriage license, each clerk of the circuit court shall:

(1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or

(2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted.

(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

(e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.

(f) If materials required by this section are not prepared by other sources, the state department of health shall:

(1) prepare the materials; **and**

(2) post the materials on the state department of health's web site in a format that allows the clerk of the circuit court to print and distribute the materials.

(g) ~~The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section~~. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.

SECTION 9. **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. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 11.

Page 2, delete lines 25 through 42.

Page 3, delete lines 1 through 3.

Page 4, delete lines 20 through 27, begin a new paragraph and insert:

"SECTION 5. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The state department shall charge and collect a fee ~~of eight dollars ($8)~~ **not to exceed fifteen dollars ($15)** for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee ~~of four dollars ($4)~~ **not to exceed eight dollars ($8)** for each record.

(b) The state department shall charge and collect an additional fee ~~of eight dollars ($8)~~ **not to exceed fifteen dollars ($15)** for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.".

Page 5, line 8, delete "performed by certified contractors." and insert "**done by or overseen by certified individuals.**".

Page 5, line 13, delete "at least as protective as" and insert "**as protective as, but not more protective than,**".

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"**Sec. 4. An individual who is certified under federal or state law to perform activities described in this chapter is not required to obtain another certification under this chapter.**

Sec. 5. (a) The lead-based paint poisoning prevention program fund is established for the purpose of receiving fees and grant money and for the purpose of paying expenses related to administration of the lead-based paint poisoning prevention program established under this chapter. The fund shall be administered by the state department.

(b) The expenses of administering the fund shall be paid from money in the fund.

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(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.".

Page 5, delete lines 35 through 36, begin a new paragraph and insert:

"SECTION 8. IC 31-11-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written information or videotaped information approved by the AIDS advisory council of the state department of health concerning dangerous communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV) infection and other dangerous communicable diseases that are sexually transmitted. The information must include an explanation of the following:

(1) The etiology of dangerous communicable diseases that are sexually transmitted.

(2) The behaviors that create a high risk of transmission of such diseases.

(3) Precautionary measures that reduce the risk of contracting such diseases.

(4) The necessity for consulting medical specialists if infection is suspected.

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(1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or

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(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

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(1) prepare the materials; **and**

(2) post the materials on the state department of health's web site in a format that allows the clerk of the circuit court to print and distribute the materials.

(g) ~~The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section~~. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 175 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

C o p y