

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 223 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 16-20-1-23 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Except as~~
5 ~~provided in subsection (b); Upon:~~
6 **(1) showing official identification; and**
7 **(2) except as provided in subsection (b), receiving consent of**
8 **the owner or occupant of the premises;**
9 ~~the a~~ local health officer or the officer's designee may enter ~~upon any~~
10 **premises at any reasonable time** and inspect, ~~private property,~~ at
11 proper times after due notice, in regard to the possible presence, source,
12 and cause of disease. The local health officer or designee may order
13 what is reasonable and necessary for prevention and suppression of
14 disease and in all reasonable and necessary ways protect the public
15 health. ~~investigate, evaluate, conduct tests, or take specimens or~~
16 **samples for testing that may be reasonably necessary to determine**
17 **compliance with public health laws and rules and for the**
18 **prevention and suppression of disease.**
19 **(b) A local health officer or the officer's designee shall obtain the**
20 **consent of the owner or the occupant of the premises under**
21 **subsection (a), except as provided in any of the following**
22 **circumstances:**
23 **(1) Subject to subsection (c), the local health officer or the**
24 **officer's designee obtains an order from a circuit or superior**

1 court in the jurisdiction where the premises is located to
 2 authorize the inspection, investigation, evaluation, testing, or
 3 taking of specimens or samples for testing.

4 (2) An emergency condition that poses an imminent and
 5 serious threat to the health of an individual or the public and
 6 the local health officer or the officer's designee believes that a
 7 delay could result in a greater health risk.

8 (3) Entry by a local health officer or the officer's designee to
 9 a public place or an area in plain and open view to determine
 10 compliance with public health laws and rules.

11 (4) Entry under the terms and conditions of a license issued by
 12 the local health department at any reasonable time if
 13 reasonably necessary to determine compliance with public
 14 health laws and rules and the terms and conditions of the
 15 license.

16 (c) A court described in subsection (b)(1) may issue an order to
 17 inspect, investigate, evaluate, conduct tests, or take specimens or
 18 samples for testing if the court finds that the local health officer or
 19 the officer's designee, by oath or affirmation, provided reliable
 20 information establishing the violation of a public health law or rule
 21 at the premises.

22 ~~(b) (d)~~ However, A local health officer, or a person acting under the
 23 local health officer, officer's designee, shall not inspect property in
 24 which the local health officer has any interest, whether real, equitable,
 25 or otherwise. Any such inspection or any attempt to make such
 26 inspection is grounds for removal as provided for in this article.

27 ~~(c) (e)~~ This section **Subsection (d)** does not prevent inspection of
 28 premises in which a local health officer has an interest if the premises
 29 cannot otherwise be inspected. ~~If the premises cannot otherwise be~~
 30 ~~inspected, the county health officer shall inspect the premises~~
 31 ~~personally.~~

32 SECTION 2. IC 16-20-1-26 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A local board
 34 of health or local health officer may enforce the board's or officer's
 35 orders, citations, and administrative notices by an action in the circuit
 36 or superior court. ~~In the action, The court may enforce the order by~~
 37 ~~injunction. take any appropriate action in a proceeding under this~~
 38 ~~section, including any of the following:~~

39 (1) Issuing an injunction.

40 (2) Entering a judgment.

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

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

43 (5) Ordering an inspection.

44 (6) Ordering that a property be vacated.

45 (7) Ordering that a structure be demolished.

46 (8) Imposing a penalty not to exceed an amount set forth in

- 1 **IC 36-1-3-8(a)(10).**
 2 **(9) Imposing court costs and fees under IC 33-37-4-2 and**
 3 **IC 33-37-5.**
 4 **(10) Ordering the respondent to take appropriate action in a**
 5 **specified time to comply with the order of the local board of**
 6 **health or local health officer.**
 7 **(11) Ordering a local board of health or local health officer to**
 8 **take appropriate action to enforce an order within a specified**
 9 **time.**

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

16 SECTION 3. IC 16-37-3-3, AS AMENDED BY P.L.156-2011,
 17 SECTION 35, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The physician last in
 19 attendance upon the deceased or the person in charge of interment shall
 20 file a certificate of death or of stillbirth with the local health officer of
 21 the jurisdiction in which the death or stillbirth occurred.

22 (b) Notwithstanding subsection (a), beginning January 1, 2011, **for**
 23 **a death occurring after December 31, 2010**, the physician last in
 24 attendance upon the deceased or the person in charge of interment shall
 25 use the Indiana death registration system established under
 26 IC 16-37-1-3.1 to file a certificate of death with the local health officer
 27 of the jurisdiction in which the death occurred. The local health officer
 28 shall retain a copy of the certificate of death.

29 SECTION 4. IC 16-37-3-5, AS AMENDED BY P.L.156-2011,
 30 SECTION 37, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the person in charge of
 32 interment initiates the process, the person in charge of interment shall
 33 present a certificate of death to the physician last in attendance upon the
 34 deceased, who shall certify the cause of death upon the certificate of
 35 death or of stillbirth.

36 (b) Notwithstanding subsection (a), beginning January 1, 2011, **for**
 37 **a death occurring after December 31, 2010**, using the Indiana death
 38 registration system established under IC 16-37-1-3.1, if the person in
 39 charge of interment initiates the process, the person in charge of
 40 interment shall electronically provide a certificate of death to the
 41 physician last in attendance upon the deceased. The physician last in
 42 attendance upon the deceased shall electronically certify to the local
 43 health department the cause of death on the certificate of death, using
 44 the Indiana death registration system."

45 Renumber all SECTIONS consecutively.
 (Reference is to ESB 223 as printed February 24, 2012.)

Representative Brown T