

HOUSE BILL No. 1121

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-9.1-1; IC 9-20-6-4; IC 10-14; IC 10-16-12-1; IC 16-18-2-7; IC 16-20-1-24; IC 16-31-6-4; IC 16-39-7-1; IC 16-41-9-1.6; IC 25-22.5-1-2; IC 28-13-10-9; IC 34-30-13.5-1; IC 34-30-27-2.

Synopsis: State of disaster emergencies. Provides that a state of disaster emergency (emergency) may not continue for longer than: (1) 14 days after the date of the governor's executive order, if the executive order is not renewed; or (2) 28 days after the date of the governor's executive order, if the executive order is renewed for an additional 14 days. Provides that the governor: (1) may renew a state of disaster emergency only once for a period of not more than 14 days if it is based on the same or substantially similar underlying set of facts as the original state of disaster emergency; and (2) shall notify the general assembly at least six days prior to the expiration of the original state of disaster emergency if the governor intends to renew the state of disaster emergency. Provides that the general assembly, by concurrent resolution, may do the following at its discretion when addressing the state of disaster emergency: (1) Extend the state of disaster emergency and state how long the state of disaster emergency will be extended. (2) Approve a new state of disaster emergency if requested by the governor. (3) Limit or expand the scope of the governor's powers. Provides that the governor may not issue a new executive order to circumvent the renewal limitations in the case of a state of disaster emergency based on the same or substantially similar underlying set of facts as the original state of disaster emergency. Provides that if the
(Continued next page)

Effective: Upon passage.

Lucas, Morris, Morrison, Judy

January 7, 2021, read first time and referred to Committee on Rules and Legislative Procedures.



Digest Continued

governor calls for a special session to address a state of disaster emergency, the general assembly shall only consider legislation concerning the same or substantially similar underlying set of facts of the original state of disaster emergency that was declared. Provides that an executive order issued, renewed, or extended shall be made in accordance with the hierarchy of law governing the state of Indiana. Provides that the governor shall not suspend or limit the lawful sale, dispensing, or transportation of any firearms, ammunition, or firearm accessory. Provides that the implementation of certain executive orders does not apply to a violation of offenses related to emergency management and disaster law. Repeals the authority of local health officers to order schools and churches closed and forbid public gatherings when considered necessary by the local health officers to prevent and stop epidemics. Provides that a public health authority may petition a court to impose a quarantine. (Current law allows a public health authority to impose a quarantine without petitioning a court.) Provides that a local health officer or a local or state agency may not close schools, athletic events, and other nonessential situations in which people gather in the event of a quarantine. Makes conforming changes.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1121

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

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

- 1 SECTION 1. IC 4-6-9.1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Sections 1
3 through 7 of this chapter apply to the period during which an
4 emergency is declared, **renewed, or extended** and the twenty-four (24)
5 hours before the declaration by the governor under IC 10-14-3-12 or
6 IC 10-14-3-13.
7 (b) The definitions in IC 10-14-3 apply to this chapter.
8 SECTION 2. IC 9-20-6-4, AS AMENDED BY P.L.196-2017,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 4. (a) Notwithstanding IC 9-20-4 and subject
11 to subsection (b), the maximum vehicle weight for an authorized
12 emergency vehicle operated on a highway shall not be less than:
13 (1) twenty-four thousand (24,000) pounds on a single steering
14 axle;
15 (2) thirty-three thousand five hundred (33,500) pounds on a single



1 drive axle;

2 (3) sixty-two thousand (62,000) pounds on a tandem axle; or

3 (4) fifty-two thousand (52,000) pounds on a tandem rear drive
4 steer axle.

5 (b) The maximum gross vehicle weight of an authorized emergency
6 vehicle operated on a highway is eighty-six thousand (86,000) pounds.

7 (c) The Indiana department of transportation or an agency or a
8 political subdivision authorized by this article to grant permits to
9 operate tractor-mobile home rigs or permits for transporting heavy or
10 oversize vehicles, loads, or other objects not conforming to this article
11 may issue emergency permits to operate in or through Indiana without
12 regard to IC 9-20-14-2 to a person during the period that the following
13 conditions exist:

14 (1) A state of disaster emergency has been ~~declared by the~~
15 ~~governor issued, renewed, or extended~~ under IC 10-14-3-12.

16 (2) A state of emergency has been declared by the federal
17 government for an area outside Indiana.

18 (3) The granting of emergency permits reasonably can be
19 expected to provide relief of the conditions causing the
20 declaration of the state of emergency.

21 (d) The Indiana department of transportation, an agency, or a
22 political subdivision shall regulate movements by emergency permits
23 to avoid undue hazards.

24 SECTION 3. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster
27 emergency by executive order ~~or proclamation~~ if the governor
28 determines that a disaster has occurred or that the occurrence or the
29 threat of a disaster is imminent. The state of disaster emergency
30 continues until the ~~governor~~ **earlier of the following:**

31 (1) **Except as provided in subsection (b), the governor:**

32 (A) determines that the threat or danger has passed or the
33 disaster has been dealt with to the extent that emergency
34 conditions no longer exist; and

35 (2) ~~(B) terminates the state of disaster emergency by executive~~
36 ~~order. or proclamation.~~

37 (2) **Except as provided in subsection (d), the following:**

38 (A) **Fourteen (14) days after the date of the governor's**
39 **executive order, if the executive order is not renewed**
40 **under subsection (b).**

41 (B) **Twenty-eight (28) days after the date of the governor's**
42 **executive order, if the executive order is renewed under**



1 subsection (c) for an additional fourteen (14) days.
2 An executive order issued under this section must indicate the
3 nature of the disaster, the area or areas threatened, and the
4 conditions which have brought the disaster about or that make
5 possible termination of the state of disaster emergency. An
6 executive order under this section shall be disseminated promptly
7 by means calculated to bring the order's contents to the attention
8 of the general public. Unless the circumstances attendant upon the
9 disaster prevent or impede, an executive order shall be promptly
10 filed with the secretary of state and with the clerk of the city or
11 town affected or with the circuit court clerk of the county affected.

12 (b) A state of disaster emergency may not continue for longer than
13 ~~thirty (30)~~ **fourteen (14)** days, unless the state of disaster emergency
14 is renewed by the governor **for an additional fourteen (14) days as**
15 **described under subsection (c)**. The general assembly, by concurrent
16 resolution, may terminate a state of disaster emergency at any time or
17 **extend a state of disaster emergency at any time if the**
18 **requirements under subsection (d) are met**. If the general assembly
19 terminates a state of disaster emergency under this subsection, the
20 governor shall issue an executive order or proclamation ending the
21 state of disaster emergency **as described under subsection (a)**. All
22 executive orders or proclamations issued under this subsection must
23 indicate the nature of the disaster, the area or areas threatened, and the
24 conditions which have brought the disaster about or that make possible
25 termination of the state of disaster emergency. An executive order or
26 proclamation under this subsection shall be disseminated promptly by
27 means calculated to bring the order's or proclamation's contents to the
28 attention of the general public. Unless the circumstances attendant
29 upon the disaster prevent or impede, an executive order or
30 proclamation shall be promptly filed with the secretary of state and
31 with the clerk of the city or town affected or with the clerk of the circuit
32 court.

33 (c) Except as provided in subsection (d), the governor may
34 renew a state of disaster emergency only once for a period of not
35 more than fourteen (14) days if the renewal is based on the same or
36 substantially similar underlying set of facts of the original state of
37 disaster emergency. The governor shall notify the general assembly
38 at least six (6) days prior to the expiration of the original state of
39 disaster emergency if the governor intends to renew the state of
40 disaster emergency.

41 (d) The general assembly, by concurrent resolution, may at its
42 discretion do the following when addressing a state of disaster



1 **emergency declared under this section:**

2 **(1) Extend the state of disaster emergency described in**
 3 **subsection (b) and state how long the state of disaster**
 4 **emergency will be extended.**

5 **(2) Approve a new state of disaster emergency if requested by**
 6 **the governor.**

7 **(3) Limit or expand the scope of the governor's powers.**

8 **(e) Except as provided in subsection (d)(2), the governor may**
 9 **not issue a new executive order to circumvent the renewal**
 10 **limitations under this section in the case of a state of disaster**
 11 **emergency based on the same or substantially similar underlying**
 12 **set of facts as the original state of disaster emergency.**

13 **(f) If the governor calls for a special session under Article 4,**
 14 **Section 9 of the Constitution of the State of Indiana to address a**
 15 **state of disaster emergency, the general assembly shall only**
 16 **consider legislation concerning the same or substantially similar**
 17 **underlying set of facts of the original state of disaster emergency**
 18 **that was declared.**

19 ~~(b)~~ **(g) An executive order or proclamation of a state of disaster**
 20 **emergency: issued, renewed, or extended under this section:**

21 **(1) shall be made in accordance with IC 1-1-2-1;**

22 ~~(1)~~ **(2) activates the disaster response and recovery aspects of the**
 23 **state, local, and interjurisdictional disaster emergency plans**
 24 **applicable to the affected political subdivision or area; and**

25 ~~(2)~~ **(3) is authority for:**

26 **(A) deployment and use of any forces to which the plan or**
 27 **plans apply; and**

28 **(B) use or distribution of any supplies, equipment, materials,**
 29 **and facilities assembled, stockpiled, or arranged to be made**
 30 **available under this chapter or under any other law relating to**
 31 **disaster emergencies.**

32 ~~(e)~~ **(h) During the continuance of any state of disaster emergency,**
 33 **the governor is commander-in-chief of the organized and unorganized**
 34 **militia and of all other forces available for emergency duty. To the**
 35 **greatest extent practicable, the governor shall delegate or assign**
 36 **command authority by prior arrangement embodied in appropriate**
 37 **executive orders or regulations. This section does not restrict the**
 38 **governor's authority to delegate or assign command authority by orders**
 39 **issued at the time of the disaster emergency.**

40 ~~(d)~~ **(i) Except as provided in subsection (d) or (f), in addition to**
 41 **the governor's other powers, the governor may do the following while**
 42 **the state of emergency exists:**



- 1 (1) Suspend the provisions of any regulatory statute prescribing
 2 the procedures for conduct of state business, or the orders, rules,
 3 or regulations of any state agency if strict compliance with any of
 4 these provisions would in any way prevent, hinder, or delay
 5 necessary action in coping with the emergency.
- 6 (2) Use all available resources of the state government and of
 7 each political subdivision of the state reasonably necessary to
 8 cope with the disaster emergency.
- 9 (3) Transfer the direction, personnel, or functions of state
 10 departments and agencies or units for performing or facilitating
 11 emergency services.
- 12 (4) Subject to any applicable requirements for compensation
 13 under section 31 of this chapter, commandeer or use any private
 14 property if the governor finds this action necessary to cope with
 15 the disaster emergency.
- 16 (5) Assist in the evacuation of all or part of the population from
 17 any stricken or threatened area in Indiana if the governor
 18 considers this action necessary for the preservation of life or other
 19 disaster mitigation, response, or recovery.
- 20 (6) Prescribe routes, modes of transportation, and destinations in
 21 connection with evacuation.
- 22 (7) Control ingress to and egress from a disaster area, the
 23 movement of persons within the area, and the occupancy of
 24 premises in the area.
- 25 (8) Suspend or limit the sale, dispensing, or transportation of
 26 alcoholic beverages, explosives, and combustibles. **However, in**
 27 **addition to the requirements described in section 33.5 of this**
 28 **chapter, the governor shall not suspend or limit the lawful**
 29 **sale, dispensing, or transportation of any firearms (as defined**
 30 **in IC 35-47-1-5), ammunition (as defined in IC 35-47-1-2.5),**
 31 **or firearm accessory (as defined in IC 35-47-1-5.1).**
- 32 (9) Make provision for the availability and use of temporary
 33 emergency housing.
- 34 (10) Allow persons who:
- 35 (A) are registered as volunteer health practitioners by an
 36 approved registration system under IC 10-14-3.5; or
- 37 (B) hold a license to practice:
- 38 (i) medicine;
- 39 (ii) dentistry;
- 40 (iii) pharmacy;
- 41 (iv) nursing;
- 42 (v) engineering;



- 1 (vi) veterinary medicine;
 2 (vii) mortuary service; and
 3 (viii) similar other professions as may be specified by the
 4 governor;

5 to practice their respective profession in Indiana during the period
 6 of the state of emergency if the state in which a person's license
 7 or registration was issued has a mutual aid compact for
 8 emergency management with Indiana.

9 (11) Give specific authority to allocate drugs, foodstuffs, and
 10 other essential materials and services.

11 SECTION 4. IC 10-14-3-34 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. A person who
 13 knowingly, intentionally, or recklessly violates this chapter commits a
 14 Class B misdemeanor. **However, this section does not apply to a**
 15 **violation of section 11 or 12 of this chapter.**

16 SECTION 5. IC 10-14-4-6, AS AMENDED BY P.L.71-2013,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 6. Subject to the restrictions under this
 19 chapter, the agency may use money in the fund to provide financial
 20 assistance as follows:

- 21 (1) To an eligible entity that:
 22 (A) is not an individual;
 23 (B) contains territory for which a disaster emergency has been
 24 **declared by the governor; issued, renewed, or extended**
 25 **under IC 10-14-3-12;**
 26 (C) has suffered damage to the entity's public facilities because
 27 of the disaster for which the disaster emergency was declared;
 28 (D) has applied to the department for financial assistance in
 29 the form of a grant; and
 30 (E) complies with all other requirements established by the
 31 agency.
 32 (2) To an eligible entity that:
 33 (A) is not an individual;
 34 (B) contributes personnel to a mobile support unit deployed to
 35 assist another political subdivision in responding to a disaster
 36 emergency that has been **declared by the governor; issued,**
 37 **renewed, or extended under IC 10-14-3-12;**
 38 (C) incurs the cost of one (1) or more backfill employees that
 39 are necessary to fill the position and perform the duties of an
 40 employee deployed on a mobile support unit;
 41 (D) has applied to the department for financial assistance in
 42 the form of a grant; and



- 1 (E) complies with all other requirements established by the
 2 agency.
 3 (3) To an eligible entity:
 4 (A) who is an individual;
 5 (B) whose primary residence is located in territory for which:
 6 (i) the United States Small Business Administration declares
 7 a disaster; and
 8 (ii) there has been no disaster declaration issued by the
 9 President of the United States;
 10 (C) who has suffered damage to the entity's primary residence
 11 or individual property because of a disaster described in clause
 12 (B); and
 13 (D) who complies with all other requirements established by
 14 the agency.

15 SECTION 6. IC 10-16-12-1, AS AMENDED BY P.L.169-2013,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 1. The following awards and decorations are
 18 established to be bestowed upon the officers and enlisted persons of the
 19 armed forces of Indiana under the conditions and in the manner
 20 provided in this article:

- 21 (1) An Indiana Distinguished Service Cross shall be awarded to
 22 any commissioned officer or enlisted person of the militia, who:
 23 (A) performs, at great personal danger and risk of life or limb
 24 in peace or war, any act of heroism designed to protect life or
 25 property; or
 26 (B) in the face of a military or armed enemy of the United
 27 States government or of the state of Indiana, performs an act
 28 over and beyond the call of duty, which act, danger, or risk the
 29 officer or enlisted person could have failed to perform or incur
 30 without being subject to censure for neglect of duty.
 31 (2) An Indiana Distinguished Service Medal shall be awarded to
 32 a commissioned officer or an enlisted person of the militia and
 33 other officers, enlisted persons, and civilians, who perform
 34 unusually distinguished or meritorious service, that:
 35 (A) to a marked degree is reflected in the increased efficiency
 36 of the militia; or
 37 (B) brings exceptional and great honor or credit to the Indiana
 38 armed forces and commands the attention and respect of the
 39 citizens of Indiana and of the military establishment
 40 throughout the United States.
 41 (3) Long Service Medals shall be awarded to officers and enlisted
 42 persons for honest and faithful service in the federally recognized



1 Indiana national guard for periods of:

- 2 (A) ten (10) years;
 3 (B) fifteen (15) years;
 4 (C) twenty (20) years;
 5 (D) twenty-five (25) years; and
 6 (E) for longer periods.

7 A symbol shall be worn on the ribbon of each medal, one (1) for
 8 each year in addition to the period for which the medal was
 9 issued, until the officer or enlisted person is entitled to a medal
 10 for the next period for which a different long service medal is
 11 issued.

12 (4) An Indiana national guard commendation medal shall be
 13 awarded to any commissioned officer or enlisted person of the
 14 militia and other officers, enlisted persons, and civilians, who
 15 have distinguished themselves by meritorious achievement or
 16 meritorious service. The required meritorious achievement or
 17 meritorious service while of lesser degree than that required for
 18 the award of the Indiana distinguished service medal must have
 19 been accomplished with distinction. The award may be made for
 20 acts of outstanding courage that do not meet the requirements for
 21 award of the Indiana distinguished service medal. It is particularly
 22 desirable that emphasis be placed on the award of this decoration
 23 to outstanding company grade officers, warrant officers, and
 24 enlisted personnel whose achievements and service meet the
 25 prescribed standards.

26 (5) An Indiana Emergency Service Ribbon shall be awarded to all
 27 currently assigned officers, warrant officers, and enlisted
 28 members of the Indiana national guard who have served on state
 29 active duty during a state emergency. For purposes of this
 30 subdivision, "state emergency" means any emergency for any
 31 period declared by ~~the governor~~ or the adjutant general **or that is**
 32 **issued, renewed, or extended under IC 10-14-3-12.** The Indiana
 33 emergency service ribbon shall be awarded to denote honorable
 34 state active military duty by members of the Indiana army and air
 35 national guard during state emergencies.

36 (6) Other medals for any war or campaign or mobilization for
 37 which a medal has not been awarded by the federal government
 38 may be:

- 39 (A) established by executive order of the governor; and
 40 (B) awarded to members of any federally recognized military
 41 force of the state who participated in the military force.

42 (7) An Air National Guard First Sergeant Ribbon is authorized for



1 a currently assigned member who serves or has previously served
2 as a first sergeant in the Indiana Air National Guard, if the
3 member meets the criteria set forth in clause (A). A request for an
4 award, including a retroactive award, must be submitted in the
5 manner set forth in clause (B), and meet any other criteria
6 established by the adjutant general. The ribbon shall consist of a
7 plain blue field with a silver diamond device in the center, and no
8 medal shall accompany the award of the ribbon. The ribbon shall
9 be awarded as follows:

10 (A) In recognition of meritorious service by a member of the
11 Indiana Air National Guard who has served in the first
12 sergeant career field, Special Duty Identifier 8F000, and who
13 meets the following criteria:

14 (i) Has been assigned to a valid first sergeant position for at
15 least three (3) years.

16 (ii) Graduated from either the United States Air Force
17 Academy or the Army National Guard First Sergeant
18 Academy.

19 (B) The individual unit commander of a member of the
20 Indiana Air National Guard who meets the criteria set forth in
21 clause (A) shall submit a letter to the wing commander,
22 recommending the member for the award based upon the
23 member's contributions, conduct, and demonstrated leadership
24 as a first sergeant. If the wing commander approves, the wing
25 commander shall forward the letter of recommendation to the
26 military personnel flight commanding officer for action. If the
27 wing commander disapproves, the wing commander shall
28 return the letter of recommendation to the unit commander.

29 (C) The adjutant general shall establish procedures for the
30 award presentation ceremony following accepted practice and
31 military tradition.

32 (8) An Indiana Funeral Honors Ribbon shall be awarded to all
33 members of the Indiana Air National Guard, the Indiana Army
34 National Guard, retired members of the Indiana Air National
35 Guard and Indiana Army National Guard, and members of
36 veterans' organizations who have been trained and certified by the
37 United States Department of Defense as Department of Defense
38 Funeral Honors participants. The Indiana Funeral Honors Ribbon
39 shall be awarded to denote honorable and distinguished service in
40 the performance of military funerals and similar activities within
41 Indiana.

42 For the purposes of this article, officers and enlisted persons of the



1 regular army assigned to the armed forces of Indiana as instructors and
 2 assistant instructors shall be considered as officers and enlisted persons
 3 of the Indiana armed forces.

4 SECTION 7. IC 16-18-2-7, AS AMENDED BY P.L.13-2013,
 5 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 7. (a) "Advanced life support", for purposes
 7 of IC 16-31, means care that is given:

- 8 (1) at the scene of:
 - 9 (A) an accident;
 - 10 (B) an act of terrorism (as defined in IC 35-31.5-2-329), if ~~the~~
 11 **governor has declared** a disaster emergency **has been issued,**
 12 **renewed, or extended** under IC 10-14-3-12 in response to the
 13 act of terrorism; or
 - 14 (C) an illness;
- 15 (2) during transport; or
- 16 (3) at a hospital;

17 by a paramedic or an advanced emergency medical technician and that
 18 is more advanced than the care usually provided by an emergency
 19 medical technician.

20 (b) The term may include any of the following:

- 21 (1) Defibrillation.
- 22 (2) Endotracheal intubation.
- 23 (3) Parenteral injections of appropriate medications.
- 24 (4) Electrocardiogram interpretation.
- 25 (5) Emergency management of trauma and illness.

26 SECTION 8. IC 16-20-1-24 IS REPEALED [EFFECTIVE UPON
 27 PASSAGE]. ~~Sec. 24. (a) Local health officers may order schools and~~
 28 ~~churches closed and forbid public gatherings when considered~~
 29 ~~necessary to prevent and stop epidemics:~~

30 ~~(b) An individual who takes action under this section shall comply~~
 31 ~~with state laws and rules:~~

32 SECTION 9. IC 16-31-6-4, AS AMENDED BY P.L.77-2012,
 33 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 4. (a) This section does not apply to an act or
 35 omission that was a result of gross negligence or willful or intentional
 36 misconduct.

37 (b) An act or omission of a paramedic, an advanced emergency
 38 medical technician, an emergency medical technician, or a person with
 39 equivalent certification or licensure from another state that is
 40 performed or made while providing advanced life support or basic life
 41 support to a patient or trauma victim does not impose liability upon the
 42 paramedic, the advanced emergency medical technician, an emergency



1 medical technician, the person with equivalent certification or licensure
2 from another state, a hospital, a provider organization, a governmental
3 entity, or an employee or other staff of a hospital, provider
4 organization, or governmental entity if the advanced life support or
5 basic life support is provided in good faith:

- 6 (1) in connection with a disaster emergency ~~declared by the~~
7 ~~governor issued, renewed, or extended~~ under IC 10-14-3-12 in
8 response to an act ~~that the governor in good faith believes to be an~~
9 ~~act of terrorism (as defined in IC 35-31.5-2-329); and~~
- 10 (2) in accordance with the rules adopted by the Indiana
11 emergency medical services commission or the disaster
12 emergency ~~declaration of the governor.~~ **issued, renewed, or**
13 **extended under IC 10-14-3-12.**

14 SECTION 10. IC 16-39-7-1, AS AMENDED BY P.L.177-2009,
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 1. (a) As used in this section, "provider"
17 means the following:

- 18 (1) A physician.
- 19 (2) A dentist.
- 20 (3) A registered nurse.
- 21 (4) A licensed practical nurse.
- 22 (5) An optometrist.
- 23 (6) A podiatrist.
- 24 (7) A chiropractor.
- 25 (8) A physical therapist.
- 26 (9) A psychologist.
- 27 (10) An audiologist.
- 28 (11) A speech-language pathologist.
- 29 (12) A home health agency licensed under IC 16-27.
- 30 (13) A hospital or facility licensed under IC 16-21-2 or IC 12-25
31 or described in IC 12-24 or IC 12-29.

32 (b) A provider shall maintain the original health records or
33 microfilms of the records for at least seven (7) years.

34 (c) A provider who violates subsection (b) commits an offense for
35 which a board may impose disciplinary sanctions against the provider
36 under the law that governs the provider's licensure, registration, or
37 certification under this title or IC 25.

38 (d) A provider is immune from civil liability for destroying or
39 failing to maintain a health record in violation of this section if the
40 destruction or failure to maintain the health record occurred in
41 connection with a disaster emergency as ~~declared by the governor~~
42 **issued, renewed, or extended** under IC 10-14-3-12 or other disaster,



1 unless the destruction or failure to maintain the health record was due
2 to negligence by the provider.

3 SECTION 11. IC 16-41-9-1.6, AS AMENDED BY P.L.1-2007,
4 SECTION 138, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 1.6. (a) A public health
6 authority may ~~impose or~~ petition a court to impose a quarantine and do
7 the following:

8 (1) Distribute information to the public concerning:

9 (A) the risks of the disease;

10 (B) how the disease is transmitted;

11 (C) available precautions to reduce the risk of contracting the
12 disease;

13 (D) the symptoms of the disease; and

14 (E) available medical or nonmedical treatments available for
15 the disease.

16 (2) Instruct the public concerning social distancing.

17 (3) Request that the public inform the public health authority or
18 a law enforcement agency if a family member contracts the
19 disease.

20 (4) Instruct the public on self quarantine and provide a distinctive
21 means of identifying a home that is self quarantined.

22 (5) Instruct the public on the use of masks, gloves, disinfectant,
23 and other means of reducing exposure to the disease.

24 (6) Close schools, athletic events, and other nonessential
25 situations in which people gather. **However, a local health
26 officer or a local or state agency may not enforce this
27 subdivision.**

28 If a quarantine is imposed under section 1.5 of this chapter, the public
29 health authority shall ensure that, to the extent possible, quarantined
30 individuals have sufficient supplies to remain in their own home.

31 (b) If an out of home, nonhospital quarantine is imposed on an
32 individual, the individual shall be housed as close as possible to the
33 individual's residence.

34 (c) In exercising the powers described in this section or in section
35 1.5 of this chapter, the public health authority may not prohibit a
36 person lawfully permitted to possess a firearm from possessing one (1)
37 or more firearms unless the person is quarantined in a mass quarantine
38 location. The public health authority may not remove a firearm from
39 the person's home, even if the person is quarantined in a mass
40 quarantine location.

41 (d) This section does not prohibit a public health authority from
42 adopting rules and enforcing rules to implement this section if the rules



1 are not inconsistent with this section.

2 SECTION 12. IC 25-22.5-1-2, AS AMENDED BY P.L.180-2018,
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) This article, as it relates to the unlawful
5 or unauthorized practice of medicine or osteopathic medicine, does not
6 apply to any of the following:

7 (1) A student in training in a medical school approved by the
8 board, or while performing duties as an intern or a resident in a
9 hospital under the supervision of the hospital's staff or in a
10 program approved by the medical school.

11 (2) A person who renders service in case of emergency where no
12 fee or other consideration is contemplated, charged, or received.

13 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
14 emergency medical technician (as defined in IC 16-18-2-6.5), an
15 emergency medical technician (as defined in IC 16-18-2-112), or
16 a person with equivalent certification from another state who
17 renders advanced life support (as defined in IC 16-18-2-7), or
18 basic life support (as defined in IC 16-18-2-33.5):

19 (A) during a disaster emergency ~~declared by the governor~~
20 **issued, renewed, or extended** under IC 10-14-3-12 in
21 response to an act ~~that the governor in good faith believes to~~
22 **be an act** of terrorism (as defined in IC 35-31.5-2-329); and

23 (B) in accordance with the rules adopted by the Indiana
24 emergency medical services commission or the disaster
25 emergency ~~declaration of the governor.~~ **issued, renewed, or**
26 **extended under IC 10-14-3-12.**

27 (4) Commissioned medical officers or medical service officers of
28 the armed forces of the United States, the United States Public
29 Health Service, and medical officers of the United States
30 Department of Veterans Affairs in the discharge of their official
31 duties in Indiana.

32 (5) An individual who is not a licensee who resides in another
33 state or country and is authorized to practice medicine or
34 osteopathic medicine there, who is called in for consultation by an
35 individual licensed to practice medicine or osteopathic medicine
36 in Indiana.

37 (6) A person administering a domestic or family remedy to a
38 member of the person's family.

39 (7) A member of a church practicing the religious tenets of the
40 church if the member does not make a medical diagnosis,
41 prescribe or administer drugs or medicines, perform surgical or
42 physical operations, or assume the title of or profess to be a



- 1 physician.
- 2 (8) A school corporation and a school employee who acts under
3 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 4 (9) A chiropractor practicing the chiropractor's profession under
5 IC 25-10 or to an employee of a chiropractor acting under the
6 direction and supervision of the chiropractor under IC 25-10-1-13.
- 7 (10) A dental hygienist practicing the dental hygienist's profession
8 under IC 25-13.
- 9 (11) A dentist practicing the dentist's profession under IC 25-14.
- 10 (12) A hearing aid dealer practicing the hearing aid dealer's
11 profession under IC 25-20.
- 12 (13) A nurse practicing the nurse's profession under IC 25-23.
13 However, a certified registered nurse anesthetist (as defined in
14 IC 25-23-1-1.4) may administer anesthesia if the certified
15 registered nurse anesthetist acts under the direction of and in the
16 immediate presence of a physician.
- 17 (14) An optometrist practicing the optometrist's profession under
18 IC 25-24.
- 19 (15) A pharmacist practicing the pharmacist's profession under
20 IC 25-26.
- 21 (16) A physical therapist practicing the physical therapist's
22 profession under IC 25-27.
- 23 (17) A podiatrist practicing the podiatrist's profession under
24 IC 25-29.
- 25 (18) A psychologist practicing the psychologist's profession under
26 IC 25-33.
- 27 (19) A speech-language pathologist or audiologist practicing the
28 pathologist's or audiologist's profession under IC 25-35.6.
- 29 (20) An employee of a physician or group of physicians who
30 performs an act, a duty, or a function that is customarily within
31 the specific area of practice of the employing physician or group
32 of physicians, if the act, duty, or function is performed under the
33 direction and supervision of the employing physician or a
34 physician of the employing group within whose area of practice
35 the act, duty, or function falls. An employee may not make a
36 diagnosis or prescribe a treatment and must report the results of
37 an examination of a patient conducted by the employee to the
38 employing physician or the physician of the employing group
39 under whose supervision the employee is working. An employee
40 may not administer medication without the specific order of the
41 employing physician or a physician of the employing group.
42 Unless an employee is licensed or registered to independently



- 1 practice in a profession described in subdivisions (9) through
 2 (18), nothing in this subsection grants the employee independent
 3 practitioner status or the authority to perform patient services in
 4 an independent practice in a profession.
 5 (21) A hospital licensed under IC 16-21 or IC 12-25.
 6 (22) A health care organization whose members, shareholders, or
 7 partners are individuals, partnerships, corporations, facilities, or
 8 institutions licensed or legally authorized by this state to provide
 9 health care or professional services as:
 10 (A) a physician;
 11 (B) a psychiatric hospital;
 12 (C) a hospital;
 13 (D) a health maintenance organization or limited service
 14 health maintenance organization;
 15 (E) a health facility;
 16 (F) a dentist;
 17 (G) a registered or licensed practical nurse;
 18 (H) a certified nurse midwife or a certified direct entry
 19 midwife;
 20 (I) an optometrist;
 21 (J) a podiatrist;
 22 (K) a chiropractor;
 23 (L) a physical therapist; or
 24 (M) a psychologist.
 25 (23) A physician assistant practicing the physician assistant
 26 profession under IC 25-27.5.
 27 (24) A physician providing medical treatment under section 2.1
 28 of this chapter.
 29 (25) An attendant who provides attendant care services (as
 30 defined in IC 16-18-2-28.5).
 31 (26) A personal services attendant providing authorized attendant
 32 care services under IC 12-10-17.1.
 33 (27) A respiratory care practitioner practicing the practitioner's
 34 profession under IC 25-34.5.
 35 (b) A person described in subsection (a)(9) through (a)(18) is not
 36 excluded from the application of this article if:
 37 (1) the person performs an act that an Indiana statute does not
 38 authorize the person to perform; and
 39 (2) the act qualifies in whole or in part as the practice of medicine
 40 or osteopathic medicine.
 41 (c) An employment or other contractual relationship between an
 42 entity described in subsection (a)(21) through (a)(22) and a licensed



1 physician does not constitute the unlawful practice of medicine or
 2 osteopathic medicine under this article if the entity does not direct or
 3 control independent medical acts, decisions, or judgment of the
 4 licensed physician. However, if the direction or control is done by the
 5 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity
 6 is excluded from the application of this article as it relates to the
 7 unlawful practice of medicine or osteopathic medicine.

8 (d) This subsection does not apply to a prescription or drug order for
 9 a legend drug that is filled or refilled in a pharmacy owned or operated
 10 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 11 who permits or authorizes a person to fill or refill a prescription or drug
 12 order for a legend drug except as authorized in IC 16-42-19-11 through
 13 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 14 person who violates this subsection commits the unlawful practice of
 15 medicine or osteopathic medicine under this chapter.

16 (e) A person described in subsection (a)(8) shall not be authorized
 17 to dispense contraceptives or birth control devices.

18 SECTION 13. IC 28-13-10-9, AS AMENDED BY P.L.137-2014,
 19 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 9. (a) As used in this section, "emergency"
 21 means:

22 (1) any condition or occurrence that:

23 (A) may interfere physically with the conduct of normal
 24 business operations; or

25 (B) poses an imminent or existing threat to the safety or
 26 security of persons, property, or both persons and property;
 27 at one (1) or more of the offices of a corporation;

28 (2) any condition or occurrence that:

29 (A) is ~~declared~~ a state of disaster emergency ~~by the governor~~
 30 **issued, renewed, or extended** under IC 10-14-3-12; and

31 (B) applies to an area that includes one (1) or more of the
 32 offices of a corporation; or

33 (3) the death of or funeral services for an employee, officer, or
 34 director of a corporation or for a former employee, officer, or
 35 director of a corporation.

36 (b) A corporation may be closed on any part of a legal holiday by
 37 giving reasonable notice to its customers of its intention to be closed in
 38 observance of the holiday.

39 (c) Whenever a corporation is to be closed on a day or part of a day
 40 other than a legal holiday, the board of directors shall pass a resolution
 41 concerning the closing, and give reasonable notice of the closing to the
 42 customers of the corporation.



1 (d) The board of directors of a corporation may establish and
 2 observe different banking hours and designate different fixed days, if
 3 any, for closing the principal office and each separate branch office of
 4 the corporation.

5 (e) Any day designated by the President of the United States or by
 6 the governor as a day of mourning, celebration, or other special
 7 observance is a legal holiday for corporations.

8 (f) Whenever the officers of a corporation believe that an emergency
 9 exists or is impending, which affects or may affect one (1) or more of
 10 a corporation's offices, the officers have the authority, in the reasonable
 11 and proper exercise of their discretion, to determine not to open any
 12 one (1) or more of such offices or, if having opened, to close any one
 13 (1) or more of such offices during the continuation of the emergency.
 14 The office or offices so closed shall remain closed until the time the
 15 officers determine that the emergency has ended. However, such office
 16 or offices may not remain closed for more than forty-eight (48)
 17 consecutive hours on business days, excluding other legal holidays,
 18 without providing prior notice to the director of the department of
 19 financial institutions.

20 (g) A corporation closing an office or offices under subsection (f)
 21 shall give prompt notice of its action to the director of the department
 22 of financial institutions.

23 (h) Any date on which a corporation is closed under this section is
 24 a legal holiday with respect to the business affairs of the corporation.
 25 No liability or loss of rights of any kind, on the part of any corporation,
 26 director, officer, or employee, accrues or results by virtue of any
 27 closing authorized by this section.

28 SECTION 14. IC 34-30-13.5-1, AS ADDED BY P.L.138-2006,
 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 1. Except as provided in section 2 of this
 31 chapter, a person who meets the following criteria may not be held
 32 civilly liable for an act or omission relating to the provision of health
 33 care services in response to an event that is ~~declared~~ a disaster
 34 emergency **issued, renewed, or extended** under IC 10-14-3-12,
 35 regardless of whether the provision of health care services occurred
 36 before or after the declaration of a disaster emergency:

37 (1) Has a license to provide health care services under Indiana
 38 law or the law of another state.

39 (2) Provides a health care service:

40 (A) within the scope of the person's license to another person;
 41 and

42 (B) at a location where health care services are provided



1 during an event that is ~~declared~~ as a disaster **emergency**
2 **issued, renewed, or extended under IC 10-14-3-12.**
3 SECTION 15. IC 34-30-27-2, AS ADDED BY P.L.96-2013,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 2. The immunity provided in this chapter
6 applies only to voluntary architectural, surveying, or engineering
7 services provided during the emergency, or not more than thirty (30)
8 days after the end of the period for the emergency, described in section
9 1 of this chapter, unless extended ~~by an executive order issued by the~~
10 governor under the governor's emergency executive powers: **or**
11 **renewed under IC 10-14-3-12.**
12 SECTION 16. **An emergency is declared for this act.**

